

AGENDA

ALISO VIEJO CITY COUNCIL
WEDNESDAY, AUGUST 21, 2024
6:00 PM STUDY SESSION
7:00 PM REGULAR MEETING

CITY HALL
COUNCIL CHAMBERS
12 JOURNEY
ALISO VIEJO, CA



Mayor Mike Munzing
Mayor Pro Tem Tiffany Ackley
Councilmember Ross Chun
Councilmember Max Duncan
Councilmember Richard Hurt

WELCOME to the City of Aliso Viejo City Council meeting. Those persons wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Address City Council" form available at the entrance to the City Council Chambers. Speakers will be called at the appropriate time as their interested matter is heard. COMMENTS WILL BE LIMITED TO THREE MINUTES PER SPEAKER. Council proceedings are recorded.

It is the City's intention to comply with the Americans with Disabilities Act (ADA) . If you need special assistance to participate in the meeting, the City will make reasonable arrangements to ensure accessibility and/or accommodations. [28 CFR 35.102-35.104 ADA Title II] Please contact the City Clerk's Office at (949) 425-2505 at least 48 hours prior to the meeting.

Regular meetings of the City Council are held on the first and third Wednesday of the month at the City Hall Council Chambers, 12 Journey, Aliso Viejo. Copies of the agenda are available in the lobby at City Hall on the Thursday preceding a regularly scheduled City Council meeting. All communications received by the City regarding an agenda item have been included in the agenda materials. Supplemental documents relating to specific agenda items, including communications received after agenda delivery, are presented at the dais and in the Public Copy agenda binder at the time of the meeting. Supplemental documents are also available for review in the City Clerk's office, 12 Journey, Aliso Viejo. For more information, please contact City Hall at (949) 425-2505.

This meeting will be broadcast live on Cox Communications Channel 851, AT&T U-Verse Channel 99 and the City's website. By attending the City Council Meeting, you are giving your permission to be televised. The Council Meetings are rebroadcast on Wednesday at 7:00 p.m. on Cox Communications Channel 851, AT&T U-Verse Channel 99, and can be viewed on the internet at www.avcity.org.

MITZI ORTIZ
ACTING CITY MANAGER

SCOTT C. SMITH
CITY ATTORNEY

LAUREN TORRES
DEPUTY CITY CLERK

**PLEASE SILENCE ALL CELL PHONES AND OTHER
ELECTRONIC EQUIPMENT WHILE CITY COUNCIL IS IN SESSION**

CALL TO ORDER: Convene Special Meeting

STUDY SESSION:

**ORANGE COUNTY SHERIFF'S DEPARTMENT LAW ENFORCEMENT SERVICES
CONTRACT OVERVIEW**

CALL TO ORDER: Convene Regular Meeting

ROLL CALL

PLEDGE OF ALLEGIANCE:

1. SPECIAL PRESENTATIONS:

1.1 **BUSINESS OF THE MONTH - PURE ESSENCE BEAUTY COLLECTIVE**

2. ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:

3. COMMUNITY INPUT:

Members of the public wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Address City Council" form available at the entrance to the City Council Chambers. In compliance with the Brown Act, no discussion or action may be taken on comments received at this time, except the City Council may briefly respond to statements made or questions posed. Comments are limited to three (3) minutes per speaker.

4. CONSENT CALENDAR:

All matters listed on the Consent Calendar will be acted upon by one vote unless members of the City Council, or staff request a matter to be discussed and/or removed from the Consent Calendar for separate action. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

4.1 WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS

Recommended Action: Approve the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

4.2 APPROVAL OF MINUTES

Recommended Action: Approve the Minutes as submitted for the August 7, 2024 Special Meeting and the August 7, 2024 Regular Meeting.

[Draft Minutes - August 7, 2024 Special Meeting](#)

[Draft Minutes - August 7, 2024 Regular Meeting](#)

4.3 SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 8.22 OF THE MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY

Recommended Action: Conduct second reading and adopt Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 8.22 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY AND FINDING THE ORDINANCE DOES NOT QUALIFY AS A PROJECT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND IS EXEMPT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3).

[Staff Report](#)

[Attachment 1 - Ordinance](#)

4.4 ACCOUNTS PAYABLE

Recommended Action: Ratify accounts payable checks and electronic funds transfers issued between July 19, 2024, and August 1, 2024, in the amount of \$1,329,278.01.

[Staff Report](#)

[Attachment 1 - Accounts Payable Report](#)

4.5 TREASURER'S STATEMENT – JUNE 2024

Recommended Action: Receive and file the June 2024 Treasurer's Statement.

[Staff Report](#)

[Attachment 1 - June 2024 Treasurer's Statement](#)

4.6 FIRST AMENDMENT TO THE MANAGEMENT SERVICES AGREEMENT FOR THE ALISO VIEJO CENTER WITH ALISO VIEJO BANQUET CENTER, LLC AND WEDGEWOOD BEVERAGE, INC.

Recommended Action:

1. Approve a First Amendment to the Management Services Agreement with Aliso Viejo Banquet Center, LLC and Wedgewood Beverage, Inc. for management and operations of the Aliso Viejo Center extending the agreement for an additional two-year term; and
2. Authorize the Acting City Manager to execute the First Amendment to the Management Services Agreement.

[Staff Report](#)

[Attachment 1 - Agreement Amendment](#)

5. PUBLIC HEARINGS:

5.1 ZONE CHANGE FOR 4 AND 5 POLARIS WAY

Recommended Action: Hold a public hearing and introduce for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING THE ZONING MAP TO ADD "MIXED-USE/RESIDENTIAL

OVERLAY” DISTRICT TO THE EXISTING “PROFESSIONAL OFFICE” DISTRICT AT 4 AND 5 POLARIS WAY AND FINDING THE ACTION TO BE EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTIONS 15060 AND 15061.

[Staff Report](#)

[Attachment 1 - Ordinance](#)

[Attachment 2 - Presentation](#)

5.2 ORDINANCE AMENDING SECTION 15.14.080 PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Recommended Action:

1. Conduct a public hearing and introduce for first reading an Ordinance entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING SECTION 15.14.080 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA; and
2. Find the attached Ordinance exempt from the requirements of the California Environmental Quality Act pursuant to California Public Resources Code section 21080.17.

[Staff Report](#)

[Attachment 1 - Ordinance](#)

[Attachment 2 - AVMC 15.14.080 Redlined](#)

[Attachment 3 - HCD Letter](#)

6. **DISCUSSION:**

6.1 AQUATIC CENTER POOL DECK SURFACE REHABILITATION OPTIONS

Recommended Action:

1. Receive staff presentation and provide direction on the pool deck surface rehabilitation method; and
2. Authorize staff to solicit bids for the recommended surface rehabilitation method.

[Staff Report](#)

[Attachment 1 - Presentation](#)

6.2 UNCONTESTED DISTRICT 3 CITY COUNCIL SEAT IN GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024

Recommended Action: It is recommended that the City Council take one of the following actions:

1. Adopt a Resolution pursuant to Elections Code Section 10299 appointing to the office of “Council Member, District 3” the person who has been nominated and qualified for a term of four years expiring in November 2028, and canceling the election for said office; or
2. Hold the election for said office.

[Staff Report](#)

[Attachment 1 - Resolution](#)

7. **CITY MANAGER' S REPORT:**

8. **ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:**

9. **ADJOURNMENT:**

The next regularly scheduled City Council meeting is September 4, 2024.

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
SPECIAL MEETING
August 7, 2024, 6:00 PM
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Munzing called the Special Meeting of the City Council of the City of Aliso Viejo to order at 6:00 p.m.

ROLL CALL:

PRESENT: MAYOR MIKE MUNZING
MAYOR PRO TEM TIFFANY ACKLEY
COUNCILMEMBER ROSS CHUN
COUNCILMEMBER MAX DUNCAN
COUNCILMEMBER RICHARD W. HURT

ABSENT: NONE

STAFF PRESENT: SCOTT C. SMITH, CITY ATTORNEY

PUBLIC COMMENTS:

None.

CLOSED SESSION:

PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957
Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Attorney

REPORT FROM CLOSED SESSION:

City Attorney Scott Smith stated no reportable action was taken.

ADJOURNMENT: Mayor Munzing adjourned the meeting at 6:55 p.m. to the August 7, 2024 Regular Council Meeting.

Respectfully submitted:

Approved by:

LAUREN TORRES
DEPUTY CITY CLERK

MIKE MUNZING
MAYOR

DRAFT

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
August 7, 2024, 7:00 PM
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Munzing called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:00 p.m.

ROLL CALL

PRESENT: MAYOR MIKE MUNZING
MAYOR PRO TEM TIFFANY ACKLEY
COUNCILMEMBER ROSS CHUN
COUNCILMEMBER MAX DUNCAN
COUNCILMEMBER RICHARD W. HURT

ABSENT: NONE

STAFF PRESENT: MITZI ORTIZ, ACTING CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
LAUREN TORRES, DEPUTY CITY CLERK
ANN EIFERT, FINANCIAL SERVICES DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR
SO KIM, COMMUNITY DEVELOPMENT DIRECTOR
LIZZY MENDOZA, RECREATION & COMMUNITY SERVICES MANAGER
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
CAPT. ALAN VILLANUEVA, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Councilmember Hurt led the pledge of allegiance.

REPORT FROM CLOSED SESSION:

City Attorney Scott Smith stated no reportable action was taken.

1. **SPECIAL PRESENTATIONS:**

None.

2. **ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

None.

3. **COMMUNITY INPUT:**

None.

4. **CONSENT CALENDAR:**

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Motion: Councilmember Hurt moved and Councilmember Chun seconded to approve the recommended actions. Motion carried 5-0.

4.1 **WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS**

Recommended Action: Approve the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

4.2 **APPROVAL OF MINUTES**

Recommended Action: Approve the Minutes as submitted for the July 17, 2024 Special Meeting and the July 17, 2024 Regular Meeting.

4.3 **ACCOUNTS PAYABLE**

Recommended Action: Ratify accounts payable checks and electronic funds transfers issued between July 4, 2024, and July 18, 2024, in the amount of \$453,792.32.

4.4 **COOPERATIVE AGREEMENT WITH DRC PACIFIC, INC. FOR DISASTER-RELATED DEBRIS MANAGEMENT SERVICES**

Recommended Action:

1. Approve a cooperative agreement with DRC Pacific, Inc. to perform disaster-related debris management services; and
2. Authorize the City Manager to execute the cooperative agreement.

5. **PUBLIC HEARINGS:**

5.1 **ORDINANCE AMENDING SECTION 15.14.080 PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

Acting City Manager Mitzi Ortiz provided an overview. Mayor Munzing opened the public hearing. There were no speakers.

Recommended Action: Continue the public hearing to August 21, 2024.

Motion: Councilmember Chun moved and Councilmember Duncan seconded to approve the recommended action. Motion carried 5-0.

6. DISCUSSION:

6.1 CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 8.22 OF THE MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY

Acting City Manager Mitzi Ortiz introduced City Attorney Scott Smith, who provided an overview. Staff responded to questions regarding seizure of personal property, the Governor's executive order regarding encampments, and County enforcement. Councilmembers commented on the matter.

Recommended Action:

1. Find that the proposed ordinance is not a "project" subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines section 15378(a) and, in the alternative, is exempt from CEQA under State CEQA Guidelines section 15061(b)(3); and
2. Introduce for first reading an ordinance, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 8.22 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY AND FINDING THE ORDINANCE DOES NOT QUALIFY AS A PROJECT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND IS EXEMPT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3).

Motion: Councilmember Duncan moved and Mayor Munzing seconded to approve the recommended actions. Motion carried 5-0.

6.2 DEVELOPMENT IMPACT FEES

Acting City Manager Mitzi Ortiz introduced Community Development Director So Kim, who provided an overview. Staff responded to questions regarding consultant cost estimates, request for proposal process, anticipated results of fee study, and deadline. Councilmembers commented on the matter.

Recommended Action:

1. Receive and file; or
2. Direct Staff to begin a fee study to reassess the park in-lieu fee; or
3. Direct Staff to begin a comprehensive fee study.

Motion: Mayor Pro Tem Ackley moved and Councilmember Duncan seconded to continue the matter to a future date. Motion carried 5-0.

7. CITY MANAGER' S REPORT:

Acting City Manager Mitzi Ortiz announced registration for fall recreation classes; Movie Night to be held at 6:00 p.m. on August 16, 2024, at Aliso Viejo Middle School; American Red Cross Blood Drive to be held from 12 p.m. to 6:00 p.m. on September 11, 2024, at Aliso Viejo Ranch; and Aliso Viejo Trails and Creek Cleanup event to be held from 8:00 a.m. to 11 a.m. on September 21, 2024.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Hurt:

- Commented on upcoming regional meetings

Councilmember Chun:

- Congratulated OCFA Fire Cadet Trainee Academy graduates
- Attended OCFA Human Resources Committee Meeting
- Visited Trattoria Trullo
- Attended Soka University Summer Concert performance
- Attended Soka University Shakespeare by the Sea
- Attended Premier Aquatics Road to Olympics event
- Encouraged residents to donate at Red Cross Blood Drive
- Announced American Red Cross Sound the Alarm event
- Attended Illumination Foundation's Carnival for Kids event
- Attended tour of Goodwill of Orange County

Councilmember Duncan:

- Commented on the start of the school year
- Expressed appreciation to Recreation & Community Services staff
- Commented on e-bike safety

Mayor Pro Tem Ackley:

- Encouraged residents to volunteer at Aliso Viejo Trails and Creek Cleanup event
- Commented on the start of the school year

Mayor Munzing:

- Wished everyone a great summer
- Commented on e-bike safety

9. ADJOURNMENT: Mayor Munzing adjourned the meeting at 7:37 p.m. to the regularly scheduled City Council meeting of August 21, 2024.

Respectfully submitted:

Approved by:

LAUREN TORRES
DEPUTY CITY CLERK

MIKE MUNZING
MAYOR

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Mitzi Ortiz, Acting City Manager

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING
CHAPTER 8.22 OF THE MUNICIPAL CODE REGARDING CAMPING ON
PUBLIC PROPERTY

Recommended Action:

Conduct second reading and adopt Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 8.22 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY AND FINDING THE ORDINANCE DOES NOT QUALIFY AS A PROJECT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND IS EXEMPT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3).

Discussion:

On August 7, 2024, the City Council approved the introduction and first reading of the subject Ordinance by a 5-0 vote. If adopted, the Ordinance will take effect 30 days after adoption.

Attachment:

1. Ordinance

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 8.22 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING CAMPING ON PUBLIC PROPERTY AND FINDING THE ORDINANCE DOES NOT QUALIFY AS A PROJECT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND IS EXEMPT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, Chapter 8.22 of the Aliso Viejo Municipal Code (“AVMC”) prohibits camping on public property; and

WHEREAS, AVMC section 8.22.040 bars enforcement of Chapter 8.22’s prohibition on public camping if the potential arrestee *had no alternative shelter*, as required under *Martin v. City of Boise* (920 F.3d 584, 616), a recently-reversed 2019 Ninth Circuit Court of Appeals decision that required that limitation on enforcement; and

WHEREAS, on June 28, 2024, the U.S. Supreme Court issued its decision in *Johnson v. City of Grants Pass, Oregon*. Among other things, the Supreme Court held that the Eighth Amendment does not prohibit cities from enforcing laws regulating camping on public property (144 S.Ct. 2202); and

WHEREAS, the Supreme Court’s *Johnson* decision abrogates (i.e., overrules) the Ninth Circuit’s decision in *Martin*. Consequently, *Martin* is no longer good law or binding on cities; and

WHEREAS, given the foregoing, this ordinance (“Ordinance”) amends AVMC section 8.22.040 to remove the outdated *Martin* limitation on enforcement; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the recitals above are true and correct and are incorporated herein.

SECTION 2. CEQA. The City Council hereby finds that this Ordinance is not a “project” subject to the California Environmental Quality Act (“CEQA”). The Ordinance does not qualify as a project because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378, subd. (a).) It simply strikes a reference to a Ninth Circuit decision that was overruled. In the alternative, the City Council finds that the Ordinance falls within the “common sense” exemption set forth in State CEQA Guidelines section 15061, subdivision (b)(3), which exempts activity from CEQA where “it can be seen with certainty

that there is no possibility that the activity in question may have a significant effect on the environment.” Here, it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment because the Ordinance simply strikes an outdated reference to an overruled Ninth Circuit decision; it will not result in any development or in any new activity with the potential to impact the environment.

SECTION 3. Code Amendment. Section 8.22.040 of the Aliso Viejo Municipal Code is hereby amended to read in its entirety as follows (additions shown in underline and deletions shown in ~~strikethrough~~):

“8.22.040 Exceptions.

This chapter shall not apply to the following:

- A. Anyone sleeping or camping in a specified camping area designated by the city. The city council may, by resolution, establish one or more specified camping areas. Such camping areas, if any, may be located on public property.
- B. Any event involving camping that is approved or sponsored by the city.
- ~~C. Absent exigent circumstances relating to immediate threats to the public health, safety, or welfare, the provisions of this chapter will not be enforced against indigent homeless persons sitting, lying, or sleeping on public property when no alternative shelter is available in accordance with the holding in Martin v. City of Boise (9th Cir. 2018) 902 F.3d 1031.~~
- CD. The Aliso Viejo Ranch, which is subject to the regulations set forth in Chapter 11.12 AVMC.”

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 6. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within 15 days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 7. Record of Proceedings. The documents and materials associated with this ordinance that constitute the record of proceedings on which these findings are based are located at Aliso Viejo City Hall, 12 Journey, Aliso Viejo, California 92656. The City Clerk is the custodian of the record of proceedings.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2024.

Mike Munzing
Mayor

APPROVED AS TO FORM:

ATTEST:

Scott C. Smith, City Attorney

Lauren Torres, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, LAUREN TORRES, Deputy City Clerk of the City of Aliso Viejo, California, DO
HEREBY CERTIFY that foregoing Ordinance No. 2024-__ duly passed and adopted by the
City Council of the City of Aliso Viejo at their regular meeting held on the __ day of _____
2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

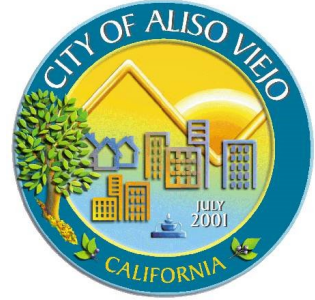
I hereby certify that the foregoing is the original of Ordinance No. 2024-__ duly passed and
adopted by the Aliso Viejo City Council at its regular meeting held _____, 2024, and
that the Summary of the Ordinance was published on _____, 2024 and _____,
2024 in the Laguna Niguel News.

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Ann Eifert, Director of Financial Services

SUBJECT: ACCOUNTS PAYABLE

Recommended Action:

Ratify accounts payable checks and electronic funds transfers issued between July 19, 2024, and August 1, 2024, in the amount of \$1,329,278.01.

Fiscal Impact:

Expenditures in the amount of \$1,329,278.01.

Background:

The City issues accounts payable checks on a bi-weekly basis and presents them to the City Council for ratification at its next regularly scheduled City Council meeting.

Discussion:

The attached registers containing checks and electronic funds transfers issued between July 19, 2024, and August 1, 2024, for \$1,329,278.01, are being presented for ratification. All payments have been made in compliance with the City's purchasing policy and procedures. Payments have been reviewed and approved by the appropriate departmental staff. The issued accounts payable checks and electronic funds transfers have been reviewed and deemed in accordance with the fiscal year budget by the Director of Financial Services.

Attachment:

1. Accounts Payable Report



Accounts Payable

Vendor Name	Description (Item)	Amount
101 - GENERAL FUND		
UNITED OF OMAHA LIFE INSURANCE CO.	AUG'24 LIFE INSURANCE	1,544.67
ADVANCED PERMIT SERVICES	BLDR-2023-00270_24886 VIA SAN RAFAEL_ADV PERMIT SV	175.67
ADVANCED PERMIT SERVICES	BLDR-2023-00269_22 EVENING LIGHT LN_ADV PERMIT SVC	304.43
CALPERS HEALTH	AUG'24 CALPERS HEALTH PREMIUM	21,744.64
CALPERS HEALTH	AUG'24 HEALTH PREMIUM - RC	2,195.87
CALPERS HEALTH	AUG'24 HEALTH PREMIUM PEMHCA MINIMUM - RC	157.00
CIVIL SOURCE, AN NV5 COMPANY	JUN'24 KAISER GRADING PLAN CHECK	405.00
CIVIL SOURCE, AN NV5 COMPANY	JUN'24 ST. MARY GRADING PLAN CHECK	1,080.00
DE NOVO PLANNING GROUP	CEQA PROFESSIONAL SERVICES	5,660.50
DE NOVO PLANNING GROUP	CEQA PROFESSIONAL SERVICES	2,104.00
CHARLES ABBOTT ASSOC INC	JUN'24 ST. MARY'S GRADING - R.BEIMER	145.00
THE LOFTCRAFTERS	CD-2024-00019_16 BLACKBIRD LN_THE LOFTCRAFTERS	500.00
STEVE KU	BLDR-2023-00427_56 MALLORN DR_STEVE KU	500.00
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	1,010.34
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	23.09
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	656.72
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	9.62
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	1.00
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	3.00
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	3.22
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	50.52
PLAID CONSTRUCTION	BLDR-2024-00253_26 ANACAPA LN_PLAID CONSTRUCTION	32.84
		38,307.13
CITY MANAGER		
CALPERS HEALTH	AUG'24 PG -HEALTH PREMIUM	157.00
US BANK PURCHASING CARD PROGRAM	DL 7/11 ALISO COFFEE-CM & EXEC STAFF MTG LUNCHEON	87.55
US BANK PURCHASING CARD PROGRAM	DL 7/3 PAYPAL CCMF - FY24-25 MEMBERSHIP FY24-25 CN	400.00
	CITY MANAGER TOTAL:	644.55
HUMAN RESOURCES		
OC FAMILY MEDICINE	MAY'24 TB TESTS & EMPLOYEE EXAMS	265.00
US BANK PURCHASING CARD PROGRAM	DL 7/19 PAVILIONS-SAFETY TRAINING SNACKS & DRINKS	110.60
US BANK PURCHASING CARD PROGRAM	PC 7/2 AMAZON - OFFICE SUPPLIES	92.64
	HUMAN RESOURCES TOTAL:	468.24
CITY CLERK		
US BANK PURCHASING CARD PROGRAM	LL 6/28 CCAC MBSHP TO 7/1/25 L.LONG	250.00
LEKKINA LONG	LL MILEAGE REIMBURSEMENT FOR JAN-JUN'24	70.08
LEKKINA LONG	LL MILEAGE REIMBURSEMENT FOR JUL-DEC'23	12.45
	CITY CLERK TOTAL:	332.53
FINANCE		
CALPERS HEALTH	AUG'24 CALPERS ADMIN FEE	56.86
CALPERS HEALTH	AUG'24 CALPERS ADMIN FEE	5.65
PARS	JUN'24 PARS REP FEES	300.00
	FINANCE TOTAL:	362.51
INFORMATION TECHNOLOGY		
AT&T	6/22/24-7/21/24 CH AT&T CALNET ALARM/POTS LINE	1,909.06
COX COMMUNICATIONS, INC	JUL'24 ACCT #0202 CH CABLE TV	138.04
COX COMMUNICATIONS, INC	JUL'24 ACCT #8802 CH INTERNET-FIBER 600MB	1,250.00
COX COMMUNICATIONS, INC	JUL'24 ACCT#9302 LAB INTERNET	34.15
GOTO TECHNOLOGIES USA, INC	6/18/24-6/17/25 GOTO WEBINAR STANDARD	1,068.00
STAPLES ADVANTAGE	JUN'24 IT OFFICE SUPPLIES	244.46
STAPLES ADVANTAGE	JUN'24 IT OFFICE SUPPLIES	132.41
SHI INTERNATIONAL CORP	HARDWARE POS HP ONE PRO	3,177.09
SHI INTERNATIONAL CORP	EPSON USB AND HP TILL EQUIPMENT	374.79
US BANK PURCHASING CARD PROGRAM	IA 6/28 EOC YOUTUBE SUBSCR	72.99
US BANK PURCHASING CARD PROGRAM	IA 6/25 AMAZON - GALAXY S24 SCREEN PROTECTOR	11.72

Vendor Name	Description (Item)	Amount
US BANK PURCHASING CARD PROGRAM	IA 6/25 GODADDY.COM - IMAGING TOWN CENTER	99.99
US BANK PURCHASING CARD PROGRAM	IA 7/08 STELLAR SOFTWARE - PASSWORD RECOVERY	49.00
US BANK PURCHASING CARD PROGRAM	IA 7/16 WAITWHILE SUBSCRIPTION	196.00
US BANK PURCHASING CARD PROGRAM	IA 7/02 MISAC	675.00
GOTO TECHNOLOGIES USA, INC	7/29/24-7/28/25 GOTO RESOLVE PREMIUM	2,604.00
TANGENT COMPUTERS INC	7/23/24-8/22/24 CH O365 LICENSING AND SUPPORT	3,000.00
LUNAVI, INC	JUL'24 OFFSITE BACKUP STORAGE	2,993.74
GOVERNMENTJOBS.COM INC	7/01/24-6/30/25 NEOGOV SUBSC TEXT-GOVJOBS-INSIGHT	6,888.81
INFORMATION TECHNOLOGY TOTAL:		24,919.25

NON-DEPARTMENTAL

VANTIS MAINTENANCE CORPORATION	AUG'24 38 COLONIAL WAY HOA FEES	374.79
OC COUNCIL OF GOVERNMENTS	FY24-25 OCCOG ANNUAL DUES & DEMOGR RESEARCH FEE	8,351.72
RICOH USA	JUL'24 RICOH RSI CLOUD SUBSCRIPTION (SW1860708)	23.15
RICOH USA	JUL'24 RICOH 2504 BACK OFFICE PRINT (4542)	95.78
CINTAS CORPORATION NO. 2	JUL'24 CH & STE 200 FIRST AID SUPPLIES	184.40
ALISO VIEJO SELF STORAGE	7/14/24-7/16/25 STORAGE UNIT RENT 535	5,710.00
VOYAGER FLEET SYSTEMS INC	JUN'24 VEHICLE FUEL - CITY	394.40
MOULTON NIGUEL WATER DIST	6/10/24-7/08/24 METER#1675 89 PLAYA CIR WATER	54.07
GLENWOOD MAINTENANCE CORPORATION	MAY'24 89 PLAYA CIR HOA FEE LATE CHG REVERSAL	(25.40)
GLENWOOD MAINTENANCE CORPORATION	JUN'24 89 PLAYA CIR HOA FEE LATE CHG	1.69
GLENWOOD MAINTENANCE CORPORATION	JUN'24 89 PLAYA CIR HOA FEE LATE CHG REVERSAL	(1.84)
GLENWOOD MAINTENANCE CORPORATION	AUG'24 89 PLAYA CIR HOA FEES	154.00
US BANK PURCHASING CARD PROGRAM	DL 6/26 WR KITCHEN - QTRLY STAFF LUNCHEON FOOD	1,210.57
US BANK PURCHASING CARD PROGRAM	DL 7/22 AMAZON-GENERAL LUNCHEON SUPPLIES-TABLE COV	25.51
HARBOR STATION MAINTENANCE	AUG'24 35 PLAYA CIR HOA FEES	185.00
HARBOR STATION MAINTENANCE	JUL'24 35 PLAYA CIR HOA FEES	185.00
HARBOR STATION MAINTENANCE	JUN'24 CREDIT FWD - 35 PLAYA CIR HOA FEES	(185.00)
GLENWOOD MAINTENANCE CORPORATION	JUL-AUG'24 35 PLAYA CIR HOA FEES	308.00
US BANK PURCHASING CARD PROGRAM	LL 6/27 READY REFRESH FILTRATION 5/25-6/24	60.08
US BANK PURCHASING CARD PROGRAM	LL 7/17 LUNA GRILL 7/17 CC MTG DINNER	295.06
US BANK PURCHASING CARD PROGRAM	LL 7/15 COSTCO BUSINESS DELIVERY	277.06
US BANK PURCHASING CARD PROGRAM	MO 7/04 CONSTANT CONTACT - ALISOVIEJONEWS	1,122.00
US BANK PURCHASING CARD PROGRAM	PC 6/23 ALBERTSONS - QTRLY LUNCHEON SUPPLIES	97.88
NON-DEPARTMENTAL TOTAL:		18,897.92

C. S. ADMINISTRATION

SHAKESPEARE BY THE SEA	8/1/24 SOKA EVT SPONSORSHIP-SHAKESPEARE BY THE SEA	3,750.00
CALPERS HEALTH	AUG'24 HW-HEALTH PREMIUM	157.00
CALPERS HEALTH	AUG'24 DP-HEALTH PREMIUM	157.00
CA PARK & RECREATION SOCIETY DISTRICT X	FY24-25 REC DEPT-CPRS MEMBERSHIP RENEWAL	1,375.00
SCOTT WAYNE BAKER	8/16/24 MOVIE NIGHT SCREEN/EQUIP & MOVIE LICENSE	950.00
ALLIANT INSURANCE SERVICES INC	1/01/24-1/01/25 12/14 CRAFTS WITH THE CLAUSES INS	329.00
ALLIANT INSURANCE SERVICES INC	1/01/24-1/01/25 11/02 HEALTH AND SAFETY FAIR INS	329.00
ALLIANT INSURANCE SERVICES INC	1/01/24-1/01/25 9/7 PET FAIR INSURANCE	329.00
ALLIANT INSURANCE SERVICES INC	1/01/24-1/01/25 8/16 LILO & STITCH MOVIE NIGHT INS	329.00
JONES FOREST PRODUCTS LLC	2024 AV HOLIDAY TREE FULLY DECORATED - DEPOSIT	14,378.50
US BANK PURCHASING CARD PROGRAM	JB 6/25 COSTCO-CDC STAFF CATCH-UP	37.78
US BANK PURCHASING CARD PROGRAM	JNL 7/18 LCS PRODUCTS-CHAIR GLIDE REPLACEMENTS	105.00
C. S. ADMINISTRATION TOTAL:		22,226.28

IGLESIA PARK

NIEVES LANDSCAPE INC	JUN'24 IGLESIA LANDSCAPE MAINTENANCE - MULCH LEVEL	237.50
EL TORO WATER DISTRICT	JUL'24 MTR#4114 IGLESIA PARK WATER	820.10
EL TORO WATER DISTRICT	JUL'24 MTR#3499 IGLESIA PARK WATER	938.05
IGLESIA PARK TOTAL:		1,995.65

IGLESIA BUILDING

SONITROL ORANGE COUNTY LLC	JUL'24 IGLESIA ACCESS CONTROL	109.39
EL TORO WATER DISTRICT	JUL'24 MTR#5016 IGLESIA PARK BLDG WATER	250.38
IGLESIA BUILDING TOTAL:		359.77

PLANNING

CALPERS HEALTH	AUG'24 MF-HEALTH PREMIUM	157.00
US BANK PURCHASING CARD PROGRAM	SK 6/28 HAMPTON INN - HOTEL CAL APA CONF - MD	225.27
PLANNING TOTAL:		382.27

BUILDING

US BANK PURCHASING CARD PROGRAM	SK 6/27 TRAVELOCITY - HOTEL CALBO CONF - CN	669.12
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Vendor Name	Description (Item)	Amount
US BANK PURCHASING CARD PROGRAM	SK 6/27 DELTA AIR - AIRFARE CALBO CONF - CN	176.96
US BANK PURCHASING CARD PROGRAM	SK 6/27 CALBO TRAINING - CN	205.00
US BANK PURCHASING CARD PROGRAM	SK 6/27 CALBO TRAINING - SW	290.00
	BUILDING TOTAL:	1,341.08
CODE ENFORCEMENT		
US BANK PURCHASING CARD PROGRAM	SK 7/03 DAWGSINC- BOARDING UP UNPERMITTED BUSINESS	761.00
US BANK PURCHASING CARD PROGRAM	SK 6/25 OC HAULING-REMOVAL CONFISCATED ST VENDOR	400.00
US BANK PURCHASING CARD PROGRAM	SK 6/27 COASTAL LOCKSMITH - ILLEGAL BUSINESS	395.00
	CODE ENFORCEMENT TOTAL:	1,556.00
ENGINEERING (GENERAL)		
RICHARD FISHER ASSOCIATES	MAY'24 LANDSCAPE INSPECTION SERVICES	4,006.04
RICHARD FISHER ASSOCIATES	JUN'24 LANDSCAPE INSEPTION SERVICES	3,593.97
CHARLES ABBOTT ASSOC INC	JUN'24 NPDES	15,035.00
CHARLES ABBOTT ASSOC INC	JUN'24 SOLID WASTE SERVICES	3,885.00
US BANK PURCHASING CARD PROGRAM	SP 7/04 SWA FLIGHT APWA CONFERENCE-SP	317.46
	ENGINEERING (GENERAL) TOTAL:	26,837.47
LAW ENFORCEMENT-CONTRACT		
COUNTY OF ORANGE	JUL'24 LAW ENFORCEMENT/BODY CAMERAS/IN CAR VIDEO	892,517.60
	LAW ENFORCEMENT-CONTRACT TOTAL:	892,517.60
LAW ENFORCEMENT-OTHER		
SEAVCO INC	JUL'24 BMW REPAIRS - LVL 2 TIRES BRAKES	1,992.52
VOYAGER FLEET SYSTEMS INC	JUN'24 VEHICLE FUEL - AVPS	307.26
US BANK PURCHASING CARD PROGRAM	RD 6/26 THE TOLL ROADS	575.00
US BANK PURCHASING CARD PROGRAM	RD 6/28 CHEVRON - VEHICLE WASH SERGEANT UNIT	34.99
US BANK PURCHASING CARD PROGRAM	RD 6/26 PORKY'S PIZZA-ASSIST CODE ENFORCEMENT	122.19
US BANK PURCHASING CARD PROGRAM	RD 7/04 RALPHS - 4TH OF JULY EVENT	85.11
US BANK PURCHASING CARD PROGRAM	RD 7/04 BAD TO THE BONE BBQ - 4TH OF JULY EVENT	367.70
	LAW ENFORCEMENT-OTHER TOTAL:	3,484.77
EOC		
US BANK PURCHASING CARD PROGRAM	DL 7/14 LIFE STORAGE - OFFSITE UNIT #961	290.00
US BANK PURCHASING CARD PROGRAM	SL 6/26 ALISO COFFEE & DONUT - EM ASSTS LAST DAY	46.00
US BANK PURCHASING CARD PROGRAM	SL 6/25 AMAZON - BANNER	13.55
US BANK PURCHASING CARD PROGRAM	SL 6/25 AMAZON - NAPKINS	10.76
	EOC TOTAL:	360.31
	GENERAL FUND TOTAL:	1,034,993.33

102 - GEN. FD-CITY HALL

NON-DEPARTMENTAL		
SONITROL ORANGE COUNTY LLC	JUL'24 CITY HALL ACCESS CONTROL	609.40
SONITROL ORANGE COUNTY LLC	JUL'24 CITY HALL INTRUSION DETECTION	383.54
SONITROL ORANGE COUNTY LLC	7/9 CH ACCESS CONTROL SERVICE CALL	285.00
PACIFIC PARK II ASSOCIATION	MAR-JUN'24 CH ASO ASSOCIATION DUES	2,008.00
PACIFIC PARK II ASSOCIATION	JUL-AUG'24 CH ASO ASSOCIATION DUES	1,004.00
US BANK PURCHASING CARD PROGRAM	KB 6/27 THE HOMEDEPOT-2ND FLR PLUMBING/ELEC SUP CH	67.47
	NON-DEPARTMENTAL TOTAL:	4,357.41
	GEN. FD-CITY HALL TOTAL:	4,357.41

103 - GF-AV RECREATION SERVICES

MIA WESTBROOK	REFUND MIA WESTBROOK RESERVATION CANCELLATION	2,954.00
MIA WESTBROOK	REFUND FEE MIA WESTBROOK RESERVATION CANCELLATION	(50.00)
		2,904.00
RECREATION SERVICES		
AT&T	6/22/24-7/21/24 AVR AT&T CALNET ALARM/POTS LINE	5,727.19
GARDAWORLD	JUL'24 AVR - CASH COURIER SERVICE	449.49
SONITROL ORANGE COUNTY LLC	JUL'24 AVRANCH ACCESS CONTROL	535.57
SONITROL ORANGE COUNTY LLC	JUL'24 AVCENTER AND AVQUATICS ACCESS CONTROL	125.20
CIVICPLUS LLC	FY24-25 CIVICREC ANNUAL RENEWAL	4,500.00
CINTAS CORPORATION NO. 2	JUL'24 AVR FIRST AID SUPPLIES	139.48
RONALD GORMAN	SUMMER24-SRR027 GUITAR/UKU - 6 PARTICIPANTS	396.00
JOY E. TORRES	SUMMER24-SRR034-SRR070 YOGA - 4 PARTICIPANTS	192.00
KIMBERLY DOWNEY ESMOND	SUMMER24-SOC007 FROZEN IN SUMMER - 15 PARTICIPANTS	1,770.00
KIMBERLY DOWNEY ESMOND	SUMMER24-SRR001-SRR024 DANCE - 6 PARTICIPANTS	226.80

Vendor Name	Description (Item)	Amount
RUIHONG LI	SUMMER24-SRR060 YOGA - 3 PARTICIPANTS	144.00
JOHN DAVID ALLEN JR	SUMMER24-JAT005 TENNIS - 13 PARTICIPANTS	1,009.20
BREAKTHROUGH SPORTS LLC	SUMMER24-BTS007/003 BASKETBALL - 23 PARTICIPANTS	3,133.20
CULINARY COOKINGS KIDS LLC	SUMMER24-CKC001/002 CULINARY KIDS-55 PARTICIPANTS	8,598.00
SKYHAWKS SPORTS ACADEMY, LLC	SUMMER24-SKY009 FLAG FOOTBALL-7 PARTICIPANTS	832.80
LAURELINDA HAUSSON	SUMMER24-PAE 19/20/110/302/50/55/98/60/3-74PART	10,486.40
FITNESS WITH FLAVOR LLC	SUMMER24-FWF002 DANCE-14 PARTICIPANTS	3,066.00
PREMIER AQUATIC SERVICES	SUMMER24-PAB-PAK-PAM006 SPLASH CAMP-16 PARTICIPANT	4,066.50
BEELER AQUATICS, INC	SUMMER24-BCL004 BEACH CAMP - 4 PARTICIPANTS	1,528.10
LAURELINDA HAUSSON	SUMMER24-PAE47/30/23/116/78/LP/105/41/44-66 PARTI	8,831.40
JOHN DAVID ALLEN JR	SUMMER24-SRR157/154/151 TENNIS - 15 PARTICIPANTS	452.40
JOHN DAVID ALLEN JR	SUMMER24-JAT003 TENNIS - 14 PARTICIPANTS	1,095.60
JENNIFER BALES	SUMMER24-TTS012 CAMP BROADWAY - 4 PARTICIPANTS	525.00
CULINARY COOKINGS KIDS LLC	SUMMER24-CKC003/004/LATEPU CULINARY KIDS-53 PARTI	8,215.00
KIMBERLY DOWNEY ESMOND	SUMMER24-SOC004/005 SING & DANCE CAMP - 20 PARTICI	2,952.00
LAURELINDA HAUSSON	SUM24-PAE118/21/38/34/303/114/73/LPU-70PARTICIPANT	11,227.00
M B B & D LLC	SUMMER24-CNJ006/004/005 GAME DESIGN-21 PARTICIPANT	4,703.40
PREMIER AQUATIC SERVICES	SUMMER24-PAB007/PAK007/PAM007 SPLASH CAMP-25 PARTI	6,272.25
BREAKTHROUGH SPORTS LLC	SUMMER24-BTS016 SOCCER - 9 PARTICIPANTS	1,203.60
BEELER AQUATICS, INC	SUMMER24-BCL005 BEACH CAMP-1 PARTICIPANT	371.70
CORAL BAY HOME LOANS	SUMMER24-SKT003 SKATEBOARDING-14 PARTICIPANTS	2,118.00
L & O ALISO VIEJO, LLC	SUMMER24-SRR088 HIP-HOP/SRR082 PICKLEBALL-2 PARTI	63.00
JENNIFER BALES	SUMMER24-TTS008/009 SINGERS CAMP - 13 PARTICIPANTS	1,650.00
CULINARY COOKINGS KIDS LLC	SUMMER24-CKC005/006 CULINARY KIDS -53 PARTICIPANTS	8,286.00
PREMIER AQUATIC SERVICES	SUMMER24-PAB008/PAK008/PAM008 SPLASH CAMP-9 PARTI	2,193.75
CHALLENGER SPORTS CORP	SUMMER24-CSC002/CSC003 SPORTS CAMP-17 PARTICIPANTS	2,430.60
BEELER AQUATICS, INC	SUMMER24-BCL006/LMS014 BEACH CAMP - 4 PARTICIPANTS	1,455.30
BREAKTHROUGH SPORTS LLC	SUMMER24-BTS008/004 BASKETBALL - 35 PARTICIPANTS	5,958.00
BIONERDS	SUMMER24-BIN009 BIONERD - 10 PARTICIPANTS	2,544.00
TIMOTHY DANA BOWEN	SUMMER24-PWT007/PWT008/PWT006 LEGO-12 PARTICIPANTS	1,704.00
M B B & D LLC	SUMMER24-CNJ008/007/009 CODING-10 PARTICIPANTS	2,099.40
NIEVES LANDSCAPE INC	JUN'24 AVR LANDSCAPE MAINTENANCE - BARE AREAS	5,122.73
TANGENT COMPUTERS INC	7/23/24-8/22/24 AVR O365 LICENSING AND SUPPORT	529.25
US BANK PURCHASING CARD PROGRAM	JB 6/27 KNOTTS BERRY FARM-CDC PARKING	35.00
US BANK PURCHASING CARD PROGRAM	JB 6/26 SUBWAY-CDC WEEK 4 EXCURSION	35.95
US BANK PURCHASING CARD PROGRAM	JB 6/25 COSTCO-FACILITY SUPPLIES	114.14
US BANK PURCHASING CARD PROGRAM	JB 7/18 REGAL-CDC MOVIE TICKET REFUND	(27.00)
US BANK PURCHASING CARD PROGRAM	JB 7/18 SUBWAY-CDC WEEK 7	34.45
US BANK PURCHASING CARD PROGRAM	JB 7/16 DAVE & BUSTERS-CDC	400.00
US BANK PURCHASING CARD PROGRAM	JB 7/17 REGAL-CDC EXCURSION MOVIE TICKET	682.50
US BANK PURCHASING CARD PROGRAM	JB 7/04 JOHNS INCREDIBLE PIZZA-CDC	808.34
US BANK PURCHASING CARD PROGRAM	JB 7/02 PIRATES DINNER ADV-CDC FINAL PAYMENT	1,315.30
US BANK PURCHASING CARD PROGRAM	JNL 7/01 EVENTDRAW LAYOUT SERVICE	2,155.50
US BANK PURCHASING CARD PROGRAM	JNL 7/18 DAVE&BUSTERS-CITY DAY CAMP WK 7 EXCURSION	460.00
US BANK PURCHASING CARD PROGRAM	KB 6/26 QAULIFIEDHARDWARE.COM - DOOR HARDWARE AVR	211.19
US BANK PURCHASING CARD PROGRAM	KB 7/09 HOME DEPOT - MISC REPAIRS AVR	112.40
US BANK PURCHASING CARD PROGRAM	KB 7/18 SCP DISTRIBUTORS - POOL STABILIZER AQC	168.56
RECREATION SERVICES TOTAL:		135,435.64
GF-AV RECREATION SERVICES TOTAL:		138,339.64

203 - GAS TAX

TRAFFIC ENGINEERING

WOOD RODGERS, INC	JUN'24 STORM DRAIN CONDITION ASSESSMENT	41,307.25
HARTZOG & CRABILL INC	JUN'24 TRAFFIC SIGNAL MONITORING	2,015.41
CENTRALSQUARE TECHNOLOGIES	FY24-25 ASSET MGMT LUCITY SUBSCRIPTION	19,215.10
TRAFFIC ENGINEERING TOTAL:		62,537.76

STREET MAINTENANCE

JTB SUPPLY COMPANY, INC	ALISO CREEK AND GLENWOOD SIGNAL VIDEO DETECTION	23,304.63
NIEVES LANDSCAPE INC	JUN'24 MEDIAN LANDSCAPE MAINTENANCE - BARE AREAS	3,177.63
EL TORO WATER DISTRICT	JUL'24 MTR#5675 CALLE CORTEZ MEDIAN WATER	119.25
STREET MAINTENANCE TOTAL:		26,601.51

GAS TAX TOTAL: 89,139.27

Vendor Name	Description (Item)	Amount
215 - PUBLIC SAFETY GRANTS		
LAW ENFORCEMENT-OTHER		
COUNTY OF ORANGE	JUL'24 E CITATION/MDC EQUIPMENT	6,120.27
COUNTY OF ORANGE	JUL-SEP'24 800 MHZ COST ALLOCATION	7,951.64
	LAW ENFORCEMENT-OTHER TOTAL:	14,071.91
	PUBLIC SAFETY GRANTS TOTAL:	14,071.91
241 - TECHNOLOGY FUND		
GEN-TECHNOLOGY GRANTS		
GRANICUS INC	JUL-SEP'24 GRANICUS-WEBSTREAMING	4,380.54
	GEN-TECHNOLOGY GRANTS TOTAL:	4,380.54
	TECHNOLOGY FUND TOTAL:	4,380.54
261 - CITY FAC.-AQUATIC CENTER		
PREMIER AQUATIC SERVICES	JUL'24 AVAC RETENTION FEES	(1,208.30)
		-1,208.30
GEN-AQUATIC CENTER		
COX COMMUNICATIONS, INC	JUL'24 ACCT#6701 AVAC INTERNET	206.63
GARDAWORLD	JUL'24 AVAC - CASH COURIER SERVICE	510.48
PREMIER AQUATIC SERVICES	JUL'24 AVAC MANAGEMENT FEES	12,083.00
ALARM CONNECTIONS, LLC	JUL-SEP'24 AQC FIRE ALARM MONITORING & INSPECTION	152.88
NIEVES LANDSCAPE INC	JUN'24 AQC LANDSCAPE MAINTENANCE - PLANTING	3,018.75
US BANK PURCHASING CARD PROGRAM	KB 6/28 HOME DEPOT - TOILET GASKET AQC	10.46
US BANK PURCHASING CARD PROGRAM	KB 6/28 THE HOMEDEPOT - PLUMBING SNAKE AQC	74.33
	GEN-AQUATIC CENTER TOTAL:	16,056.53
	CITY FAC.-AQUATIC CENTER TOTAL:	14,848.23
311 - STREET IMPROVEMENTS		
STREETS & HIGHWAYS		
CIVIL SOURCE, AN NV5 COMPANY	JUN'24 ENTERPRISE REHAB INSPECTION SERVICES	907.80
	STREETS & HIGHWAYS TOTAL:	907.80
	STREET IMPROVEMENTS TOTAL:	907.80
331 - CAPITAL IMPROVEMENTS		
CAPITAL IMPROVEMENTS		
SHI INTERNATIONAL CORP	FY23-24 PLAN REVIEW TABLE PURCHASE	14,169.88
SHI INTERNATIONAL CORP	FY23-24 HPE PROLIANT SERVER PURCHASE	14,070.00
	CAPITAL IMPROVEMENTS TOTAL:	28,239.88
	CAPITAL IMPROVEMENTS TOTAL:	28,239.88
	GRAND TOTAL:	1,329,278.01

Fund Summary		
Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	1,034,993.33	1,034,993.33
102 - GEN. FD-CITY HALL	4,357.41	4,357.41
103 - GF-AV RECREATION SERVICES	138,339.64	138,339.64
203 - GAS TAX	89,139.27	89,139.27
215 - PUBLIC SAFETY GRANTS	14,071.91	14,071.91
241 - TECHNOLOGY FUND	4,380.54	4,380.54
261 - CITY FAC.-AQUATIC CENTER	14,848.23	14,848.23
311 - STREET IMPROVEMENTS	907.80	907.80
331 - CAPITAL IMPROVEMENTS	28,239.88	28,239.88
Grand Total:	1,329,278.01	1,329,278.01

Report Summary

Fund Summary

Fund	Payment Amount
101 - GENERAL FUND	1,034,993.33
102 - GEN. FD-CITY HALL	4,357.41
103 - GF-AV RECREATION SERVICES	138,339.64
203 - GAS TAX	89,139.27
215 - PUBLIC SAFETY GRANTS	14,071.91
241 - TECHNOLOGY FUND	4,380.54
261 - CITY FAC.-AQUATIC CENTER	14,848.23
311 - STREET IMPROVEMENTS	907.80
331 - CAPITAL IMPROVEMENTS	28,239.88
Grand Total:	1,329,278.01

Account Summary

Account Number	Account Name	Payment Amount
101-1203-000	ACCOUNTS RECEIVABLE	2,195.87
101-2506-000	MEDICAL INSURANCE P...	21,901.64
101-2507-000	LIFE INSURANCE PAYABLE	1,544.67
101-2602-000	PLANNING DEPOSIT	7,764.50
101-2603-000	ENGINEERING DEPOSIT	1,630.00
101-2606-000	C & D DEPOSIT	1,000.00
101-32010	BUILDING PERMITS	1,490.44
101-32090	ISSUANCE FEE	23.09
101-36410	BUILDING PLAN CHECK F...	656.72
101-36420	SMIP	9.62
101-36425	CASP CERT/TRNG	1.00
101-36430	BUILDING STANDARD FE...	3.00
101-36440	SCANNING	3.22
101-37505	INFORMATION TECHNO...	83.36
101-4-1501-4206-000	MEDICAL INSURANCE	157.00
101-4-1501-4520-000	MTGS/CONF./TRNG & D...	87.55
101-4-1501-4521-000	MEMBERSHIP & DUES	400.00
101-4-1503-4309-000	OTHER CONTRACTUAL S...	265.00
101-4-1503-4520-000	MTGS/CONF./TRNG & D...	110.60
101-4-1503-4601-000	SUPPLIES	92.64
101-4-1601-4520-000	MTGS/CONF./TRNG & D...	82.53
101-4-1601-4521-000	MEMBERSHIP & DUES	250.00
101-4-2501-4309-000	OTHER CONTRACTUAL S...	362.51
101-4-3101-4305-000	TECHNOLOGY SERVICES	3,404.24
101-4-3101-4481-000	COMPUTER EXPENSE	20,463.14
101-4-3101-4520-000	MTGS/CONF./TRNG & D...	675.00
101-4-3101-4601-000	SUPPLIES	376.87
101-4-3501-4306-000	WEBSITE SERVICES	1,122.00
101-4-3501-4431-000	BUILDING & GROUND M...	1,050.31
101-4-3501-4471-000	RENT	5,710.00
101-4-3501-4513-000	PRINTING	118.93
101-4-3501-4516-000	FUEL	394.40
101-4-3501-4521-000	MEMBERSHIP & DUES	8,351.72
101-4-3501-4601-000	SUPPLIES	184.40
101-4-3501-4612-000	OPERATING SUPPLIES	1,966.16
101-4-4101-4206-000	MEDICAL INSURANCE	314.00
101-4-4101-4520-000	MTGS/CONF./TRNG & D...	37.78
101-4-4101-4521-000	MEMBERSHIP & DUES	1,375.00
101-4-4101-4522-000	INSURANCE EXPENSES	1,316.00
101-4-4101-4527-000	REC-CITY SPECIAL EVENTS	15,328.50
101-4-4101-4528-000	REC-PARTNER EVENTS	3,750.00
101-4-4101-4601-000	SUPPLIES	105.00
101-4-4102-4411-000	UTILITIES	1,758.15
101-4-4102-4431-000	BUILDING & GROUND M...	237.50

Account Summary

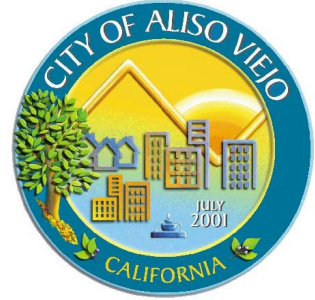
Account Number	Account Name	Payment Amount
101-4-4103-4411-000	UTILITIES	250.38
101-4-4103-4431-000	BUILDING & GROUND M...	109.39
101-4-4401-4206-000	MEDICAL INSURANCE	157.00
101-4-4401-4520-000	MTGS/CONF./TRNG & D...	225.27
101-4-4402-4520-000	MTGS/CONF./TRNG & D...	1,341.08
101-4-4403-4761-000	C.S-CODE ENFORCEMENT	1,556.00
101-4-4501-4520-000	MTGS/CONF/TRNG & D...	317.46
101-4-4501-4701-000	NPDES	15,035.00
101-4-4501-4702-000	AB939-SOLID WASTE	3,885.00
101-4-4501-4741-000	C.S-CITY ENGINEERING	7,600.01
101-4-5101-4308-000	LAW ENFORCEMENT	892,517.60
101-4-5102-4516-000	FUEL	917.25
101-4-5102-4517-000	VEHICLE MAINTENANCE	1,992.52
101-4-5102-4520-000	MTGS/CONF./TRNG & D...	85.11
101-4-5102-4535-000	SPECIAL EVENTS	367.70
101-4-5102-4612-000	OPERATING SUPPLIES	122.19
101-4-5401-4471-000	RENT	290.00
101-4-5401-4612-000	OPERATING SUPPLIES	70.31
102-4-3501-4431-000	BUILDING & GROUND M...	4,357.41
103-34130	FACILITY RENTAL	2,954.00
103-34169	REFUNDS	-50.00
103-4-4105-4305-000	TECHNOLOGY SERVICES	13,572.71
103-4-4105-4309-000	OTHER CONTRACTUAL S...	111,800.40
103-4-4105-4431-000	BUILDING & GROUND M...	5,614.88
103-4-4105-4561-000	TAXES/FEES/PERMITS	449.49
103-4-4105-4570-000	CITY CAMP EXPENSE	3,744.54
103-4-4105-4601-000	SUPPLIES	253.62
203-4-4502-4301-000	PROFESSIONAL SERVICES	62,537.76
203-4-4503-4411-000	UTILITIES	119.25
203-4-4503-4771-000	C.S-STREET MAINTENAN...	26,482.26
215-4-5102-4803-000	PUBLIC SAFETY EQUIPM...	14,071.91
241-4-6141-4481-000	IT/COMPUTER EQUIPM...	4,380.54
261-2103-000	RETENTIONS PAYABLE	-1,208.30
261-4-6161-7401-000	EQUIPMENT MAINTENA...	84.79
261-4-6161-7411-000	UTILITIES	206.63
261-4-6161-7421-000	BUILDING & GROUND M...	3,171.63
261-4-6161-7445-000	FEES & PERMITS	510.48
261-4-6161-7451-000	MANAGEMENT FEES	12,083.00
311-4-8301-5601-000	CONSTRUCTION MANA...	907.80
331-4-8701-5910-000	IMPROVEMENTS	28,239.88
Grand Total:		1,329,278.01

Project Account Summary

Project Account Key	Payment Amount
None	1,173,561.87
0574481	14,169.88
1002SUMMERCAMP	110,326.20
1002SUMMERCLASS	1,474.20
1285601	907.80
1375910	14,070.00
9014612	295.06
9024612	1,333.96
9974570	3,744.54
ENG 2254	1,225.00
ENG 2256	405.00
SDP-2022-0004	7,764.50
Grand Total:	1,329,278.01

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Ann Eifert, Director of Financial Services/City Treasurer

SUBJECT: TREASURER'S STATEMENT – JUNE 2024

Recommended Action:

Receive and file the June 2024 Treasurer's Statement.

Fiscal Impact:

No Fiscal Impact.

Background:

Per City policy, the Finance Department presents the monthly Treasurer's Statement for the City Council's review. This statement shows the cash balances for the various funds, with a breakdown of bank account balances, investment account balances and the effective yield earned from investments.

Discussion:

The City's portfolio consists of investments in Certificates of Deposits, US Treasuries, US Federal Agencies, Corporate Bonds, and Local Agency Investment Fund (LAIF). All funds invested with LAIF are available for withdrawal within 24 hours.

The Treasurer's Statement provides information regarding the City's investment portfolio and activity during the reporting month. The City's investment portfolio is in compliance with all government codes as well as the City's investment policy. Interest is credited to the City's bank account monthly and allocated among the City's funds. The current portfolio provides sufficient cash flow liquidity to meet the upcoming operating expenses and spending requirements for the next 6 months.

Attachment:

1. June 2024 Treasurer's Statement

CITY OF ALISO VIEJO

TREASURER'S MONTHLY CASH STATEMENT

June 30, 2024

	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	TRANSFERS IN (OUT)	ENDING BALANCE
GENERAL FUND	\$ 1,535,569.78	\$ 1,500,385.28	\$ 1,070,699.66	\$ (87,056.83)	\$ 1,878,198.57
TCRF	\$ 73,350.77				73,350.77
GAS TAX FUND	\$ 1,078,660.50	129,864.31	191,813.24		1,016,711.57
MEASURE M	\$ 1,695,227.16		3,626.00	(1,804.36)	1,689,796.80
SB1-RMRA	\$ 651,010.78	121,135.70		124,440.87	896,587.35
PUBLIC SAFETY GRANTS	\$ 287,396.29		3,686.00		283,710.29 ⁽¹⁾
AIR QUALITY IMPRVMT FD	\$ 1,410,368.01	17,631.66			1,427,999.67
INTEGRATED WASTE MGMT FD	\$ 196,403.06	13,835.50	1,872.50		208,366.06
OTHER GRANTS	\$ 17,284.32	34,801.25		(8,000.24)	44,085.33
TECHNOLOGY GRANT	\$ 366,195.58		883.76		365,311.82
DEVELOPMENT IMPACT	\$ 1,377,777.33				1,377,777.33
FEDERAL GRANTS	\$ (120,152.99)		36,433.10	(35,861.00)	(192,447.09)
CITY FACILITY - AV CTR	\$ 179,758.92				179,758.92
CITY FACILITY - AQUATIC CTR	\$ (109,181.31)	133,846.67	103,901.46		(79,236.10)
STREET IMPROVEMENTS	\$ (232,782.45)	443,058.00	92,927.12	(116,440.63)	907.80 ⁽²⁾
CAPITAL IMPROVEMENTS	\$ (39,715.14)		10,620.51	115,350.10	65,014.45 ⁽²⁾
STORM WATER	\$ (8,071.43)			4,148.01	(3,923.42) ⁽²⁾
COP CAPITAL	\$ -				- ⁽²⁾
COP	\$ (5,224.08)			5,224.08	-
AV RANCH FOUNDATION	\$ 100.00				100.00
CFD 2005-01	\$ (5,765.87)		1,534.00		(7,299.87)
RENEWABLE FARMS	\$ 2,699.52				2,699.52
COMMUNITY TRUST	\$ 5,562.68				5,562.68
TOTALS	\$ 8,356,471.43	\$ 2,394,558.37	\$ 1,517,997.35	\$ -	\$ 9,233,032.45

SUMMARY OF CASH:

DEMAND DEPOSITS:	GENERAL ACCOUNT	\$ 1,856,488.28
INVESTMENTS:	LOCAL AGENCY INVESTMENT FD	\$ 7,376,544.17

TOTAL CASH **\$ 9,233,032.45**

Years to Maturity for June 2024	1.37
Weighted Average Yield for June 2024	4.050%

All investments are placed in accordance with the City of Aliso Viejo's Investment Policy.

The above summary provides sufficient cash flow liquidity to meet the next six month's estimated expenditures.

Other monies held include Cash with Fiscal Agent, Investments, Payroll and AV Center.			<u>\$ 44,356,844.90</u>
Cash With Fiscal Agent	COPS/CFD 2005-01	5,155,110.72	
Cash With Investment Advisor	City Investments	35,903,005.29	
AV Center		2,801,567.77	
PR Account		495,000.51	
Petty Cash		2,160.61	
GRAND TOTAL OF CITY FUNDS			<u>\$ 53,589,877.35</u>

(1) Public Safety Grant includes the MDC and PVS Program Costs budgeted with SLESF funds.

(2) Transfers in and out are done on a quarterly basis.

Street Improvements include the Slurry Seal, Traffic Management and Street Improvement Projects.

Capital Improvements include City Hall, AV Ranch, and other city facilities.

Storm Water includes the Dairy Fork and Wood Canyon Emergent Wetland Project.

Portfolio Summary

City of Aliso Viejo

June 30, 2024

Investments	Par Value	Market Value	Book Value	% of Portfolio	Days to Maturity	Book YTM
Certificates of Deposit	3,675,000.00	3,535,090.30	3,670,952.60	8.48	543	1.88
Corporate Bonds	1,500,000.00	1,484,595.00	1,496,985.00	3.46	109	1.98
LAIF	7,376,544.17	7,376,544.17	7,376,544.17	17.04	1	4.48
Money Market Funds	1,536,263.90	1,536,263.90	1,536,263.90	3.55	1	5.19
U.S. Agencies	4,735,000.00	4,443,665.35	4,470,491.05	10.33	932	3.43
U.S. Treasuries	25,850,000.00	24,791,436.00	24,728,312.75	57.14	619	4.41
	44,672,808.07	43,167,594.72	43,279,549.47	100.00	500	4.05

Investments

Total Earnings	June 30 Month Ending	Fiscal Year To Date
Current Year	28,171.60	1,028,331.57
Average Daily Balance	43,259,450.31	37,671,925.99
Book Rate of Return	0.79%	2.72%

Holdings Report

City of Aliso Viejo

June 30, 2024

CUSIP	Issuer Coupon Rate	Maturity Date Call Date	Remaining Par Value	Settle Date Book Yield	Original Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port Gain/Loss	Moody/S&P Fitch	WAM Eff. Dur.
Certificates of Deposit										
538036JN5	Live Oak Banking 1.650%	08/28/2024	245,000.00	02/28/2020 1.69%	244,529.60 244,529.60	99.40 7.28%	243,520.20 332.26	0.57% -1,009.40	NR/NR NR	0.16 0.17
856285RU7	State Bank of India 2.000%	11/27/2024	245,000.00	12/06/2019 2.00%	245,000.00 245,000.00	98.59 6.18%	241,543.05 469.86	0.57% -3,456.95	NR/NR NR	0.41 0.41
61760A4F3	Morgan Stanley Private Bank 1.950%	12/12/2024	245,000.00	12/13/2019 2.00%	244,416.90 244,416.90	98.44 6.03%	241,182.90 248.69	0.56% -3,234.00	NR/NR NR	0.45 0.45
61690UUJ7	Morgan Stanley Bank 1.800%	02/27/2025	245,000.00	02/28/2020 1.85%	244,416.90 244,416.90	97.74 5.82%	239,458.10 1,510.27	0.56% -4,958.80	NR/NR NR	0.66 0.65
14042RPG0	Capital One Bank NA 1.600%	04/08/2025	245,000.00	04/09/2020 1.65%	244,412.00 244,412.00	97.22 5.77%	238,198.80 902.14	0.56% -6,213.20	NR/NR NR	0.77 0.77
33847E3J4	Flagstar Bank 0.900%	05/15/2025	245,000.00	05/15/2020 0.90%	245,000.00 245,000.00	96.28 5.79%	235,888.45 283.93	0.57% -9,111.55	NR/NR NR	0.87 0.87
866264DP6	Summit State Bank 0.850%	05/15/2025	245,000.00	05/18/2020 0.90%	244,402.20 244,402.20	96.24 5.80%	235,785.55 268.16	0.56% -8,616.65	NR/NR NR	0.87 0.87
89235MJS1	Toyota Financial Savings Bank 0.800%	06/30/2025	245,000.00	06/30/2020 0.73%	245,000.00 245,000.00	95.74 5.66%	234,567.90 993.42	0.57% -10,432.10	NR/NR NR	1.00 1.00
59013KLQ7	Merrick Bank 0.550%	12/30/2025	245,000.00	12/30/2020 0.55%	245,000.00 245,000.00	93.51 5.44%	229,094.60 118.14	0.57% -15,905.40	NR/NR NR	1.50 1.49
02007GXG3	Ally Bank 3.450%	08/04/2026	245,000.00	08/04/2022 3.45%	245,000.00 245,000.00	97.16 5.09%	238,044.45 3,427.32	0.57% -6,955.55	NR/NR NR	2.10 1.98
90348JR93	UBS Bank USA 0.950%	08/11/2026	245,000.00	08/11/2021 0.95%	245,000.00 245,000.00	92.11 5.20%	225,671.95 127.53	0.57% -19,328.05	NR/NR NR	2.12 2.09
38149MYB3	Goldman Sachs Bank 1.000%	08/11/2026	245,000.00	08/11/2021 1.00%	245,000.00 245,000.00	92.27 5.18%	226,059.05 946.44	0.57% -18,940.95	NR/NR NR	2.12 2.08
254673N44	Discover Bank 3.500%	07/29/2027	245,000.00	08/03/2022 3.50%	245,000.00 245,000.00	96.12 4.90%	235,498.90 3,617.95	0.57% -9,501.10	NR/NR NR	3.08 2.86
87164XN93	Synchrony Bank 3.500%	08/05/2027	245,000.00	08/05/2022 3.50%	245,000.00 245,000.00	96.11 4.90%	235,471.95 3,453.49	0.57% -9,528.05	NR/NR NR	3.10 2.88
02589ADQ2	American Express National Bank 3.450%	08/10/2027	245,000.00	08/12/2022 3.56%	243,775.00 243,775.00	95.96 4.90%	235,104.45 3,288.37	0.56% -8,670.55	NR/NR NR	3.11 2.89
					3,670,952.60		3,535,090.30	8.48%		1.49
Total Certificates of Deposit			3,675,000.00	1.88%	3,670,952.60	5.60%	19,987.97	-135,862.30		1.43
Corporate Bonds										
30231GBC5	Exxon Mobil 2.019%	08/16/2024 07/16/2024	500,000.00	12/12/2019 1.95%	501,615.00 501,615.00	99.55 7.08%	497,760.00 3,785.62	1.16% -3,855.00	Aa2/AA- NR	0.13 0.12

Holdings Report

City of Aliso Viejo

June 30, 2024

CUSIP	Issuer Coupon Rate	Maturity Date Call Date	Remaining Par Value	Settle Date Book Yield	Original Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port Gain/Loss	Moody/S&P Fitch	WAM Eff. Dur.
Corporate Bonds										
037833DM9	Apple	09/11/2024	500,000.00	12/06/2019	497,165.00	99.29	496,430.00	1.15%	Aaa/AA+	0.20
	1.800%	08/11/2024		1.92%	497,165.00	6.78%	2,750.00	-735.00	NR	0.19
64952WDL4	New York Life	01/22/2025	500,000.00	01/22/2020	498,205.00	98.08	490,405.00	1.15%	Aaa/AA+	0.56
	2.000%			2.08%	498,205.00	5.92%	4,416.67	-7,800.00	AAA	0.54
					1,496,985.00		1,484,595.00	3.46%		0.30
Total Corporate Bonds			1,500,000.00	1.98%	1,496,985.00	6.59%	10,952.29	-12,390.00		0.28
LAIF										
9830007	LAIF	07/01/2024	7,376,544.17	05/10/2024	7,376,544.17	1.00	7,376,544.17	17.04%	NR/NR	0.00
	4.480%			4.48%	7,376,544.17	4.48%	0.00	0.00	NR	0.00
					7,376,544.17		7,376,544.17	17.04%		0.00
Total LAIF			7,376,544.17	4.48%	7,376,544.17	4.48%	0.00	0.00		0.00
Money Market Funds										
FGZXX	First American Govt. FGZXX	07/01/2024	1,536,263.90		1,536,263.90	1.00	1,536,263.90	3.55%	Aaa/AAA	0.00
	5.187%			5.19%	1,536,263.90	5.19%	6,750.53	0.00	NR	0.00
					1,536,263.90		1,536,263.90	3.55%		0.00
Total Money Market Funds			1,536,263.90	5.19%	1,536,263.90	5.19%	6,750.53	0.00		0.00
U.S. Agencies										
3133ELCP7	FFCB	12/03/2024	235,000.00	12/09/2019	233,926.05	98.38	231,195.35	0.54%	Aaa/AA+	0.43
	1.625%			1.72%	233,926.05	5.90%	297.01	-2,730.70	AA+	0.41
3137EAEX3	FHLMC	09/23/2025	500,000.00	10/20/2020	497,505.00	94.51	472,560.00	1.15%	Aaa/AA+	1.23
	0.375%			0.48%	497,505.00	5.41%	510.42	-24,945.00	AA+	1.20
3130AK5J1	FHLB	09/18/2026	1,000,000.00	02/16/2023	872,060.00	91.36	913,610.00	2.01%	Aaa/AA+	2.22
	0.700%	07/08/2024		4.61%	872,060.00	5.08%	2,002.78	41,550.00	AA+	2.14
3130ASD63	FHLB	06/28/2027	1,000,000.00	06/28/2022	1,000,000.00	96.16	961,610.00	2.31%	Aaa/AA+	2.99
	3.250%	06/28/2024		3.25%	1,000,000.00	4.88%	270.83	-38,390.00	AA+	2.79
3133EPAU9	FFCB	07/14/2027	1,000,000.00	02/16/2023	990,390.00	98.02	980,190.00	2.29%	Aaa/AA+	3.04
	3.875%			4.12%	990,390.00	4.71%	17,975.69	-10,200.00	AA+	2.76
3136G4X99	FNMA	08/25/2027	1,000,000.00	04/06/2023	876,610.00	88.45	884,500.00	2.03%	Aaa/AA+	3.15
	0.740%	08/25/2024		3.82%	876,610.00	4.97%	2,590.00	7,890.00	AA+	3.03

Holdings Report

City of Aliso Viejo

June 30, 2024

CUSIP	Issuer Coupon Rate	Maturity Date Call Date	Remaining Par Value	Settle Date Book Yield	Original Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port Gain/Loss	Moody/S&P Fitch	WAM Eff. Dur.
					4,470,491.05		4,443,665.35	10.33%		2.55
Total U.S. Agencies			4,735,000.00	3.43%	4,470,491.05	5.01%	23,646.73	-26,825.70		2.40
U.S. Treasuries										
912797KL0	U.S. Treasury 0.000%	09/19/2024	2,000,000.00	05/08/2024	1,961,393.12	98.84	1,976,820.00	4.53%	P-1/A-1+	0.22
				5.36%	1,961,393.12	7.21%	0.00	15,426.88	F1+	0.23
912828YM6	U.S. Treasury 1.500%	10/31/2024	1,500,000.00	08/09/2023	1,434,316.41	98.72	1,480,740.00	3.31%	Aaa/AA+	0.34
				5.23%	1,434,316.41	6.17%	3,790.76	46,423.59	AA+	0.33
912797LD7	U.S. Treasury 0.000%	11/14/2024	1,500,000.00	05/31/2024	1,463,976.02	98.05	1,470,765.00	3.38%	P-1/A-1+	0.38
				5.38%	1,463,976.02	6.44%	0.00	6,788.99	F1+	0.38
912797KJ5	U.S. Treasury 0.000%	03/20/2025	2,000,000.00	05/08/2024	1,913,519.58	96.40	1,927,920.00	4.42%	P-1/A-1+	0.72
				5.16%	1,913,519.58	5.81%	0.00	14,400.42	F1+	0.73
912797LB1	U.S. Treasury 0.000%	05/15/2025	1,000,000.00	05/31/2024	951,873.87	95.68	956,780.00	2.20%	P-1/A-1+	0.87
				5.22%	951,873.87	5.53%	0.00	4,906.13	F1+	0.88
912797LB1	U.S. Treasury 0.000%	05/15/2025	1,000,000.00	06/13/2024	953,923.20	95.68	956,780.00	2.20%	P-1/A-1+	0.87
				5.19%	953,923.20	5.53%	0.00	2,856.80	F1+	0.88
91282CHL8	U.S. Treasury 4.625%	06/30/2025	1,000,000.00	11/10/2023	993,398.44	99.52	995,160.00	2.30%	Aaa/AA+	1.00
				5.05%	993,398.44	5.20%	125.68	1,761.56	AA+	0.96
91282CEY3	U.S. Treasury 3.000%	07/15/2025	1,000,000.00	05/30/2023	973,437.50	97.90	978,990.00	2.25%	Aaa/AA+	1.04
				4.32%	973,437.50	5.30%	13,846.15	5,552.50	AA+	0.99
91282CFE6	U.S. Treasury 3.125%	08/15/2025	1,000,000.00	01/13/2023	980,078.13	97.90	979,020.00	2.26%	Aaa/AA+	1.13
				3.94%	980,078.13	5.25%	11,761.68	-1,058.13	AA+	1.07
91282CFP1	U.S. Treasury 4.250%	10/15/2025	1,000,000.00	05/30/2023	1,000,625.00	99.06	990,630.00	2.31%	Aaa/AA+	1.29
				4.22%	1,000,625.00	5.12%	8,941.26	-9,995.00	AA+	1.23
912828M56	U.S. Treasury 2.250%	11/15/2025	1,000,000.00	05/30/2023	955,117.19	96.43	964,260.00	2.21%	Aaa/AA+	1.38
				4.19%	955,117.19	5.21%	2,873.64	9,142.81	AA+	1.32
91282CGL9	U.S. Treasury 4.000%	02/15/2026	1,000,000.00	05/30/2023	997,578.13	98.65	986,480.00	2.30%	Aaa/AA+	1.63
				4.09%	997,578.13	5.01%	15,054.95	-11,098.13	AA+	1.53
91282CGV7	U.S. Treasury 3.750%	04/15/2026	1,200,000.00	01/22/2024	1,187,437.50	98.21	1,178,532.00	2.74%	Aaa/AA+	1.79
				4.24%	1,187,437.50	4.96%	9,467.21	-8,905.50	AA+	1.69
91282CCF6	U.S. Treasury 0.750%	05/31/2026	1,000,000.00	06/13/2022	915,976.56	92.74	927,380.00	2.12%	Aaa/AA+	1.92
				3.01%	915,976.56	5.04%	635.25	11,403.44	AA+	1.85
91282CCJ8	U.S. Treasury 0.875%	06/30/2026	1,000,000.00	06/29/2022	913,125.00	92.77	927,660.00	2.11%	Aaa/AA+	2.00
				3.20%	913,125.00	4.98%	4,398.78	14,535.00	AA+	1.93
91282CCP4	U.S. Treasury 0.625%	07/31/2026	1,100,000.00	01/13/2023	987,292.97	91.99	1,011,912.00	2.28%	Aaa/AA+	2.08
				3.73%	987,292.97	4.97%	2,870.88	24,619.03	AA+	2.01
91282CJT9	U.S. Treasury 4.000%	01/15/2027	1,000,000.00	01/22/2024	996,718.75	98.55	985,470.00	2.30%	Aaa/AA+	2.55
				4.12%	996,718.75	4.75%	18,461.54	-11,248.75	AA+	2.34

Holdings Report

City of Aliso Viejo

June 30, 2024

CUSIP	Issuer Coupon Rate	Maturity Date Call Date	Remaining Par Value	Settle Date Book Yield	Original Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port Gain/Loss	Moody/S&P Fitch	WAM Eff. Dur.
U.S. Treasuries										
912828X88	U.S. Treasury 2.375%	05/15/2027	1,000,000.00	06/29/2022	962,851.56	94.18	941,800.00	2.22%	Aaa/AA+	2.87
				3.20%	962,851.56	4.73%	3,033.29	-21,051.56	AA+	2.71
9128282R0	U.S. Treasury 2.250%	08/15/2027	1,050,000.00	01/13/2023	990,322.27	93.43	981,057.00	2.29%	Aaa/AA+	3.13
				3.60%	990,322.27	4.71%	8,891.83	-9,265.27	AA+	2.92
91282CCV1	U.S. Treasury 1.125%	08/31/2028	1,000,000.00	12/21/2023	878,750.00	87.61	876,130.00	2.03%	Aaa/AA+	4.17
				3.98%	878,750.00	4.62%	3,760.19	-2,620.00	AA+	3.95
91282CDF5	U.S. Treasury 1.375%	10/31/2028	1,500,000.00	12/21/2023	1,328,906.25	88.18	1,322,700.00	3.07%	Aaa/AA+	4.34
				3.98%	1,328,906.25	4.60%	3,474.86	-6,206.25	AA+	4.10
91282CJR3	U.S. Treasury 3.750%	12/31/2028	1,000,000.00	01/22/2024	987,695.31	97.45	974,450.00	2.28%	Aaa/AA+	4.51
				4.03%	987,695.31	4.55%	101.90	-13,245.31	AA+	4.07
					24,728,312.75		24,791,436.00	57.14%		1.69
Total U.S. Treasuries			25,850,000.00	4.41%	24,728,312.75	5.39%	111,489.85	63,123.25		1.61
					43,279,549.47		43,167,594.72	100.00%		1.37
TOTAL PORTFOLIO			44,672,808.07	4.05%	43,279,549.47	5.25%	172,827.37	-111,954.75		1.30
TOTAL MARKET VALUE PLUS ACCRUED INTEREST							43,340,422.09			

Transaction Report

City of Aliso Viejo

June 01, 2024 - June 30, 2024

Transaction Date	Transaction Type	Security ID	Security Description	Maturity Date	Purchases	Redemptions	Interest	Deposits	Withdrawals
06/03/2024	Interest	538036JN5	LIVOAK 1.65 08/28/24	08/28/2024	-	-	343.34	-	-
06/03/2024	Interest	3133ELCP7	FFCB 1 5/8 12/03/24	12/03/2024	-	-	1,909.38	-	-
06/04/2024	Interest	FGZXX	First American Govt MMF		-	-	10,530.80	-	-
06/10/2024	Interest	3133ELG99	FFCB 0 3/8 06/10/24	06/10/2024	-	-	937.50	-	-
06/10/2024	Maturity	3133ELG99	FFCB 0 3/8 06/10/24	06/10/2024	-	500,000.00	-	-	-
06/11/2024	Maturity	912797KE6	TREASURY BILL	06/11/2024	-	500,000.00	-	-	-
06/11/2024	Interest	90348JR93	UBS 0.95 08/11/26	08/11/2026	-	-	197.68	-	-
06/12/2024	Interest	61760A4F3	MS 1.95 12/12/24	12/12/2024	-	-	2,395.29	-	-
06/13/2024	Purchase	912797LB1	TREASURY BILL	05/15/2025	-953,923.20	-	-	-	-
06/25/2024	Admin. Fee				-	-	-	-	-209.91
06/28/2024	Interest	3130ASD63	FHLB 3 1/4 06/28/27	06/28/2027	-	-	16,250.00	-	-
Grand Total:					-953,923.20	1,000,000.00	32,563.99	0.00	-209.91

California State Treasurer
Fiona Ma, CPA



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

CITY OF ALISO VIEJO

DIRECTOR OF FINANCIAL SVCS/ CITY TREAS
12 JOURNEY, #100
ALISO VIEJO, CA 92656

Account Number: 98-30-007

June 2024 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	7,376,544.17
Total Withdrawal:	0.00	Ending Balance:	7,376,544.17



PMIA/LAIF Performance Report as of 7/10/24



Quarterly Performance Quarter Ended 03/31/24

LAIF Apportionment Rate ⁽²⁾ :	4.30
LAIF Earnings Ratio ⁽²⁾ :	0.00011755619077389
LAIF Administrative Cost ^{(1)*} :	0.27
LAIF Fair Value Factor ⁽¹⁾ :	0.994191267
PMIA Daily ⁽¹⁾ :	4.22
PMIA Quarter to Date ⁽¹⁾ :	4.12
PMIA Average Life ⁽¹⁾ :	226

PMIA Average Monthly Effective Yields⁽¹⁾

June	4.480
May	4.332
April	4.272
March	4.232
February	4.122
January	4.012

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 5/31/24 \$162.3 billion

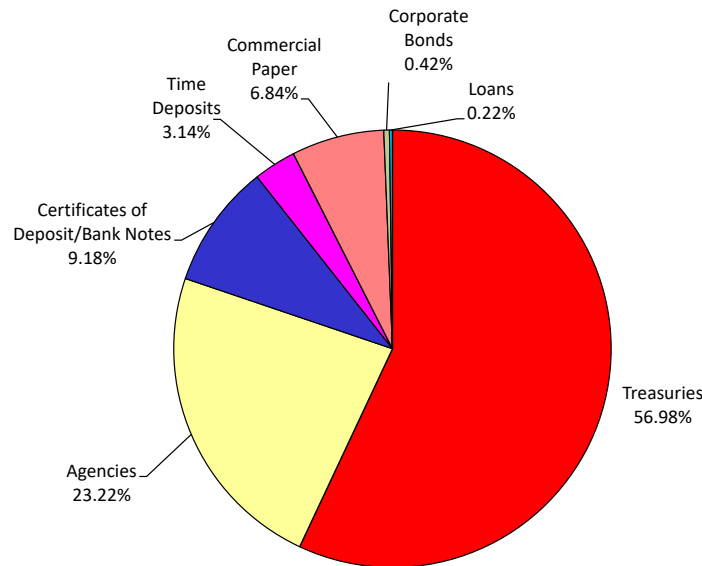


Chart does not include \$1,943,000.00 in mortgages, which equates to 0.001%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

*The percentage of administrative cost equals the total administrative cost divided by the quarterly interest earnings. The law provides that administrative costs are not to exceed 5% of quarterly EARNINGS of the fund. However, if the 13-week Daily Treasury Bill Rate on the last day of the fiscal year is below 1%, then administrative costs shall not exceed 8% of quarterly EARNINGS of the fund for the subsequent fiscal year.

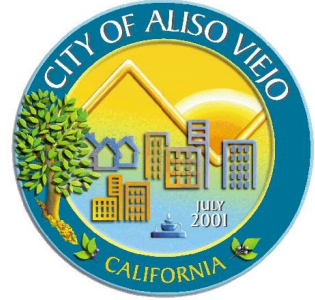
Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Lizzy Mendoza, Recreation & Community Services Manager

SUBJECT: FIRST AMENDMENT TO THE MANAGEMENT SERVICES AGREEMENT
FOR THE ALISO VIEJO CENTER WITH ALISO VIEJO BANQUET
CENTER, LLC AND WEDGEWOOD BEVERAGE, INC

Recommended Actions:

1. Approve a First Amendment to the Management Services Agreement with Aliso Viejo Banquet Center, LLC and Wedgewood Beverage, Inc. (Wedgewood) for the management and operations of the Aliso Viejo Center extending the agreement for an additional two-year term; and
2. Authorize the City Manager to execute the First Amendment to the Management Services Agreement.

Fiscal Impact:

The fixed management fee paid to Wedgewood is \$250,000 annually. Wedgewood also receives a management incentive fee if the net cost of operations exceeds \$50,000 and revenue exceeds \$1,000,000. The management incentive fee is 5% of gross revenue over \$1,000,000 and up to \$1,500,000. Wedgewood receives a management incentive fee of 15% of gross revenues over \$1,500,000. The management incentive fee shall not exceed \$250,000 for any annual period.

The fixed fee and management incentives are paid from revenues from the Aliso Viejo Center operations and are estimated to total \$500,000 for FY 2024-25. The City retains net income as a transfer to the General Fund from the operations at the Aliso Viejo Center after all operating expenses and management fees are paid.

Background:

The Aliso Viejo Center opened in July 2009. The Aliso Viejo Center's previous operators were ClubCorp and KemperSports. In July 2015, the City entered into an agreement with Aliso Viejo Banquet Center, LLC, and Wedgewood Beverage, Inc. (Wedgewood) to manage the Aliso Viejo Center. In July 2018, the City renewed its agreement with

Wedgewood to manage the Aliso Viejo Center for seven years with the option of two additional two-year terms with an annual fixed management fee of \$250,000 and incentives of up to \$250,000.

Discussion:

Since July 2015, Wedgewood has managed, maintained, and operated the Aliso Viejo Center. City staff estimates that net income of approximately \$1.3 million will be received for FY 2023-24. Since 2018, the City has paid Wedgewood \$2.0 million in management fees and incentives and has received net income of approximately \$2.7 million.

Staff has been extremely satisfied with Wedgewood, which offers high-quality, custom-tailored services and displays exceptional skills in event management, facility management, and customer service. Wedgewood has established its commitment to the City of Aliso Viejo by approaching the Aliso Viejo Center's management proactively, being highly responsive, cooperative, and collaborative.

Staff recommends City Council authorize the City Manager to execute the first amendment to the agreement with Aliso Viejo Banquet Center, LLC and Wedgewood Beverage, Inc. for professional management of the Aliso Viejo Center for an additional two-year term with the listed terms in the original agreement and adding Exhibit C relating to terms for emergency operations.

Attachment:

1. Agreement Amendment

CITY OF ALISO VIEJO
FIRST AMENDMENT TO
MANAGEMENT SERVICES AGREEMENT
ALISO VIEJO CENTER

1. PARTIES AND DATE.

This First Amendment to MANAGEMENT SERVICES Agreement (“First Amendment”) is entered into on the 1 day of July, 2025, by and between the City of Aliso Viejo (hereinafter referred to as the “City”) and Aliso Viejo Banquet Center, LLC a Limited Liability Company, with its principal place of business at 43385 Business Park Drive Suite-120, Temecula CA 92590 together with its subsidiary corporation, Wedgewood Beverage, Inc. (“Manager”). City and Manager are sometimes collectively referred to herein as the “Parties.”

2. RECITALS.

2.1 Agreement. The Parties entered into that certain Management Services Agreement dated July 1, 2018 for the provision of management, maintenance, operation and marketing services for the Aliso Viejo Center (“Agreement”).

2.2 First Amendment. The Parties now desire to amend the Agreement in order to extend the term of the Agreement, exercising the first of two optional two-year term extensions provided in the Agreement and to incorporate terms related to emergency operations.

3. TERMS.

3.1 Management Term. Section 2.1 of the Agreement is hereby amended in its entirety to read as follows:

“The term of the Agreement shall commence as of July 1, 2018 (“Commencement Date”) and shall continue until June 30, 2027 (“Management Term”) unless earlier terminated as provided herein, Article X, Section 10.1. The Management Term may be extended by one additional two-year term upon the mutual agreement of City and Manager.”

3.2 Emergency Operations. Exhibit “C” is hereby added to the Agreement in the form of Attachment “I” to this First Amendment, attached hereto and incorporated herein by reference.

3.3 Responsibilities of Manager. Section 3.3(S) of the Agreement is hereby amended in its entirety to read as follows:

“Subject to the emergency operations terms set forth in Exhibit “C” of the Agreement, attached hereto and incorporated herein by reference, and notwithstanding anything else in this Agreement to the contrary, in the event, at any time during the Management Term, a condition should exist in, on, or about the Aliso Viejo Center of an emergency nature which, in Manager's sole and absolute discretion, requires immediate action to preserve and protect the Aliso Viejo Center, to better assure the Aliso Viejo Centers continued

operation, or to protect the Aliso Viejo Center customers, guests, or employees, Manager is authorized to take all steps and to make all reasonable expenditures necessary to repair and correct any such condition. City shall be notified of the need for, and estimated amount of, any such emergency expenditures as soon as reasonably practical, and a budget adjustment shall be prepared by Manager and transmitted to City for approval.”

3.4 Declaration of Political Contributions. Prior to the City’s approval of this First Amendment, Manager shall submit to City a statement in writing declaring any political contributions of money, in-kind services, or loan made to any member of the City Council within the previous twelve-month period by the Manager and all of their employees, including any employee(s) that Manager intends to assign to perform the Services described in this First Amendment.

3.5 Continuing Effect of Agreement. Except as otherwise specifically set forth in this First Amendment, the remaining provisions of the Agreement shall remain in full force and effect. From and after the date of this First Amendment, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this First Amendment.

3.6 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this First Amendment.

3.7 Counterparts. This First Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement on this 19th day of JULY, 2024.

****Signatures on following page****

CITY OF ALISO VIEJO

Approved:

By: _____
Mitzi Ortiz
Acting City Manager

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

Best Best & Krieger LLP
City Attorney

**APPROVED AS TO COMPLIANCE
WITH BUDGET**

By: _____
Ann Eifert
Director of Financial Services

**ALISO VIEJO BANQUET CENTER, LLC,
A LIMITED LIABILITY COMPANY**

**[If Corporation, TWO SIGNATURES,
President OR Vice President AND Secretary
OR Treasurer REQUIRED]**

Attn: Bill Zaruka, CEO

By: Bill Zaruka
Its: CEO
Printed Name: Bill Zaruka

By: _____
Its: _____
Printed Name: _____

WEDGEWOOD BEVERAGE, INC.
**[If Corporation, TWO SIGNATURES,
President OR Vice President AND Secretary
OR Treasurer REQUIRED]**

By: Bill Zaruka
Its: Manager
Printed Name: Bill Zaruka

By: _____
Its: _____
Printed Name: _____

CITY OF ALISO VIEJO

DECLARATION OF POLITICAL CONTRIBUTIONS

Using the space provided below, please list any political contributions of money, in-kind services, or loans made to any member of the City Council within the last twelve (12) months by Consultant and all of Consultant's employees, including any employee(s) that applicant intends to assign to perform the work or services described in this Agreement:

NONE

To the best of my knowledge, I declare under penalty of perjury that the foregoing is true and was executed at:

Temecula, Riverside, CA

City/County/State

7/19/24

Date

Z Golf Food & Beverage

Name of Business

Bill Zardun

Print Name

Bill Zardun

Signature

NOTE: THIS DECLARATION IS INCLUDED AS PART OF THE AGREEMENT AND MUST BE SIGNED AND ATTACHED HERETO

**ATTACHMENT "1" TO FIRST AMENDMENT TO
MANAGEMENT SERVICES AGREEMENT
ALISO VIEJO CENTER**

**EXHIBIT "C"
EMERGENCY OPERATIONS**

In connection with the Services and pursuant to the terms of the Agreement, City and Manager agree to the following terms for operation of the Aliso Viejo Center in the event of an emergency:

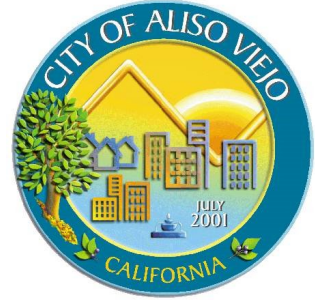
- At all times, the City of Aliso Viejo reserves the right to close city owned facilities and/or shut down operations at city owned facilities.
- In the event of an emergency that is a threat to health, safety, and/or wellbeing of individuals as deemed by the city.
- In the event of an emergency that is a threat of damage to the property itself as deemed by the city.
- If there is an emergency use need for the facility i.e. use the facility as an evacuation shelter.
- The City will make every effort to shut down operations as a last resort and find alternative locations before using the city facility.
- The City will alert the organization or business as soon as possible that a closure is possible, imminent, or must happen immediately.

Manager shall at all times over the term of the Agreement ensure that it or any organization or business that operates out of the Aliso Viejo Center shall:

- Maintain emergency plans and supplies for:
 - evacuations from the site both out of the structures and out of the neighborhood in a larger scale evacuation including the transport of customers/members, if necessary
 - shelter-in-place situations at the site for extended periods of time which could be hours to days
 - air quality issues
- Maintain an internal and external communication plan within their emergency plan. The communication plan will be used in an emergency to ensure the their patrons/members and the city are informed of the emergency and the actions they are taking.
- Provide copies of the emergency plans to the City and ensure the City always has the most up to date version.
- Edit emergency plans as the City deems necessary.
- Provide the city with a phone number the City can share with the public in an emergency for the public to receive further information on the response operations of the organization.
- Participate in emergency exercises as planned by the City.

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: So Kim, Community Development Director

SUBJECT: ZONE CHANGE FOR 4 AND 5 POLARIS WAY

Recommended Action:

Hold a public hearing and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING THE ZONING MAP TO ADD "MIXED-USE/RESIDENTIAL OVERLAY" DISTRICT TO THE EXISTING "PROFESSIONAL OFFICE" DISTRICT AT 4 AND 5 POLARIS WAY AND FINDING THE ACTION TO BE EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTIONS 15060 AND 15061.

Fiscal Impact:

None.

Background:

The Polaris Campus (1-5 Polaris Way) was originally approved by the County of Orange and is developed with five office buildings measuring 430,268 square feet in total size (the former Fluor Corporation Southern California headquarters). The Polaris Campus is comprised of five separate parcels, each developed with a multi-story office building and associated shared parking area.

In June 2024, the City Council approved a zone change for one of the five parcels (1 Polaris Way), thereby designating the Mixed-Use/Residential Overlay District ("MU/R") to the existing Professional Office District. This allows for residential use in addition to the existing office use. In July 2024, the property owner for 4 and 5 Polaris Way submitted an application requesting the same for its properties.

Discussion:

The subject sites are zoned Professional Office, which allows office, dining and entertainment, group care, lodging, retail, and other variety of non-residential uses. The

total area of these sites is approximately 8.9 acres. Currently, the sites are developed with two office buildings, measuring a total of 169,332 square feet.

In January 2024, the property owner of 1 Polaris Way provided a market study which revealed that the City has a total leasable area of 2.3 million square feet, of which 53% was vacant at the time of the study. The recent COVID-19 pandemic has significantly altered work patterns, with a substantial shift towards remote work or hybrid models that combine office and remote work environments. This has led to increasingly higher vacancies in office buildings, which has resulted in appraisals reflecting decreases in value. In light of this trend, similar to 1 Polaris Way, the property owners of 4 and 5 Polaris Way (“Applicant”) are exploring alternative future uses, including residential.

To allow residential on the subject site, the Applicant is requesting a zone change to add the Mixed-Use/Residential Overlay District (“MU/R”) to the existing Professional Office designation, similar to what was granted for 1 Polaris Way. While the Applicant does not have a specific development proposal at this time, the requested zone change would provide the option to include residential use on their site to proactively address the decline in property value.

The subject site abuts 1 Polaris Way and the larger Polaris Campus borders a large multi-family residential community (Windsong Condominiums) to the east and south. A future residential or a blend of residential and non-residential uses on the site would be compatible with the nearby properties from a use standpoint. Any future development would require site specific design and environmental review, subject to a public hearing. The required findings can be made for the proposed zone change, as reflected in the attached Ordinance.

Environmental:

The proposal is exempt from the California Environmental Quality Act (CEQA) because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a “project” under State CEQA Guidelines section 15378 (See State CEQA Guidelines, § 15060(c)(2) and (3). Alternatively, even if the proposal did qualify as a project under CEQA, Staff finds that the proposal is still exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where 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 proposal will not have a significant effect on the environment as it does not authorize any construction or development. Any future development on the site will be subject to CEQA and require site specific environmental analysis at that time.

Public Notice:

This item was publicly noticed on August 8, 2024, in accordance with state law and the City’s standard agenda procedures.

Attachments:

1. Ordinance
2. Presentation

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING THE ZONING MAP TO ADD “MIXED-USE/RESIDENTIAL OVERLAY” DISTRICT TO THE EXISTING “PROFESSIONAL OFFICE” DISTRICT AT 4 AND 5 POLARIS WAY AND FINDING THE ACTION TO BE EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTIONS 15060 AND 15061

WHEREAS, the City of Aliso Viejo, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 1997 and 1998, the County of Orange approved the development of five office buildings measuring 430,268 square feet in total size at the Polaris Campus; and

WHEREAS, on June 5, 2024, the City Council adopted Ordinance No. 2024-240, amending the zoning map to add Mixed-Use/Residential Overlay District to the existing Professional Office district at 1 Polaris Way; and

WHEREAS, on July 23, 2024, the property owner submitted an application to amend the zoning designation by adding the Mixed-Use/Residential Overlay to the existing Professional Office designation to allow residential use in addition to the existing office use on 4 and 5 Polaris Way; and

WHEREAS, on August 21, 2024, the City Council held a duly noticed public hearing at which time all interested persons had the opportunity to appear and be heard on the matter of amending the zoning designation of 4 and 5 Polaris Way. Following the public hearing, the City Council introduced (i.e., conducted a first reading of) the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Based on the entire record before it, the City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a “project” under State CEQA Guidelines section 15378. (See State CEQA Guidelines, § 15060(c)(2) and (3).) Alternatively, even if the adoption of the Ordinance did qualify as a project under CEQA, the City Council finds that the Ordinance is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that

the activity in question may have a significant effect on the environment. Adoption of the Ordinance will not have a significant effect on the environment as it does not authorize any construction or development. Any future development on the site will be subject to CEQA and require site specific environmental analysis at that time.

SECTION 3. Zone Change. This Ordinance applies to 4 and 5 Polaris Way, amending the zoning designation from Professional Office to Professional Office with Mixed-Use/Residential Overlay.

SECTION 4. Required Findings. In accordance with Section 15.78.040(F) of the Aliso Viejo Municipal Code, the City Council hereby finds as follows:

- A. Public Welfare. Approval of the zone change will not create conditions materially detrimental to the public health, safety and general welfare. The zone change, which would permit residential use in addition to non-residential use, is expected to be compatible with the immediate area as the subject site is adjacent to a large multi-family complex on its eastern and southern boundaries. Additionally, the subject site is already developed with large office buildings and has access to necessary infrastructure. The zone change simply introduces the possibility of residential development and does not authorize construction. Any future development on the site would require site specific analysis to ensure compatibility and appropriateness.
- B. General Plan. The zone change is consistent with the goals, objectives, and policies of the general plan. Specifically, the zone change is consistent with the Housing Element goals and policies that encourage residential development (Policy H-1.2), collaborating to overcome constraints to residential development (Policy H-1.3), and mixed-use neighborhoods that incorporate housing with commercial and business park developments (Policy H-1.5). The zone change allows the integration of residential development within an office complex, a provision that was not previously available, and facilitates housing development.
- C. Land Use Compatibility. The zone change is compatible with the zoning and land use on nearby properties. The zone change, which would permit residential use in addition to non-residential use, is expected to be compatible with the immediate area as the subject site is adjacent to a large multi-family complex on its eastern and southern boundaries. Any future development on the site would require site specific analysis to ensure compatibility and appropriateness.
- D. Property Suitability. The zone change is suitable for the location, access, visual character and topography of the subject property. The subject site is already developed with necessary infrastructure and well-established access points ensuring ease of transportation and movement. The subject site is adjacent to a large multi-family community to the east and south and thus, the introduction

of residential use is expected to maintain the character of the larger area. The topography of the subject site is flat and already developed, ensuring that any development or change will be physically feasible.

SECTION 5. Effective Date. This Ordinance takes effect 30 days following its adoption.

SECTION 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would adopt this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 7. City Clerk's Certification. The City Clerk shall certify the adoption of this Ordinance and post or publish this Ordinance as required by law. The Clerk shall also file a Notice of Exemption immediately following adoption of the Ordinance.

PASSED, APPROVED AND ADOPTED this 21st day of August 2024.

Mike Munzing
Mayor

APPROVED AS TO FORM:

ATTEST:

Scott C. Smith, City Attorney

Lauren Torres, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, LAUREN TORRES, Deputy City Clerk of the City of Aliso Viejo, California, DO
HEREBY CERTIFY that foregoing Ordinance No. 2024-_____ was duly passed and
adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the ____
day of _____, 2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2024-_____ duly passed
and adopted by the Aliso Viejo City Council at its regular meeting held _____, 2024,
and that the Summary of the Ordinance was published on _____, 2024 and
_____, 2024 in the Laguna Niguel News.

LAUREN TORRES
DEPUTY CITY CLERK

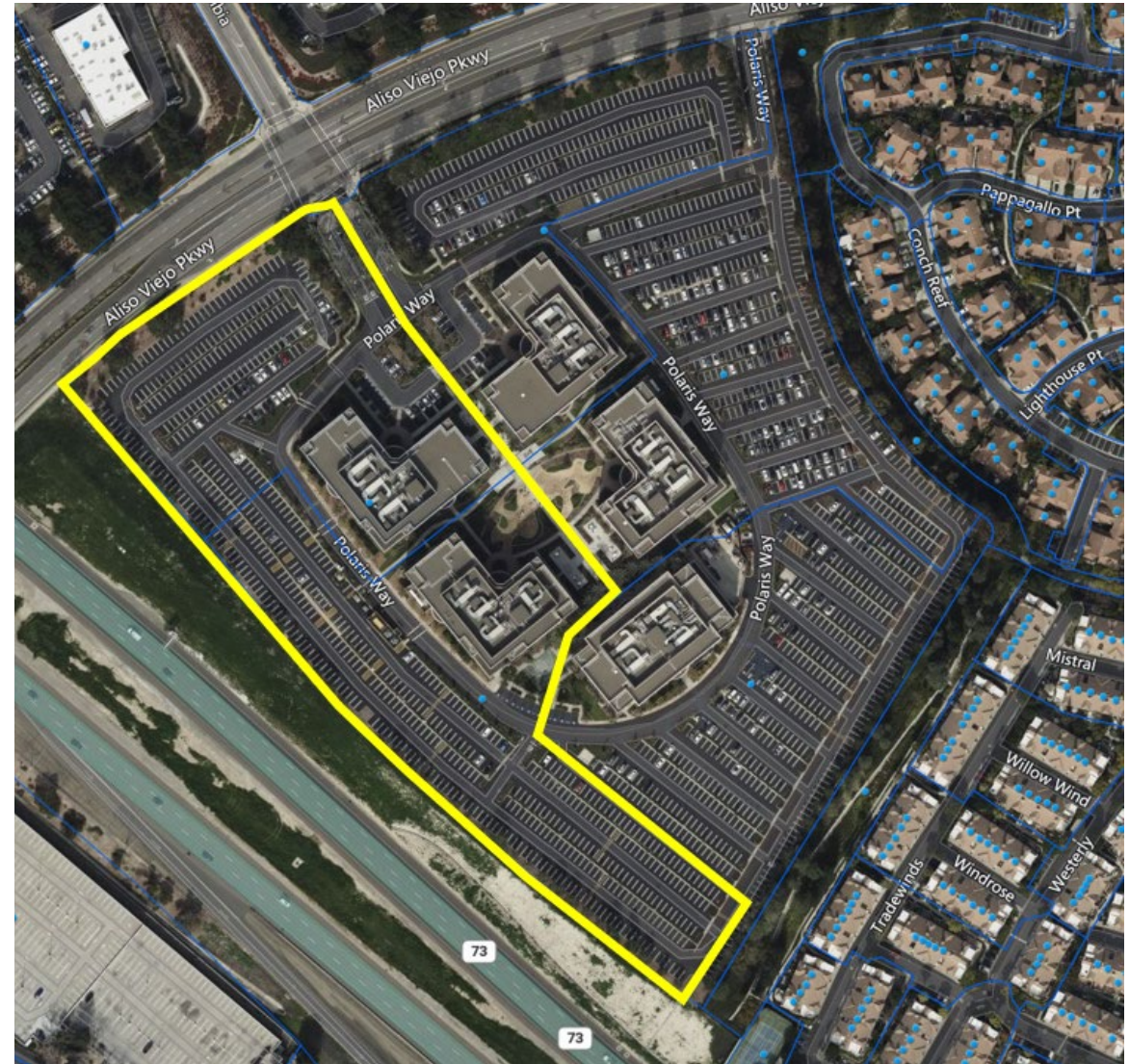
(SEAL)

4 & 5 Polaris Way

(Proposed Zone Change)

Proposed Zone Change

- Professional Office
- Add Mixed Use/Residential Overlay District



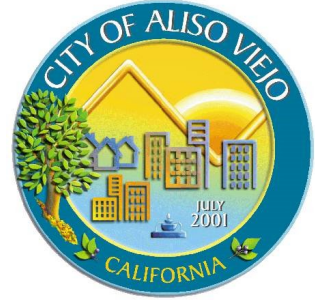
Recommended Action:

Hold a public hearing and introduce for first reading an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING THE ZONING MAP TO ADD “MIXED-USE/RESIDENTIAL OVERLAY” DISTRICT TO THE EXISTING “PROFESSIONAL OFFICE” DISTRICT AT 4 AND 5 POLARIS WAY AND FINDING THE ACTION TO BE EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTIONS 15060 AND 15061

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: So Kim, Community Development Director

SUBJECT: ORDINANCE AMENDING SECTION 15.14.080 PERTAINING TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY
DWELLING UNITS

Recommended Actions:

1. Conduct a public hearing and introduce for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AMENDING SECTION 15.14.080 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.
2. Find the attached Ordinance exempt from the requirements of the California Environmental Quality Act pursuant to California Public Resources Code section 21080.17.

Fiscal Impact:

There is no fiscal impact.

Background:

In recent years, the California Legislature has approved, and the Governor has signed into law, several bills that impose limits on local authority to regulate accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). In March 2023, City Council adopted Ordinance No. 2023-235 to comply with these legislations. The adopted ordinance was subsequently submitted to the Department of Housing and Community Development (HCD). In June 2024, HCD completed its review of the City's Ordinance and issued a letter requesting additional amendments.

Discussion:

Provided below summarizes the proposed amendments to address HCD comments for compliance with state law.

1. Updated Government Code references.
2. Clarified the following:
 - a. JADUs require a separate entrance from the main entrance of the primary dwelling.
 - b. Clarified that modifications are not required for existing setbacks.
 - c. 60-day review timeline is only required for an ADU or JADU proposed on a lot with an existing single-family or multifamily dwelling.
 - d. Building height measurement defaults to the California Building Code definition.
 - e. Parking is not required for JADUs.
 - f. Compatibility, lighting, and windows/doors requirements for objective standards.
3. Removed the following:
 - a. Deed restriction and owner occupancy for ADUs.
 - b. Notifications to Homeowners Associations.
 - c. Income reporting for rental units.
 - d. Direct line of sight restriction for windows and doors.
 - e. Minimum interior dimensions.
 - f. Tree replacement.
 - g. Historical resource.

The majority of the proposed amendments serve to clarify the existing language, without making significant alterations. Other amendments remove certain requirements, including deed restrictions, notifications to Homeowners Associations, minimum interior dimensions, tree replacement, and historical resource considerations, to comply with state law.

Environmental:

Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 (commencing with section 66310) of Division 1 of Title 7 of the Government Code, which is California's ADU law and which also regulates JADUs. Therefore, the Ordinance is statutorily exempt from CEQA in that the Ordinance implements the State's ADU law.

Public Notice:

This item was publicly noticed in accordance with state law and the City's standard agenda procedures.

Attachments:

1. Proposed Ordinance
2. AVMC 15.14.080 – Redlined
3. HCD Letter

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING SECTION 15.14.080 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Aliso Viejo, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, several bills that, among other things, amended Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342) to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in March 2023, the City Council adopted Ordinance No. 2023-235 to comply with the then-recent changes in state ADU and JADU law; and

WHEREAS, in June 2024, the Department of Housing and Community Development issued a letter requiring the City to revise the City's ADU and JADU regulations in compliance with State laws; and

WHEREAS, on August 21, 2024, the City Council held a duly noticed public hearing and introduced the Ordinance; and

WHEREAS, on September 4, 2024, the City held a duly noticed public hearing, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2: CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 (commencing with section 66310) of Division 1 of Title 7 of the Government Code, which is California's

ADU law and which also regulates JADUs. Therefore, the Ordinance is statutorily exempt from CEQA in that the Ordinance implements the State's ADU law.

Section 3. Required Findings. In accordance with Section 15.78.050(E) of the Aliso Viejo Municipal Code, the City Council hereby finds as follows:

1. *Public Welfare.* Adoption of this Ordinance will not create conditions materially detrimental to the public health, safety, and general welfare as it simply updates the AVMC to comply with state law requirements governing the construction of ADUs and JADUs in the City. Adoption of this Ordinance is also consistent with—and contemplated by—the City's Sixth Cycle Housing Element, the adoption of which the City Council determined will not create conditions materially detrimental to the public health, safety, and general welfare.
2. *General Plan.* The Ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 66314(c) and 66319.

Section 4. Code Amendments. Section 15.14.080 of the Aliso Viejo Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

Section 5. Effective Date. This Ordinance takes effect 30 days following its adoption.

Section 6. Submittal to HCD. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

Section 8. City Clerk's Certification. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duty designated posting places within the City and published once within 15 days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance in the Office of the City Clerk five days prior to the date of adoption of this Ordinance, and, within 15 days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2024.

Mike Munzing
Mayor

APPROVED AS TO FORM:

ATTEST:

Scott C. Smith, City Attorney

Lauren Torres, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, LAUREN TORRES, Deputy City Clerk of the City of Aliso Viejo, California, DO
HEREBY CERTIFY that foregoing Ordinance No. 2024-__ duly passed and adopted by the
City Council of the City of Aliso Viejo at their regular meeting held on the __ day of _____
2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2024-__ duly passed and
adopted by the Aliso Viejo City Council at its regular meeting held _____, 2024, and
that the Summary of the Ordinance was published on _____, 2024 and _____,
2024 in the Laguna Niguel News.

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

EXHIBIT “A”

Amended AVMC Section 15.14.080

15.14.080 Accessory dwelling units.

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 66310 through 66342.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in subsection (C.7) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and
 - b. A manufactured home, as defined by California Health and Safety Code Section 18007.
 2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

4. “Efficiency kitchen” means a kitchen that includes all of the following:
 - a. A cooking facility with appliances;
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
5. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure; An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure
 - e. It includes an exterior entrance that is separate from the main entrance to the primary dwelling.
 - f. It includes an efficiency kitchen, as defined in subsection (C.4) above.
6. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
8. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other

forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Applications.

1. An application for an ADU that is subject only to a building permit under subsection (E) below shall be submitted to the building division. Site plans, floor plans, and elevations shall be submitted with the application and documents required for submittal to the building division.
2. An application for a development review permit (DRP) under subsection (F) below shall be submitted to the planning division, including site plans, floor plans, elevations, and a project narrative.

E. Approvals – Building-Permit Only. If any ADU or JADU complies with each of the general requirements in subsection (H) below, it is allowed with only a building permit in the following scenarios:

1. **Converted on Single-family Lot.** One ADU as described in this subsection (E.1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - b. Has exterior access that is independent of that for the single-family dwelling; and
 - c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - d. The JADU complies with the requirements of Government Code sections 66333 through 66339.
2. **Limited Detached on Single-family Lot.** One detached, new construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (E.1) above), if the detached ADU satisfies each of the following limitations:

- a. The side- and rear-yard setbacks are at least four feet;
 - b. The total floor area is 800 square feet or smaller; and
 - c. The peak height above grade does not exceed the applicable height limit in subsection (H.2) below.
- 3. **Converted on Multifamily Lot.** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (E.3), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.
- 4. **Limited Detached on Multifamily Lot.** No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:
 - a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the existing setbacks as a condition of approving the ADU; and
 - b. The peak height above grade does not exceed the applicable height limit provided in subsection (H.2) below.

F. Approvals - Development Review Permit (DRP).

- 1. Except as allowed under subsection (E) above, no ADU may be created without both a building permit and a DRP permit in compliance with the standards set forth in subsections (H) and (I) below.
- 2. The city may charge a fee to reimburse it for costs incurred in processing DRP permit, including the costs of adopting or amending the city's ADU ordinance. The DRP-permit processing fee is determined by the planning director and approved by the city council by resolution.

G. Process and Timing.

- 1. An application to create an ADU or JADU under this section will be considered and approved ministerially, without discretionary review or a hearing.
- 2. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application

if there is an existing single-family or multifamily dwelling on the lot. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

- a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
3. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (G.2) above.
 4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

H. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (E) and (F) above:

1. **Zoning.**

- a. An ADU or JADU subject only to a building permit under subsection (E) above may be created on a lot in a residential or mixed-use zone.
- b. An ADU or JADU subject to a DRP permit under subsection (F) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

2. **Height.**

- a. Except as otherwise provided by subsections (H.2.b) or (H.2.c) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (H.2.d) may not exceed two stories.
- e. For purposes of this subsection (H.2), height shall be measured as defined in the California Building Code.

3. **Fire Sprinklers.**

- a. Fire sprinklers, approved by Orange County Fire Authority (OCFA), are required in an ADU if sprinklers are required in the primary residence when constructed.
- b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

6. **Septic System.** If the ADU or JADU will connect to an existing on-site water-treatment system serving the property, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. If the property on which the ADU or JADU is constructed does not utilize an on-

site water treatment system, nothing in this section authorizes an ADU or JADU to utilize an on-site water-treatment system.

7. **Owner Occupancy.**

- a. JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

8. **Deed Restriction.** Prior to issuance of a building permit for a JADU, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- a. The JADU may not be sold separately from the primary dwelling.
- b. The JADU is restricted to the approved size and to other attributes allowed by this section.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the JADU has in fact been eliminated. The director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the director's determination consistent with other provisions of this code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
- e. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining

an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. **Building & Safety.**

- a. **Must comply with building code.** Subject to subsection (H.9.b) below, all ADUs and JADUs must comply with all local building code requirements.
- b. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (H.9.b) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

I. **Specific DRP Requirements.** The following requirements apply only to ADUs that require a DRP permit under subsection (F) above:

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection (I) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection (I), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, open space, or the percentage-based size limit in subsection (I.1.b) above may require the ADU to be less than 800 square feet.

2. **Setback.** ADUs subject to this subsection (I) shall comply with the following setbacks:

- a. Front-yard setbacks.

- i. Subject to subsection (I.2.a.ii) below, no part of any ADU subject to this subsection (I) may be located within 10 feet of a front property line or have a front yard setback that is less than the primary dwelling.
 - ii. If a front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into a required front yard setback as necessary to enable the construction of an 800 square foot unit.
 - b. An ADU that is subject to this subsection (I) must conform to 4-foot side-and rear-yard setbacks.
 - c. No setback is required for an ADU that is subject to this subsection (I) if the ADU is constructed in the same location and to the same dimensions as an existing structure.
3. **Lot Coverage.** No ADU subject to this subsection (I) may cause the total lot coverage of the lot to exceed 75 percent, subject to subsection (I.1.c).
4. **Minimum Open Space.** For multifamily residential projects, no ADU subject to this subsection (I) may cause the total percentage of open space of the development to fall below 25 percent, subject to subsection (I.1.c).
5. **Passageway.** No passageway, as defined in subsection (C.8) above, is required for an ADU.
6. **Parking.**
- a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined in subsection (C.11) above. No parking is required for a JADU.
 - b. Exceptions. No parking under subsection (I.6.a) above is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C.10) above.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure.

- iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (I.6.b.i) through (I.6.b.v) above.
- c. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces for the primary residence are not required to be replaced. Parking for the ADU will apply under subsections (I.6.a) and (I)(6)(b) above.

7. Architectural Requirements.

- a. The materials and colors of the exterior walls and roof must match those of the primary dwelling.
- b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- c. The exterior lighting must be designed or shielded to direct lights downward or as otherwise required by the building or fire code.
- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- e. All windows located less than 30 feet from a property line that is not a public right-of-way line must utilize obscure glass, such as frosted, patterned, bubble effect, ribbed, or other similar design.
- f. Mechanical equipment may not be placed within four feet of an adjacent property.

- J. **Fees.** The following requirements apply to all ADUs that are approved under subsections (E) and (F) above.

1. Impact Fees.

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (J.1), “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

2. **Utility Fees.**

- a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- b. Except as described in subsection (J.2.a), converted ADUs on a single-family lot that are created under subsection (E.1) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection (J.2.a), all ADUs not covered by subsection (J.2.b) require a new, separate utility connection directly between the ADU and the utility.
 - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - ii. The portion of the fee charged by the city may not exceed the reasonable cost of providing this service.

K. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**

- 1. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. **Unpermitted ADUs constructed before 2018.**

- a. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
 - i. The ADU violates applicable building standards, or
 - ii. The ADU does not comply with the state ADU law or this ADU ordinance (section 15.14.080).
- b. Exceptions:
 - i. Notwithstanding subsection (K.2.a) above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
 - ii. Subsection (K.2.a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

- L. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (A) through (K) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.

EXHIBIT “A”

Amended AVMC Section 15.14.080

15.14.080 Accessory dwelling units.

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections ~~65852.2 and 65852.22~~66310 through 66342.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in subsection (~~C.7C~~)(7) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and
 - b. A manufactured home, as defined by California Health and Safety Code Section 18007.
 2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

4. “Efficiency kitchen” means a kitchen that includes all of the following:
 - a. A cooking facility with appliances;
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
5. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size;
 - b. It is contained entirely within an existing or proposed single-family structure; An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure
 - ~~d.e.~~ in addition to It includes an exterior entrance that is separate from the main entrance to the primary dwelling.
 - ~~e.f.~~ It includes an efficiency kitchen, as defined in subsection (C.4C)(4) above.
6. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
8. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other

forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Applications.

1. An application for an ADU that is subject only to a building permit under subsection (E) below shall be submitted to the building division. Site plans, floor plans, and elevations, ~~and draft deed restrictions~~ shall be submitted with the application and documents required for submittal to the building division.
2. An application for a development review permit (DRP) under subsection (F) below shall be submitted to the planning division, including ~~S~~ site plans, floor plans, elevations, and a project narrative, ~~draft deed restrictions, and evidence of having given notice to the HOA, if applicable, shall be submitted with the application.~~

E. Approvals – Building-Permit Only. If any ADU or JADU complies with each of the general requirements in subsection (H) below, it is allowed with only a building permit in the following scenarios:

1. **Converted on Single-family Lot.** One ADU as described in this subsection (E.1E~~X~~1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - b. Has exterior access that is independent of that for the single-family dwelling; and
 - c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - d. The JADU complies with the requirements of Government Code sections 65852-2266333 through 66339.
2. **Limited Detached on Single-family Lot.** One detached, new construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under

subsection (~~E.1E~~(4) above), if the detached ADU satisfies each of the following limitations:

- a. The side- and rear-yard setbacks are at least four feet;
- b. The total floor area is 800 square feet or smaller; and
- c. The peak height above grade does not exceed the applicable height limit in subsection (~~H.2H~~(2) below.

3. **Converted on Multifamily Lot.** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (~~E.3E~~(3), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. **Limited Detached on Multifamily Lot.** No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:

- a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the ~~multifamily dwelling~~existing setbacks as a condition of approving the ADU; and
- b. The peak height above grade does not exceed the applicable height limit provided in subsection (~~H.2H~~(2) below.

F. **Approvals: - Development Review Permit (DRP).**

1. Except as allowed under subsection (E) above, no ADU may be created without both a building permit and a DRP permit in compliance with the standards set forth in subsections (H) and (I) below.
2. The city may charge a fee to reimburse it for costs incurred in processing DRP permit, including the costs of adopting or amending the city's ADU ordinance. The DRP-permit processing fee is determined by the planning director and approved by the city council by resolution.

G. **Process and Timing.**

1. An application to create an ADU or JADU under this section will be considered and approved ministerially, without discretionary review or a hearing.

2. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
3. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (G.2G)(2) above.
4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

H. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (E) and (F) above:

1. **Zoning.**
 - a. An ADU or JADU subject only to a building permit under subsection (E) above may be created on a lot in a residential or mixed-use zone.
 - b. An ADU or JADU subject to a DRP permit under subsection (F) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
2. **Height.**
 - a. Except as otherwise provided by subsections (H.2.bH)(2)(b) or (H.2.cH)(2)(c) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story ~~above grade~~ may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection ~~(H.2.dH)(2)(d)~~ may not exceed two stories.
- e. — For purposes of this subsection ~~(H.2H)(2)~~, height is measured as defined in the California Building Code. above existing legal grade to the peak of the structure.

3. **Fire Sprinklers.**

- a. Fire sprinklers, approved by Orange County Fire Authority (OCFA), are required in an ADU if sprinklers are required in the primary residence when constructed.
- b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section ~~65852-2666341~~, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

6. **Septic System.** If the ADU or JADU will connect to an existing on-site water-treatment system serving the property, the owner must include with the application a percolation test completed within the last five years or, if

the percolation test has been recertified, within the last 10 years. If the property on which the ADU or JADU is constructed does not utilize an on-site water treatment system, nothing in this section authorizes an ADU or JADU to utilize an on-site water-treatment system.

7. **Owner Occupancy.**

~~a. An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.~~

~~b. Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

~~c.a. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~

8. **Deed Restriction.** Prior to issuance of a building permit for ~~an ADU or a~~ JADU, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

a. ~~Except as otherwise provided in Government Code section 65852.26, the ADU or The~~ JADU may not be sold separately from the primary dwelling.

b. The ~~ADU or~~ JADU is restricted to the approved size and to other attributes allowed by this section.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the ~~ADU or~~ JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the ~~ADU or~~ JADU has in fact been eliminated. The director may then determine whether the evidence supports the claim that the ~~ADU or~~ JADU has been eliminated. Appeal may be taken from the director's

determination consistent with other provisions of this code. If the ~~ADU or~~ JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ~~ADU or~~ JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.

- e. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ~~ADU or~~ JADU in violation of the recorded restrictions or abatement of the illegal unit.

~~9. **Income Reporting.** In order to facilitate the city's obligation to identify adequate sites for housing in accordance with California Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:~~

- ~~a. With the building permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.~~
- ~~b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this code, and the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.~~

~~10.9.~~ **Building & Safety.**

- a. **Must comply with building code.** Subject to subsection ~~(H.9.bH)(10)(b)~~ below, all ADUs and JADUs must comply with all local building code requirements.
- b. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection ~~(H.9.bH)(10)(b)~~ prevents the city from changing the occupancy code

of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

- I. **Specific DRP Requirements.** The following requirements apply only to ADUs that require a DRP permit under subsection (F) above:

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection (I) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection (I), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, open space, or the percentage-based size limit in subsection (~~I.1.b.i~~)(1)(b) above may require the ADU to be less than 800 square feet.

2. **Setback.** ADUs subject to this subsection (I) shall comply with the following setbacks:

- a. Front-yard setbacks.
 - i. Subject to subsection (~~I.2.a.iii~~)(2)(a)(ii) below, no part of any ADU subject to this subsection (I) may be located within 10 feet of a front property line or have a front yard setback that is less than the primary dwelling.
 - ii. If a front yard setback is the only location on the lot where an ADU may be lawfully constructed, then the ADU may encroach into a required front yard setback as necessary to enable the construction of an 800 square foot unit.
- b. An ADU that is subject to this subsection (I) must conform to 4-foot side-and rear-yard setbacks.
- c. No setback is required for an ADU that is subject to this subsection (I) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. **Lot Coverage.** No ADU subject to this subsection (I) may cause the total lot coverage of the lot to exceed 75 percent, subject to subsection ~~(I.1.c)(1)(e)~~.
4. **Minimum Open Space.** For multifamily residential projects, no ADU subject to this subsection (I) may cause the total percentage of open space of the development to fall below 25 percent, subject to subsection ~~(I.1.c)(1)(e)~~.
4. **Passageway.** No passageway, as defined in subsection ~~(C.8C)(8)~~ above, is required for an ADU.
6. **Parking.**
 - a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined in subsection ~~(C.11C)(11)~~ above. No parking space is required for a JADU.
 - b. Exceptions. No parking under subsection ~~(I.6.a)(6)(a)~~ above is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection ~~(C.10C)(10)~~ above.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (E)(1) above.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections ~~(I.6.b.i)(6)(b)(i)~~ through ~~(I.6.b.v)(6)(b)(v)~~ above.
 - c. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces for the

primary residence are not required to be replaced. Parking for the ADU will apply under subsections ~~(1.6.a)~~(6)(a) and (1)(6)(b) above.

7. **Architectural Requirements.**

~~a. Windows and doors of the accessory dwelling unit may not have a direct line of sight to an adjoining residential property. Fencing or privacy glass may be used to provide screening and prevent a direct line of sight.~~

~~b.a.~~ a. The materials and colors of the exterior walls, and roof, ~~and windows and doors~~ must match ~~the appearance and architectural design of~~ those of the primary dwelling.

~~c.b.~~ b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

~~d.c.~~ c. The exterior lighting must be ~~limited~~ designed or shielded to direct lights downward to down-lights or as otherwise required by the building or fire code.

~~e.d.~~ d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

~~f.~~ e. ~~The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.~~

~~g.e.~~ f. All windows ~~and doors in an ADU~~ located less than 30 feet from a property line that is not a public right-of-way line must ~~either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass, such as frosted, patterned, bubble effect, ribbed, or other similar design.~~

~~h.~~ g. Mechanical equipment may not be placed within four feet of an adjacent property.

~~8. Landscape Requirements. Trees removed on site for construction of the ADU or to provide parking should be replaced with 24-inch box trees of the same variety.~~

~~9. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.~~

- J. **Fees.** The following requirements apply to all ADUs that are approved under subsections (E) and (F) above.

1. **Impact Fees.**

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (~~J.1J)(1)~~, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. **Utility Fees.**

- a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- b. Except as described in subsection (~~J.2.aJ)(2)(a)~~, converted ADUs on a single-family lot that are created under subsection (~~E.1E)(1)~~ above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection (~~J.2.aJ)(2)(a)~~, all ADUs not covered by subsection (~~J.2.bJ)(2)(b)~~ require a new, separate utility connection directly between the ADU and the utility.
 - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - ii. The portion of the fee charged by the city may not exceed the reasonable cost of providing this service.

K. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**

1. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. **Unpermitted ADUs constructed before 2018.**

a. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

i. The ADU violates applicable building standards, or

ii. The ADU does not comply with the state ADU law or this ADU ordinance (section 15.14.080).

b. **Exceptions:**

i. Notwithstanding subsection (K.2.a)(2)(a) above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

ii. Subsection (K.2.a)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

L. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (A) through (K) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.

From: [Barboza, David@HCD](mailto:Barboza_David@HCD)
To: [So Kim](#)
Cc: [Candelaria, Jamie@HCD](mailto:Candelaria_Jamie@HCD); [Garza, David@HCD](mailto:Garza_David@HCD)
Subject: Aliso Viejo ADU Ordinance
Date: Wednesday, July 31, 2024 4:52:29 PM
Attachments: [image001.jpg](#)

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Good afternoon So Kim,

Thank you for responding to HCD's ordinance review letter dated 6/25/2024, regarding Ordinance 2023-235 and providing a copy of your draft ADU ordinance. The City must suspend application of its ADU Ordinance and review ADU applications only according to the standards in State ADU Law until it adopts a compliant ADU ordinance and that ordinance takes effect ([Gov. Code, § 66316](#)). While the draft ordinance would address many of our comments if adopted, the table below summarizes the remaining issues. We would be happy to answer any questions you may have, either in writing or in a Microsoft Teams meeting.

Row	Issue	Draft Ord. Page	Draft Ord. Section	Related HCD Finding in Letter Dated 6/25/2024
A	There are some remaining references to Government Code sections 65852.2 and 65852.22 must be revised.	1	Preamble	1
B	The reference to Government Code section 66313 should read "Chapter 13 (commencing with section 66310) of Division 1 of Title 7 of the Government Code."	2	2	1
C	"Site plans, floor plans, elevations, and a project narrative" is an incomplete sentence.	8	15.14.080.D.2	4
D	The draft ordinance would delete the problematic definition of building height as we requested but does not adopt the California Building Code's (CBC's) definition of building height. Deleting the first definition would likely have	11	15.14.080.H.2.e	9

	the effect of an existing definition of building height in the Aliso Viejo Municipal Code taking effect, which does not match the CBC definition either (see AVMC section 15.94.020).			
E	The draft ordinance references Government Code section 66342 on ADU condos in a way that makes it unclear if the ordinance would allow ADU condos. If the intent is to allow ADU condos, the ordinance is missing most of the required content described in section 66432.	11	15.14.080.H.5	10
F	In deleting the deed restriction requirement for ADUs, at our request, the draft ordinance would also delete the deed restriction requirement for JADUs, which needs to remain (see Gov. Code, § 66333, subd. (c)).	12	15.14.080.H.8	3
G	ADUs would still be required to match the “architectural style” of the main house, which is not an objective standard (Gov. Code, §§ 66313, subd. (h) & 66314, subd. (b)(1)).	16	15.14.080.I.7.a	14
H	The draft ordinance would require all windows and doors within 30 feet of an adjacent property to use obscure glass. In most situations, this would contradict another requirement in the ordinance that windows match the main house. If read literally it would also require these doors to have obscure glass even if no glass was intended.	16	15.14.080.I.7.e	14

Sincerely,

David J. Barboza, AICP (he/him)
HCD Representative II



Housing and Community Development, ADU Team
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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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June 25, 2024

So Kim, Community Development Director
Planning Services
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

Dear So Kim:

RE: Review of Aliso Viejo's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Please Note: As of March 25, 2024, with the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024), the sections of Government Code relevant to State ADU and Junior Accessory Dwelling Unit (JADU) Laws have been re-numbered (Enclosure).

Thank you for submitting the City of Aliso Viejo's (City) ADU Ordinance No. 2023-235 (Ordinance), adopted March 1, 2023, to the California Department of Housing and Community Development (HCD). The Ordinance was received on September 27, 2023. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance does not comply with State ADU and JADU Laws in the manner noted below. Under Government Code Section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than July 24, 2024.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

1. The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections. **Amended to reflect the new code sections.**
2. Section 15.14.080 (C)(5)(d) – *JADU Entrance Requirements* – The Ordinance states that JADUs must satisfy the following: "If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling." However, Government Code section 66333, subdivision (e)(1), states that all JADUs must

include a separate entrance from the main entrance to the primary dwelling, and subdivision (e)(2) qualifies that JADUs which do not provide a separate bathroom shall include both a separate entrance from, and an interior entry to, the primary dwelling. Because the separate entrance requirement is combined with the requirement for shared entries for JADUs without separate sanitation, the Ordinance's JADU entrance requirements could be construed that only JADUs without separate sanitation must require separate exterior entrances. Therefore, the Ordinance should be amended to clarify that all JADUs require a separate entrance from the main entrance of the primary dwelling. **Separated the exterior entrance requirement. See 15.14.080(C)(5)(e).**

3. Section 15.14.080 (D)(1) and (2); (H)(8) – *Applications for ADUs: Deed Restrictions* – The Ordinance states that draft deed restrictions are required with an application to create an ADU, and Section 15.14.080 (H) details the deed restriction requirements therein and specifies that a deed restriction must be recorded prior to issuance of an ADU building permit. However, Government Code section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” A deed restriction would be an “additional standard” and thus cannot be imposed. Additionally, a deed restriction cannot contain language or provisions that are not consistent with state law. Effective January 1, 2024, Government Code section 66314 was amended to entirely remove owner occupancy requirements for ADUs. Therefore, the City must remove the deed restriction requirement for ADUs. **Section 15.14.080(D) amended to remove deed restriction language and 15.14.080(H)(8) removed in its entirety.**
4. Section 15.14.080 (D)(2) – *HOA Notice* – The Ordinance states that an application for a development review permit (DRP) must include, “...evidence of having given notice to the HOA, if applicable.” While this finding does not present a violation of State ADU Law, HCD reminds the City that no other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit. Additionally, no discretion or third-party intervention is allowed in the ministerial process; only permitting agencies have the authority to approve or deny ADU applications. Therefore, the City should consider omitting these requirements. However, if the City keeps this language, HCD strongly recommends the Ordinance clarify the ministerial nature of ADU approvals. **Section 15.14.080(D)(2) amended to remove HOA language.**
5. Section 15.14.080 (E) – *Number of Units* – The Ordinance does not make explicit the total number of units allowed on a lot with a single-family or multifamily dwelling. Government Code section 66323, subdivision (a), states, “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure.” Paragraph (2) permits “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-

foot side and rear yard setbacks.” The use of the term “any” followed by an enumeration of by-right ADU types permitted indicate that any of these ADU types can be combined on a lot zoned for single family dwellings.

This was changed in 2019 with the passing of clean-up legislation (AB 3182). The Legislature changed “or” to “and” in paragraph (1), but they left the “or” in (1), subparagraph (A). HCD assumes that this change was intentional in that it validates HCD’s understanding of a second unit being allowable via paragraph (1) while setting the criteria for creating those two units in the subsequent subparagraphs.

This permits a homeowner, who meets the specified requirements of this section, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setback requirements pursuant to this section, the local agency cannot deny the application, nor deny a permit for a JADU under this section. HCD notes that the Legislature, in creating the list, did not use “or” nor “one of” to indicate only one or another would be applicable to the exclusion of the other. Limiting single-family lots to one ADU would prevent property owners from creating ADUs by-right under subdivision (a).

This section also applies to ADUs created pursuant to Government Code section 66323, subdivisions (a)(3) and (a)(4), on lots with proposed or existing multifamily dwellings. Limiting single-family or multifamily lots to one ADU would prevent property owners from creating ADUs by-right under subdivision (a).

Therefore, the Ordinance must be amended to reflect the allowable numbers of units on lots with single-family and/or multifamily dwellings. **The ordinance already reflects the govt code requirements. Section 15.14.080(E) intro paragraph amended to with the word "any" to mirror the gov code section.**

6. Section 15.14.080 (E)(4) – *Limited Detached on Multifamily Lot* – The Ordinance states, “If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU...” However, Government Code section 66314, subdivision (d)(7) states that, “No setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit...” Therefore, the Ordinance must be amended to specify that no setbacks are required when a detached ADU is created on a multifamily lot in the same location and to the same dimensions as an existing structure or converted from an existing structure. **15.14.080(E)(4)(a) amended to require no changes to "existing setbacks."**

7. Section 15.14.080 (F) and (G) – *Development Review Permit (DRP) / Process and Timing* – The Ordinance states that except for ADUs created according to the Building-Permit-Only scenario list in subsection (E), “...no ADU may be created without both a building permit and a DRP permit in compliance with the standards set forth in subsections (H) and (I)...” of the Ordinance. Section 15.14.080 (G)

states that applications to create ADUs or JADUs will be considered and approved ministerially, and that the city will approve or deny applications to create ADUs and JADUs within 60 days from the date that the city receives a completed application.

However, Government Code section 66317, subdivision (a) states that, “A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing... The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application **if there is an existing single-family or multifamily dwelling on the lot.**” The local agency shall only approve or deny applications to create or serve ADUs; conditional approvals are not permitted by State ADU Law. Pursuant to Government Code section 66317, permit applications for ADUs and JADUs must be considered and approved ministerially. **Highlighted language added to 15.14.080(G).**

Government Code Section 66314, subdivision (b)(1) requires that local agencies shall impose only objective standards on ADUs, defined in section 66313, subdivision (h) as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

Therefore, the City should consider amending the Ordinance to specify that the ADUs subject to the DRP process will follow procedures set forth in Section 15.14.020 where the Sections conflict with each other and must amend the Ordinance so that the DRP process complies with State ADU Law. The Ordinance shall be amended to provide objective standards for a “complete application.” **15.14.080(G)(1) already states that ADU/JADUs will be approved ministerially, without discretionary review or a hearing.**

8. Section 15.14.080 (H)(2)(c), (E)(2)(c) and (E)(4)(b) – *Detached ADU Height* – The Ordinance states that, “A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.” However, Government Code Section 66321, subdivision (b)(4)(C) states that, “A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.” State ADU Law does not specify that any of the stories contained in a multifamily, multistory dwelling structure must be located above grade to qualify the lot for the 18-foot detached ADU height allowance in subparagraph (C). For example, a multifamily structure with a subterranean garage floor is described by (C) and the lot on which that structure is located qualifies for the 18-foot height allowance therein. Therefore, the Ordinance must be amended to remove the “above grade” qualifier in Subsection (H)(2)(c). **15.14.080(H)(2)(c) "above grade" qualifier removed.**
9. Section 15.14.080 (H)(2)(e) – *Height Determination* – The Ordinance states that, “For the purposes of this subsection (H.2), height is measured above existing legal grade to the peak of the structure.” However, section 202 of the California Building Code (CBC) defines “Height, Building” as “the vertical distance from

grade plane to the average height of the highest roof surface,” not the distance from “existing legal grade” to the single highest point. The Municipal Code also does not provide a definition of “existing legal grade” and thus does not meet the definition on “objective standard,” creating the potential for non-ministerial review. Therefore, the City must amend the Ordinance to measure building height based on the established grade plane and average height of the highest roof surface in accordance with the CBC definition. **15.14.080(H)(2)(e) removed in its entirety.**

10. Section 15.14.080 (H)(5) – *Separate Conveyance* – The Ordinance states that except as provided in Government Code Section 65852.26, (now provided in Government Code Section 66341), “...no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling.” However, State ADU Law allows separate conveyance of ADUs in two scenarios, some of which by-right, pursuant to Government Code Sections 66340 through 66342. Additionally, effective January 1, 2024, Government Code section 66342 creates the opportunity for local agencies to allow separate sale or conveyance of primary units and ADUs as condominiums through the adoption of a local ordinance meeting the specifications prescribed therein. The City must amend the ordinance to reference all of Government Code sections 66340-66342. The local agency may consider adopting an ordinance allowing separate conveyance as a means of promoting home ownership opportunities and to create a path to wealth-building for families in Aliso Viejo. **Updated the referenced govt code section.**
11. Section 15.14.080 (H)(7) – *Owner Occupancy* – The Ordinance states that, “...all ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement.” However, effective January 1, 2024, State ADU Law was amended removing owner occupancy requirements for ADUs entirely¹. Therefore, the City must amend this section to comply with Government Code section 66315. **Removed sections 15.14.080(H)(7)(a) and (b) for ADUs.**
12. Section 15.14.080 (I)(6)(b)(iii) – *ADU Parking Exceptions* – The Ordinance states several conditions for which parking is not required with the creation of an ADU. However, it creates a more restrictive condition to the parking exception required to be granted by Government Code section 66322, subdivision (a)(3), which states that no parking may be required when “...the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.” This State parking exception includes ADUs created outside of the pathway described in Subsection (E. 1) of the Ordinance, although the Ordinance attempts to limit the exception to ADUs that comply with Subsection (E.1). Additionally, pursuant to Government Code section 66334, an Ordinance shall not require additional parking for a JADU. Government Code section 66325, subdivisions (a) and (b) state, “...this article shall supersede a conflicting local ordinance. This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.” State ADU Law does not permit local agencies to adopt *more restrictive* requirements for ADUs. Therefore, the Ordinance must be amended to remove the condition

¹ See AB 976 (Chapter 751, Statutes of 2023) and Government Code section 66315.

about compliance with Subsection (E.1) to the referenced parking exception and must clarify that no additional parking is required for a JADU. **Reference to section (E.1) removed and added no parking requirement for JADUs.**

13. Section 15.14.080 (I)(7)(a) – *Placement of Windows and Doors* – The Ordinance states, “Windows and doors of the accessory dwelling unit may not have a direct line of sight to an adjoining residential property. Fencing or privacy glass may be used to provide screening and prevent a direct line of sight.” However, State ADU Law requires that local agencies impose no greater than four-foot side and rear setbacks on ADUs and must only impose objective standards without discretionary review².

Pursuant to Government Code Section 66314, subdivision (d)(7), “No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.”

Line-of-sight requirements constitute implicit setback requirements inconsistent with State ADU Law and could be considered arbitrary, excessive, or burdensome. Placement of windows and doors is regulated by building and fire codes. Applying additional placement requirements based on line-of-sight may conflict with safety codes and render ADU construction infeasible. The ordinance does not clarify definitions for “direct line of sight,” “adjoining residential property,” or “fencing or privacy glass,” creating potential for discretionary review.

Therefore, because the requirement establishes implicit setbacks for ADUs that do not comply with state law, and because the requirement is not objective and creates potential for discretionary review, the City must either remove this requirement or amend the Ordinance to comply with State ADU Laws’ objective standards and ministerial review provisions. **15.14.080(I)(7)(a) removed in its entirety.**

14. Section 15.14.080 (I)(7)(b) – *Exterior Materials and Colors* – The Ordinance states, “The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.” However, State ADU Law requires that local agencies must only impose objective standards without discretionary review³. The phrases “match,” “appearance” and “architectural design” are not objective phrases. The Ordinance does not establish objective measures for appearances or architectural designs, nor does it establish how an applicant can demonstrate that a proposed ADU will “match” the primary dwelling or how the public official would ministerially review whether the requirement is met. Therefore, the city

² Gov. Code, §§ 66314, subd. (b)(1); 66317, subd. (a).

³ Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

must amend the Ordinance to provide objective standards for “match,” “appearance,” and “architectural design” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance. **Revised to remove "appearance." However, kept the word "match." Otherwise, the City would require exact same colors and materials or have a list of what is acceptable to be "objective", which is not reasonable to the homeowner.**

15. Section 15.14.080 (l)(7)(d) – *Exterior Lighting* – The Ordinance states, “The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.” However, State ADU Law requires that local agencies must only impose objective standards without discretionary review⁴. The Ordinance and Municipal Code do not provide a definition for the term “down-light” or provide uniformly verifiable fixture or light specifications; the Zoning Ordinance provides only subjective standards for outdoor light specifications in Section 15.62.070 as their imposition requires the judgment of the public official. Therefore, the city must amend the Ordinance to provide objective standards for “down-light” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance. **Revised to state that lighting must be "designed or shielded to direct lights downward..."**
16. Section 15.14.080 (l)(7)(f) – *Interior Dimensions* – The Ordinance states, “The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.” However, a local agency shall not establish “[a]ny requirement for a zoning clearance or separate zoning review or any other any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards”⁵. Additionally, a local agency adopting an ordinance to provide for the creation of ADUs shall require ADUs to be created in any of the following configurations: “The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages”⁶. Interior minimum size requirements shall not be imposed in such a way as to prevent an ADU of 800 square feet or less with four-foot side and rear setbacks, nor shall interior minimum size requirements be imposed where they would prevent an ADU from being created in any of the allowable configurations pursuant to State ADU Law. Such interior horizontal dimension requirements can have the effect of ~~prohibiting the creation of ADUs converted from eligible~~

⁴ Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

⁵ Gov. Code, § 66321, subd. (b)(3).

⁶ Gov. Code, § 66314, subd. (d)(3).

existing spaces; for example, an ADU converted from an existing attached single-car garage with an interior width of only 9 feet is prohibited by such requirement. Such requirements may also prevent new construction ADUs altogether on lots where at least fifteen feet (10' interior dimension + 2x6" thick walls + 4' side/rear setback) of clearance does not exist, effectively creating a larger setback than may be imposed on any ADU. Pursuant to Government Code Section 66314, subdivision (d)(7), "A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure." Therefore, the city must amend the Ordinance to remove the requirement for minimum interior dimensions not established by the California Building Standards Code, as it maybe locally amended. **Removed.**

17. Section 15.14.080 (l)(7)(g) – *Obscuring Windows and Doors* – The Ordinance states, "All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscured glass."

However, State ADU Law requires that local agencies must only impose objective standards without discretionary review⁷. Additionally, Government Code section 66321, subdivision (b)(3) prohibits any requirements that prevent construction of "at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks."

The Ordinance and the Municipal Code do not define "frosted" or "obscured" or provide specifications for clerestory windows. This lack of clear definitions creates potential for discretionary review and internal inconsistencies, particularly with the requirement that ADU windows and doors match the primary dwelling's design (Section 15.14.080 (l)(7)(b)). Consequently, it is unclear how applicants can demonstrate compliance or how the agency will evaluate the requirement objectively.

Requiring windowsill heights to reach at least six feet from the finished floor effectively requires an interior dimension of more than seven feet in height for the ADU, creating internal inconsistency with Section 15.14.080 (l)(7)(f) of the Ordinance which allows a minimum of seven feet in height. This sill height requirement can also conflict with safety codes requiring lower windowsill heights for egress. The lack of objective benchmarks for frosted or obscured glass further complicates compliance. Such an interior dimensional requirement, i.e., a minimum size requirement, cannot be imposed on an ADU "that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks"⁸.

⁷ Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

⁸ Gov. Code, § 66321, subd. (b)(3).

Therefore, the City must amend the Ordinance to provide objective standards for “clerestory,” “frosted,” and “obscured” meeting the definition of “objective standard” in Government Code section 66313, subdivision (h), or must remove this requirement from the Ordinance, and must amend the Ordinance to avoid internal inconsistencies between applicable codes which could preclude construction of legally permissible ADUs. **Removed "clerestory" requirement and clarified obscure glass.**

18. Section 15.14.080 (I)(7)(h) – *Mechanical Setback* – The Ordinance states, “Mechanical equipment may not be placed within four feet of an adjacent property.” Additionally, the Ordinance establishes design requirements for roof-mounted HVAC equipment in Subsection 15.62.080 (E)(2)(a).

However, State ADU Law prohibits local agencies from imposing requirements that prevent the construction of an 800 square foot ADU with four-foot side and rear setbacks⁹. Additionally, State ADU Law requires that ADUs be allowed in any of the following configurations: “The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages”¹⁰. State ADU Law requires that local agencies must only impose objective standards without discretionary review¹¹.

Such standards for mechanical equipment serving the ADU (or serving the primary dwelling in context with the construction of an ADU), may constitute building setbacks and may result in a setback imposed on an ADU that is unlawful. If no alternative location for mechanical equipment exists except within four feet of the property line, this requirement could force applicants to increase the setback or reduce the size of the ADU. Locating mechanical equipment on the roof to avoid this issue may trigger subjective design standards¹² and may create potential for discretionary review.

Therefore, the city must amend the Ordinance to provide that in no case shall an ADU be required to provide a setback greater than that which is allowed to be required by State ADU Law, nor shall any proposed ADU be required to be reduced in size to accommodate such a requirement, and where an ADU proposes to locate such equipment on the roof, subjective design standards cannot be applied. **The ordinance is clear in that 4' setbacks are allowed for any ADU. This requirement does not need to be repeated in this section.**

⁹ Gov. Code, § 66321, subd. (b)(3).

¹⁰ Gov. Code, § 66314, subd. (d)(3).

¹¹ Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

¹² 15.62.080 (E)(2)(a): “Roof-mounted mechanical equipment such as air conditioning, heating or ventilating units or ducting shall be screened from a horizontal line of sight. Such screening shall be architecturally consistent with the building and an integral part of the roof design so as not to appear as an architectural ‘afterthought.’”

19. Section 15.14.080 (l)(8) – *Tree Replacements* – The Ordinance states that, “Trees removed on site for construction of the ADU or to provide parking should be replaced with 24-inch box trees of the same variety.” However, State ADU Law requires that local agencies must only impose objective standards without discretionary review¹³. Neither the Ordinance nor the Municipal Code provide a definition for “variety” with reference to trees. The Ordinance does not establish whether ADUs are permitted even where the replanting of new 24-inch box trees elsewhere on the lot is rendered infeasible due to possible ADU siting in conflict with the root zones of the replacement trees. Therefore, the Ordinance must be amended to establish specifications for tree replacements based on objective standards as defined in Government Code Section 66313, subdivision (h), and must provide for the ministerial approval of State ADU Law-mandated ADUs in situations where tree replacement requirements unreasonably restrict siting of any ADU. **This section removed in its entirety.**

20. Section 15.14.080 (l)(9) – *Historical Protections* – The Ordinance states that, “An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as not to be visible from the public right-of-way.” However, Government Code Section 66314, subdivision (b)(1) states that local agencies may (emphasis added), “[i]mpose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and **standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources**” (emphasis added). Objective standards are defined in section 66313, subdivision (h) as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” The Ordinance does not provide a definition of “visible” nor establish how such a requirement would be applied ministerially. The Ordinance also does not establish how an ADU’s visibility from the public right-of-way has any adverse impact on historic properties. Therefore, the city should provide response indicating how visibility of any ADU located within 600 feet of a historic resource, even when located on a separate property from that historic resource, has a specific adverse impact on said historic property, or shall amend the Ordinance to remove the requirement. Unless no structures of any kind are permitted to be visible from the public right-of-way when located within 600 feet of historic properties, the reasoning provided should clearly demonstrate how public right-of-way-visible ADUs specifically create such an adverse impact that must be mitigated. Otherwise, the city must amend the Ordinance to provide objective standards to establish how the matter of visibility is addressed for Historic Resource-proximal ADUs in a manner that can be evaluated ministerially, without

¹³ Gov. Code, §§ 66314, subds. (b)(1); 66317, subd. (a).

subjective judgment by a public official, and that is established by uniform benchmarks and criteria knowable by applicants prior to submittal of an application to create an ADU. **This section is removed in its entirety.**

Please note that the City has two options in response to this letter¹⁴. The City can either amend the Ordinance to comply with State ADU Law¹⁵ or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings¹⁶. If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.¹⁷

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact David Barboza at David.barboza@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Unit Manager
Housing Policy Development Division

¹⁴ Gov. Code, § 66326, subd. (b)(2).

¹⁵ Gov. Code, § 66326, subd. (b)(2)(A).

¹⁶ Gov. Code, § 66326, subd. (b)(2)(B).

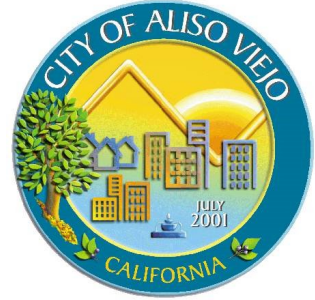
¹⁷ Gov. Code, § 66326, subd. (c).

State ADU/JADU Law Statutory Conversion Table

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9), 65852.2 (a)(2)
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Shaun Pelletier, Director of Public Works/City Engineer

SUBJECT: AQUATIC CENTER POOL DECK SURFACE REHABILITATION OPTIONS

Recommended Actions:

1. Receive staff presentation and provide direction on the pool deck surface rehabilitation method; and
2. Authorize staff to solicit bids for the recommended surface rehabilitation method.

Fiscal Impact:

The initial cost of this project is estimated to range between \$55,000 and \$300,000 depending on the surface rehabilitation method chosen. The actual project cost will be determined at the time bids are received, and a contract award will be on a future City Council agenda. Funding in the amount of \$275,000 is allocated in the FY 2024-25 budget.

Background:

The Aquatic Center opened in 2008, built as a community enhancement through the Glenwood development agreement. During the 16 years since opening, minor repairs have been completed to remove trip hazards and replace the mastic joint sealants. The consistent pool chemical exposure has worn the surface of the concrete deck and if not treated there is likely to be more extensive repair or replacement necessary.

Discussion:

Staff has investigated several options for the pool deck surface rehabilitation ranging in cost, lifespan, and aesthetics. A summary of the methods is found below.

Grind and Seal – This method includes grinding and/or patching of any major defects and applying a clear sealcoat. This is the most inexpensive method but will not change the aesthetic of the deck and is recommended to repeat every 2 years.

Pebble Seal – This method includes grinding and/or patching of any major defects and installing a thin exposed aggregate surface treatment. When maintained with clear sealcoat every 2 years it is anticipated to have a lifespan similar to other concrete products up to 40 years. This will change the aesthetic as well as the feel of the pool deck given the exposed aggregate and new color.

Krete Kote – This method includes grinding and/or patching of any major defects and installing a thin multilayer surface treatment. This will require color sealcoat at 5 years, and possible reapplication at 10 years. This could change the aesthetic of the pool deck depending on the color selected, but the feel will be similar to the existing concrete.

KoolFlex – This method includes grinding and/or patching of any major defects and installing a thin thermoplastic surface treatment. This will require a color sealcoat every 5 years. This could change the aesthetic of the pool deck depending on the color selected and will change the feel of the deck providing a slightly cushioned layer.

Replace Concrete – This method is the most extensive, requiring complete removal and replacement of the concrete deck. Staff does not recommend this alternative but provided the information as a comparison.

All products are manufactured to better withstand exposure to pool chemicals and prolong the existing concrete deck below.

Since all products have different installation and long-term maintenance costs, the table helps provide a cost comparison at installation, 10 years, and 20 years. Given the long-term cost along with the look and feel of the product, staff recommends the KoolFlex product. This initial cost estimate is slightly higher than the budgeted amount of \$275,000, but it is possible actual numbers will be lower when competitively bid.

Product	Cost	Lifespan (Years)	10-Year Cost	20-Year Cost	On-Going Maintenance
Grind and Seal	\$ 55,000	2	\$ 319,000	\$ 703,000	Seal every 2 years
Pebble Seal	\$ 170,000	40	\$ 306,500	\$ 733,000	Seal every 2 years
Krete Kote	\$ 200,000	10	\$ 282,500	\$ 660,000	Seal every 5 years
Koolflex	\$ 300,000	20	\$ 232,500	\$ 570,000	Seal every 5 years
Replace Concrete	\$ 1,400,000	40	\$ 614,000	\$ 1,276,000	Seal every 2 years

Depending on the selected contractor's estimated timeline, the project may be phased to allow for one of the pools to remain open during construction, though this could increase costs. It is also possible to spread the initial cost and split this project into 2 fiscal years by completing the lap pool area separately from recreational pool side.

Staff respectfully request direction regarding which surface rehabilitation is preferred. A bid package will be prepared and issued for work to take place this winter. A contract award with the actual cost will be presented to the Council for final approval prior to starting construction.

Attachment:

1. Presentation

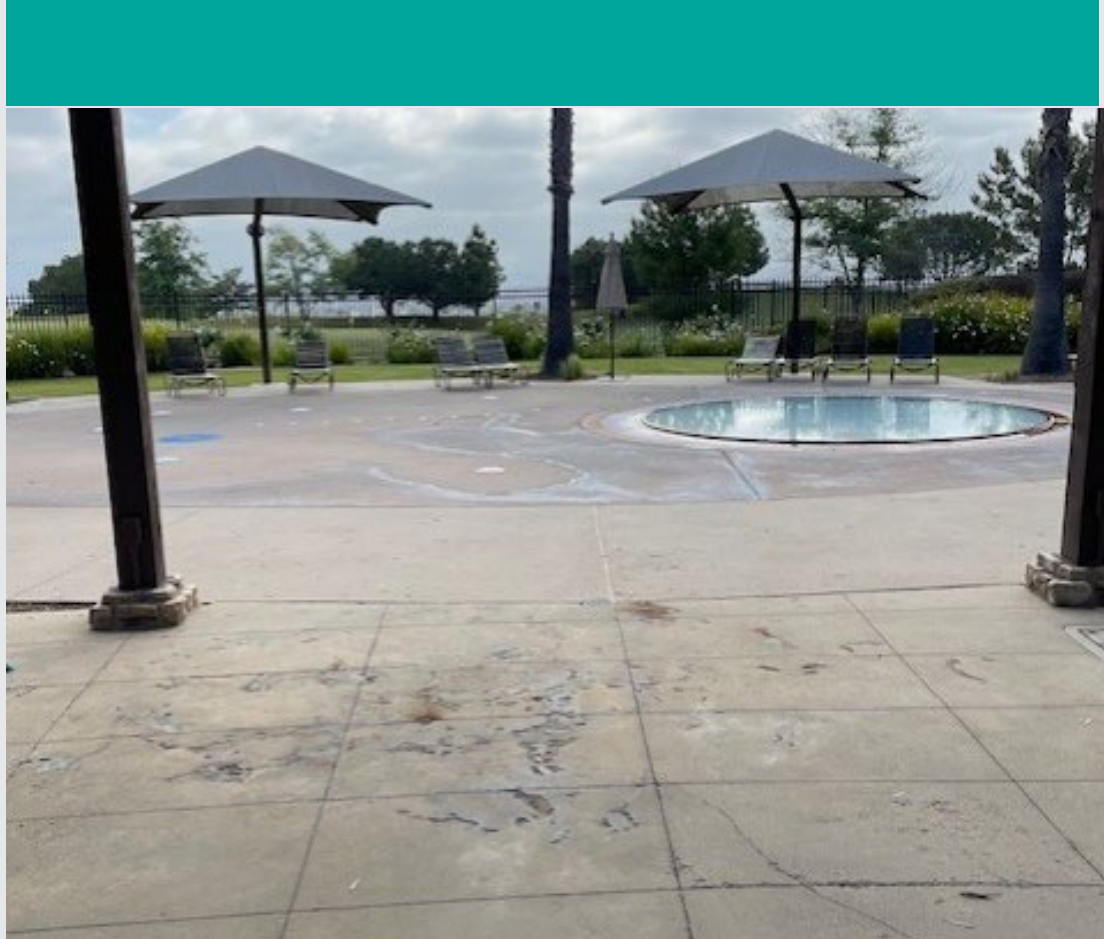


AV Aquatic Center Pool Deck Surface Rehabilitation

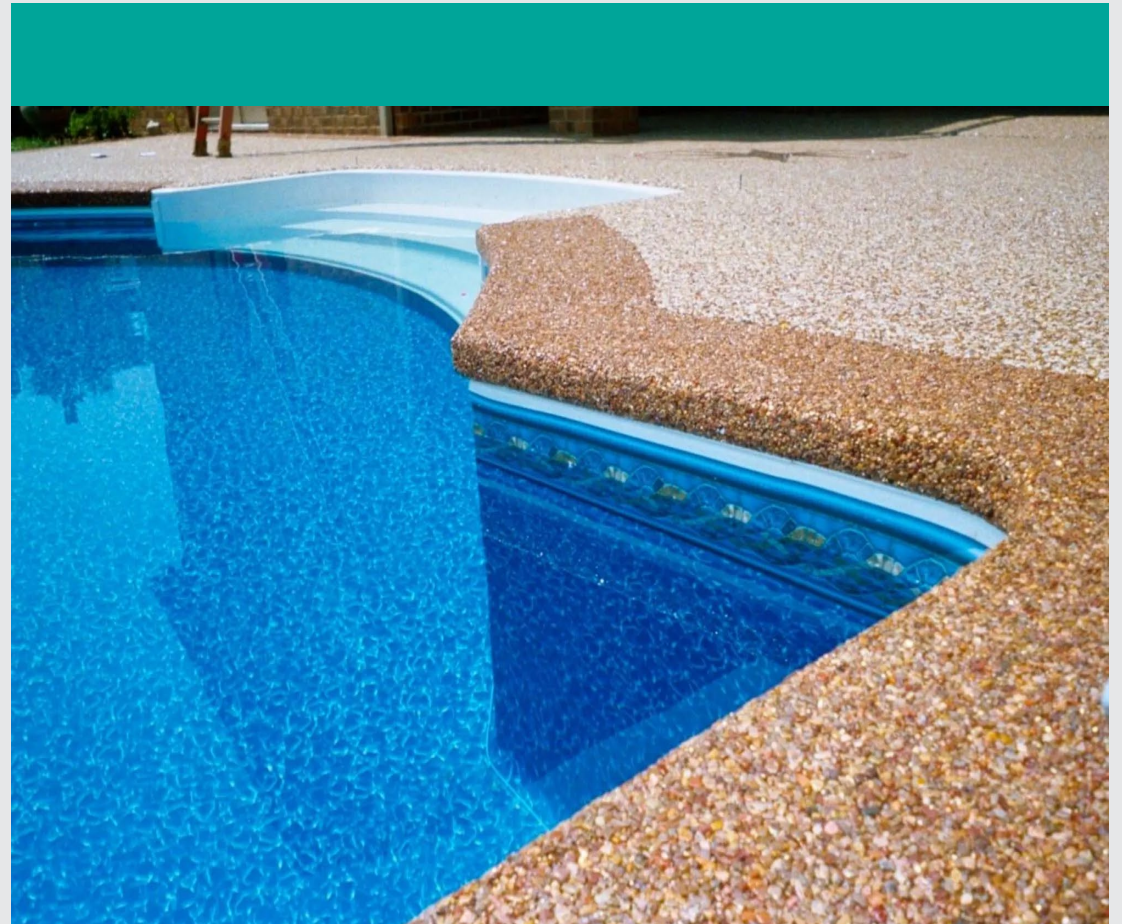
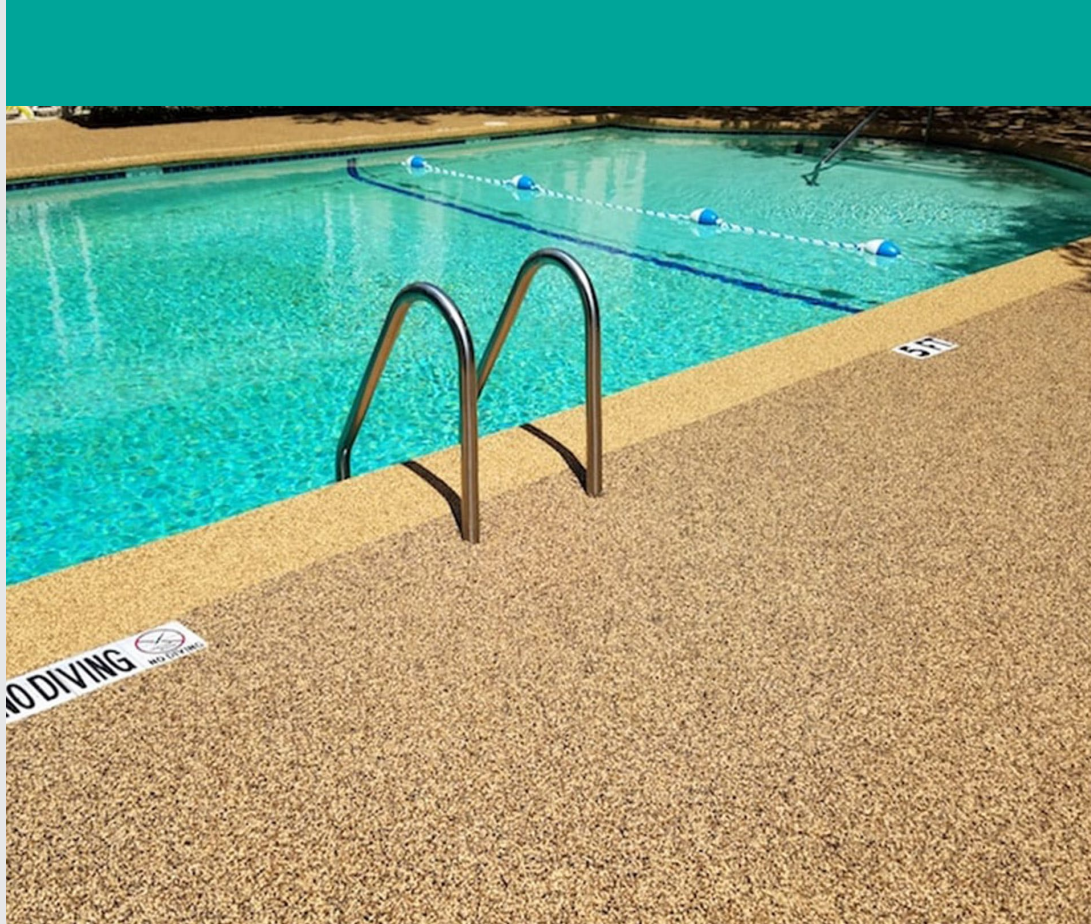
Background

- Aquatic Center Opened 2008
- Minimal repairs made each year
- Structurally the concrete deck is sound
- Pool chemical exposure accelerates surface deterioration
- Surface treatment required to prolong the life

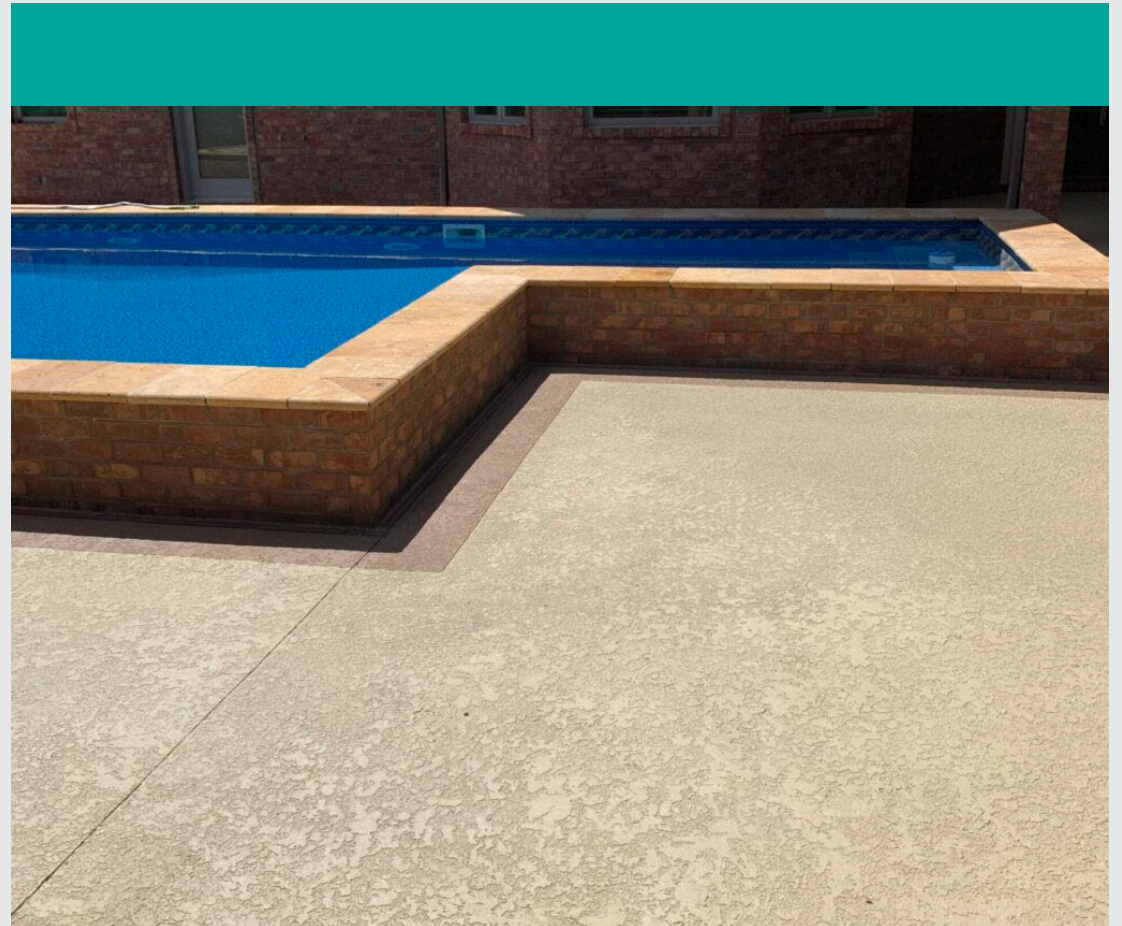
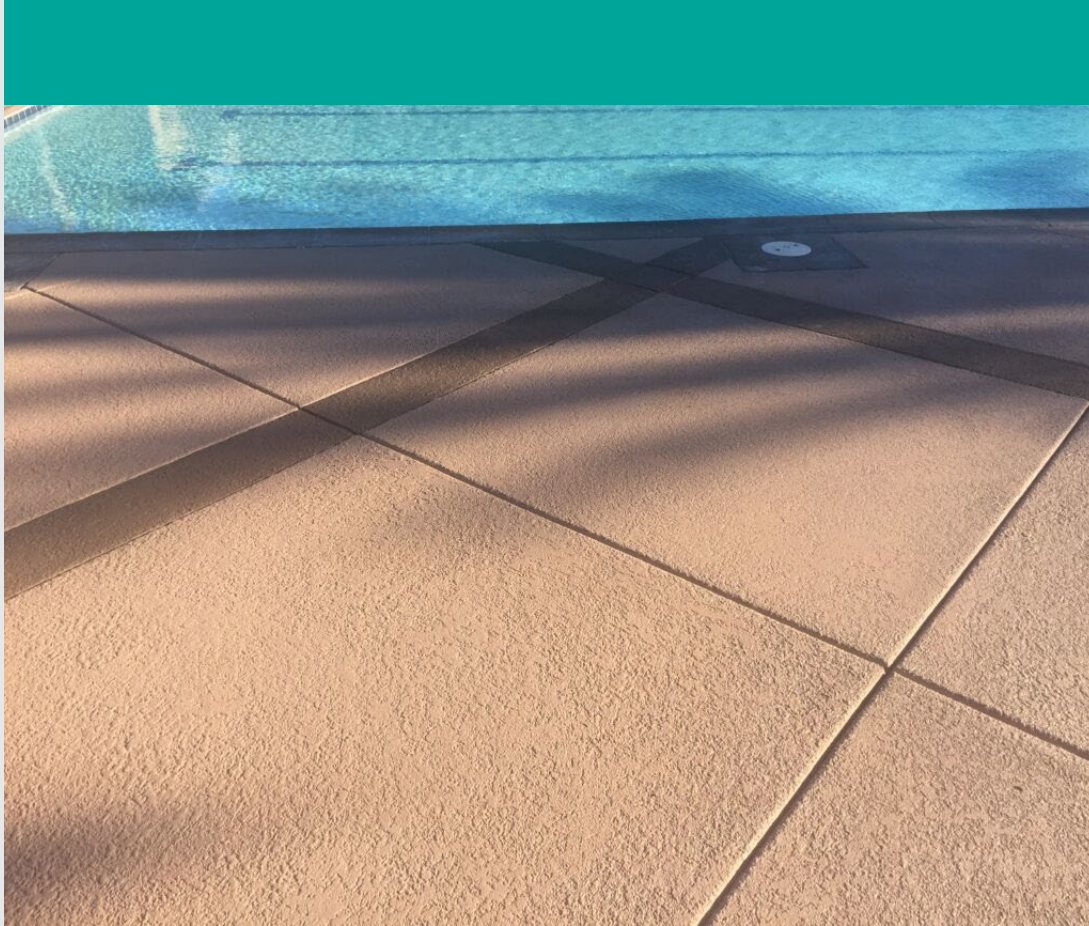
Existing Pool Deck



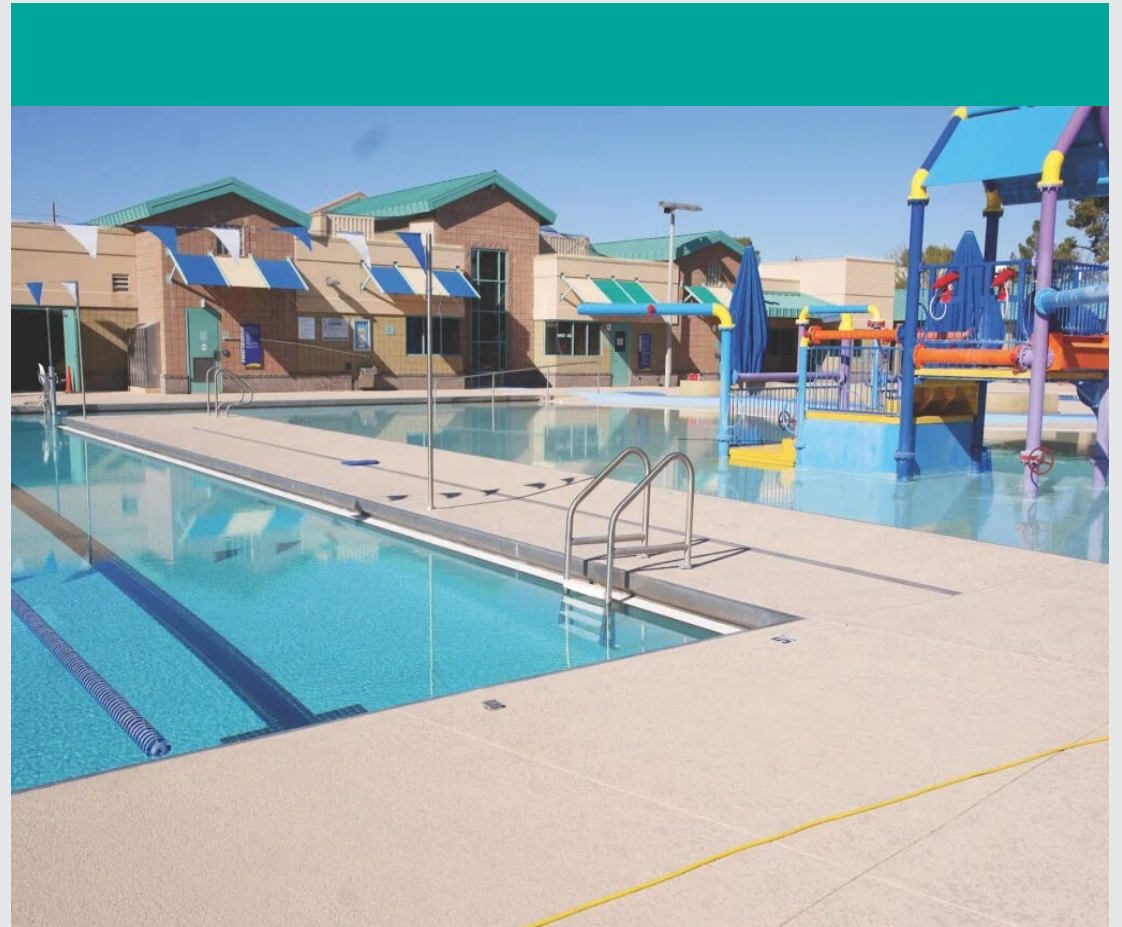
Product Options - Pebble Seal



Product Options - Krete Kote



Product Options - Koolflex

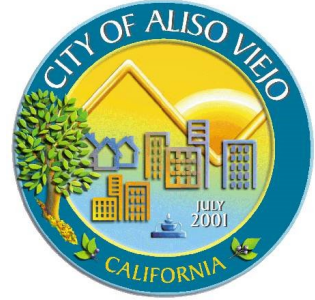


Product Cost & Lifespan

Product	Construction Cost	Lifespan (Years)	10-Year Cost	20-Year Cost	Surface Treatment
Grind and Seal	\$ 55,000	2	\$ 319,000	\$ 703,000	Seal every 2 years
Pebble Seal	\$ 170,000	40	\$ 306,500	\$ 733,000	Seal every 2 years
Krete Kote	\$ 200,000	10	\$ 282,500	\$ 660,000	Seal every 5 years
Koolflex	\$ 300,000	20	\$ 232,500	\$ 570,000	Seal every 5 years
Replace Concrete	\$ 1,400,000	40	\$ 614,000	\$ 1,276,000	Seal every 2 years

City of Aliso Viejo

AGENDA ITEM



DATE: August 21, 2024

TO: Mayor and City Council

FROM: Mitzi Ortiz, Acting City Manager

SUBJECT: UNCONTESTED DISTRICT 3 CITY COUNCIL SEAT IN GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024

Recommended Action:

It is recommended that the City Council take one of the following actions:

1. Adopt a Resolution pursuant to Elections Code Section 10299 appointing to the office of "Council Member, District 3" the person who has been nominated and qualified for a term of four years expiring in November 2028, and canceling the election for said office; or
2. Hold the election for said office.

Fiscal Impact:

The City has budgeted \$50,000 to conduct the General Municipal Election. Should the City Council choose to cancel the election for District 3, staff anticipates savings in the amount of approximately \$13,000.

Background:

On June 5, 2024, the City Council adopted Resolutions calling the election, requesting election services and to consolidate with the County of Orange, and establishing procedures for candidate statements. The General Municipal Election is scheduled to be held on November 5, 2024, for three City Council seats, one each in District 1, District 3, and District 5. The nomination period opened on July 15 and closed on August 9, 2024. Only one person, a current Council Member, filed nomination papers by the deadline and qualified as a candidate for District 3.

Discussion:

Under California Elections Code Section 10229, if by the close of the nomination period, no one or only person is nominated to be elected from or by a district, the city elections

official shall submit a certificate of these facts to the governing body of the city and inform the governing body that it may at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election, if either no one, or only one person has been nominated.

As of 4:30 p.m. on Friday, August 9, 2024, there is one person nominated and qualified for the City Council seat for District 3. Pursuant to the aforementioned provisions of the Elections Code, the City Council has the option to appoint the person who has filed and qualified to the uncontested office or hold the election. If the City Council opts to make the appointment, the person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

The Code further states that the city election official shall publish a notice of the facts described herein and the courses of action available to the City Council. After the fifth day following the date of publication, the City Council may make the appointment or direct an election to be held. If by August 22, 2024, no person has been appointed to the office, the election shall be held.

Pursuant to the Code, a letter has been prepared and forwarded to the City Council reciting these facts and a notice was published in the Orange County Register on August 15, 2024. In the event the City Council chooses not to hold an election for District 3, the County Registrar of Voters would require a Resolution to be filed in their office canceling the City election for District 3.

Public Notice:

A public notice was published on August 15, 2024, in the *Orange County Register*.

Attachment:

1. Resolution

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE DISTRICT 3 OFFICE OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 9, 2024, there are not more candidates than offices to be elected in District 3 and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, a notice was published on August 15, 2024, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to § 10229 of the Elections Code of the State of California, the following action is being taken:

Richard Hurt is being appointed to the office to which he was nominated and is considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code.

Section 2. The election for District 3 scheduled to be held on Tuesday, November 5, 2024, is now canceled.

Section 3. The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Section 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2024.

Mike Munzing
Mayor

APPROVED AS TO FORM:

ATTEST:

Scott C. Smith, City Attorney

Lauren Torres, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ALISO VIEJO)

I, LAUREN TORRES, Deputy City Clerk of the City of Aliso Viejo, California, DO
HEREBY CERTIFY that the foregoing is the original of Resolution No. 2024-__ duly
passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting
held on the 21st day of August, 2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)