

AGENDA

ALISO VIEJO CITY COUNCIL
WEDNESDAY, SEPTEMBER 4, 2024
6:30 PM CLOSED SESSION
7:00 PM REGULAR MEETING

*FOLLOWED BY PUBLIC FACILITIES CORPORATION 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

PUBLIC COMMENTS:

CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: City Manager and City Attorney

Unrepresented Employees: All Employees

CALL TO ORDER: Convene Regular Meeting

ROLL CALL

PLEDGE OF ALLEGIANCE:

REPORT FROM CLOSED SESSION:

1. SPECIAL PRESENTATIONS:

1.1 PROCLAMATION - HUNGER ACTION MONTH

1.2 PROCLAMATION - NATIONAL PREPAREDNESS MONTH

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 21, 2024 Special Meeting, the August 21, 2024 Regular Meeting, and the August 26, 2024 Special Meeting

[Draft Minutes - August 21, 2024 Special Meeting](#)

[Draft Minutes - August 21, 2024 Regular Meeting](#)

[Draft Minutes - August 26, 2024 Special Meeting](#)

4.3 **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE ZONING DISTRICT FOR 4 AND 5 POLARIS WAY**

Recommended Action: Conduct a second reading and adopt 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](#)

4.4 **ACCOUNTS PAYABLE**

Recommended Action: Ratify accounts payable checks and electronic funds transfers issued between August 2, 2024, and August 15, 2024, in the amount of \$1,336,836.86.

[Staff Report](#)

[Attachment 1 - Accounts Payable Report](#)

5. **PUBLIC HEARINGS:**

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

Recommended Action:

1. Conduct a second reading and adopt 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;
OR

2. Conduct a public hearing and introduce for first reading an amended 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.

[Staff Report](#)

[Attachment 1 - Ordinance](#)

[Attachment 2 - Department of Housing and Community Development Letter](#)

[Attachment 3 - California Legislative Action Committee Letter](#)

6. DISCUSSION:

6.1 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND SELECTION OF GENERAL ASSEMBLY VOTING DELEGATE

Recommended Action:

1. Designate a voting delegate and up to two alternates for the League of California Cities General Assembly to be held on October 18, 2024 at the Long Beach Convention Center; and
2. Cancel the October 16, 2024 City Council Meeting to allow for staff and City Council attendance at the Annual Conference.

[Staff Report](#)

[Attachment 1 - Cal Cities Memo](#)

7. CITY MANAGER' S REPORT:

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

9. ADJOURNMENT:

The next regularly scheduled City Council meeting is September 18, 2024.

**Aliso Viejo Public Facilities Corporation (PFC) Board of Directors Annual Meeting to be held immediately following City Council Regular Meeting. (Please refer to September 4, 2024 PFC Agenda.)*

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
SPECIAL MEETING
August 21, 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 6:04 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
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
CAPT. ALAN VILLANUEVA, CHIEF OF POLICE SERVICES

STUDY SESSION:

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

Acting City Manager Mitzi Ortiz introduced Orange County Sheriff's Department (OCSD) Law Enforcement Contracts Manager Dwight Tipping, who provided an overview. Mr. Tipping and OCSD Contracts Analyst Luz Lopez responded to questions regarding the proposed cost summary, indirect costs, overtime parameters, transportation costs, metrics used to determine cost effectiveness, vacancy credits, salary increases and per capita costs. Councilmembers commented on the matter.

No further action was taken.

ADJOURNMENT: Mayor Munzing adjourned the meeting at 6:30 p.m. to the August 21, 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 21, 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: OCFA Division Chief Mike Summers led the pledge of allegiance.

1. SPECIAL PRESENTATIONS:

1.1 BUSINESS OF THE MONTH - PURE ESSENCE BEAUTY COLLECTIVE

Mayor Munzing introduced the video and expressed appreciation for the business.

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 Chun moved and Councilmember Duncan 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 August 7, 2024 Special Meeting and the 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 No. 2024-241 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).

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.

4.5 TREASURER'S STATEMENT – JUNE 2024

Recommended Action: Receive and file the 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.

5. **PUBLIC HEARINGS:**

5.1 ZONE CHANGE FOR 4 AND 5 POLARIS WAY

Acting City Manager Mitzi Ortiz introduced Community Development Director So Kim, who provided an overview. Staff responded to questions regarding definition of “mixed-use”, future development, and residential density. Mayor Munzing opened the public hearing and the following persons provided comment:

1. Carol Trapani expressed support for the zone change.

There were no other comments. Mayor Munzing closed the public hearing.

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.

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

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

Acting City Manager Mitzi Ortiz introduced Community Development Director So Kim, who provided an overview. Staff responded to questions regarding approval deadline, correspondence from Community Associations Institute, enforcement of homeowners association regulations, and potential City liability. Mayor Munzing opened the public hearing. There were no speakers.

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 Ordinance exempt from the requirements of the California Environmental Quality Act pursuant to California Public Resources Code section 21080.17.

Motion: Councilmember Hurt moved and Councilmember Chun seconded to approve the recommended actions and continue the public hearing to September 4, 2024. Motion carried 5-0.

6. DISCUSSION:

6.1 AQUATIC CENTER POOL DECK SURFACE REHABILITATION OPTIONS

Acting City Manager Mitzi Ortiz introduced Public Works Director Shaun Pelletier, who provided an overview. Staff responded to questions regarding texture and durability of proposed pool deck materials, concrete base resurfacing, overlay thickness, product lifespans, color options, material installation, and safety concerns.

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.

Motion: Councilmember Chun moved and Mayor Pro Tem Ackley seconded to direct staff to provide additional information on Krete Kote and Koolflex options. Motion carried 5-0.

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

Acting City Manager Mitzi Ortiz provided an overview. Staff responded to questions regarding election costs, common practice, and impacts on appointed candidate.

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

1. Adopt Resolution No. 2024-25 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.

Motion: Councilmember Duncan moved and Councilmember Chun seconded to adopt Resolution No. 2024-25 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. Motion carried 5-0.

7. CITY MANAGER' S REPORT:

Acting City Manager Mitzi Ortiz announced Furry Friends Pet Fair to be held from 9:00 a.m. to noon on Saturday, September 7th, at Aliso Viejo Ranch; 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; Aliso Viejo Trails and Creek Cleanup event to be held from 8:00 a.m. to 11 a.m. on September 21, 2024; and registration for fall recreation classes.

8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

Councilmember Chun:

- Requested clarification regarding Furry Friends Pet Fair services
- Attended Wildfire Prevention Talk at Aliso Canyon Community Park
- Commented on OCFA's recent purchase of two new helicopters
- Attended Aliso Niguel High School Girls Dance Team Fundraiser
- Attended Wellness & Prevention Center Appreciation Event
- Attended Studio Vieth Grand Opening
- Attended Aliso Viejo Chamber of Commerce Networking Breakfast

Councilmember Duncan:

- Congratulated Councilmember Hurt on appointment to City Council
- Obtained consensus for reports on bike lanes and street maintenance

Councilmember Hurt:

- Recognized Aliso Viejo resident Grace Sarabia, Portland State University's Women's Soccer Team player
- Commented on appointment to City Council

Mayor Pro Tem Ackley:

- Commented on the beginning of the school year

Mayor Munzing:

- Attend Aliso Viejo Chamber of Commerce Networking Breakfast
- Attended Corpus Christi Church's Olympic Day
- Attended US Citizenship and Immigration Services Office Grand Opening
- Attended Future Housing & Sustainability Conference

9. **ADJOURNMENT:** Mayor Munzing adjourned the meeting at 8:27 p.m. to the regularly scheduled City Council meeting of September 4, 2024.

Respectfully submitted:

Approved by:

LAUREN TORRES
DEPUTY CITY CLERK

MIKE MUNZING
MAYOR

DRAFT

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
SPECIAL MEETING
August 26, 2024, 12:00 PM
Aliso Viejo Center, 31 Santa Barbara Drive
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 12:00 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 SMITH, CITY ATTORNEY

PUBLIC COMMENTS:

None.

CLOSED SESSION:

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

REPORT FROM CLOSED SESSION:

City Attorney Scott Smith stated no reportable action was taken.

ADJOURNMENT: Mayor Munzing adjourned the meeting at 5:15 p.m.

Respectfully submitted:

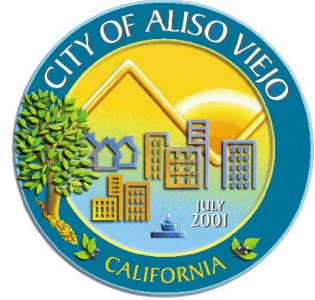
Approved by:

LAUREN TORRES
DEPUTY CITY CLERK

MIKE MUNZING
MAYOR

City of Aliso Viejo

AGENDA ITEM



DATE: September 4, 2024

TO: Mayor and City Council

FROM: So Kim, Community Development Department

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING
THE ZONING DISTRICT FOR 4 AND 5 POLARIS WAY

Recommended Actions:

Conduct a second reading and adopt 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.

Discussion:

On August 21, 2024, the City Council approved the introduction and first reading of the subject Ordinance by a 5-0 vote. The Ordinance is now being presented for its second reading and adoption. 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 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 4th day of September 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 4th
day of September 2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

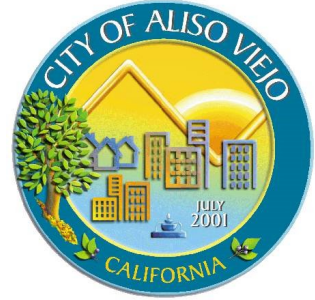
I hereby certify that the foregoing is the original of Ordinance No. 2024-_____ duly passed
and adopted by the Aliso Viejo City Council at its regular meeting held September 4, 2024
and that the Summary of the Ordinance was published on _____ and _____ in
the Laguna Niguel News.

LAUREN TORRES
DEPUTY CITY CLERK

(SEAL)

City of Aliso Viejo

AGENDA ITEM



DATE: September 4, 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 August 2, 2024, and August 15, 2024, in the amount of \$1,336,836.86.

Fiscal Impact:

Expenditures in the amount of \$1,336,836.86.

Background:

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

Discussion:

The attached registers containing checks and electronic funds transfers issued between August 2, 2024, and August 15, 2024, for \$1,336,836.86, is 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		
CHOICE BUILDER	SEP'24 DENTAL INSURANCE	1,708.33
CHOICE BUILDER	SEP'24 DENTAL - RC	145.88
CHOICE BUILDER	SEP'24 DENTAL - RH	96.90
CHOICE BUILDER	SEP'24 VISION - RC	24.19
CHOICE BUILDER	SEP'24 VISION INSURANCE	269.51
CHOICE BUILDER	SEP'24 VISION - RH	15.03
RJM DESIGN GROUP INC	MAY'24 ENG2256/LANDSCAPE PLAN CHECK - KAISER	684.45
COUNTY OF ORANGE	PW240780_R00014444_43 REMINGTON_COUNTY OF ORANGE	7,063.02
ROOFING STANDARDS	22-0277_1&3 PRIMROSE_ROOFING STANDARDS	15,000.00
COMPASS BIBLE CHURCH	CD-2024-00060_120 COLUMBIA_COMPASS BIBLE CHURCH	500.00
ADRIAN VAZQUEZ OLIVARES	CD-2024-00070_16 BRIARGLENN_ADRIAN VAZQUEZ	500.00
		26,007.31
CITY MANAGER		
MITZI ORTIZ	JUL'24 ACM TOLL ROAD REIMBURSEMENT	131.49
CHOICE BUILDER	MAY-SEP'24 DENTAL - DD	729.40
CHOICE BUILDER	MAY-SEP'24 VISION - DD	120.95
CALIFORNIA PHYSICIANS SERVICE	SEP'24 HEALTH PREMIUM – DAVID DOYLE	2,304.95
	CITY MANAGER TOTAL:	3,286.79
HUMAN RESOURCES		
GVP VENTURES, INC	CITY MANAGER RECRUITMENT - FIXED FEE	6,000.00
GVP VENTURES, INC	CITY MANAGER RECRUITMENT - REIMBURSEABLE COSTS	407.50
CHARLES C STILL	JUL'24-JD SECURE LIVE SCAN FEES	67.00
HEALTH AND HUMAN RESOURCE CENTER INC	AUG'24 EAP PROGRAM	102.90
HEALTH AND HUMAN RESOURCE CENTER INC	SEP'24 EAP PROGRAM	102.90
	HUMAN RESOURCES TOTAL:	6,680.30
FINANCE		
CHOICE BUILDER	SEP'24 ADMIN FEE	30.00
DAVIS FARR LLP	FY23-24 AV CITY ANNUAL AUDIT - 1ST PROGRESS BILL	7,300.00
CA MUNICIPAL STATISTICS INC	DIRECT AND OVERLAPPING DEBT STATEMENT	550.00
HDL COREN & CONE	FY 23-24 ACFR STATISTICAL PACKAGE	695.00
	FINANCE TOTAL:	8,575.00
INFORMATION TECHNOLOGY		
COX COMMUNICATIONS, INC	AUG'24 ACCT#0202 CH CABLE TV	184.97
COX COMMUNICATIONS, INC	AUG'24 ACCT#8802 CH INTERNET - FIBER 600MB	1,500.00
COX COMMUNICATIONS, INC	AUG'24 ACCT#9302 LAB INTERNET	85.39
CYTELLIX CORPORATION	AUG'23 CYTELLIX GOVERNANCE RISK & COMPLIANCE	2,109.16
CYTELLIX CORPORATION	SEP'23 CYTELLIX GOVERNANCE RISK & COMPLIANCE	2,109.16
AT&T	AUG'24 CH AT&T FIBER INTERNET SERVICE	2,881.55
KEETER TECHNICAL SERVICE COMPANY LLC	AUG'24 NETWORK SUPPORT & SECURITY	416.67
GO LIVE TECHNOLOGY INC	JUL'24 ENERGOV ELM AND ASSET MGT SERVICES	540.00
JOSE RUEL FABELLA DIRA	JUL'24 ENERGOV & GIS	1,500.00
EATON CORPORATION	FY23-24 POWER QUALITY US UPS SERVICE - CH	3,469.00
SHI INTERNATIONAL CORP	3 LAPTOP & 1 IPAD PURCHASE	8,296.54
GOTO COMMUNICATIONS	AUG'24 CH GOTO VOIP SERVICE & SUPPORT	1,996.49
LUNAVI, INC	JUL'24 OFFSITE BACKUP STORAGE - LATE FEE	44.91
LUNAVI, INC	AUG'24 OFFSITE BACKUP STORAGE	2,253.74
	INFORMATION TECHNOLOGY TOTAL:	27,387.58
NON-DEPARTMENTAL		
RICOH USA	MAY-JUL'24 RICOH 2504EX SUITE 200 PRINTS (2936)	34.80
RICOH USA	JUL'24 RICOH 2504EX FRONT COUNTER PRINTS (4456)	67.92
RICOH USA	AUG'24 RICOH RSI CLOUD SUBSCRIPTION (SW1860708)	23.15
VOYAGER FLEET SYSTEMS INC	JUL'24 VEHICLE FUEL - CITY	571.70
SO CAL EDISON	JUL'24 ACCT#2427 89 PLAYA CIR ELECTRICITY	52.23

Vendor Name	Description (Item)	Amount
MOULTON NIGUEL WATER DIST	ACCT#64101 VISTA WATER SERVICE	1,036.60
	NON-DEPARTMENTAL TOTAL:	1,786.40
C. S. ADMINISTRATION		
AMAZON CAPITAL SERVICES INC	JUL'24 AMAZON -CHRISTMAS GLOW STICKS-TREE LTG 2024	128.61
AMAZON CAPITAL SERVICES INC	JUL'24 AMAZON -MINI CANDY CANES-TREE LIGHTING 2024	52.98
SOLINK INC	1000 POSTCARDS - TREE LIGHTING 2024	171.32
ROMAN CHAVEZ	9/07/24 PET FAIR EVENT - EZ UP RENTALS FOR VENDORS	550.00
	C. S. ADMINISTRATION TOTAL:	902.91
IGLESIA PARK		
PV MAINTENANCE INC	JUL'24 PVM IGLESIA PARK MAINTENANCE	2,688.62
SO CAL EDISON	JUL'24 ACCT#7997 IGLESIA PARK ELECTRICITY	251.06
	IGLESIA PARK TOTAL:	2,939.68
IGLESIA BUILDING		
TEAM ONE MANAGEMENT SERVICES	JUL'24 IGLESIA JANITORIAL SERVICES	950.00
SONITROL ORANGE COUNTY LLC	AUG'24 IGLESIA ACCESS CONTROL	109.39
SO CAL EDISON	JUL'24 ACCT#7997 IGLESIA BLDG ELECTRICITY	2,790.67
	IGLESIA BUILDING TOTAL:	3,850.06
PLANNING		
REBECCA J CAHA	JUL'24 AFFORD. HOUSING CONSULTANT SERVICES	1,925.00
	PLANNING TOTAL:	1,925.00
ENGINEERING (GENERAL)		
MURPHY SWITCH OF CA	JUL'24 MURCAL IOT SMARTCOMMAND MONITORING SERVICE	450.00
UNITED BUILDING AND DEVELOPMENT SERVICES LLC	#105 J01P28 OUTFALL URBAN RUNOFF TREATMENT_1780	2,000.00
UNITED BUILDING AND DEVELOPMENT SERVICES LLC	#105 J01P28 OUTFALL URBAN RUNOFF TREATMENT_1781	1,200.00
	ENGINEERING (GENERAL) TOTAL:	3,650.00
STREET MAINTENANCE		
PV MAINTENANCE INC	JUL'24 PVM STREET MAINTENANCE MOE TAX	18,067.93
	STREET MAINTENANCE TOTAL:	18,067.93
LAW ENFORCEMENT-CONTRACT		
COUNTY OF ORANGE	AUG'24 LAW ENFORCEMENT/BODY CAMERAS/IN CAR VIDEO	892,517.60
	LAW ENFORCEMENT-CONTRACT TOTAL:	892,517.60
LAW ENFORCEMENT-OTHER		
VOYAGER FLEET SYSTEMS INC	JUL'24 VEHICLE FUEL - AVPS	286.28
	LAW ENFORCEMENT-OTHER TOTAL:	286.28
ANIMAL CONTROL		
CITY OF MISSION VIEJO	JUL-SEP'24 ANIMAL SERVICES	132,655.00
	ANIMAL CONTROL TOTAL:	132,655.00
EOC		
IAEM	SL 10/31/24-10/31/25 IAEM MEMBERSHIP DUES	199.00
	EOC TOTAL:	199.00
	GENERAL FUND TOTAL:	1,130,716.84

102 - GEN. FD-CITY HALL

NON-DEPARTMENTAL		
TEAM ONE MANAGEMENT SERVICES	JUL'24 CH JANITORIAL SERVICES	3,550.00
SONITROL ORANGE COUNTY LLC	AUG'24 CITY HALL ACCESS CONTROL	609.40
SONITROL ORANGE COUNTY LLC	AUG'24 CITY HALL INTRUSION DETECTION	383.54
FOSTERS' GARDENS INC	JUL'24 CH INTERIOR PLANT MAINTENANCE	115.00
HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, ...	7/01/24 CH HVAC COMPRESSOR RECHARGE	877.73
THE GAS COMPANY	6/28/24-7/30/24 METER#16122180 CH GAS SVC	82.81
BLINK CHARGING CO	BLINK CHARGER NETWORK FEE CH STAFF EV	240.00
SO CAL EDISON	JUL'24 ACCT#7189 CH ELECTRICITY	10,295.53
MOULTON NIGUEL WATER DIST	ACCT#65406/65407/65408 CH WATER SERVICE	647.32
	NON-DEPARTMENTAL TOTAL:	16,801.33
	GEN. FD-CITY HALL TOTAL:	16,801.33

103 - GF-AV RECREATION SERVICES

NEHA CHOUDHARY	CHECK REFUND-TRANSFER (ORIG COST)_N CHOUDHARY	294.00
NEHA CHOUDHARY	CHECK REFUND-TRANSFER (NEW CAMP COST)_N CHOUDHARY	(280.00)
		14.00

Vendor Name	Description (Item)	Amount
RECREATION SERVICES		
CSG FORTE PAYMENTS, INC	JUL'24 CREDIT CARD SERVICE FEES - POS	1,113.81
CSG FORTE PAYMENTS, INC	JUL'24 CREDIT CARD SERVICE FEES - WEB	2,210.48
PV MAINTENANCE INC	JUL'24 PVM AVR MAINTENANCE	193.00
GARDAWORLD	AUG'24 AVR - CASH COURIER SERVICE	448.53
AT&T	AUG'24 AVR AT&T INTERNET SERVICE	1,713.82
AMAZON CAPITAL SERVICES INC	JUL'24 AMAZON - NEW BISSELL VACUUM FOR AV RANCH	96.96
AMAZON CAPITAL SERVICES INC	JUL'24 AMAZON - OTTERBOX FOR REC CELL PHONE RETURN	(11.87)
AMAZON CAPITAL SERVICES INC	JUL'24 AMAZON - DOOR STOPPERS AVR RETURN	(20.02)
AMAZON CAPITAL SERVICES INC	AMAZON BUSINESS PRIME ESSENTIALS - MEMBERSHIP FEE	192.87
SONITROL ORANGE COUNTY LLC	AUG'24 AVRANCH ACCESS CONTROL	535.57
SONITROL ORANGE COUNTY LLC	AUG'24 AVCENTER AND AVQUATICS ACCESS CONTROL	125.20
LYONS SECURITY SERVICE IN	JUL'24 GCF SECURITY SERVICES	212.63
LYONS SECURITY SERVICE IN	JUL'24 AVR EVENT SECURITY SERVICES	2,898.00
TEAM ONE MANAGEMENT SERVICES	JUN'24 AVR JANITORIAL SERVICES	5,770.00
FOSTERS' GARDENS INC	JUL'24 AVR INTERIOR PLANT MAINTENANCE	110.00
KIMBERLY KRANTZ	SUMMER24-SRR045 POETRY - 5 PARTICIPANTS	165.00
JENNIFER BALES	SUMMER24-TTS002 CAMP BROADWAY - 8 PARTICIPANTS	1,005.00
CORAL BAY HOME LOANS	SUMMER24-SKT005 SKATEBOARDING - 5 PARTICIPANTS	765.00
SKYHAWKS SPORTS ACADEMY, LLC	SUMMER24-SKY006 LACROSSE CAMP - 11 PARTICIPANTS	1,298.40
RUIHONG LI	SUMMER24-SLM002 YOGA - 3 PARTICIPANTS	419.40
BREAKTHROUGH SPORTS LLC	SUMMER24-BTS012 ALL SPORTS CAMP - 16 PARTICIPANTS	2,150.40
PREMIER AQUATIC SERVICES	SUMMER24-PAB009/PAK009/PAM004 SPLASH CAMP-28 PARTI	6,978.00
L & O ALISO VIEJO, LLC	SUMMER24-SRR079 PICKLEBALL - 3 PARTICIPANTS	147.00
LAURELINDA HAUSSON	SUM24-PAE102/65/88/86/117/91/113/05/89/71-58 PARTI	9,708.60
CULINARY COOKINGS KIDS LLC	SUMMER24-CKC007/CKC008 CULINARY KIDS-51 PARTICIPAN	8,016.00
ANGIE DOROTHY ABAD	SUMMER24-SRR600 HULA -1 PARTICIPANT	9.00
EATON CORPORATION	FY23-24 POWER QUALITY US UPS SERVICE - AVR	5,000.00
GOTO COMMUNICATIONS	AUG'24 AVR GOTO VOIP SERVICE & SUPPORT	665.50
SO CAL EDISON	JUL'24 ACCT#4551 FARM ELECTRICITY	472.94
SO CAL EDISON	JUL'24 ACCT#6247 AVR ELECTRICITY	5,550.30
AARON FLORA	JULY'24 RENEWABLE FARMS	5,605.27
MOULTON NIGUEL WATER DIST	ACCT#105234/104935/104986/104936 AVR WATER SERVICE	1,464.28
MOULTON NIGUEL WATER DIST	ACCT#104515/104519 FARM WATER SERVICE	334.16
RECREATION SERVICES TOTAL:		65,343.23
GF-AV RECREATION SERVICES TOTAL:		65,357.23

203 - GAS TAX

STREET MAINTENANCE		
PV MAINTENANCE INC	JUL'24 PVM STREET MAINTENANCE GAS TAX	22,083.02
UNDERGROUND SERVICE ALERT OF SOUTHERN CA	JUL'24 DATABASE MAINT + 37 TICKETS	78.45
SAN DIEGO GAS & ELECTRIC	JUL'24 ST LIGHTS & TRAFFIC CTRLRS	2,681.69
SO CAL EDISON	JUL'24 ACCT#2125 GS1 MEDIANS	61.77
SO CAL EDISON	JUL'24 ACCT#6377 LS2 ST LIGHTS ELECTRICITY	1,301.82
SO CAL EDISON	JUL'24 ACCT#7241 LS1 ST LIGHTS ELECTRICITY	17,501.55
SO CAL EDISON	JUL'24 ACCT#8254 TC1 ST LIGHTS ELECTRICITY	4,342.19
SAN DIEGO GAS & ELECTRIC	JUN'24 ST LIGHTS & TRAFFIC CTRLRS (PREV IS MAY'24)	2,693.60
MOULTON NIGUEL WATER DIST	ACCT#64613/64615/65346 MEDIANS WATER SERVICE	667.31
STREET MAINTENANCE TOTAL:		51,411.40
GAS TAX TOTAL:		51,411.40

215 - PUBLIC SAFETY GRANTS

LAW ENFORCEMENT-OTHER		
COUNTY OF ORANGE	JUL'24 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM	1,518.00
COUNTY OF ORANGE	AUG'24 E CITATION/MDC EQUIPMENT	6,120.27
LAW ENFORCEMENT-OTHER TOTAL:		7,638.27
PUBLIC SAFETY GRANTS TOTAL:		7,638.27

251 - FEDERAL GRANTS

GEN-FEDERAL GRANT		
AGE WELL SENIOR SERVICES INC	APR-JUN'24 CDBG MEALS ON WHEELS	1,520.00
FAIR HOUSING FOUNDATION	APR-JUN'24 CDBG PROFESSIONAL SERVICES	685.60
SOUTH COUNTY OUTREACH	APR-JUN'24 CDBG HUNGER & HOMELESSNESS PREVENTION	1,276.88

Vendor Name	Description (Item)	Amount
AGE WELL SENIOR SERVICES INC	FY23-24 CDBG-CV Q1-3 CDBG-CV MEALS ON WHEELS	10,000.00
SOUTH COUNTY OUTREACH	APR-JUN'24 COVID RELIEF HUNGER & HOMELESS PREVENT	24,385.21
FAMILY ASSISTANCE MINISTRIES	Q4 FY23-24 CDBG PROF SERVICES-TRANSITIONAL HOUSING	1,308.25
	GEN-FEDERAL GRANT TOTAL:	39,175.94
	FEDERAL GRANTS TOTAL:	39,175.94

261 - CITY FAC.-AQUATIC CENTER

PREMIER AQUATIC SERVICES	AUG'24 AQC RETENTION FEES	(1,208.30)
		-1,208.30

GEN-AQUATIC CENTER

COX COMMUNICATIONS, INC	AUG'24 ACCT#6701 AQC INTERNET	509.84
GARDAWORLD	AUG'24 AQC - CASH COURIER SERVICE	511.44
PREMIER AQUATIC SERVICES	AUG'24 AQC MANAGEMENT FEES	12,083.00
TEAM ONE MANAGEMENT SERVICES	JUL'24 AQC JANITORIAL SERVICES	2,749.26
HASA INC	JUN'24 AQC POOL CHEMICALS-CHLORINE & ACID	1,862.62
THE GAS COMPANY	7/01/24-7/31/24 MTR#15672349 AQC GAS SVC	598.19
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/01 COSTCO_CONCESSIONS	61.46
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/02 STATER BROS_CONCESSIONS	49.62
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/22 COSTCO ORDER_CONCESSIONS	115.93
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/01 JACKRABBIT SERVICES	315.00
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/18 STAPLES - PRINTER PAPER	59.25
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/01AMAZON-OFFICE SUPPL& SUNBLOCK	195.77
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/01 AMAZON-REPAIR & OFFICE SUPPL	46.38
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/01 AMAZON-WEIR POOL FLAPS	54.57
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/03 AMAZON-SWIM PROGRAM SUPPLIES	46.24
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/03 AMAZON - TOYS_GRADUATION 7/7	10.76
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/03 AMAZON - TOYS_GRADUATION 7/8	16.15
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/26 WALMART SIGN MTLs 7/29 EVENT	26.67
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC-SWIMMINGLY-SWIM TEAM SOFTWARE	1,152.90
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/22 HASTY AWARDS - SWIM TEAM	585.04
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/30 HASTY AWARDS-SWIM TEAM TROPH	338.84
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/03 AMAZON-TOYS&PROG OFFICE SUPP	105.33
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC AMAZON 7/26 -DECO & OLYMPICS PROG	65.15
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/09 AMAZON - STICKERS_SWIM PROG	27.59
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/31 GOOGLE AD SPEND	446.00
PREMIER AQUATIC SERVICES	JUL'24 REIMB-AMAZON 7/01A-FRAME_SIGN & MARKETING	219.76
PREMIER AQUATIC SERVICES	JUL'24 REIMB AQC 7/31 FACEBOOK AD MARKETING	621.48
MOULTON NIGUEL WATER DIST	ACCT#64095/64096 AQC WATER SERVICE	663.91
	GEN-AQUATIC CENTER TOTAL:	23,538.15

CITY FAC.-AQUATIC CENTER TOTAL: 22,329.85

332 - STORM WATER

DRAINAGE IMPROVEMENTS

PV MAINTENANCE INC	JUL'24 #091 DAIRY FORK WETLANDS MAINTENANCE	3,406.00
	DRAINAGE IMPROVEMENTS TOTAL:	3,406.00
	STORM WATER TOTAL:	3,406.00

GRAND TOTAL: 1,336,836.86

Fund Summary

Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	1,130,716.84	1,130,716.84
102 - GEN. FD-CITY HALL	16,801.33	16,801.33
103 - GF-AV RECREATION SERVICES	65,357.23	65,357.23
203 - GAS TAX	51,411.40	51,411.40
215 - PUBLIC SAFETY GRANTS	7,638.27	7,638.27
251 - FEDERAL GRANTS	39,175.94	39,175.94
261 - CITY FAC.-AQUATIC CENTER	22,329.85	22,329.85
332 - STORM WATER	3,406.00	3,406.00
Grand Total:	1,336,836.86	1,336,836.86

Report Summary

Fund Summary

Fund	Payment Amount
101 - GENERAL FUND	1,130,716.84
102 - GEN. FD-CITY HALL	16,801.33
103 - GF-AV RECREATION SERVICES	65,357.23
203 - GAS TAX	51,411.40
215 - PUBLIC SAFETY GRANTS	7,638.27
251 - FEDERAL GRANTS	39,175.94
261 - CITY FAC.-AQUATIC CENTER	22,329.85
332 - STORM WATER	3,406.00
Grand Total:	1,336,836.86

Account Summary

Account Number	Account Name	Payment Amount
101-1203-000	ACCOUNTS RECEIVABLE	7,063.02
101-2505-000	DENTAL INSURANCE PA...	1,951.11
101-2508-000	VISION INSURANCE PAY...	308.73
101-2603-000	ENGINEERING DEPOSIT	684.45
101-2606-000	C & D DEPOSIT	16,000.00
101-4-1501-4206-000	MEDICAL INSURANCE	2,304.95
101-4-1501-4207-000	DENTAL INSURANCE	729.40
101-4-1501-4208-000	VISION INSURANCE	120.95
101-4-1501-4225-000	VEHICLE/CELL	131.49
101-4-1503-4309-000	OTHER CONTRACTUAL S...	6,680.30
101-4-2501-4301-000	PROFESSIONAL SERVICES	7,850.00
101-4-2501-4309-000	OTHER CONTRACTUAL S...	725.00
101-4-3101-4301-000	PROFESSIONAL SERVICES	2,456.67
101-4-3101-4305-000	TECHNOLOGY SERVICES	6,648.40
101-4-3101-4481-000	COMPUTER EXPENSE	18,282.51
101-4-3501-4431-000	BUILDING & GROUND M...	1,088.83
101-4-3501-4513-000	PRINTING	125.87
101-4-3501-4516-000	FUEL	571.70
101-4-4101-4527-000	REC-CITY SPECIAL EVENTS	902.91
101-4-4102-4411-000	UTILITIES	251.06
101-4-4102-4431-000	BUILDING & GROUND M...	2,688.62
101-4-4103-4411-000	UTILITIES	2,790.67
101-4-4103-4431-000	BUILDING & GROUND M...	1,059.39
101-4-4401-4309-000	OTHER CONTRACTUAL S...	1,925.00
101-4-4501-4701-000	NPDES	3,650.00
101-4-4503-4771-000	C.S-STREET MAINTENAN...	18,067.93
101-4-5101-4308-000	LAW ENFORCEMENT	892,517.60
101-4-5102-4516-000	FUEL	286.28
101-4-5301-4722-000	C.S-ANIMAL CARE SERVI...	132,655.00
101-4-5401-4521-000	MEMBERSHIP & DUES	199.00
102-4-3501-4411-000	UTILITIES	11,025.66
102-4-3501-4431-000	BUILDING & GROUND M...	5,775.67
103-34161	CONTRACT CLASSES	294.00
103-34162	CITY CAMP REVENUE	-280.00
103-4-4105-4305-000	TECHNOLOGY SERVICES	8,232.96
103-4-4105-4309-000	OTHER CONTRACTUAL S...	30,661.80
103-4-4105-4411-000	UTILITIES	7,014.58
103-4-4105-4431-000	BUILDING & GROUND M...	8,971.00
103-4-4105-4451-000	FARM OPERATING EXPE...	6,625.00
103-4-4105-4561-000	TAXES/FEES/PERMITS	3,772.82
103-4-4105-4601-000	SUPPLIES	65.07
203-4-4503-4411-000	UTILITIES	29,249.93
203-4-4503-4771-000	C.S-STREET MAINTENAN...	22,161.47
215-4-5102-4803-000	PUBLIC SAFETY EQUIPM...	7,638.27
251-4-6151-4309-000	OTHER CONTRACTUAL S...	39,175.94

Account Summary

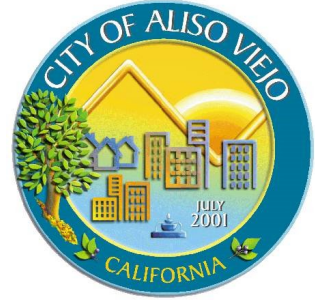
Account Number	Account Name	Payment Amount
261-2103-000	RETENTIONS PAYABLE	-1,208.30
261-4-6161-7301-000	COST OF F&B	227.01
261-4-6161-7402-000	COMPUTER EXPENSE	315.00
261-4-6161-7411-000	UTILITIES	1,771.94
261-4-6161-7421-000	BUILDING & GROUND M...	2,749.26
261-4-6161-7425-000	POOL MAINTENANCE	1,862.62
261-4-6161-7431-000	SUPPLIES	301.40
261-4-6161-7432-000	MINOR EQUIPMENT	54.57
261-4-6161-7433-000	OPERATING SUPPLIES	2,374.67
261-4-6161-7441-000	MARKETING	1,287.24
261-4-6161-7445-000	FEES & PERMITS	511.44
261-4-6161-7451-000	MANAGEMENT FEES	12,083.00
332-4-8601-5911-000	REHABILITATION	3,406.00
Grand Total:		1,336,836.86

Project Account Summary

Project Account Key	Payment Amount
None	1,267,346.49
0915911	3,406.00
1002SUMMERCAMP	30,340.80
1002SUMMERCLASS	321.00
9934527	352.91
CDBGCV4309	34,385.21
ENG 2256	684.45
Grand Total:	1,336,836.86

City of Aliso Viejo

AGENDA ITEM



DATE: September 4, 2024

TO: Mayor and City Council

FROM: So Kim, Community Development Department

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

Recommended Actions:

1. Conduct a second reading and adopt 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;

OR

2. Conduct a public hearing and introduce for first reading an amended 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.

Fiscal Impact:

None.

Discussion:

On August 21, 2024, Staff presented the subject Ordinance pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) for consideration. On the day of the meeting, the City received the attached letter (Attachment 3) from the

California Legislative Action Committee (“CAI”) regarding the notification requirement for ADUs.

The existing Ordinance mandates that ADUs must provide evidence of notifying the Homeowners Association (HOA), if applicable, as part of the application process. However, the Department of Housing and Community Development (“HCD”), in its review of the City’s Ordinance (Attachment 2), recommends removing this notification requirement. The basis for this recommendation is that the City cannot implement regulations that delay permits, allow for discretion or third-party intervention in the review process, and only the City has the authority to approve or deny ADU applications.

The CAI, however, disagrees with HCD and recommends preserving the HOA notification requirement. The CAI notes that removing the HOA notification requirement could open the door for large-scale ADU developments in neighborhoods. Despite changes in State Law allowing ADUs by right, the City has only received two ADU applications, with only one currently under construction. While mass development of ADUs may be a concern for other cities, based on historical trend, Staff does not anticipate a sudden increase in ADU development as a result of removing the HOA notification requirement. Additionally, HOA notification is not required for any other ministerial or administrative applications in the City. Therefore, Staff recommends that the City Council consider adopting the Ordinance as presented. If adopted, the Ordinance will take effect 30 days after adoption.

Attachment:

1. Ordinance
2. Department of Housing and Community Development Letter
3. California Legislative Action Committee 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 4th day of September, 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 4th day of
September 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 September 4, 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.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



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.
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.

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.
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.
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.

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.
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.

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.”

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).
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.

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.
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.
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.

13. Section 15.14.080 (l)(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.

14. Section 15.14.080 (l)(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.

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.
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.

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.

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.

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.
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.

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)

August 21, 2024

Via Email
Aliso Viejo City Council and Mayor
City-council@avcity.org

Re: Preservation of Section 15.14.080 (D)(2)

Dear Mayor Munzing, Mayor Pro Tem Ackley, and Councilmembers Chun, Duncan, and Hurt,

As a dedicated homeowner advocate with over 25 years of experience, I have actively contributed to various Orange County homeowner associations, holding key positions such as Member-at-Large, Secretary/Treasurer, and President. Currently, I serve as the President of the Westpark Maintenance District (Irvine), Vice Chair of the Rancho Mission Viejo MMC, and am completing my second term on the Board of Directors for the Community Associations Institute (CAI-OC Chapter), where I also currently serve as President. I am actively involved in several committees, including the California Legislative Action Committee (CLAC), where I am the incoming Vice-Chair. I write to you today on behalf of the Community Associations Institute (CAI) California Legislative Action Committee, representing the [approximately 14,300,000 Californians living in 4,947,000 homes in more than 50,010 community associations across the Golden State](#). We thank you for this opportunity to provide comment on the City's review of Ordinance No. 2023-235, initiated in response to the June 25, 2024 letter from the California Department of Housing and Community Development (DHCD).

We urge the Council to reject DHCD Recommendation 4 and instead preserve Section 15.14.080 (D)(2) of the existing statute as a necessary protection for community association homeowners.

By DHCD's own admission, Section 15.14.080 (D)(2) is not in violation of Gov. Code, §§ 66310 – 66342, and instead is viewed by DHCD as a potential hinderance to ADU development. We disagree with this characterization of the existing requirement to provide evidence of notice to a homeowners association as a prerequisite for permit approval- homeowners associations have a contractual right to set approval processes for new construction on existing lots, and to circumvent this process would be an overreach by the city into private contracts. Approval processes exist in community associations in part to ensure that, if there are any infrastructure improvements which must be made, they can be coordinated on a neighborhood-wide basis, and financing responsibilities can be properly assigned. If Section 15.14.080 (D)(2), then this could open the door for large-scale ADU development in neighborhoods and cause the cost burden of needed infrastructure improvements (roads, water, sewage) to be shifted to the neighborhood as a whole, rather than taking the time to properly work out which parties should be responsible for financing the improvements.

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What's more, notice requirements also ensures the ability of community associations to have input in the design process, to ensure conformity to existing rules and regulations.

As noted in CAI's [Accessory Dwelling Unit Public Policy](#), CAI recognizes the need to provide more affordable housing opportunities, but at the same time, CAI supports the rights of residential common interest communities to reasonably regulate the development and placement of accessory dwelling units within their communities. As each residential common interest community is unique, legislation should recognize the need for a particular community association to develop reasonable rules and regulations for accessory dwelling units consistent with that community's unique design, development, and operation. Such rules and regulations would necessarily include restrictions upon the design, materials used, size, and location of accessory dwelling units.

[About CAI and the Community Association Housing Model¹](#)

CAI is the only international membership organization dedicated to the community association model of homeownership. CAI members are homeowners, association board members, managing agents and business partners who work tirelessly to improve the community association model of housing. CAI members have a keen focus on homeowner and board member education, development and enforcement of best practices and ethical standards, and raising standards through credentialing and continuing education requirements for community association professionals. CAI's more than 45,000 members are organized in more than 60 chapters.

¹ Role & Benefit Community Association Housing

Emerging in the 1970s, community association housing was a means to address issues of land use and limited resources at the state and local level for housing development. HOAs and condominiums allowed for affordable and efficient construction of housing while concurrently limited the financial impact of such development on local and state governments. The investment in community infrastructure including roads, retention ponds, parks, club houses and amenities are borne by developers and the ongoing cost of maintenance is supported by assessments paid by residents of the community association. Amenities and infrastructure are driven by market considerations and the result is a vast array of communities that provide consumers with an array of choices in housing and lifestyles.

When purchasing a home in a community association, a resident enters into a contractual arrangement which obligates them to pay assessments to their association, which is governed by a board elected by the residents. Such communities, through deed restrictions and adopted rules have provisions to enhance and maintain the property values of homes in the community. The benefits of such communities accrue to both residents, taxpayers and local business. First, homes in community associations are worth at minimum, 5% more than homes in a traditional community. This directly benefits the purchaser, but also the larger jurisdiction through enhanced property taxes resulting from this value premium. Additionally, community association residents assess themselves to maintain the infrastructure and amenities in their community, costs that would otherwise fall on state or local governments.

More importantly, community associations provide residents with an accessible opportunity for civic involvement. Community Associations are governed by their residents, who elect representatives to serve on a board of directors. This provides a level of local governance that residents find highly responsive to their needs. 93% of association residents rate their experience as positive, and 88% believe their elected boards strive to serve the best interests of their community. In total, more than 1.6 million Americans demonstrate their civic commitment by service on a community association board each year.

Aliso Viejo City Council and Mayor

City-council@avcity.org

Re: Preservation of Section 15.14.080 (D)(2)

For more statistical data on the community association housing model in California, I encourage you to review the Foundation for Community Associations Research (FCAR), [Fact Book: California State Summary: Community Association Data and Information](#). Community Association Fact Book is published by FCAR and documents the history, current status, trends, and future issues of U.S. community association housing in general. The Fact Book also provides community association information on a state-by-state basis.

In the [2022 Homeowner Satisfaction Survey](#) conducted by FCAR, 89% of people are happy with their covenants and believe they protect their property values, and 89% rate their overall community association experience as good, very good, or neutral.

The CAI California LAC welcomes any opportunity for connections between members and legislators at all levels of government. We are happy to help connect you with members in your district, and help raise awareness rules pertaining to accessory dwelling units in community associations, your work as Councilmembers, and other relevant state and local construction ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Spillar', with a long horizontal flourish extending to the right.

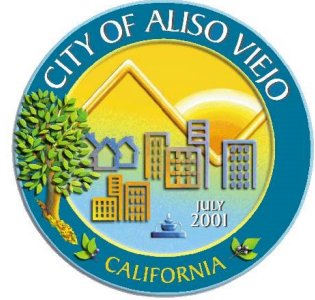
Robert Spillar

Incoming Vice Chair CAI California Legislative Action Committee (2024-2025)

President Orange County Regional Chapter of CAI (2024)

City of Aliso Viejo

AGENDA ITEM



DATE: September 4, 2024

TO: Mayor and City Council

FROM: Mitzi Ortiz, Director of Government Services

SUBJECT: LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND
SELECTION OF GENERAL ASSEMBLY VOTING DELEGATE

Recommended Actions:

1. Designate a voting delegate and up to two alternates for the League of California Cities General Assembly to be held on October 18, 2024 at the Long Beach Convention Center; and
2. Cancel the October 16, 2024 City Council Meeting to allow for staff and City Council attendance at the Annual Conference.

Fiscal Impact:

Conference registration is required at a cost of \$350 for one-day registration or \$700 for full conference registration. Funds for travel and training expenditures have been included in the FY 2024-25 Budget.

Background:

This year's League of California Cities (Cal Cities) Annual Conference will be held October 16-18, 2024, at the Long Beach Convention Center. The General Assembly is scheduled for Friday, October 18, at 8:30 a.m. and is held to allow the membership to consider and act on proposed resolutions that establish Cal Cities policy. In order to vote at this meeting, the City Council must designate a voting delegate and may appoint up to two alternates, one of whom may vote in the event that the voting delegate is unable to serve in that capacity.

Discussion:

The voting delegate and alternate(s) must be registered to attend the conference. At least one must be present at the General Assembly and in possession of a voting card in order to cast a vote. Additional instructions are outlined in the attached correspondence from the Cal Cities regarding this process and the voting procedures. Voting cards may be

transferred between the delegate and the alternate(s) only. They are not transferable to another City official.

Staff is recommending the City Council designate one voting delegate and up to two alternates. Cal Cities has requested submittal of the Voting Delegate/Alternate Form by September 25, 2024. Additionally, staff is recommending the cancellation of the October 16, 2024 City Council meeting in order to allow for staff and City Council attendance at the Cal Cities Annual Conference.

Attachment:

1. Cal Cities Memo

DATE: Wednesday, July 10, 2024

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Oct. 16-18, 2024
Long Beach Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Oct. 18, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Following council action, please submit your city's delegates through [the online submission portal](#) by Wed., Sept. 25. When completing the Voting Delegate submission form, you will be asked to attest that council action was taken. You will need to be signed in to your My Cal Cities account when submitting the form.

Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](#) website.



For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the Long Beach Convention Center in Long Beach, will be open at the following times: Wednesday, Oct. 16, 8:00 a.m.-6:00 p.m. and Thursday, Oct. 17, 7:30 a.m.-4:00 p.m. On Friday, Oct. 18, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for submitting your voting delegate and alternates by Wednesday, Sept. 25. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Information Sheet: Cal Cities Resolutions and the General Assembly

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance

to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members

review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during

the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee

or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates—one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).