

AGENDA

ALISO VIEJO CITY COUNCIL REGULAR MEETING
WEDNESDAY, FEBRUARY 4, 2015
6:00 P.M. STUDY SESSION
7:00 P.M. PUBLIC MEETING / PUBLIC HEARINGS

City Hall
Council Chambers
12 Journey
Aliso Viejo, CA



Mayor William A. Phillips
Mayor Pro Tem Mike Munzing
Councilmember Ross Chun
Councilmember David C. Harrington
Councilmember Phillip B. Tsunoda

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. Supplemental documents relating to specific agenda items are available for review in the City Clerk's office, 12 Journey, Aliso Viejo. For more information, please contact City Hall at (949) 425-2505.

DAVID A. DOYLE
CITY MANAGER

SCOTT C. SMITH
CITY ATTORNEY

MITZI ORTIZ
CITY CLERK

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

CALL TO ORDER: Convene Meeting to Study Session - 6:00 p.m.

PUBLIC COMMENTS: At this time members of the public may address the City Council regarding any items appearing on the Study Session agenda. Those persons wishing to address the City Council are requested to complete a "Request to Address City Council" form available on the table adjacent to the front door of the City Council Chambers. COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER.

1. ALISO VIEJO TOWN CENTER CONCEPT PLAN

RECOMMENDATION: Accept the Staff presentation, provide comment and direct staff to return to Council March 4, 2015, with a final Aliso Viejo Town Center Concept Plan according to Council comment, completed Retail and Fiscal Analyses, and Implementation Strategy Plan for Council consideration.

CALL TO ORDER: Reconvene Meeting to Open Session and Roll Call - 7:00 p.m.

PRESENT:

ABSENT:

PLEDGE OF ALLEGIANCE: Aliso Viejo Boys & Girls Club

SPECIAL PRESENTATIONS

- A. ALISO CREEK RESTORATION PROJECT PRESENTED BY ORANGE COUNTY WATERSHED STAFF
- B. ALISO CREEK ARUNDO REMOVAL PROJECT PRESENTED BY LAGUNA CANYON FOUNDATION

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

CONSENT CALENDAR NOTICE: Any member of the public who wishes to discuss a Consent Calendar item should 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 ARE LIMITED TO THREE MINUTES PER SPEAKER.

CONSENT CALENDAR ITEMS NOS. 1-8

All matters listed on the Consent Calendar will be acted upon by one vote unless members of the City Council, staff, or the public 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.

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.

2. **APPROVAL OF MINUTES – JANUARY 21, 2015 REGULAR MEETING**

RECOMMENDED ACTION: Approve the subject Minutes as submitted.

3. **ADOPT ORDINANCE APPROVING ZONING CODE AMENDMENT – CHANGES TO STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES, RECREATIONAL VEHICLES, AUTO RENTAL AGENCIES, MEDICAL OFFICE USES, OUTDOOR DINING, BUSINESS SIGNS, PARKING, HOUSING DEFINITIONS AND OTHER AMENDMENTS (PA15-001)**

RECOMMENDED ACTION: Conduct second reading and adopt Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE, INCLUDING CHANGES TO LAND USE REGULATIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL ACCESSORY STRUCTURES, MEDICAL OFFICE AND AUTO RENTAL AGENCY USES, OUTDOOR DINING, PARKING REGULATIONS, RECREATIONAL VEHICLE PARKING, BUSINESS SIGNS AND OTHER AMENDMENTS (PA15-001)

4. **ACCOUNTS PAYABLE**

RECOMMENDED ACTION:

1. Ratify accounts payable checks issued January 15, 2015 in the amount of \$219,087.09; and
2. Ratify accounts payable checks issued January 22, 2015 in the amount of \$40,031.87.

5. **TREASURER'S STATEMENT – DECEMBER 2014**

RECOMMENDED ACTION: Approve the December 2014 Treasurer's Statement.

6. AFFORDABLE HOUSING IN-LIEU STRATEGIC PLAN

RECOMMENDED ACTION: Adopt Resolution approving the Affordable Housing In-Lieu Strategic Plan.

7. RESOLUTION REVERSING THE DIRECTOR OF PLANNING SERVICES' ACTION OF NOVEMBER 10, 2014, AND DENYING ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

RECOMMENDED ACTION: Adopt Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REVERSING THE DIRECTOR OF PLANNING SERVICES' DECISION AND DENYING APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

8. UPGRADE EXISTING BIKE TRAILER TO MULTIMEDIA PUBLIC INFORMATION TRAILER

RECOMMENDED ACTION: Approve upgrading the existing Public Safety Bike Trailer to a Multimedia Public Information Trailer in the amount of \$29,000.

END OF CONSENT CALENDAR

DISCUSSION ITEMS NOS. 9-10

9. MID-YEAR BUDGET UPDATE

RECOMMENDED ACTION:

1. Adopt the recommended Mid-Year Budget for Fiscal Year 2014-15.
2. Authorize City Manager to execute the Data Center Rebuild contract.

10. REQUEST FOR FIELD USAGE AT IGLESIA PARK – SCORPIONS BASEBALL CLUB AND CONSIDERATION OF ATHLETIC FIELD USE POLICY FOR IGLESIA PARK

RECOMMENDED ACTION:

1. Authorize the City Manager to enter into a field use agreement with the Scorpions Baseball Club to utilize the newly renovated baseball field at Iglesia Park from February 5 through September 1, 2015, on Sunday afternoons and one weekday afternoon.
2. Approve the Athletic Field Use Policy at Iglesia Park.

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.

CITY MANAGER'S REPORT

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

ADJOURNMENT: The next regularly scheduled meeting is February 18, 2015.

City of Aliso Viejo Agenda Item



DATE: February 4, 2015
TO: Mayor and City Council
FROM: Albert Armijo, Director of Planning Services
SUBJECT: ALISO VIEJO TOWN CENTER CONCEPT PLAN – STUDY SESSION

Recommended Action

Staff recommends the City Council –

Accept the Staff presentation, provide comment, and direct staff to return to Council March 4, 2015, with a final Aliso Viejo Town Center Concept Plan according to Council comment, completed Retail and Fiscal Analyses, and the Implementation Strategy Plan for Council consideration.

In a July, 2014 Study Session, staff brought the City Council three alternatives that depicted varying degrees of development beyond that in the Vision Plan. The Council provided comments as did some of the public who attended the Study Session. On October 15, 2014, staff presented a revised draft Concept Plan to City Council that was based on further investigation of site conditions and previously prepared development plan alternatives, City Council comments and questions, and extensive meetings with property owners and major tenants. Tonight Staff will be presenting its recommended Concept Plan designed according to Council comments, property owner comments, public comments and additional staff research. Staff also will be presenting traffic and parking data associated with build-out of the Concept Plan, preliminary fiscal and market analyses findings, and a summary of the Draft Implementation Strategy Plan. The next three pages contain Tables summarizing the Concept Plan and related data for the overall project site and for each of the four Districts (Mixed Use; Entertainment; Retail; and, Convenience).

The following are attached to this Report: Concept Plan for the entire site; Concept Plan for Mixed Use/Entertainment District; Concept Plan for Retail/Convenience District; Property Ownership graphic; and, the January 5, 2015 letter from Donahue Schriber indicating support for the overall Concept Plan.

Tables 1 – 4: Land Use Data

TABLE 1 – MIXED USE DISTRICT				
Land Use	Existing Sq. Ft./ Rooms/Units	Proposed Additional Sq. Ft./ Rooms/Units	Demolished Sq. Ft.	Build-Out Sq. Ft./ Rooms/Units
Retail	252,819 sq. ft.	100,000 sq. ft.	219,390 sq. ft.	135,429 sq. ft.
Dining	13,611 sq. ft.	57,500 sq. ft.	NA	71,111 sq. ft.
Health Club	0	40,000 sq. ft.	NA	40,000 sq. ft.
Hotel	0	152 rooms; 12,000 sq. ft. auxiliary uses	NA	152 rooms; 12,000 sq. ft. auxiliary uses
Office	0	20,000 sq. ft.	NA	20,000 sq. ft.
Residential	0	613 units	NA	613 units
TOTAL	266,430 sq. ft.	217,500 sq. ft.; 152 rooms; 12,000 sq. ft. auxiliary uses; 613 units	219,390 sq. ft.	266,540 sq. ft.; 152 rooms; 12,000 sq. ft. auxiliary uses; 613 units

TABLE 2 – ENTERTAINMENT DISTRICT			
Land Use	Existing Sq. Ft./ Units	Proposed Additional Sq. Ft./Units	Build-Out Sq. Ft./ Rooms/Units
Retail	114,350	48,753 sq. ft.	163,103 sq. ft.
Dining	64,562	46,126 sq. ft.	110,688 sq. ft.
Office	57,865	48,648 sq. ft.	106,513 sq. ft.
Residential	0	265 units	265 units
TOTAL	236,777	143,527 sq. ft./ 265 units	380,304 sq. ft./ 265 units

TABLE 3 – RETAIL DISTRICT		
Land Use	Existing Sq. Ft.	Build-Out Sq. Ft.
Retail	145,320	145,320
Dining	6,600	6,600
Office	5,003	5,003
TOTAL	156,923	156,923

TABLE 4 – CONVENIENCE DISTRICT		
Land Use	Existing Sq. Ft.	Build-Out Sq. Ft.
Retail	92,056	92,056
Dining	19,718	19,718
Office	1,100	1,100
TOTAL	112,874	112,874

Tables 5 and 6: – Intersection Capacity and Recommended Improvements

TABLE 5 – INTERSECTIONS LEVEL OF SERVICE				
Intersection	Level of Service 2035 Without Project (Includes Build-Out of all Cumulative Projects)		Level of Service 2035 With Project (Includes Build-Out of all Cumulative Projects)	
	AM	PM	AM	PM
El Toro Road (N/S)/Aliso Creek Road (E/W)* <i>*Note: This intersection is not within Aliso Viejo City limits</i>	B	D	B	E
Pacific Park Drive (N/S)/SR-73 Southbound Ramp (E/W)	E	A	E	A
Aliso Creek Road (N/S)/Aliso Viejo Parkway (E/W)	B	C	B	D
Aliso Creek Road (N/S)/SR-73 Southbound Ramps (E/W)	A	C	A	D
Aliso Creek Road (N/S)/Enterprise- Summerfield (E/W)	A	C	C	D

TABLE 6 – RECOMMENDED INTERSECTION IMPROVEMENTS	
Intersection	Recommended Intersection Improvements for General Plan Build-Out (Year 2035) with Project Conditions
El Toro Road (N/S)/Aliso Creek Road (E/W))* <i>*Note: This intersection is not within Aliso Viejo City limits</i>	Restripe northbound thru lane to be shared thru/right lane
Pacific Park Drive (N/S)/SR-73 Southbound Ramp/Enterprise (E/W)	Install additional southbound left turn lane; and, Restripe eastbound right lane to be shared thru/right lane
Aliso Creek Road (N/S)/Aliso Viejo Parkway (E/W) Note: Significant widening would be required to accommodate improvements at the intersection of Aliso Creek Road/Aliso Viejo Parkway	Install additional westbound left turn lane; or, Install southbound thru lane; and, Install southbound left turn lane

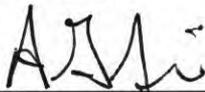
Southbound SR-73 Ramps (E/W)	Install additional northbound left turn lane; or, Install northbound free right turn to southbound SR-73 per original interchange plans
Enterprise/Summerfield (E/W)	Install additional northbound left turn lane

Table 7: Parking

DISTRICT	EXISTING SURFACE SPACES	CONCEPT PLAN DISPLACED SPACES	CONCEPT PLAN PROVIDED SPACES	CONCEPT PLAN REQUIRED SPACES Per AV Code	CONCEPT PLAN PARKING DEMAND Per ULI
Convenience	580	0	580	211	45
Retail	923	52	871	887	588
Entertainment	1,506	595	2,127	1,187	757
Mixed Use	972	378	2,037	1,961	1,885
Total	3,981	1,025	5,615	4,246	3,275

In summary regarding parking, the Staff recommended Concept Plan at build-out would provide 1,369 more parking spaces than the City code would require. Furthermore, the Staff recommended Concept Plan would provide 713 spaces in excess of what currently exist in the Entertainment and Mixed Use Districts.

Prepared by:



Albert Armijo
Director of Planning Services

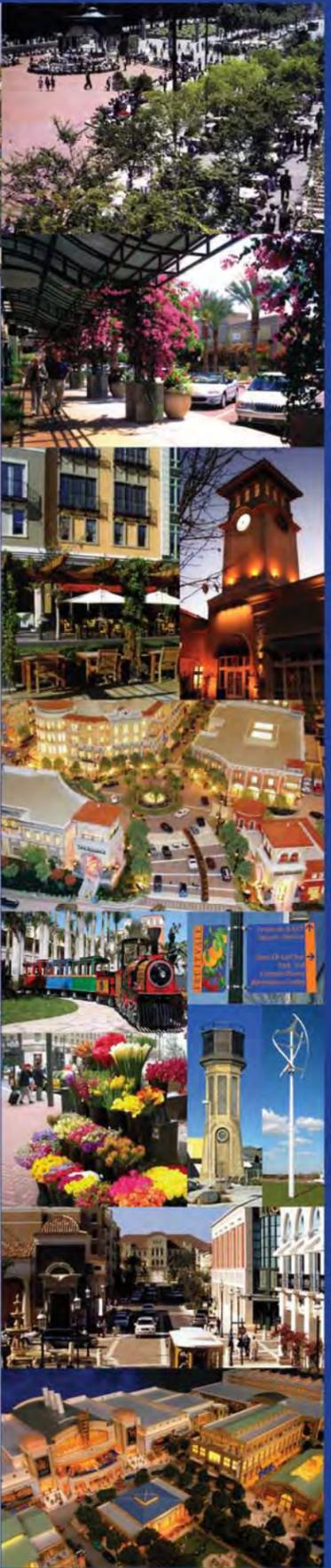
APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



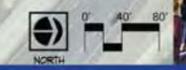
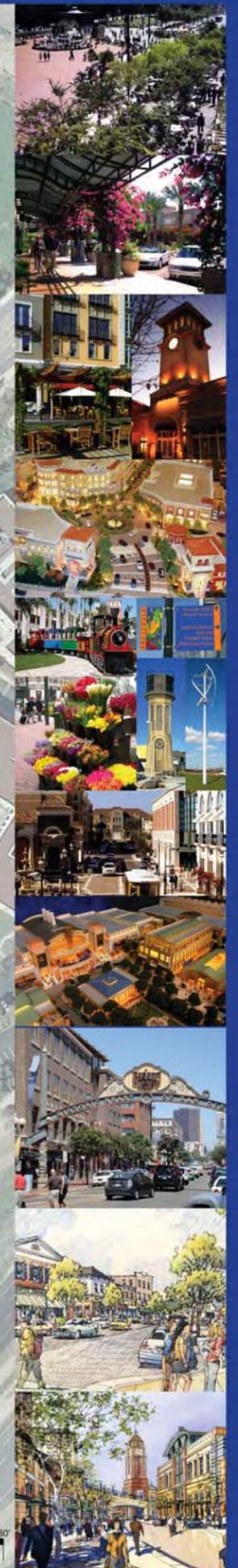
David A. Doyle
City Manager

Attachments

- #1 – Staff Recommended Concept Plan (Overall)
- #2 – Staff Recommended Concept Plan – Mixed Use District/Entertainment District
- #3 – Staff Recommended Concept Plan – Retail District/Convenience District
- #4 – Property Ownership
- #5 – Letter from Donahue Schriber (January 5, 2015)

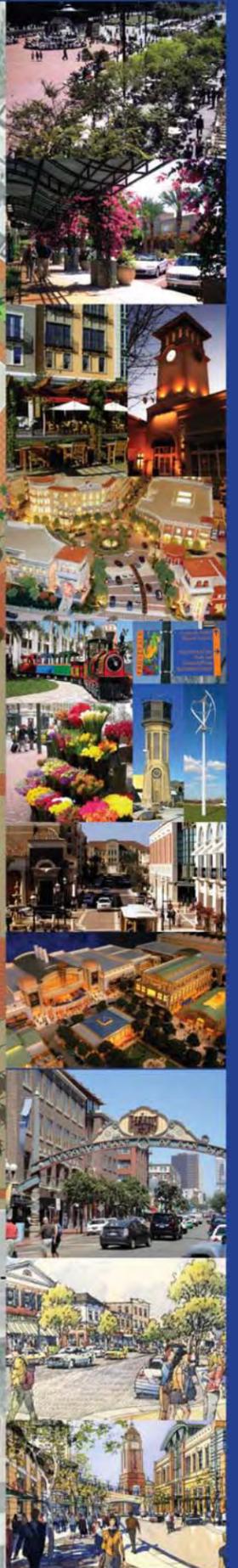


Aliso Viejo Town Center Illustrative Concept Plan Entertainment and Mixed Use Districts





Aliso Viejo Town Center
Illustrative Concept Plan
Convenience and Retail Districts





Property Owners: Aliso Viejo Town Center



**DONAHUE
SCHRIBER**

JAN 7 2015

January 05, 2015

Albert Armijo
Director of Planning Services
City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

SUBJECT: Letter of Support for Aliso Viejo Town Center Concept Plan

Dear Mr. Armijo:

On behalf of Donahue Schriber, I am writing this letter to indicate support for the Aliso Viejo Town Center Concept Plan. We recognize constructing improvements depicted on the Concept Plan can stimulate additional visitors to Town Center. The Planning staff has kept me informed of the various iterations of the Vision and Opportunities Plan and the Concept Plan. However, our long-term tenant leases at this time make it difficult to contemplate and accept additional gross leasable area on that significant portion of the Town Center Donahue Schriber owns. We recognize those improvements, festival plaza, added residential units, dining and entertainment venues, and offices, will result in many additional customers for Town Center businesses and benefit all tenants and property owners as well as the City. Thereby, I encourage the City Council to proceed with the Concept Plan and subsequently with a Specific Plan for the Aliso Viejo Town Center.

Sincerely,



Scott Lawrence
Senior Vice President, Construction

200 E. Baker Street
Suite 100
Costa Mesa, CA 92626
(714) 545-1400
FAX: (714) 545-4222
donahueschriber.com
Lic. 01875932

Agenda Item SS1-9

CITY COUNCIL MEETING OF FEBRUARY 4, 2015

PRESENTATIONS:

- A. ALISO CREEK RESTORATION PROJECT PRESENTED BY ORANGE COUNTY WATERSHED STAFF – ORAL PRESENTATION ONLY.

CITY COUNCIL MEETING OF FEBRUARY 4, 2015

PRESENTATIONS:

- B. ALISO CREEK ARUNDO REMOVAL PROJECT PRESENTED BY LAGUNA CANYON FOUNDATION – ORAL PRESENTATION ONLY.

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
JANUARY 21, 2015, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

CALL TO ORDER: Mayor Phillips called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:02 p.m.

PRESENT: MAYOR WILLIAM A. PHILLIPS
MAYOR PRO TEM MIKE MUNZING
COUNCILMEMBER ROSS CHUN
COUNCILMEMBER DAVID C. HARRINGTON
COUNCILMEMBER PHILLIP B. TSUNODA

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT SMITH, CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
GLENN YASUI, ADMINISTRATIVE SERVICES DIRECTOR
KAREN CROCKER, COMMUNITY SERVICES DIRECTOR
GINA THARANI, FINANCE DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR / CITY
ENGINEER
ALBERT ARMIJO, PLANNING DIRECTOR
LARRY LAWRENCE, PLANNING CONSULTANT
JENNIFER LOWE, ASSOCIATE PLANNER
LT. JOHN MACPHERSON, CHIEF OF POLICE SERVICES

PLEDGE OF ALLEGIANCE: Led by Jewel Hayes

SPECIAL PRESENTATIONS

A. **COUNCIL RECOGNITION AND PRESENTATION TO ALISO NIGUEL GIRLS
VARSITY VOLLEYBALL TEAM**

Mayor Phillips introduced Coach DP Butler who provided information about the CIF-Southern Section Division 1A Championship. Mayor Phillips presented the team members with Certificates of Recognition.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR ITEMS NOS. 1-6

Mayor Phillips asked if any member of the City Council, staff or the public wished to remove an item from the Consent Calendar. Councilmember Chun requested to pull Item No. 5 and Councilmember Tsunoda requested to pull Item No. 6. There were no requests from staff or the public to remove any items on the Consent Calendar.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER CHUN SECONDED TO APPROVE CONSENT CALENDAR ITEMS 1 – 4, AS PRESENTED.

1. **WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS**

Approved 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.

2. **APPROVAL OF MINUTES – JANUARY 7, 2015 REGULAR MEETING**

Approved the subject Minutes as submitted.

3. **ACCOUNTS PAYABLE**

1. Ratified accounts payable checks issued December 31, 2014 in the amount of \$186,266.22; and
2. Ratified accounts payable checks issued January 8, 2015 in the amount of \$684,272.37.

4. **TREASURER’S STATEMENT – NOVEMBER 2014**

Approved the November 2014 Treasurer’s Statement.

5. **ECONOMIC DEVELOPMENT STATUS REPORT**

Removed from Consent Calendar.

6. **RESOLUTION IN SUPPORT OF PROPOSITION 13**

Removed from Consent Calendar.

MOTION UNANIMOUSLY CARRIED

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

5. **ECONOMIC DEVELOPMENT STATUS REPORT**

Administrative Services Director Glenn Yasui presented the staff report. Staff responded to questions regarding services provided by Diamond Star Associates. No further action was taken.

6. **RESOLUTION IN SUPPORT OF PROPOSITION 13**

Staff responded to questions regarding source of the matter and Council Policy for adding items to the agenda.

MOTION: COUNCILMEMBER HARRINGTON MOVED AND MAYOR PRO TEM MUNZING SECONDED TO ADOPT RESOLUTION NO. 2015-06 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, IN SUPPORT OF PROPOSITION 13.

MOTION CARRIED 3-1-1 WITH MAYOR PHILLIPS DISSENTING AND COUNCILMEMBER TSUNODA ABSTAINING

PUBLIC HEARING ITEMS NOS. 7-9

7. **AN APPEAL BY THE CITY COUNCIL OF THE DIRECTOR OF PLANNING SERVICES' APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA – THIS ITEM WAS CONTINUED FROM JANUARY 7, 2015, CITY COUNCIL MEETING**

City Manager David Doyle presented a brief staff report. Councilmember Chun provided information on discussions held with Bruce Evans (representing Regal Entertainment), Shaun Mullen (District Manager, Regal Entertainment) and various City residents/interested persons and receipt of approximately 75 emails with all but two in opposition of the permit. Councilmember Chun also provided information on his visits to Island 7 Cinemas in Newport Beach, Regency Theatres in San Juan Capistrano and Edwards Aliso Viejo Stadium 20. Councilmember Harrington provided information on discussions held with various City residents/interested persons and receipt of approximately 75 emails. Councilmember Harrington also provided information on his visits to Edwards Aliso Viejo Stadium 20, Cinopolis Luxury Cinemas in Laguna Niguel and Island 7 Cinemas in Newport Beach. Councilmember Tsunoda provided information on discussions held with various City residents/interested persons. Vice Mayor Munzing provided information on discussions held with Shaun Mullen (District

Manager, Regal Entertainment) and various City residents/interested persons. Mayor Pro Tem Munzing also provided information on his visit to Island 7 Cinemas in Newport Beach. Mayor Phillips provided information on discussions held with various City residents/interested persons and receipt of approximately 75 emails. Mayor Phillips also provided information on his visits to Island 7 Cinemas in Newport Beach and Regency Theatres in San Juan Capistrano. Mayor Phillips opened the public hearing and the following persons spoke:

1. Bruce Evans, representing Regal Entertainment Group, provided additional information related to the application and proposed conditions of approval. 2. Shaun Mullen, District Manager, Regal Entertainment, provided additional information related to operational impacts. The following persons spoke in opposition: 3. Natalie Affleck; 4. Bill Perkins; 5. Shawn Hansen; 6. Jacob Hansen; 7. Rachel Mckeon; 8. Audrey Mckeon; 9. Sarah Virgin; 10. Mindy Frosto-Swank; 11. Kenny Virgin; 12. Amber Perkins; 13. Robert Davis; 14. Warren Davis; 15. Juliett Chelsey; 16. Beth Garlock; 17. Kathy Brevoort; 18. Christina Baldwin; 19. Jenn Keller; 20. Beth Houghton; 21. Kerry Stewart; 22. Sara Havanek; 23. Matthew Deter; 24. Pamela Novillo; 25. Matthew Miller; 26. Jami Ward; 27. Aurora Knight; 28. Madeline E. Boyer; 29. Matt Boyer; 30. Johanne Padilla; 31. Jeff Swayze.

MAYOR PHILLIPS RECESSED THE MEETING AT 9:28 P.M. AND RECONVENED AT 9:42 P.M.

The following persons spoke in opposition: 32. Amy Ossala; 33. Amber Heydinger; 34. Cherie Crane; 35. Tammy Orrill; 36. Janice Ruckmick; 37. Frank Harrington; 38. Mark Van Bloem; 39. Joshua Swank; 40. Rachel Westfall; 41. Adrian X. Ley; 42. Mike Pouraryan; 43. Jessie Andraszcyk; 44. Scott White; 45. Vicki Higginson; and 46. Abi Wilson.

There were no other speakers. Mayor Phillips closed the public hearing. Bruce Evans, representing Regal Entertainment Group, provided additional information. Staff and applicant responded to questions regarding the draw of alcohol sales, target audiences, proposed controls for alcohol sales and consumption, number of alcohol licenses in the area, crime data for this type of establishment and compatibility with vision of Town Center.

MOTION: COUNCILMEMBER TSUNODA MOVED AND COUNCILMEMBER CHUN SECONDED TO DIRECT STAFF TO RETURN WITH A RESOLUTION REVERSING THE DIRECTOR OF PLANNING SERVICES' ACTION OF NOVEMBER 10, 2014, AND DENY ADMINISTRATIVE USE PERMIT PA14-020.

MOTION CARRIED 4-1 WITH MAYOR PRO TEM MUNZING DISSENTING

8. ORDINANCES RELATED TO PROHIBITION OF SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS AND THE RECOVERY OF HEARING OFFICER COSTS IN ADMINISTRATIVE APPEALS, AND RESOLUTIONS RELATED TO APPEALS FEES AND INCREASING ADMINISTRATIVE FINE AMOUNTS

City Attorney Scott Smith presented the staff report. Mayor Phillips opened the public hearing and the following persons spoke:

1. Sarah Havanek expressed concern with a boarding house in her neighborhood.
2. Aliso Viejo resident expressed concern with a boarding house in her neighborhood and associated criminal activity.

There were no other speakers.

MOTION: MAYOR PRO TEM MUNZING MOVED AND COUNCILMEMBER HARRINGTON SECONDED TO CONTINUE THE PUBLIC HEARING TO THE MARCH 4, 2015 CITY COUNCIL MEETING.

MOTION UNANIMOUSLY CARRIED

9. ZONING CODE AMENDMENT – CHANGES TO STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES, RECREATIONAL VEHICLES, AUTO RENTAL AGENCIES, MEDICAL OFFICE USES, OUTDOOR DINING, BUSINESS SIGNS, PARKING, HOUSING DEFINITIONS AND OTHER AMENDMENTS (PA15-001). THE CODE AMENDMENT IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BECAUSE THE AMENDMENT: 1) WILL NOT RESULT IN A PHYSICAL CHANGE IN THE ENVIRONMENT; AND 2) IS NOT A PROJECT AS DEFINED IN THE CEQA GUIDELINES

City Manager David Doyle introduced Planning Consultant Larry Lawrence who presented the staff report. Mayor Phillips opened the public hearing. There were no speakers. Mayor Phillips closed the public hearing.

MOTION: COUNCILMEMBER CHUN MOVED AND MAYOR PRO TEM MUNZING SECONDED TO INTRODUCE THE ORDINANCE AMENDING THE ZONING CODE.

MOTION UNANIMOUSLY CARRIED

DISCUSSION ITEMS NOS. 10-11

10. PLANNED SIGN PROGRAM FOR OFFICE BUILDING AT 2 MAREBLU (PA14-034) THE SIGN PROGRAM IS EXEMPT FROM THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT BECAUSE IT PROVIDES FOR THE CONSTRUCTION OF SIGNS AS ACCESSORY STRUCTURES APPURTENANT TO EXISTING FACILITIES

Planning Consultant Larry Lawrence presented the staff report. Staff responded to questions regarding consistency with citywide regulations.

MOTION: COUNCILMEMBER CHUN MOVED AND MAYOR PRO TEM MUNZING SECONDED TO ADOPT RESOLUTION NO. 2015-07 APPROVING A SIGN PROGRAM FOR THE BUILDING AT 2 MAREBLU LANE.

MOTION UNANIMOUSLY CARRIED

11. **ALISO CREEK TRAIL**

City Manager David Doyle presented the staff report. No further action was taken.

COMMUNITY INPUT

1. Jeff Havanek expressed concern with a boarding house in his neighborhood and produced copies of advertisement and lease agreement associated with the property.

CITY MANAGER'S REPORT

None.

ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES

Councilmember Chun:

- Attended League of California Cities Transportation, Communication and Public Works Policy Committee meeting
- Attended Association of California Cities – Orange County Energy / Environment Committee meeting
- Attended meeting between Orange County Association of Realtors, Aliso Viejo Community Association and City of Aliso Viejo

Councilmember Harrington:

- Attended League of California Cities New Mayor & Council Members Academy
- Will attend Public Policy Making Academy at University of California Irvine

Councilmember Tsunoda: None

Mayor Pro Tem Munzing: None

Mayor Phillips:

- Announced SnowFest to be held on Saturday, January 24, 2015
- Attended Coastal Greenbelt Authority meeting

ADJOURNMENT: The Council meeting adjourned at 11:21 p.m. to the next regularly scheduled meeting of February 4, 2015.

Respectfully submitted:

Approved by:

MITZI ORTIZ, MMC
CITY CLERK

WILLIAM A. PHILLIPS
MAYOR

City of Aliso Viejo

Agenda Item



DATE: February 4, 2015

TO: Mayor and City Council

FROM: Mitzi Ortiz, City Clerk

SUBJECT: ADOPT ORDINANCE APPROVING ZONING CODE AMENDMENT – CHANGES TO STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES, RECREATIONAL VEHICLES, AUTO RENTAL AGENCIES, MEDICAL OFFICE USES, OUTDOOR DINING, BUSINESS SIGNS, PARKING, HOUSING DEFINITIONS AND OTHER AMENDMENTS (PA15-001)

Recommendation:

Conduct second reading and adopt Ordinance entitled:

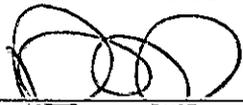
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE, INCLUDING CHANGES TO LAND USE REGULATIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL ACCESSORY STRUCTURES, MEDICAL OFFICE AND AUTO RENTAL AGENCY USES, OUTDOOR DINING, PARKING REGULATIONS, RECREATIONAL VEHICLE PARKING, BUSINESS SIGNS AND OTHER AMENDMENTS (PA15-001)

Summary:

On January 21, 2015, the City Council unanimously approved the introduction and first reading of the subject Ordinance. No public comments were received for this item. The Ordinance will take effect 30 days after adoption.


Mitzi Ortiz, MMC
City Clerk

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL


David A. Doyle
City Manager

Attachment: Ordinance

ORDINANCE NO. 2015-0XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING TITLE 15 OF THE ALISO VIEJO MUNICIPAL CODE, INCLUDING CHANGES TO LAND USE REGULATIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, RESIDENTIAL ACCESSORY STRUCTURES, MEDICAL OFFICE AND AUTO RENTAL AGENCY USES, OUTDOOR DINING, PARKING REGULATIONS, RECREATIONAL VEHICLE PARKING, BUSINESS SIGNS AND OTHER AMENDMENTS (PA15-001)

WHEREAS, on April 21, 2004, the City Council of the City of Aliso Viejo, California (“City”) adopted a General Plan as required by California Government Code section 65300; and

WHEREAS, California Government Code sections 65800 *et seq.* provide for the adoption and administration of local zoning laws, ordinances, rules and regulations to implement the General Plan; and

WHEREAS, on January 20, 2010, the Aliso Viejo City Council (“City Council”) adopted a revised Zoning Code for the City; and

WHEREAS, the City Council and City staff have identified the need to make refinements to Title 15 of the Aliso Viejo Municipal Code, also known as the Aliso Viejo Zoning Code (“Zoning Code”); and

WHEREAS, Zoning Code chapters 15.70 and 15.78 and California Government Code section 65854 require the City Council to conduct a public hearing on amendments to the Zoning Code; and

WHEREAS, notice of the public hearing on the Zoning Code Amendment was published in a 1/8 page display ad in the Aliso Viejo News on January 8, 2015 and public hearing notices were posted at the Aliso Viejo City Hall, the Aliso Viejo Library, and the Aliso Viejo Sheriff Substation pursuant to California Government Code sections 65853 *et seq.*; and

WHEREAS, the City Council held a duly-noticed public hearing on January 21, 2015 to consider first reading of this Ordinance and public testimony and recommendations presented by staff in its staff report and oral presentation.

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. This Ordinance enacts changes to the City’s Zoning Code in order to promote health, safety, comfort and general welfare in the community, to provide a plan for sound and orderly development and to ensure social and economic stability.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the activity is not a project as defined in Section 15378 of the State CEQA Guidelines. Even if the Ordinance did constitute a "project" within the meaning of CEQA, the activity is exempt under State CEQA Guidelines section 15061 for the reasons set forth in this Ordinance and the corresponding staff report. The Ordinance does not have the potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. After receiving public testimony, reviewing the evidence submitted by staff and discussing the proposed ordinance, the City Council hereby finds that the amendments to the Zoning Code to amend certain land use regulations relating to transitional and supportive housing, residential accessory structures, medical office and auto rental agency uses, parking regulations, recreational vehicle parking, business signs and other amendments are consistent with the General Plan. Specifically, the amendments will refine land use regulations to allow the City to more effectively monitor and maintain standards for land use diversity and environmental compatibility (General Plan Goals LU-1 and LU-4, pp. LU-6 and LU-8) and access to safe and affordable housing (General Plan Goals H-1, H-2 and H-3, pp. H-4 through H-6).

SECTION 3. In addition, the City Council hereby finds that the amendments to the Zoning Code will not create conditions materially detrimental to the public health, safety, and general welfare. Rather, the amendments are enacted to refine the regulation of land use, sign and parking regulations while avoiding detrimental impacts on the public health, safety, and general welfare by providing more precise and effective standards.

SECTION 4. Title 15 of the Aliso Viejo Municipal Code (the "Zoning Code") is hereby amended as set out in Exhibit "A", attached hereto and incorporated herein by reference. This adoption is based upon the findings contained in this Ordinance, the accompanying staff report and all oral and written testimony presented at the public hearing.

SECTION 5. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

SECTION 6. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or any portion of the Zoning Code Amendment attached hereto as Exhibit "A" is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and amended Zoning Code. The City Council hereby declares that it would have adopted this Ordinance and amended Zoning Code, and each section, subsection, paragraph, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 7. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 8. The City Clerk shall publish this Ordinance within fifteen (15) days of its adoption in accordance with California Government Code Section 36933.

SECTION 9. Location and Custodian of Records. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Aliso Viejo City Hall, 12 Journey, Aliso Viejo, California 92656. The Director of Planning Services is the custodian of the record of proceedings.

PASSED, APPROVED AND ADOPTED this 4th day of February 2015.

William A. Phillips
Mayor

ATTEST:

Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

ORDINANCE EXHIBIT A: AMENDMENT TO TITLE 15: ZONING CODE (PA15-001)

1. SECTIONS 15.14.050 AND 15.14.060 OF THE ALISO VIEJO MUNICIPAL CODE ARE HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.14.050 Patio Covers and Yard Structures

A. *Applicability.* Yard structures are permitted as accessory structures on common residential lots or on residential lots containing a primary residence, subject to the requirements of this section. For purposes of this Code, the term "yard structure" means any type of unenclosed structure over 18 inches in height and placed within required yard setbacks, including but not limited to patio covers (attached or detached), gazebos, trellises, free-standing fireplaces, fire pits, barbecues, fountains, play equipment (other than enclosed playhouses), and cantilevered decks.

B. *Standards.* Yard structures shall conform to the following requirements. Setbacks shall be measured from the edge of the structure, not from supporting members. Height shall be measured at the highest point of the structure.

1. *Side and Rear Yards.* Yard structures under 6 feet in height may be located up to a side or rear property line subject to building code and fire code limitations. Yard structures 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 12 feet in height. Yard structures not within a setback may be constructed up to the district's maximum structure height set out in Section 15.10.030(A), Table 15.10.030.
2. *Front Yards.* Yard structures in front yards shall not exceed 6 feet in height, shall be located at least 3 feet from any property line and shall not be located in the panhandle portion of a panhandle lot.
3. *Common Lots.* For common lots, yard structures under 6 feet high may be located up to any property line subject to building or fire code limitations. Yard structures 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 12 feet in height.
4. *Elevated Decks.* No deck or viewing area shall be placed on the roof of a yard structure unless an exception permit is approved pursuant to section 15.74.070.
5. *Drainage from Roofs.* Yard structures shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.

C. *Increase in Height.* An increase of up to 3 feet in height for a yard structure within a setback may be permitted if an exception permit is approved pursuant to section 15.74.070.

15.14.060 Storage Sheds and Yard Buildings

A. *Applicability.* Storage sheds, playhouses and similar enclosed yard buildings are permitted as accessory structures on common residential lots or on residential lots containing a primary residence, subject to the requirements of this section. For purposes of this Code, the term "yard building" means any type of detached enclosed building over 18 inches in height and placed within required yard setbacks, including but not limited to storage sheds, garden sheds and enclosed playhouses. The term does not include attached enclosed patios, sunrooms, service porches or other enclosed rooms attached to the main building. Such rooms shall conform to the same setback and height regulations as the main building.

B. *Standards.* Yard buildings shall conform to the requirements listed below. Height shall be measured at the highest point of the structure.

- 1. *Side and Rear Yards.* Yard buildings under 6 feet in height may be located up to a side or rear property line subject to building or fire code limitations. Yard buildings 6 feet in height or over shall be located at least 3 feet from the property line and shall not exceed 8 feet in height. Yard buildings not within a setback may be constructed up to the district's maximum structure height set out in Section 15.10.030(A), Table 15.10.030.
- 2. *Front Yards.* Yard buildings in front yards shall not be located closer to the front property line than the front wall of the main building. Height and other restrictions shall be the same as for side and rear yards as set out in paragraph (B)(1) of this section.
- 3. *Common Lots.* For common lots, yard buildings under 6 feet high may be located up to any property line subject to building or fire code limitations. Yard buildings 6 feet in height or over shall be located at least 3 feet from any property line and shall not exceed 8 feet in height.
- 4. *Number and Size.* No more than 2 yard buildings shall be placed on any residential lot. No yard building shall exceed 200 square feet in ground area.
- 5. *Elevated Decks.* No deck or viewing area shall be placed on the roof of a yard building unless an exception permit is approved pursuant to section 15.74.070.
- 6. *Drainage from Roofs.* Yard buildings shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.

C. *Increase in Height.* An increase of up to 3 feet in height for a yard building within a setback may be permitted if an exception permit is approved pursuant to section 15.74.070.

2. TABLE 15.18.020 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
<i>AUTOMOTIVE USES:</i>						
Auto and motorcycle dealerships, with associated repair services	NP	NP	NP	NP	C	C
Auto repair services, major	NP	C	C	NP	C	C
Auto repair services, minor as a principal use	C	C	C	NP	C	C
Auto repair services, minor, as an accessory use subordinate to a principal use such as a gas station, discount or warehouse store or other permitted use	AUP	AUP	AUP	NP	AUP	AUP
Auto, truck and equipment rental businesses, with vehicles and/or equipment and/or 4 or more vehicles stored on the premises	NP	NP	NP	NP	NP-C	C
Auto rental agencies with 3 or fewer rental cars on the premises at one time	<u>NP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>
Car washes, automated as an accessory to gas station use on the same premises only	C	C	C	C	C	C
Car washes, full service	C	C	C	C	C	C
Gas stations and charging stations; may include accessory uses such as minimarts, automated car washes, fast food, and minor auto repair; subject to sec. 15.22.210	C	C	C	C	C	C
Parking lots and garages as a principal use	C	C	C	C	C	C
Vehicle, truck, recreation vehicle and marine sales, service, and storage, subject to landscaping and screening	NP	NP	NP	NP	NP	C
<i>DINING, DRINKING AND ENTERTAINMENT USES:</i>						
Alcoholic beverage sales, for on or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Bars, taverns, cocktail lounges and microbreweries, subject to sec. 15.22.200	C	C	C	C	C	C
Cigar bars and smoking, electronic cigarette and hookah lounges,	C	C	C	C	C	C
Coffee houses	P	P	P	P	AUP	AUP
Cyber or internet cafes	C	C	C	C	C	C
Live entertainment and dancing as a principal use	C	C	NP	NP	C	C
Live entertainment and dancing as an accessory use	AUP	AUP	AUP	AUP	AUP	AUP
Outdoor dining as an accessory use, subject to sec. 15.22.190	AUP	AUP	AUP	AUP	AUP	AUP
Restaurants, full-service, with 16 or fewer seats ¹	P	P	P	AUP	AUP	AUP
Restaurants, full-service, with 17 or more seats ¹	C	C	C	C	C	C
Restaurants, drive-thru ¹	C	C	C	NP	NP	NP
Retail sale of take-out food such as ice cream, frozen yogurt, and bakery goods, with ancillary seating ¹	P	P	P	AUP	AUP	AUP
¹ Outdoor dining is an accessory use regulated by sec. 15.22.190						
Theaters, live or motion picture (see "Public, Recreation and Assembly Uses")						

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Video arcades as a principal use	C	C	NP	NP	C	C
Video games as an accessory use (9 machines or less)	A	A	A	A	A	A
LODGING AND GROUP CARE USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Child day care centers and preschools	C	C	AUP	AUP	C	C
Homeless/Emergency shelters	NP	NP	NP	C	P	P
Hospitals	NP	NP	NP	C	C	C
Hotels and bed and breakfast inns	C	NP	NP	C	C	C
Motels	NP	NP	NP	NP	C	C
Managed care facilities, including assisted living facilities and convalescent homes	NP	NP	NP	C	C	C
Transitional/Supportive Housing	NP	NP	NP	C	P	P
OFFICE, RETAIL AND SERVICE USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Animal boarding and kennels ²	AUP	AUP	AUP	NP	AUP	AUP
Animal grooming ²	AUP	AUP	AUP	NP	P	P
Animal hospitals/Veterinary clinics ²	AUP	AUP	AUP	NP	AUP	AUP
² Animal control, welfare and licensing requirements shall be pursuant to Title 6 of the Municipal Code.						
Automated teller machines as an accessory use	A	A	A	A	A	A
Banks and other financial institutions with tellers; may include drive-up or walk-up windows	P	P	P	P	P	P
Barber shops and beauty, nail, tanning and similar salons	P	P	P	P	P	P
Check cashing facilities	NP	C	NP	NP	NP	NP
Convenience stores and liquor stores ³	C	C	C	NP	NP	NP
³ Defined as retail stores under 5,000 sq/ft in gross floor area, open up to 24 hours/day and selling primarily food, beer, wine, liquor and sundries for off-site consumption.						
Dry cleaners, with no central plant onsite	P	P	P	P	P	P
Fortune telling, palmistry and similar services	NP	C	NP	NP	NP	NP
Furniture and appliance stores	C	C	NP	NP	NP	NP
Laundromats	NP	P	P	AUP	NP	NP
Massage parlors, massage centers, day spas and any other establishment offering massage services wherein one or more massage therapists providing services therein is not state-certified, subject to chapter 4.14 of the Municipal Code.	C	C	C	C	C	C
Massage parlors, massage centers, day spas and other establishments offering massage services provided exclusively by state-certified massage therapists, subject to chapter 4.14 of the Municipal Code.	P	P	P	P	P	P
<u>Medical clinics, where treatment services are provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>
<u>Medical offices, where treatment services are provided on the premises but overnight care is not provided</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Miscellaneous small-scale services such as travel services, photo developing, shoe repair, appliance repair, and similar uses	P	P	P	P	P	P
Office uses, general and professional	P	P	P	P	P	P
Office uses, medical, dental, counseling, chiropractic, acupuncture and similar services	P	P	P	P	P	P
Pet supplies and accessories stores (accessory veterinary or kennel uses require a conditional use permit)	P	P	NP	NP	P	P
Pet stores, selling live animals	C	C	NP	NP	C	C
Plant nurseries and garden supply stores	P	P	NP	NP	NP	NP
Printing and copy services	P	P	P	P	P	P
Retail stores, general, ⁴ under 10,000 sq/ft gross floor area (GFA), other than convenience or liquor stores	P	P	P	A or AUP*	A or AUP*	A or AUP*
Retail stores, general, ⁴ 10,000 – 80,000 sq/ft GFA	P	P	P	NP	NP	NP
Retail stores, general, ⁴ over 80,000 sq/ft GFA	C	C	NP	NP	NP	NP
⁴ Such as supermarkets and other retail stores selling such items as food, apparel, shoes, books, office supplies, gifts, and similar merchandise to the general public. Typically open less than 24 hours/day.				*AUP required if the store is a principal use		
Tattoo parlors	NP	C	NP	NP	NP	NP
Thrift stores and pawn shops	NP	C	NP	NP	NP	NP
Video rental stores	P	P	P	P	P	P
Vendor carts and stands, outdoor, subject to sec. 15.22.130	C	AUP	NP	AUP	AUP	AUP
PUBLIC, RECREATION AND ASSEMBLY USES:						
Alcoholic beverage sales, for on- or off-premise consumption, subject to sec. 15.22.200	AUP	AUP	AUP	AUP	AUP	AUP
Bicycle, equestrian and hiking trails	P	P	P	P	P	P
Bowling alleys	C	C	NP	NP	C	C
Churches, temples, other places of worship ⁵	C	C	NP	C	C	C
Cinemas and live theaters ⁵	C	C	NP	NP	NP	NP
Clubs, lodges, union halls, and similar uses ⁵	C	C	NP	C	C	C
Colleges and universities, public or private	NP	NP	NP	NP	NP	C
Community centers and senior citizen centers ⁵	C	C	NP	C	C	C
⁵ In the PO, BP-1 and BP-2 districts, such uses shall not exceed a maximum aggregate square footage of 5,000 sq.ft.						
Driving ranges, lighted or unlighted	NP	NP	NP	NP	C	C
Electric substations	NP	NP	NP	NP	NP	NP
Family/Children entertainment centers, indoor, with climbing apparatus, play equipment, food service, video games, party facilities, and similar attractions	C	C	NP	NP	C	C
Family/Children entertainment centers, outdoor, and similar outdoor recreation uses, with such attractions as miniature golf, batting cages, boat rides; may also include indoor attractions	NP	NP	NP	NP	C	C
Fire and police stations	P	P	P	P	P	P
Golf courses	NP	NP	NP	NP	NP	NP
Government offices	P	P	P	P	P	P

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses; under 3,000 sq/ft gross floor area	AUP	AUP	AUP	AUP	AUP	AUP
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses; over 3,000 sq/ft gross floor area	C	C	NP	C	C	C
Helicopter pads	NP	NP	NP	C	C	C
Libraries and museums	C	C	C	C	C	C
Mortuaries and funeral homes	NP	NP	NP	NP	C	C
Outdoor amphitheaters	NP	NP	NP	NP	NP	NP
Parks and open space, passive, public, subject to ch. 15.46 (<i>Noise Standards</i>) and sec. 15.22.110 (<i>Outdoor Lighting</i>)	P	P	P	P	P	P
Pool halls/billiard centers	C	C	NP	NP	C	C
Pool or billiard tables as an accessory use (3 or fewer)	A	A	A	A	A	A
Public utility lines, boxes and transformers	P	P	P	P	P	P
Reservoirs and water tanks	NP	NP	NP	NP	NP	NP
Roller and ice rinks, indoor	NP	NP	NP	NP	C	C
Schools, private, with outdoor facilities, such as private elementary and high schools; except preschools (listed under <i>Group Care Uses</i>)	NP	NP	NP	NP	C	C
Schools, private, without outdoor facilities, such as business, vocational and professional	NP	C	NP	C	C	C
Schools, public	NP	NP	NP	NP	NP	NP
Skateboard, roller hockey, and stunt bike facilities, indoor or outdoor	NP	NP	NP	NP	NP	C
Sports training centers	NP	NP	NP	NP	C	NP
Stations and terminals, train, bus and taxi	C	C	NP	C	C	C
Swim schools	NP	NP	NP	NP	NP	C
Theaters, live or motion picture (see "Cinemas and live theaters")						
Tutorial services, not including schools or colleges	NP	AUP	AUP	AUP	AUP	AUP
RESEARCH, INDUSTRIAL AND HEAVY COMMERCIAL USES:						
Contractor and construction equipment yards, with outside storage	NP	NP	NP	NP	NP	C
Dry cleaners and laundries, central plants	NP	NP	NP	NP	C	C
Laboratories, dry	NP	NP	NP	P	P	P
Light manufacturing and light industrial uses, including the manufacture and assembly of products from materials such as cloth, fiber, fur, glass, leather, stone, wood, plastics, metal, and paper (except milling); may include offices, storage and other incidental uses on the same site	NP	NP	NP	NP	C AUP	P
Lumber yards and other building materials sales, outdoor	NP	NP	NP	NP	NP	C

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2	
Pest control services	NP	NP	NP	NP	C	AUP	
Plumbing repair shops	NP	NP	NP	NP	C	AUP	
Recycling recovery facilities as a principal use, with collection and sorting only (such as a materials recovery facility), not including auto salvage or junkyards	NP	NP	NP	NP	NP	C	
Recycling collection facilities as an accessory use, such as dropoff bins and mobile recycling units	AUP	AUP	AUP	AUP	AUP	AUP	
Research and development, other than specialized (see below)	NP	NP	NP	P	P	P	
Specialized research, development, manufacturing and wet laboratories, where chemicals, drugs or biological matter are tested and analyzed, typically requiring water, direct ventilation, specialized piped utilities and protective measures. Approval of a use permit shall require the following findings in addition to those findings in sec. 15.74.040: <ul style="list-style-type: none"> • "That the facility will provide design and procedural safeguards such that its operation will not pose a danger to life, property or other land uses in the vicinity. • "That the facility will be compatible with other land uses in the vicinity and will not have material adverse impacts on persons or property in terms of noise, odors, vibration, glare or other effects." 	NP	NP	NP	AUP	AUP	AUP	
Storage facilities, personal, indoor, such as miniwarehouses	NP	NP	NP	NP	C	C	
Welding, machine, milling and plating operations	NP	NP	NP	NP	NP	C	
Warehouses as an accessory use, when incidental to a permitted use and occupying less than 30% of the floor area on a site	A	A	A	A	A	A	
Warehouses and distribution facilities as a principal use, for storing or shipping food, beverages, packages, merchandise or other items:	Up to 80,000 sq/ft gross floor area	NP	NP	NP	NP	C AUP	P
	Over 80,000 sq/ft gross floor area	NP	NP	NP	NP	NP	C
ACCESSORY USES:							
Caretaker residences as an accessory use (temporary or permanent) subject to sec. 15.22.160	AUP	AUP	AUP	AUP	AUP	AUP	
Fences and walls, subject to sec. 15.22.030	A	A	A	A	A	A	
Patio covers, trellises and similar open structures, subject to sec. 15.22.050	A	A	A	A	A	A	
Incidental products or services for employees, patrons or businesses located in the same building as the principal use, such as cafeterias, retail shops under 1,000 sq/ft in gross floor area and similar incidental uses.	A	A	A	A	A	A	
Outdoor storage and display as an accessory use, subject to sec. 15.22.120	A	A	A	A	A	A	
Signs as an accessory use, subject to ch. 15.34	A	A	A	A	A	A	
Parking facilities as an accessory use, subject to ch. 15.38	A	A	A	A	A	A	
Lactation stations for breastfeeding as required by state and federal law	A	A	A	A	A	A	

**TABLE 15.18.020:
PERMITTED USES IN NONRESIDENTIAL DISTRICTS**

Land Use	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1 Business Park - 1	BP-2 Business Park - 2
Other accessory uses and structures which the Director determines are customarily associated with and subordinate to the principal use on the premises, are consistent with the purpose and intent of the zoning district, and will not have a material adverse effect on other properties	A	A	A	A	A	A
TEMPORARY USES:						
Christmas tree sales	TUP	TUP	TUP	TUP	TUP	TUP
Construction trailers and guard offices	TUP	TUP	TUP	TUP	TUP	TUP
Halloween pumpkin sales	TUP	TUP	TUP	TUP	TUP	TUP
Outdoor markets, such as farmers' markets, produce stands, flea markets, and swap meets.	TUP	TUP	TUP	NP	TUP	TUP
Professional film, video and still photography	TUP	TUP	TUP	TUP	TUP	TUP
Sidewalk sales and special shopping center events	TUP	TUP	TUP	NP	TUP	TUP
Special outdoor community and other events	Regulated by chapter 11.05 of the Aliso Viejo Municipal Code					
OTHER USES:						
Adult businesses, subject to ch. 4.12 (<i>Adult Business Regulations</i>)	NP	C	NP	NP	NP	NP
Amateur radio, satellite dish and video antennas	As provided in chapter 15.44					
Wireless communication antennas and facilities	As provided in chapter 15.42					
Other principal, conditional, accessory or temporary uses not listed in this table	If a use or structure is not listed as permitted, it is prohibited unless specifically determined to be permitted in accordance with sec.15.06.050.					

3. TABLE 15.18.030 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

TABLE 15.18.030: NONRESIDENTIAL DEVELOPMENT STANDARDS

	DISTRICT				
	CT Town Center Commercial	CC Community Commercial	CN Neighborhood Commercial	PO Professional Office	BP-1&-2 Business Park 1 and 2
HEIGHT AND FLOOR AREA RATIO:					
Minimum Lot Size	no minimum				
Maximum Structure Height (feet) (See chapter 15.30 for additional provisions regarding height limits)	45 ¹	35	35	65 ¹	45 ¹
Maximum Floor Area Ratio (FAR)	1.25	1.0	0.6	1.5	1.0
MINIMUM PERIMETER SETBACKS IN FEET:					
From arterial highways ²	40	20	20	20	30
From local nonresidential streets ²	20	20	20	20	15
From residential streets ²	20	20	20	20	40
From abutting parcels in residential, OS and OR districts	20	20	20	20	40 ³
From abutting commercial, office and other nonresidential developments	10	10	10	10	10
From interior property lines within the same project	0	0	0	0	0
¹ All minimum perimeter setbacks shall be increased 1 foot for every foot in height above 35 feet (except for setbacks from interior property lines) <u>up to a required minimum setback of 50 feet. However, such increased setbacks may be reduced to 30 feet if a conditional use permit (CUP) is approved for an individual project, subject to the CUP findings of sec. 15.74.040.</u>					
² Setbacks are measured from ultimate street right-of-way line.					
³ Or a distance equal to the height of the building, whichever is greater.					

4. SECTION 15.34.140 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.22.190 Outdoor Dining

A. *Applicability.* General Provisions. Outdoor dining may be permitted as an accessory use subject to the provisions of this section if an administrative use permit is approved in accordance with section 15.74.040.

B. Allowing an increase in outdoor dining area if an exception permit is approved: "The area devoted to outdoor dining shall not exceed 1,000 square feet and shall be accessory to the main restaurant use. Outdoor dining area may be expanded to a maximum of 40 percent of the indoor floor area of the restaurant if an exception permit is approved pursuant to section 15.74.070.

C. *Required Findings.* Before approving an application, the decision-making authority shall make the following findings in addition to those required in section 15.74.040:

1. That the proposed outdoor dining is accessory to the eating and drinking establishment;

2. That the accessory outdoor dining area will not result in the reduction of existing parking spaces below that required for the restaurant use.

D. *Required Conditions.* Approval of an application to add or expand outdoor accessory dining shall include the following conditions:

1. The outdoor dining area shall be subject to the existing hours of operation, operational characteristics and conditions of any use permit applicable to the overall establishment;
2. Amplified live music shall not be permitted outdoors unless an exception permit is approved pursuant to section 15.74.070. Unamplified live music may be permitted if included as part of the outdoor dining administrative use permit;
3. All doors and windows leading to the outdoor dining area shall remain closed while indoor amplified music or live entertainment is being played;
4. Fences, walls, roofs or similar barriers shall serve only to define the outdoor dining area and shall not constitute a permanent all weather enclosure;
5. Any additional conditions the decision-making authority deems necessary or appropriate to ensure that operation of the outdoor dining area is consistent with the findings made at the time of approval.

5. SECTION 15.34.140 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.34.140 Permanent Signs in Nonresidential Districts

A. *Permitted Signs.* Signs identified in the following table are permitted in nonresidential districts and in the nonresidential portions of specific plan and mixed use developments subject to approval of a sign permit pursuant to section 15.34.080.

**TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT**

<i>Sign Type and Placement</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Max. Height</i>	<i>Illumination</i>	<i>Additional Requirements</i>
<u>Free-Standing Project Identification Signs</u> identifying a single-tenant building or a multi-tenant building or complex	Per street frontage: 1 double-faced sign or 2 single-faced signs with 1 on either side of the project entry	40 sq/ft per sign unless otherwise provided in a sign program	6 feet	Individual channel letters or indirect lighting unless otherwise provided in a sign program	A planned sign program is required for multi-tenant projects. Also, unless otherwise provided in a sign program: <ul style="list-style-type: none"> ▪ Projects must have at least 100 feet of frontage where the sign is to be placed; ▪ Sign copy shall be limited to one business, center or major tenant name; ▪ Each sign shall contain the street address in characters 5 to 7 in. high.
<u>Building-Mounted Building Identification Signs</u> identifying a multi-tenant building of 3 stories or more	2 signs per building, unless otherwise provided in a sign program	1 sq/ft per each lineal foot of wall frontage, up to a max. of 100 sq/ft per building side	Top of building wall	Individual channel letters unless otherwise provided in a sign program	Each sign may identify either the name of the building or a major tenant, but no tenant shall have over 100 sq/ft aggregate of building-mounted signage of all types

**TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT**

Sign Type and Placement	Maximum Number	Maximum Area	Max. Height	Illumination	Additional Requirements
<u>Building-Mounted Business Identification Signs</u> identifying individual tenants, businesses, or other establishments	<ul style="list-style-type: none"> ▪ 1 flush-mounted sign per tenant frontage along a street or a parking lot; ▪ 1 under-canopy sign; <p>Individual ID signs are not permitted for tenants without direct exterior building access unless otherwise provided in a sign program.</p>	<p><u>Flush-Mounted:</u></p> <ul style="list-style-type: none"> ▪ Area: 1 sq/ft per each lineal foot of wall frontage up to 100 sq/ft aggregate per tenant; a min. 24 sq/ft is permitted regardless of frontage. ▪ Max. letter height: 18 inches, unless otherwise provided in a sign program. <p><u>Under-Canopy:</u></p> <ul style="list-style-type: none"> ▪ 6 sq/ft 	Top of building wall	Individual channel letters unless otherwise provided in a sign program	<ul style="list-style-type: none"> ▪ A planned sign program is required for multi-tenant buildings and projects; ▪ Sign copy shall be limited to the business name, logo, or trademark, and/or generic description of the activity or business, such as "barber shop" or "hardware," unless the trade name, product, or service is an integral part of the fictitious or trademark name of the business and/or service; ▪ Accessory signs may be permitted within the aggregate sign area.
<u>Directory Signs for multi-tenant bldgs or complexes,</u> exterior building-mounted or free-standing	1 per entrance to building or complex	20 sq/ft	Top of wall or 6 ft. if free-standing	Direct or indirect	Signs are to be designed and oriented to direct pedestrians and motorists entering the building or complex
<u>Gas Station Signs</u> building-mounted and free-standing	<ul style="list-style-type: none"> ▪ 1 free-standing sign per street frontage combining business identification and gas prices ▪ Building-mounted signs identifying businesses on the premises 	<ul style="list-style-type: none"> ▪ 40 sq/ft per sign ▪ 24 sq/ft per sign and an aggregate of 100 sq/ft for all building-mounted signs 	<ul style="list-style-type: none"> ▪ 6 feet ▪ Top of wall 	<ul style="list-style-type: none"> ▪ Individual channel letters or electronic lighting; ▪ Individual channel letters unless otherwise provided in a sign program 	<ul style="list-style-type: none"> ▪ A planned sign program is required; ▪ No signs are permitted on pump canopies; ▪ Accessory signs may be permitted within the aggregate sign area; ▪ See section 15.34.070 for limitations on electronic signs.
<u>Signs for Cinemas and Live Theaters</u>	<ul style="list-style-type: none"> ▪ 1 free-standing identification sign per street frontage ▪ 1 building-mounted sign which may include an attraction board ▪ Building-mounted coming-attraction posters: 1 per screen or stage 	<ul style="list-style-type: none"> ▪ 40 sq/ft ▪ 24 sq/ft plus 10 sq/ft per screen or stage, up to a max. of 100 sq/ft ▪ 10 sq/ft each 	<ul style="list-style-type: none"> ▪ 6 feet ▪ Top of wall ▪ Top of wall 	<ul style="list-style-type: none"> ▪ Direct or indirect ▪ Direct or electronic lighting ▪ Direct or indirect 	<ul style="list-style-type: none"> ▪ A planned sign program is required; ▪ See section 15.34.070 for limitations on electronic signs.

**TABLE 15.34.140:
PERMANENT SIGNS IN NONRESIDENTIAL DISTRICTS REQUIRING A SIGN PERMIT**

Sign Type and Placement	Maximum Number	Maximum Area	Max. Height	Illumination	Additional Requirements
Signs for Civic Activities , including Religious Uses, Colleges, Elementary and High Schools, Nonprofit Clubs, Libraries, and Museums	<ul style="list-style-type: none"> ▪ If the use is in a multi-tenant building, the standards for Building-Mounted Business Identification Signs shall apply; otherwise: ▪ Free-Standing Signs, per project entry: 2 single-faced signs with 1 on either side of the project entry or 1 double-faced sign; -- or -- ▪ Building-Mounted Signs: 2 per use 	<ul style="list-style-type: none"> ▪ 24 sq/ft per sign unless otherwise provided in a sign program 	Top of wall or 6 feet if free-standing	Unless otherwise provided in a sign program, individual channel letters for ID signs, and direct, indirect or electronic lighting for any permitted attraction board	<ul style="list-style-type: none"> ▪ See section 15.34.070 for limitations on electronic signs.
Community Signs	Community announcement and community identification signs may be permitted subject to approval of a planned sign program. If approved in the sign program, such signs may be off-premise and may be permitted in the public right-of-way. In addition, community announcement signs may include attraction boards. See section 15.34.070 for limitations on electronic signs.				
Government Facility Signs	The same as allowed in table 15.34.150.				
<ul style="list-style-type: none"> ▪ Signs in residential districts requiring a permit: see section 15.34.150 ▪ Temporary signs: see section 15.34.160 ▪ Signs exempt from sign permit approval: see section 15.34.170 					

6. SECTION 15.38.040 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.38.040 Spaces Required for Nonresidential Uses

A. *Parking Required.* Nonresidential land uses and uses in the special purpose districts (chapters 15.18 and 15.26) shall provide offstreet parking in accordance with the following table unless modified per the provisions of section 15.38.120.

B. *Bicycle and Motorcycle Parking.* In addition to the automobile parking spaces required per this section, bicycle and motorcycle parking shall be provided for certain nonresidential uses in accordance with section 15.38.110.

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
<i>AUTOMOTIVE USES:</i>		
Auto, motorcycle, truck, recreation vehicle and marine sales and service	1 space per each 2,500 sq/ft of gross site area, but not less than 8	
Auto repair services, major and minor (as a principal or accessory use)	1 space per 400 sq/ft GFA, excluding areas used exclusively for storage	
Auto, truck, recreation vehicle and marine storage and equipment rental	1 space per each 5,000 sq/ft of gross site area, plus 1 for any caretakers residence	
<u>Auto rental agencies</u>	<u>1 space for each 250 sq/ft GFA plus 1 space for each rental car allowed on the site at one time</u>	
Car washes, automated	1 space for self-drying after wash tunnel	
Car washes, full service	10 spaces not counting the wash queuing area before the wash tunnel, plus a stacking area after the wash tunnel equal to five times the capacity of the tunnel	Parking and stacking requirements may be modified if an exception permit is approved pursuant to section 15.74.070
Gas stations <u>and charging stations</u>	4 spaces, plus the spaces required for any fast food, convenience store, auto repair or other accessory uses	
<i>DINING, DRINKING AND ENTERTAINMENT USES:</i>		
Bars, taverns, cocktail lounges and microbreweries	1 space per 80 sq/ft GFA	<ul style="list-style-type: none"> • Outdoor dining or drinking area is included in GFA
Coffee houses, cyber or internet cafes, and Hookah lounges	1 space per 100 sq/ft GFA	
Live entertainment and dancing as a principal use	1 space per 60 sq/ft GFA	
Restaurants, full-service, all	1 space per 80 sq/ft GFA	
Restaurants, drive-thru, subject to subsection 15.38.070(H)	1 space per 100 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use		Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Retail sale of take-out food such as ice cream, frozen yogurt, and bakery goods, with ancillary seating		1 space per 150 sq/ft GFA	
Theaters and cinemas, live or motion picture		See "Public, Recreation and Assembly Uses"	
Video arcades as a principal use		1 space per each 200 sq/ft GFA	
LODGING AND GROUP CARE USES:			
Child day care centers and preschools		1 per employee plus 1 dropoff space per each 8 children based on total capacity	Access/dropoff plan may be required
Hospitals		1 per 1.7 patient beds	
Hotels and bed and breakfast inns	Under 200 guest rooms	1.1 space for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	Plus the spaces required for restaurants, retail stores and other ancillary facilities open to the public
	200 guest rooms or more	1.3 spaces for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	
Motels		1.2 spaces for each guest room plus 1 space for every 75 sq/ft of meeting room floor area	Plus the spaces required for restaurants, retail stores and other ancillary facilities open to the public
Managed care: assisted living, congregate care facilities, and other senior group housing (age restricted)		<ul style="list-style-type: none"> • 1 space per dwelling unit; or • 0.5 spaces per bed in dormitory housing 	For convalescent home and dormitory space, if the number of beds is uncertain at the time of City review, the requirement shall be 0.5 spaces per each 100 sq/ft of sleeping area
Managed care: convalescent homes		0.5 spaces per bed	
Homeless and emergency shelters		0.3 spaces per bed	For shelter and dormitory space, If the number of beds is uncertain at the time of City review, the requirement shall be 0.3 spaces per each 100 sq/ft of sleeping area
Transitional/Supportive Housing		<ul style="list-style-type: none"> • 1 space per dwelling unit; or • 0.3 spaces per bed in dormitory housing 	
OFFICE, RETAIL AND SERVICE USES:			
Animal boarding/kennels		1 space per 500 sq/ft GFA	
Animal grooming services		1 space per 250 sq/ft GFA	
Animal hospitals/veterinary clinics		1 space per 220 sq/ft GFA	
Banks and other financial institutions with tellers		1 space per 220 sq/ft GFA	
Barber shops		1 space per 220 sq/ft GFA	
Beauty, nail, tanning and similar salons		1 space per 150 sq/ft GFA	
Check cashing facilities		1 space per 250 sq/ft GFA	
Convenience stores and liquor stores		1 space per 250 sq/ft GFA	
Dry cleaners, with no central plant onsite		1 space per 300 sq/ft GFA	
Fortune telling, palmistry and similar services		1 space per 250 sq/ft GFA	
Furniture and appliance stores		1 space per 500 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Live/work and other mixed use developments	2 spaces per unit in a garage plus the spaces required for the nonresidential uses per this chapter; or as required in an applicable specific plan	Each garage space shall have minimum unobstructed interior dimensions of 10 ft. x 20 ft.
Laundromats	1 space per 220 sq/ft GFA	
Massage parlors, massage centers, day spas and any other establishment offering massage services	1 space per 200 sq/ft GFA	
<u>Medical clinics, where treatment services are provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided</u>	<u>1 space per 200 sq/ft GFA</u>	
<u>Medical offices, where treatment services are provided on the premises but overnight care is not provided</u>	<u>1 space per 200 sq/ft GFA</u>	
Miscellaneous small-scale services such as travel services, photo developing, shoe repair, appliance repair, and similar uses	1 space per 300 sq/ft GFA	
Office uses, general and professional	1 space per 250 sq/ft GFA	
<u>Office uses, medical, dental, counseling, chiropractic, acupuncture and similar services</u>	<u>1 space per 200 sq/ft GFA</u>	
Pet stores selling live animals and pet supplies and accessories	1 space per 250 sq/ft GFA	
Plant nurseries and garden supply stores	1 space per 1,000 sq/ft of retail display area, plus 1 space per 500 sq/ft of any indoor display area	
Printing and copy services	Services with self-service facilities for the public such as copiers, computers and similar: 1 space per 220 sq/ft GFA. Services without facilities for the public: 1 space per 500 sq/ft GFA	
Retail home improvement and hardware stores over 80,000 sq/ft GFA	1 space per 400 sq/ft GFA	Home improvement stores under 80,000 sq/ft shall conform to the general retail parking standard
Retail stores, general,* under 80,000 sq/ft GFA	1 space per 250 sq/ft GFA	
Retail stores, general,* over 80,000 sq/ft GFA	1 space per 220 sq/ft GFA	
<i>*Such as supermarkets and other retail stores selling such items as food, apparel, shoes, books, office supplies, gifts, and similar merchandise to the general public. Typically open less than 24 hours/day.</i>		
Shopping centers	1 space per 220 sq/ft GFA	
Tattoo parlors	1 space per 220 sq/ft GFA	
Thrift stores and pawn shops	1 space per 300 sq/ft GFA	
Video rental stores	1 space per 250 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
<i>PUBLIC, RECREATION AND ASSEMBLY USES:</i>		
Bowling alleys	3 spaces per lane plus the spaces required for restaurant and bar area and other uses on the premises	
Churches, temples, other places of worship	1 space per every 35 sq/ft of seating area in the main auditorium plus additional spaces for any ancillary facilities on the same site in the amount of 50 percent of the number of spaces required for the main auditorium. Such additional spaces may be provided offsite and may be exempted from the locational limitations set forth in Section 15.38.160(B)(2) if approved by conditional use permit pursuant to Section 15.38.140	
Cinemas and live theaters	1 space per every 3 fixed seats	
Clubs, lodges, union halls, and similar uses	1 space per each 75 sq/ft GFA	
Colleges and universities, public or private	1 space per every 3 full-time equivalent students based on maximum capacity, plus 1 space for every 2 faculty or staff members	Additional spaces may be required for athletic facilities on the site such as stadiums and gymnasiums and for performance facilities such as performing arts theaters
Community centers and senior citizen centers	1 space per each 4 persons based on the maximum capacity of all facilities capable of simultaneous use, as determined by the Planning Director	
Driving ranges, lighted or unlighted	1 space per tee plus the spaces required for other uses on the site	
Electric substations	1 space per each employee plus 1 space per each vehicle used in connection with the facility	
Family/Children entertainment centers, <u>indoor</u> , with climbing apparatus, play equipment, food service, video games, party facilities, and similar attractions	1 space per every 4 guests based on maximum capacity, plus bus and drop-off spaces as determined for each use in the conditional use permit	
Family/Children entertainment ctrs., <u>outdoor</u> , and similar outdoor recreation uses, with such attractions as miniature golf, batting cages, boat rides. May also include indoor attractions		
Fire and police stations	1 per employee plus 1 per each fire, police or other emergency vehicle	
Golf courses, miniature, pitch and putt and par 3	3 per hole, plus the spaces required for other uses on the premises	
Golf courses, regulation	5 per hole, plus the spaces required for other uses on the premises	
Government offices	1 space per 250 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Gymnasiums	1 space per every 3 seats, or 1 space per every 35 sq/ft of seating area where there are no fixed seats	
Health clubs, boxing and martial arts uses, gymnastics, dance studios, and similar physical activity uses (all floor area sizes)	1 space per 150 sq/ft GFA	For purposes of this use, swimming pool area shall be counted as part of GFA
Helicopter pads	As required by conditional use permit	
Libraries and museums	1 space per 250 sq/ft GFA	
Mortuaries and funeral homes	1 space per every 3 seats, plus 1 space per every 35 sq/ft of seating area in the main auditorium where there are no fixed seats	For bench/pew seating, 18 inches of lineal bench shall count as 1 seat. Spaces provided for funeral services may be tandem if approved by conditional use permit.
Outdoor amphitheatres and stadiums	1 space per every 3 seats, or 1 space per every 35 sq/ft of seating area where there are no fixed seats	
Parks and open space, passive, public	As determined for each park based on the size of the site and the facilities to be provided	
Pool halls/billiard centers as a principal use	1 space per 200 sq/ft GFA	
Roller and ice rinks, indoor	1 space per 100 sq/ft GFA	
Schools, private, with outdoor facilities: • Elementary and middle schools • High schools	<ul style="list-style-type: none"> • 2 spaces per classroom • 1 space per every 6 full-time equivalent students based on maximum capacity, plus 1 space for each faculty or staff member 	Additional spaces may be required for athletic facilities on the site such as stadiums and gymnasiums and for performance facilities such as performing arts theaters
Schools, private, without outdoor facilities, such as business, vocational and professional	1 space per every 1.5 students, based on the maximum capacity	
Schools, public	Same as private school requirements	
Skateboard, roller hockey, and stunt bike facilities, indoor or outdoor	1 space per 500 sq/ft of activity area	
Stations and terminals, train, bus and taxi	As determined in the conditional use permit for each facility	
Swim schools	1 space per 500 sq/ft of enclosed pool area	
Tutorial services, not including schools or colleges	1 space per 250 sq/ft GFA	
RESEARCH, INDUSTRIAL AND HEAVY COMMERCIAL USES:		
Computer data centers and server farms	1 space per 1,000 sq/ft GFA or 1 space per employee, whichever is greater_ The number of spaces per employee shall be based on the number of employees on duty during any one shift.	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Contractor and construction equipment yards, with outside storage	1 space per 300 sq/ft GFA of associated office space plus 1 per vehicle stored on the premises	
Dry cleaners and laundries, central plants	1 space per 500 sq/ft GFA plus the spaces required for delivery vehicles	
Laboratories, dry	1 space per 400 sq/ft GFA	
Laboratories, wet, when accessory to a permitted use and under 1,000 sq/ft in floor area (wet laboratories as a principal use is listed under "Specialized research, development, manufacturing and wet laboratories", following)	1 space per 400 sq/ft GFA	
Light manufacturing and light industrial uses, including the manufacture and assembly of products from materials such as cloth, fiber, fur, glass, leather, stone, wood, plastics, metal, and paper (except milling); may include offices, storage and other incidental uses on the same site	1 space per 400 sq/ft GFA	
Lumber yards and other building materials sales, outdoor	1 space per 1,000 sq/ft of outdoor retail display area, plus 1 space per 500 sq/ft of any indoor retail display area	
Pest control services	1 space per 500 sq/ft GFA	
Plumbing repair shops	1 space per 500 sq/ft GFA	
Recycling recovery facilities as a principal use, with collection and sorting only (such as a materials recovery facility), not including auto salvage or junkyards	1 space per every 1.5 employees	
Recycling collection facilities as an accessory use, such as dropoff bins and mobile recycling units	5 spaces plus 1 space for each attendant, if any	
Research and development, other than specialized (see below)	1 space per 400 sq/ft GFA	
Specialized research, development, manufacturing and wet laboratories, where chemicals, drugs or biological matter are tested and analyzed, typically requiring water, direct ventilation, specialized piped utilities and protective measures	1 space per 400 sq/ft GFA	
Storage facilities, personal, indoor, such as miniwarehouses	1 space per every 4,000 sq/ft of gross leasable area	
Welding, machine, milling and plating operations	1 space per 500 sq/ft GFA	

TABLE 15.38.040: NONRESIDENTIAL PARKING REQUIREMENTS

Land Use	Minimum Offstreet Parking Requirement (GFA = gross floor area)	Additional Requirements
Warehouses and distribution facilities as a principal use, for storing or shipping food, beverages, packages, merchandise or other items:	1 space per 1,000 sq/ft GFA or 1 space per employee, whichever is greater	
OTHER USES:		
Temporary uses and events	As required in the temporary use permit	
Adult businesses, subject to ch. 4.25 (<i>Adult Business</i>)	1 space per 150 sq/ft GFA	

7. SECTION 15.38.110 OF THE ALISO VIEJO MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined]:

15.38.110 RV, Motorcycle and Bicycle Parking

A. *Recreational Vehicles.*

1. Recreational vehicles (RVs) may be stored within residential rear or side yards except where fence heights are limited to less than 6 feet, provided a 2-foot setback is maintained between the RV and the property line. For purposes of this section, the term “stored” shall mean the same as “parked”.

2. RVs stored in residential districts shall not be used for sleeping purposes or as a dwelling.

B. *Motorcycle Parking.* Motorcycle parking areas shall be provided for all nonresidential uses as follows:

1. Uses with 25-99 automobile parking spaces shall provide 1 designated area of minimum 50 square feet for use by motorcycles.
2. Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of 1 motorcycle parking area of minimum 50 square feet for every 100 automobile parking spaces or fraction thereof provided.

C. *Bicycle Parking.* Bicycle parking shall be provided as follows:

1. Uses required to provide bicycle parking equal to 3 percent of the total required automobile parking spaces include: video and game arcades, bowling alleys, cinemas/movie theaters, commercial recreation, health clubs, libraries, schools, and skating rinks.
2. Uses required to provide at least 5 bicycle parking spaces include: banks, churches, clubs/halls, hospitals, restaurants (all categories).
3. Uses required to provide bicycle parking equal to 1 space for each 25,000 square feet of gross floor area include all office uses.
4. Shopping centers shall provide 5 bicycle parking spaces for each major tenant having over 20,000 square feet of gross floor area. The spaces shall be provided at or near the tenant's main entry.

8. THE FOLLOWING DEFINITIONS IN SECTION 15.94.020 OF THE ALISO VIEJO MUNICIPAL CODE ARE HEREBY AMENDED TO READ AS FOLLOWS [additions are shown double-underlined and deletions in strikethrough]:

15.94.020 Definitions.

Clinic, Medical. A facility used for the care, diagnosis and treatment of physiologically or psychologically sick, active, infirm or injured persons and those who are in need of medical, dental, psychological, or surgical attention, but who are not provided with board or room or kept overnight on the premises. ~~“Clinic” includes dental clinic, health clinic, medical clinic and doctors’ offices.~~

Medical Clinic. A building, site or tenant space designated specifically for use by health care professionals for human outpatient services, such as medical, dental, counseling, chiropractic, acupuncture, laboratory and similar services. Such services may be provided on the premises and overnight/after-hour recovery care for 24 hours or less may also be provided.

Medical Office. A building, site or tenant space designated specifically for use by health care professionals for human outpatient services. ~~Diagnostic services (such as x-ray and laboratory) or surgical facilities may be provided on site but overnight care is not provided.~~ such as medical, dental, counseling, chiropractic, acupuncture, laboratory and similar services. Such services may be provided on the premises but overnight care is not provided.

Transitional and Supportive Housing. Pursuant to the California Government Code, buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. ~~California Health and Safety Code, means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. “Supportive housing” means housing with no limit on length of stay, that is occupied by the target population (as defined in Government Code Section 65582(g)), and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.~~ housing with no limit on length of stay that is occupied by the target population (as defined in California Health and Safety Code Section 53260(d)) and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

City of Aliso Viejo

Agenda Item



DATE: February 4, 2015
TO: Mayor and City Council
FROM: Gina M. Tharani, Director of Financial Services
SUBJECT: ACCOUNTS PAYABLE

Recommended Action:

1. Ratify accounts payable checks issued January 15, 2015 in the amount of \$219,087.09 and
2. Ratify accounts payable checks issued January 22, 2015 in the amount of \$40,031.87.

Fiscal Impact:

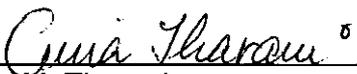
Expenditures in the amount of \$259,118.96

Background:

The City issues accounts payable checks on a bi-monthly basis and submits them to the City Council for review and approval prior to the creation of accounts payable checks. Special check runs are done on a weekly basis with the City Council ratification at its next regularly scheduled City Council Meeting.

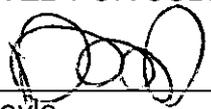
Discussion:

The issued accounts payable checks were reviewed and approved for payment. The register is being presented to City Council for approval.



Gina M. Tharani
Director of Financial Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



David Doyle
City Manager

Attachment: Accounts Payable Reports



Accounts Payable

1/15/2015

101 - GENERAL FUND

Vendor Name	Description (Item)	Amount
CALPERS RETIREMENT	PERS PAY PERIOD 26	11,731.81
CALPERS RETIREMENT	CC PAY PERIOD 12	194.24
		11,926.05

CITY COUNCIL

U.S. BANK PURCHASING CARD PROGRAM	DD-UCI PUBLICY COURSE	490.00
U.S. BANK PURCHASING CARD PROGRAM	DD-2015 LEAGUE NEW MAYORS MM	(475.00)
U.S. BANK PURCHASING CARD PROGRAM	DD-2015 LEAGUE NEW MAYORS RC	(475.00)
	CITY COUNCIL TOTAL:	-460.00

CITY MANAGER

GLENN YASUI	G.Y. - EXPENSE REIMBURSEMENT	41.26
	CITY MANAGER TOTAL:	41.26

FINANCE

U.S. BANK PURCHASING CARD PROGRAM	GT-CSMFO MEETING	60.00
U.S. BANK PURCHASING CARD PROGRAM	GT-MM ECON FORCAST	186.00
U.S. BANK PURCHASING CARD PROGRAM	GT-WALL ST JOURNAL	120.12
CMTA	GT-CMTA INVESTMENT WORKSHOP	425.00
CMTA	RS-CMTA INVESTMENT WORKSHOP	425.00
GFOA	2015 TREASURY MGMT NEWSLETTER	55.00
GFOA	2015 GAAFR REVIEW NEWSLETTER	50.00
ROBERT BARRY	12/3-12/30/14 FINANCIAL SUPPORT SVCS	1,331.25
SHEAKLEY PENSION ADMINISTRATION INC	NOV'14 ADMIN & ACH FEE	167.00
	FINANCE TOTAL:	2,819.37

NON-DEPARTMENTAL

ARROWHEAD	DEC'14 CITY KITCHEN SUPPLIES	127.52
MOULTON NIGUEL WATER DIST	11/24-12/23/14 RANCH WATER MTR#4746	58.94
U.S. BANK PURCHASING CARD PROGRAM	GT-DEC'14 CJPIA CALLS	29.34
U.S. BANK PURCHASING CARD PROGRAM	KC-E_NEWS MONTHLY	45.00
U.S. BANK PURCHASING CARD PROGRAM	GT-CSMFO JOB POST	225.00
U.S. BANK PURCHASING CARD PROGRAM	KC-COUNCIL REORG CAKES	74.38
U.S. BANK PURCHASING CARD PROGRAM	GD-REFRESHMENTS FOR COUNCIL MEETING	80.00
U.S. BANK PURCHASING CARD PROGRAM	DD-CITY HOLIDAY LUNCHEON FOOD	953.31
U.S. BANK PURCHASING CARD PROGRAM	KC-CAVE PHOTO BOOK	146.09
U.S. BANK PURCHASING CARD PROGRAM	KC-CAVE RECEPTION	60.44
SIGMANET INC.	DATA CENTER REBUILD - PHS 1 DESIGN & DISCOVERY	6,585.60
THE GAS COMPANY	12/3/14-1/6/15 AV RANCH GAS MTR#9972	84.58
SO CAL EDISON	12/4/14-1/5/15 AV RANCH ELECTRICITY	139.24
ALISO VIEJO SELF STORAGE	JAN'15 STORAGE UNIT 535	370.00
SYNOPTEK INC	JAN'15 WEBSITE MAINTENANCE	1,305.00
MAGELLAN BEHAVIORAL HEALTH	OCT-DEC'14 EAP	123.75
	NON-DEPARTMENTAL TOTAL:	10,408.19

C. S. ADMINISTRATION

A-THRONE COMPANY	1/24/15 SNOW FEST PORT. TOILET RENTAL	349.80
U.S. BANK PURCHASING CARD PROGRAM	GD-DINNER FOR VOLUNTEERS	43.80
U.S. BANK PURCHASING CARD PROGRAM	KO-SNOW FEST WRISTBANDS	51.40
U.S. BANK PURCHASING CARD PROGRAM	KO-AVCA SANTA ARRIVAL SUPPLIES	64.38
U.S. BANK PURCHASING CARD PROGRAM	KO-SOKA HOLIDAY CONCERT SUPPLIES	292.14
U.S. BANK PURCHASING CARD PROGRAM	KC-HOLIDAY DECORATIONS	40.35
U.S. BANK PURCHASING CARD PROGRAM	KO-KIOSK POSTERS	86.38
AVALON TENT & PARTY	SF-TABLES,CHAIRS,FENCING	610.14
ALLIANT INSURANCE SERVICES INC	1/24/15 SNOW FEST EVENT INSURANCE	367.00
MAYFLOWER DISTRIBUTING CO INC	HELIUM TANK RENTAL	29.16
	C. S. ADMINISTRATION TOTAL:	1,934.55

IGLESIA BUILDING

PROTECTION ONE ALARM MONITORING INC	1/17-2/16/15 FRC ALARM SERVICE	63.49
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Vendor Name	Description (Item)	Amount
TEAM ONE MANAGEMENT	JAN'15 JANITORIAL MAINTENANCE	450.00
KIRK R FABBRO	JAN'15 QTRLY PEST CONTROL SPRAY	95.00
GREENSTAR HOME SERVICES INC	12/4 SERVICE CALL EVALUATION	49.00
	IGLESIA BUILDING TOTAL:	657.49
PLANNING		
LARRY LAWRENCE	DEC'14 ZONING CODE	1,564.00
CITY OF LAGUNA NIGUEL	AA-2015 PDAO MEMBERSHIP DUES	125.00
MICHELE VERNOTICO	1/8/15 MILEAGE REIMBURSEMENT	5.58
U.S. BANK PURCHASING CARD PROGRAM	AA-EXIT SUBURBIA WORKSHOP	35.00
JOHN H. DOUGLAS	MAY-DEC'14 AFFORDABLE HOUSING	656.25
FORMA DESIGN INC	NOV-DEC'14 AVTC SPECIFIC PLAN	3,251.57
	PLANNING TOTAL:	5,637.40
BUILDING		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA BUILDING SVCS	18,782.33
	BUILDING TOTAL:	18,782.33
CODE ENFORCEMENT		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA CODE ENFORCEMENT	8,628.50
	CODE ENFORCEMENT TOTAL:	8,628.50
ENGINEERING (GENERAL)		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA NPDES COSTS	22,537.70
CHARLES ABBOTT ASSOC INC	DEC'14 CAA WATER EDUCATION	129.60
CHARLES ABBOTT ASSOC INC	DEC'14 CAA SOLID WASTE	2,514.20
CHARLES ABBOTT ASSOC INC	DEC'14 CAA PW ENGINEERING	10,759.90
	ENGINEERING (GENERAL) TOTAL:	35,941.40
TRAFFIC ENGINEERING		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA TRAFFIC ENGINEERING	933.70
	TRAFFIC ENGINEERING TOTAL:	933.70
STREET MAINTENANCE		
PV MAINTENANCE INC	DEC'15 STREET MAINTENANCE	3,103.91
CHARLES ABBOTT ASSOC INC	DEC'14 CAA ST MAINTENANCE	22,149.70
	STREET MAINTENANCE TOTAL:	25,253.61
LAW ENFORCEMENT-OTHER		
LCI SERVICES	DEP. R.N. - ROLLING SURVILLANCE CLASS	535.00
U.S. BANK PURCHASING CARD PROGRAM	JM-DEP. APPRECIATION BREAKFAST	500.00
U.S. BANK PURCHASING CARD PROGRAM	JM-NOV'14 TOLLS	182.97
FRANZ JELKE INC	VIN#7050 MOTORCYCLE REPAIR	501.10
	LAW ENFORCEMENT-OTHER TOTAL:	1,719.07
CRIME PREVENTION		
ALISO VIEJO SELF STORAGE	JAN'15 STORAGE UNIT 251	85.00
	CRIME PREVENTION TOTAL:	85.00
	GENERAL FUND TOTAL:	124,307.92

102 - GEN. FD-CITY HALL

NON-DEPARTMENTAL

TEAM ONE MANAGEMENT	JAN'15 JANITORIAL SERVICE	1,650.00
	NON-DEPARTMENTAL TOTAL:	1,650.00
	GEN. FD-CITY HALL TOTAL:	1,650.00

203 - GAS TAX

STREET MAINTENANCE

PV MAINTENANCE INC	DEC'14 STREET MAINTENANCE	58,974.34
SO CAL EDISON	DEC'14 STREET LIGHTS LS2	1,431.73
SO CAL EDISON	DEC'14 STREET LIGHT TC1	2,839.09
SO CAL EDISON	DEC'14 STREET LIGHTS LS1	14,562.61
	STREET MAINTENANCE TOTAL:	77,807.77
	GAS TAX TOTAL:	77,807.77

Vendor Name	Description (Item)	Amount
241 - TECHNOLOGY FUND		
CHARLES ABBOTT ASSOC INC	DEC'14 COMPUTER LEASE CREDITS	(550.00)
		<u>-550.00</u>
	TECHNOLOGY FUND TOTAL:	-550.00
311 - STREET IMPROVEMENTS		
TRAFFICE SAFETY		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA #080 OCTA PROJECT P	137.00
	TRAFFICE SAFETY TOTAL:	137.00
STREETS & HIGHWAYS		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA #092 ALISO CREEK REHAB DESIGN	137.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA #093 FY14-15 SLURRY SEAL	205.50
	STREETS & HIGHWAYS TOTAL:	342.50
	STREET IMPROVEMENTS TOTAL:	479.50
331 - CAPITAL IMPROVEMENTS		
CAPITAL IMPROVEMENTS		
CHARLES ABBOTT ASSOC INC	DEC'14 CAA #098 IGLESIA BALL PARK FIELD	475.20
	CAPITAL IMPROVEMENTS TOTAL:	475.20
	CAPITAL IMPROVEMENTS TOTAL:	475.20
711 - DEPOSIT ACCOUNTS FUND		
LARRY LAWRENCE	DEC'14 PA14-034 SIGN PROG.	1,046.50
AMARON CONSTRUCTION CORP	C&D DEPOSIT P#72542	1,500.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 2186 WOODFIELD PARK GRADING	386.40
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 2179 VANTIS HOTEL GRADING	1,294.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 5005 SCE-SADDLEBACK	44.50
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 5002 AT&T/SBC	89.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 5028 ROW TRAFFIC	267.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 5027 SHEA PROPERTIES VANTIS	3,627.00
CHARLES ABBOTT ASSOC INC	DEC'14 CAA 5004 MNWD	4,361.00
		<u>12,615.40</u>
	DEPOSIT ACCOUNTS FUND TOTAL:	12,615.40
721 - COMMUNITY TRUST		
TRUST FUND		
U.S. BANK PURCHASING CARD PROGRAM	KC-LITERACY PROGRAM BOOKS	475.59
U.S. BANK PURCHASING CARD PROGRAM	GD-BOOKS FOR LITERACY PROGRAM	18.12
	TRUST FUND TOTAL:	493.71
	COMMUNITY TRUST TOTAL:	493.71
731 - CFD 2005-01		
TRUST FUND		
KOPPEL & GRUBER PUBLIC FIN.	OCT-DEC'14 CFD ADMIN SERVICES	1,807.59
	TRUST FUND TOTAL:	1,807.59
	CFD 2005-01 TOTAL:	1,807.59
	GRAND TOTAL:	219,087.09

Fund Summary

Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	124,307.92	124,307.92
102 - GEN. FD-CITY HALL	1,650.00	1,650.00
203 - GAS TAX	77,807.77	77,807.77
241 - TECHNOLOGY FUND	-550.00	-550.00
311 - STREET IMPROVEMENTS	479.50	479.50
331 - CAPITAL IMPROVEMENTS	475.20	475.20
711 - DEPOSIT ACCOUNTS FUND	12,615.40	12,615.40
721 - COMMUNITY TRUST	493.71	493.71

Fund Summary

Fund	Expense Amount	Payment Amount
731 - CFD 2005-01	1,807.59	1,807.59
Grand Total:	219,087.09	219,087.09



Accounts Payable

1/22/2015

	Vendor Name	Description (Item)	Amount
101 - GENERAL FUND			
	CA BUILDING STANDARDS COMMISSION	OCT-DEC'14 CBSC ADMIN FEE	693.00
			<u>693.00</u>
ECONOMIC DEVELOPMENT			
	DIAMOND STAR ASSOCIATES INC	DEC'14 ECONOMIC CONSULTANT	175.00
		ECONOMIC DEVELOPMENT TOTAL:	<u>175.00</u>
NON-DEPARTMENTAL			
	LEAGUE OF CALIFORNIA CITIES	2015 LOCC MEMBERSHIP DUES	14,620.67
	KONICA MINOLTA BUSINESS SOLUTIONS	JAN'15 KONICA MINOLTA C754	533.89
	SESAC INC	2015 MUSIC LICENSE FEE	1,171.00
	KONICA MINOLTA BUSINESS SOLUTIONS	DEC'14 KONICA MINOLTA C250	369.71
	DOCUMEDIA GROUP	P.T. - 12/31/14 BUSINESS CARDS	58.31
	COX COMMUNICATIONS ORANGE COUNTY	1/6-2/5/15 INTERNET SERVICE #1903	79.00
		NON-DEPARTMENTAL TOTAL:	<u>16,832.58</u>
C. S. ADMINISTRATION			
	GRACIELA DURAN	G.D. - FRC SUPPLIES	53.14
	CA PARK & RECREATION SOCIETY DISTRICT X	K.C. - FY14-15 CPRS MEMBERSHIP DUES	480.00
		C. S. ADMINISTRATION TOTAL:	<u>533.14</u>
IGLESIA BUILDING			
	MCKENDRY DOOR SALES	FRC SUPPLIES-CURTAIN STOP TOP GUIDE	30.00
	GREENSTAR HOME SERVICES INC	12/19 TOILET REPAIR SERVICE	570.00
		IGLESIA BUILDING TOTAL:	<u>600.00</u>
PLANNING			
	ROSENOW SPEVACEK GROUP INC	DEC'14 ELIGIBILITY REVIEW	712.50
	ROSENOW SPEVACEK GROUP INC	DEC'14 LOAN PROCESSING	325.00
		PLANNING TOTAL:	<u>1,037.50</u>
LAW ENFORCEMENT-OTHER			
	COUNTY OF ORANGE TREASURER-TAX COLLECTOR	FY14-15 3RD QTR 800 MHZ COST ALLOC	1,905.75
	COUNTY OF ORANGE TREASURER-TAX COLLECTOR	JAN'15 AFIS	1,354.42
		LAW ENFORCEMENT-OTHER TOTAL:	<u>3,260.17</u>
		GENERAL FUND TOTAL:	<u>23,131.39</u>
102 - GEN. FD-CITY HALL			
NON-DEPARTMENTAL			
	THE GAS COMPANY	DEC'14 ACCT #1988 MTR #6544	459.57
	SO CAL EDISON	12/5/14-1/6/15 CITY HALL ELECTRICITY	3,361.12
	HONEYWELL INTERNATIONAL INC	JAN-APR'15 HVAC MAINTENANCE	1,468.75
		NON-DEPARTMENTAL TOTAL:	<u>5,289.44</u>
		GEN. FD-CITY HALL TOTAL:	<u>5,289.44</u>
245 - DEVELOPMENT IMPACT			
GEN-DEVELOPMENT IMPACT			
	ROSENOW SPEVACEK GROUP INC	DEC'14 AFFORDABLE HOUSING SERVICES	6,990.00
		GEN-DEVELOPMENT IMPACT TOTAL:	<u>6,990.00</u>
		DEVELOPMENT IMPACT TOTAL:	<u>6,990.00</u>
311 - STREET IMPROVEMENTS			
STREETS & HIGHWAYS			
	AMERICAN REPROGRAPHICS COMPANY LLC	SLURRY SEAL SPEC COPIES CIP 093	421.04
		STREETS & HIGHWAYS TOTAL:	<u>421.04</u>
		STREET IMPROVEMENTS TOTAL:	<u>421.04</u>

Vendor Name	Description (Item)	Amount
711 - DEPOSIT ACCOUNTS FUND		
BURGE CORPORATION INC	C&D DEPOSIT P #72387	1,500.00
PAGANO CONSTRUCTION	C&D DEPOSIT P #17514	1,500.00
RK ENGINEERING GROUP INC	PA13-014-DEC'14 VANTIS APART. NOICE STUDY REVIEW	1,200.00
		<u>4,200.00</u>
	DEPOSIT ACCOUNTS FUND TOTAL:	4,200.00

GRAND TOTAL: 40,031.87

Fund Summary		
Fund	Expense Amount	Payment Amount
101 - GENERAL FUND	23,131.39	23,131.39
102 - GEN. FD-CITY HALL	5,289.44	5,289.44
245 - DEVELOPMENT IMPACT	6,990.00	6,990.00
311 - STREET IMPROVEMENTS	421.04	421.04
711 - DEPOSIT ACCOUNTS FUND	4,200.00	4,200.00
Grand Total:	40,031.87	40,031.87

City of Aliso Viejo

Agenda Item



DATE: February 4, 2015
TO: Mayor and City Council
FROM: Gina M. Tharani, City Treasurer
SUBJECT: TREASURER'S STATEMENT – DECEMBER 2014

Recommended Action:

Approve the December 2014 Treasurer's Statement.

Fiscal Impact:

No Fiscal Impact.

Background:

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

Discussion:

The City of Aliso Viejo is invested in the State Treasurer's Local Agency Investment Fund (LAIF). Investment in LAIF is allowed under the City's formally adopted investment policy. All funds are available for withdrawal within 24 hours. In addition, in accordance with the City's Investment Policy, the City has the option to purchase Certificate of Deposits with its local bank. These funds will be insured by Federal Deposit Insurance Corporation (FDIC). FDIC is an independent agency created by Congress in 1933 to supervise banks, insure deposits, and help maintain a stable and sound banking system.

As a secondary investment option, the City continues to maintain its Money Market account with J.P Morgan Chase & Co. Excess funds are invested into an investment pool of US Treasury Notes. Interest is credited to the City's bank account on a monthly basis.



Gina M. Tharani
City Treasurer

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



David Doyle
City Manager

Attachment: Treasurer's Statement
LAIF Statement

**CITY OF ALISO VIEJO
TREASURER'S MONTHLY CASH STATEMENT**

December 31, 2014

	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	TRANSFERS IN (OUT)	ENDING BALANCE
GENERAL FUND	\$ 16,998,635.00	2,027,311.42	1,573,384.01	-	17,452,562.41
GAS TAX FUND	1,395,271.12	286,230.21	79,501.99	-	1,601,999.34
MEASURE M	1,411,018.89	754.06	1,463.04	(38,451.51)	1,371,858.40
PUBLIC SAFETY GRANTS	86,324.31	10,485.68	6,321.13	-	90,488.86 (1)
AIR QUALITY IMPRVMT FD	713,265.72	15,998.59	-	-	729,264.31
INTEGRATED WASTE MGMT FD	19,832.74	11.12	-	-	19,843.86
OTHER GRANTS	182,158.92	-	-	-	182,158.92
TECHNOLOGY GRANT	521,036.10	1,100.00	-	-	522,136.10
DEVELOPMENT IMPACT	8,535,073.84	-	100,675.64	-	8,434,398.20
FEDERAL GRANTS	-	-	-	-	-
STREET IMPROVEMENTS	(12,208.00)	135.00	2,241.36	14,314.36	- (2)
CAPITAL IMPROVEMENTS	(2,442.86)	4,558.11	89,493.03	91,809.39	4,431.61 (2)
STORM WATER	(19,259.10)	-	4,878.05	24,137.15	- (2)
COP 2006/CFD 2005-01	(9,087.28)	1,103,475.37	1,104,352.37	-	(9,964.28)
REFUNDABLE DEPOSIT	837,492.08	15,904.00	65,146.54	-	788,249.54
COMMUNITY TRUST	125,506.75	-	1,155.09	-	124,351.66
TOTALS	\$ 30,782,618.23	\$ 3,465,963.56	\$ 3,028,612.25	\$ 91,809.39	\$ 31,311,778.93

SUMMARY OF CASH:

DEMAND DEPOSITS:	GENERAL ACCOUNT	\$ 5,686,405.68
	TOTAL DEMAND DEPOSITS	\$ 5,686,405.68
INVESTMENTS:	LOCAL AGENCY INVESTMENT FD	\$ 25,625,373.25
	TOTAL INVESTMENTS	\$ 25,625,373.25
	TOTAL CASH	\$ 31,311,778.93

L.A.I.F. - Effective Yield for December 2014	0.267%
Money Market-Effective Yield for December 2014	0.040%

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

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

Other monies held include Cash with Fiscal Agent, Payroll Account, and City Facilities in the amount of \$ 4,285,141.46

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

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

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

Capital Improvements include park improvement and pedestrian bridge projects.

Storm Water includes the Wood Canyon Emergent Wetland Project.

Gina Tharani

Gina M. Tharani, City Treasurer

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

www.treasurer.ca.gov/pmia-laif/laif.asp

January 27, 2015

CITY OF ALISO VIEJO

FINANCE DIRECTOR
12 JOURNEY, #100
ALISO VIEJO, CA 92656

PMIA Average Monthly Yields

Account Number:
98-30-007

Tran Type Definitions

December 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	25,625,373.25
Total Withdrawal:	0.00	Ending Balance:	25,625,373.25



**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
01/08/15	0.27	0.27	211
01/09/15	0.27	0.27	213
01/10/15	0.27	0.27	213
01/11/15	0.27	0.27	213
01/12/15	0.27	0.27	212
01/13/15	0.27	0.27	212
01/14/15	0.27	0.27	212
01/15/15	0.26	0.27	211
01/16/15	0.26	0.27	211
01/17/15	0.26	0.27	211
01/18/15	0.26	0.27	211
01/19/15	0.26	0.27	211
01/20/15	0.26	0.27	208
01/21/15	0.26	0.26	212

*Daily yield does not reflect capital gains or losses

LAIF Performance Report

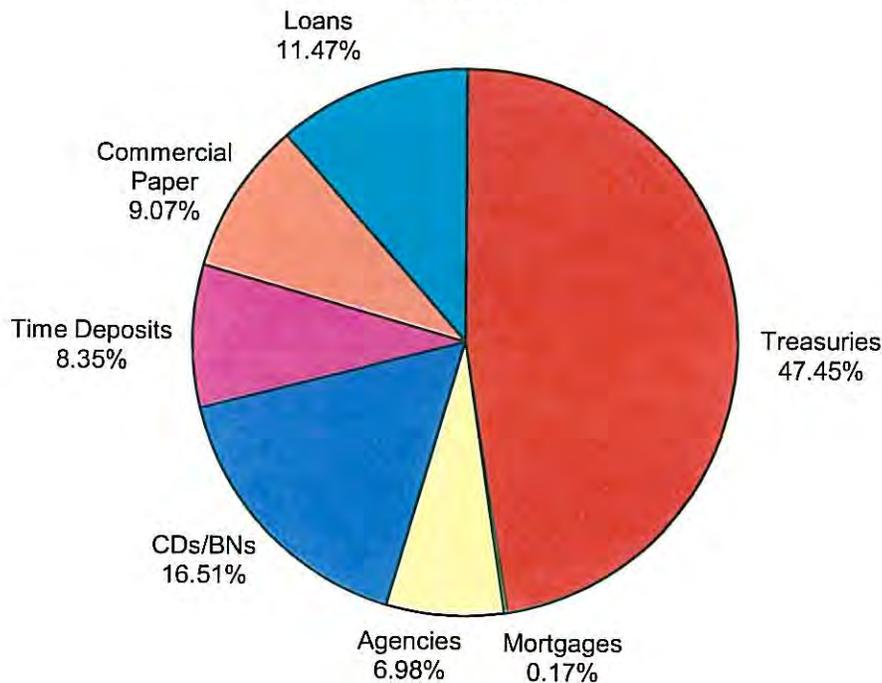
Quarter Ending 12/31/14

Apportionment Rate: 0.25%
 Earnings Ratio: 0.00000696536180771
 Fair Value Factor: 0.99998038
 Daily: 0.26%
 Quarter To Date: 0.26%
 Average Life: 200

PMIA Average Monthly Effective Yields

DEC 2014 0.267%
 NOV 2014 0.261%
 OCT 2014 0.261%

**Pooled Money Investment Account
Portfolio Composition
\$60.3 billion
12/31/14**



City of Aliso Viejo
CITY COUNCIL
AGENDA ITEM



DATE: February 4, 2015
TO: Mayor and City Council
FROM: Albert Armijo, Director of Planning Services
Erica Roess, Senior Planner
SUBJECT: AFFORDABLE HOUSING IN-LIEU STRATEGIC PLAN

RECOMMENDED ACTION

Staff recommends the Council adopt the attached Resolution approving the Affordable Housing In-Lieu Strategic Plan.

FISCAL IMPACT

The fiscal impact of this policy is limited to the expenditure of existing and future funds collected in the Affordable Housing In-Lieu account as identified in the attached strategy.

NOTICE

A public notice is not required for the adoption of a housing strategy.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the attached strategy and has determined that the City Council's approval of the strategy is exempt from the California Environmental Quality Act because the action is not a "project" under CEQA. Specifically, the attached strategic plan establishes a government funding mechanism that does not involve a commitment to a specific project. (State CEQA Guidelines § 15378(b)(4).) Therefore, the proposed activity is not a "project" subject to CEQA.

Staff will file a notice of exemption with the County Clerk within five (5) working days of the Council's approval of the attached strategic plan.

BACKGROUND

On January 22, 2014 the City Council adopted a Housing Element for the 2014-2021 planning period. On October 1, 2014, the California Department of Housing and Community Development (HCD) stated that the adopted housing element meets the statutory requirements of State law.

Housing Program 2, "Affordable Housing In-Lieu Funds", of the Housing Element committed the City to bring forward a qualified housing consultant to work with staff in devising a plan to distribute the funds. Specifically, Housing Program 2 states:

2. Affordable Housing In-Lieu Funds

To date, the City has collected approximately \$2 million in affordable housing in-lieu funds. The majority of the existing funds are from the Canyon Point condo conversion. The remaining balance is from a 12-unit CBO project, Ventana Ridge, as well as a small percentage from the Glenwood and Vantis CBO projects.

Within the first year of the planning period, the City will hire a qualified housing consultant to develop recommendations for the best use of the in-lieu funds, with the priority of extremely-low and very-low-income housing. The City will devise a plan to distribute the existing funds, as well as the balance of the anticipated funds collected with the Vantis Development Agreement.

The priority for the use of in-lieu funds will be to assist the provision of extremely-low-and very-low-income rental housing, which may include purchasing affordability covenants on existing rental units and/or providing incentives to non-profit developers of rental housing. The City Council will make available the funds to qualified participants within two years from the adoption of the Housing Element. These funds could also be utilized to retain affordable status on units that may require City intervention and the associated administrative costs.

*Responsible Agency: Planning Department
Funding Source: In-Lieu Housing Fund*

As identified above, Housing Program 2 committed the City in the first year (prior to October 15, 2014) to hire a qualified consultant to assist staff in developing recommendations for the best use of the in-lieu funds. On October 1, 2014 the City Council approved a Professional Services Agreement with Rosenow Spevacek Group (RSG) to develop those recommendations. RSG was chosen to assist staff because of its longstanding work with the current Affordable Housing Program (since the inception). Additionally, RSG provided an in-lieu analysis during the Vantis Development Agreement negotiations to determine the cost of developing a low-income or very-low income unit. In July 2014, RSG expanded this analysis to assist staff in the development of incentives for very-low income housing.

Since approval of the Agreement, RSG developed a plan that provides a roadmap to serve as a guide for staff and City Council. Their approach focuses on providing a working document that establishes recommended implementation policies, procedures, and guidelines for the potential housing programs and projects in the City.

DISCUSSION

As identified above, Housing Program 2 only committed the City in the first year (prior to October 15, 2014) to hire a qualified consultant to assist staff in developing recommendations for the best use of the in-lieu funds. The funds do not have to be made available until January 22, 2016. However, based on the affordable senior development site development permit (Vintage Aliso Viejo at 2C Liberty) approved by Council on November 5, 2014, staff is bringing forward these implementation program now in case Council wants to make the funds available prior to January 22, 2016.

Proposed Strategic Plan

The Strategy provides an outline for the distribution of the Affordable Housing In-Lieu monies. The current Fund totals approximately \$2,000,000, and with the anticipated final pay-outs of the Vantis Development Agreement, the Fund should be approximately \$2,500,000 by 2016 (coinciding with the 400th Certificate of Occupancy for the Vantis apartments).

The first portion of the plan summarizes background information on the City's housing goals and objectives, and efforts taken to meet those goals to date. The second portion of the plan reviews the City's demographic and market analysis utilizing US Census data, ESRI Business Analyst, California Housing and Community Development data, and various websites marketing local properties for rent and sale. Finally, the strategic plan culminates in specific housing programs the City can undertake to meet Housing Element goals, and RSG's recommended course of action considering the City's strengths and weaknesses related to its primary revenue sources, available staffing resources, and previous housing activities.

CONCLUSION

In preparing this agenda item, the City Attorney's office provided comments and recommendations on the staff report and resolution. Staff recommends the City Council adopt the attached Resolution approving the Affordable Housing In-Lieu Strategic Plan.

Prepared by:



Erica Roess
Senior Planner

Reviewed by:



Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

A handwritten signature in black ink, consisting of several overlapping loops and a vertical stroke, positioned above a horizontal line.

David A. Doyle
City Manager

Attachment: Resolution of Approval for Affordable Housing In-Lieu Strategic Plan

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING AN AFFORDABLE HOUSING IN-LIEU MONIES STRATEGY PURSUANT TO HOUSING PROGRAM #2 OF THE 2013-2021 HOUSING ELEMENT

WHEREAS, on January 22, 2014, the City Council adopted the 2013 Housing Element update as part of its comprehensive General Plan; and

WHEREAS, on October 1, 2014, the Department of Housing and Community Development ("HCD") certified the City's 2013 Housing Element for the 2013-2021 planning period; and

WHEREAS, pursuant to Housing Element Program #2 Affordable Housing In-Lieu Funds, the City agreed to hire a qualified housing consultant to develop recommendations for the best use of the in-lieu funds with the priority of extremely-low and very-low-income housing, and to devise a plan to distribute the existing funds, as well as the balance of the anticipated funds collected with the Vantis Development Agreement ("In-Lieu Funds"); and

WHEREAS, the City hired Rosenow Spevacek Group (RSG) to develop a Affordable Housing In-Lieu Monies Strategy ("Strategy"), which is attached to this Resolution as Exhibit A, that provides a working document on recommended implementation policies, procedures and guidelines for the use of In-Lieu Funds on potential housing programs and projects in the City.

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

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. CEQA Compliance. The City hereby finds and determines that the proposed Affordable Housing In-Lieu Monies Strategy is exempt from the California Environmental Quality Act because the action is not a "project" under CEQA. Specifically, the attached strategy establishes recommendations for government funding that does not involve a commitment to any specific project. (State CEQA Guidelines § 15378(b)(4).) Therefore, the proposed activity is not a "project" subject to CEQA.

SECTION 3. Location of Documents. The documents and materials that constitute the record of proceedings have been based are located at the City of Aliso Viejo, 12 Journey, Suite 100, Aliso Viejo CA 92656. The custodian for these records is the Director of Planning Services.

SECTION 4. Notice of Exemption. Within five (5) working days after the passage and adoption of this Resolution, the City Council hereby authorizes and directs staff to prepare, execute and file with the Orange County Clerk a Notice of Exemption for the proposed Strategy.

SECTION 5. Approval. The City Council hereby approves the Strategy attached to this Resolution as Exhibit A.

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 4th day of February 2015.

William A. Phillips
Mayor

ATTEST:

Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

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

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2015-XXX 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 February 2015, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. 2015-XXX duly passed and adopted by the Aliso Viejo City Council at its regular meeting held February 4, 2015.

(SEAL)

EXHIBIT "A"

AFFORDABLE HOUSING IN-LIEU STRATEGIC PLAN



CITY OF ALISO VIEJO

AFFORDABLE HOUSING IN-LIEU STRATEGIC PLAN

JANUARY 28, 2015



Prepared By RSG, Inc.
309 W. 4th Street
Santa Ana, CA 92701

Prepared for the City of Aliso Viejo
12 Journey, Suite 100
Aliso Viejo, CA 92656

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THE AFFORDABLE HOUSING IN-LIEU STRATEGIC PLAN

Communities throughout California struggle to ensure their land use strategies include provisions for a wide range of housing types, particularly those affordable to individuals and families whose incomes are below area medians. One argument for affordable housing is quite simply the basic human right of safe and sanitary living conditions. Appropriate housing options increases community wealth, reduces the homeless population, and increases social capital. In older and transitioning communities, the provision of affordable housing can be transformative, lowering police calls for service and increasing school attendance in children. In a newer and more affluent area like Aliso Viejo, affordable housing is more often about accommodating the diverse workforce of the area and keeping rents in a range that ensures individuals and families have enough discretionary income to afford other important expenses like healthcare and transportation to school and work.

The City of Aliso Viejo (“City”) has successfully taken steps to provide for affordable housing opportunities through development agreements in the past. However, at this time, the City has a newly adopted General Plan Housing Element, new Regional Housing Needs Assessment (“RHNA”) allocations¹, and limited funds that have been set aside for the development and preservation of affordable housing. This Strategy is intended to identify options and recommendations for expenditure methods that will help the City achieve its Housing Element goals.

Role of This Document

On January 22, 2014, the City Council adopted a Housing Element that describes the City’s housing needs and goals for the 2014-2021 planning period. It addresses both affordable and market rate housing needs for the entire community. The Housing Element was certified by the California Department of Housing and Community Development on October 1, 2014.

The primary purpose of this Strategy is to provide viable options available to the City in fulfilling Housing Element Program 2 “*Affordable Housing-In-Lieu Funds*”. The Housing Element established a Designated Housing In-Lieu Fund (“In-Lieu Monies” or “In-Lieu Account”) and set a goal to hire a qualified housing consultant to develop recommendations for the best use of approximately \$2 million in affordable housing In-Lieu Monies collected to date. The City Council approved a contract with RSG on October 1, 2014 to draft this Strategy outlining options and recommendations. While this document does include some information for additional actions the City can pursue in support of other Housing Element programs, it is only Program 2 that has a current funding source.

Plan Approach and Methodology

The first portion of the Strategy summarizes background information on the City’s housing goals and objectives, and efforts taken to meet those goals to date. RSG met with City staff in October 2014 to review issues and collect written information on the City’s housing needs, existing programs, and potential opportunities. Documents reviewed include, but are not limited to, the General Plan Housing Element and Community Profile, several staff

¹ RHNA requires that a Housing Element include land use plans that allow for, and do not unduly hinder, the development of affordable housing based on a projected needs assessment.

reports summarizing Housing Element updates and General Plan amendments, and development agreements. RSG also drew on historical knowledge gained from previous work conducted for the City. This includes monitoring affordable housing covenants, assisting with developer negotiations, and analyzing the cost difference between providing a very low-income versus a low-income unit in the City.

The second portion of the Strategy reviews the City's demographic and market analysis utilizing US Census data, ESRI Business Analyst, California Housing and Community Development data, and various websites marketing local properties for rent and sale. Finally, the Strategy culminates in specific housing programs the City can undertake to meet Housing Element goals, and RSG's recommended course of action considering the City's strengths and weaknesses related to its primary revenue sources, available staffing resources, and previous housing activities.

Affordable Housing

The term "affordable housing" generally means housing units specifically reserved for individuals or families whose income is up to 120 percent of the area's (i.e. county's) median income. According to the US Census Community Survey, the median household income in Orange County is currently about \$75,000. Aliso Viejo's median household income is about \$99,000, and broken out by income range in Table 1.

Table 1: Aliso Viejo Income Ranges

Income Range	No. Families
Less than \$10,000	446
\$10,000 to \$14,999	269
\$15,000 to \$24,999	557
\$25,000 to \$34,999	881
\$35,000 to \$49,999	1,427
\$50,000 to \$74,999	2,741
\$75,000 to \$99,999	3,020
\$100,000 to \$149,999	4,355
\$150,000 to \$199,999	2,563
\$200,000 or more	2,310

Source: American Community Survey

Table 1 shows that about 6,300 households in Aliso Viejo have incomes that are at or below the county median income (with no adjustment for family size).

From a technical perspective, the exact definition of affordability varies a bit if public money (local, state, or federal) is infused into a housing unit in order to maintain affordability. Each funding source program will have its own defined parameters of affordability. State law establishes four income categories for purposes of housing programs based on the area median income ("AMI") and acts as a good benchmark:

CITY OF ALISO VIEJO
Affordable Housing In-Lieu Strategic Plan

- Extremely-low income (30% or less of AMI),
- Very-low income (31-50% of AMI),
- Low income (51-80% of AMI), and
- Moderate income (81-120% of AMI).

Housing affordability is based on the relationship between household income and housing expenses. According to the Federal Department of Housing and Urban Development (“HUD”) and the California Department of Housing and Community Development (“HCD”), housing is considered “affordable” if the monthly payment is no more than 30% of a household’s gross income. In some areas (such as Orange County), these income limits may be increased to adjust for high housing costs. HCD publishes affordable income limits and affordable maximum rental costs for each county in the state on an annual basis. Income limitations in Orange County are shown in Table 2 for 2014.²

² 2015 Limits are not anticipated until March, 2015.

Table 2: Orange County 2014 Income Limits

1 Person Household		2 Person Household		3 Person Household		4 Person Household	
Median Income: \$61,050		Median Income: \$69,750		Median Income: \$78,500		Median Income: \$87,200	
Income Category	Annual Income ⁽¹⁾	Income Category	Annual Income	Income Category	Annual Income	Income Category	Annual Income
Extremely Low	\$20,250	Extremely Low	\$23,150	Extremely Low	\$26,050	Extremely Low	\$28,900
Very Low	\$33,750	Very Low	\$38,550	Very Low	\$43,340	Very Low	\$48,150
Low	\$53,950	Low	\$61,650	Low	\$69,350	Low	\$77,050
Moderate	\$73,250	Moderate	\$83,700	Moderate	\$94,200	Moderate	\$104,650

5 Person Household		6 Person Household		7 Person Household		8 Person Household	
Median Income: \$94,200		Median Income: \$101,150		Median Income: \$108,150		Median Income: \$115,100	
Income Category	Annual Income	Income Category	Annual Income	Income Category	Annual Income	Income Category	Annual Income
Extremely Low	\$31,250	Extremely Low	\$33,550	Extremely Low	\$35,850	Extremely Low	\$38,150
Very Low	\$52,050	Very Low	\$55,900	Very Low	\$59,750	Very Low	\$63,600
Low	\$83,250	Low	\$89,400	Low	\$95,550	Low	\$101,750
Moderate	\$113,000	Moderate	\$121,400	Moderate	\$129,750	Moderate	\$138,150

Source: HCD

BACKGROUND

The City has collected approximately \$2 million in In-Lieu Monies available to fund affordable housing initiatives, and will collect another \$500,000 in the near future with the completion of the Vantis project. The City's primary goal for this Strategy is to establish a framework to use current and future In-Lieu Monies collected to comply with its Housing Element, and best meet the affordable housing needs of the community.

Meeting Housing Element Goals

The 2014-2021 adopted Housing Element identifies the following goals related to the community's housing needs:

- Encourage a diversity of housing types and provide affordability levels within Aliso Viejo to meet the needs of community residents (Goal H-1);
- Create safe and aesthetically-pleasing neighborhoods, and provide adequate housing to meet the needs of all household types and income groups (Goal H-2); and
- In accordance with State law, ensure all persons and household types have equal access to housing (Goal H-3).

The City engages in several housing activities to meet these goals. Since 2005, the City has provided over \$66,000 in grant funding to domestic violence shelters and non-profit organizations providing homelessness prevention services and adult day care services for seniors. Furthermore, the City promotes the Orange County Housing Authority's Section 8 Housing Choice Voucher program via its website and the public counter at City Hall. As of 2013, 56 households in the city were receiving assistance from Section 8. The City also offers streamlined priority processing and administrative assistance for development applications that include affordable units, and monitors the deed restrictions and affordability covenants of 252 units in the city. Restricted units include:

- 46 rental units at the Wood Canyon Villa property, which are assisted through a County Bond that expires in 2031;
- 128 rental units at the Woodpark Apartments, which are assisted through the Low-income Housing Tax Credit Program and are to remain rent-restricted until 2050;
- 43 low-income, owner-occupied units within the Glenwood development, which have a 45-year affordability restriction that resets with each individual owner; and
- 15 low-income, owner-occupied units with a 45-year affordability restriction within the Vantis development, plus 20 planned rental units with a 30-year affordability restriction that have not yet been constructed.

In early 2014, the City amended the General Plan and zoning designations of two vacant properties to accommodate the potential construction of very high-density residential units to comply with RHNA and fulfill a State requirement for cities to identify adequate sites with appropriate zoning to accommodate unmet housing needs. Previously designated as a business park, one of the properties, known as 2C Liberty, is now designated for residential development with a minimum density of 30 units per acre and a maximum

density of 50 units per acre. The second property, known as 4 Liberty, was also previously designated as a business park and is now designated as Mixed Use/Residential Overlay, which allows for residential development with a minimum density of 30 units per acre and a maximum density of 50 units per acre on four acres of the site. Based on site size and the General Plan Very High Density Residential land use average of 36 dwelling units per acre, each of the two sites can reasonably accommodate about 144 units, but up to 200 units at the 50 units per acre maximum.

On November 5, 2014, a proposal from USA Properties was approved by the City Council to develop the 2C Liberty property with 200 affordable senior units (33 very-low income units and 167 low income units). In its approval of the project, the City Council approved several development modifications or concessions pursuant to Government Code 65915 so as to make the project economically feasible. The Council directed staff to prepare loan documentation for Council consideration of a "gap" request by the developer of the 2C Liberty property. The timing of this Strategy should precede any output of funds unless it coincides with the objectives of the Strategy.

To date, 4 Liberty is currently owned by the United States Postal Service ("USPS"), and they are looking for a buyer on the open market.

Affordable Housing In-Lieu Monies

At the time of incorporation in 2001, the City's vacant or underutilized sites were entitled with non-residential uses as specified in the Aliso Viejo Master Development Agreement approved by the County in 1988. However, with the City's adoption of its first General Plan in 2004, the opportunity for additional housing within the community became part of the General Plan process. The Community Benefit Overlay ("CBO") concept allowed modification to existing entitlements: 1) if the proposed development could be shown to provide added benefit to the community, and 2) if property owners were willing to forego or amend the 1988 entitlements under the Master Development Agreement. One such community benefit was the provision of housing affordable to very-low and low-income households.

Aliso Viejo negotiated with developers of four CBOs to either provide affordable units as part of their residential project or make an affordable housing in-lieu payment to the City, which would in turn be used to fund affordable units as part of a separate project. Additionally, the City required in-lieu account payments as a condition of approval for a condominium conversion processed by the City since incorporation. As of January 2014, the City had collected approximately \$2 million of in-lieu payments, the bulk of which was paid by the developers of the Canyon Point condominium conversion. The remainder of the funds was paid by the developers of three CBO projects: Ventana Ridge, Glenwood, and Vantis. The Ventana Ridge developer opted to build no affordable units and make an in-lieu payment. Shea Homes, developer of Glenwood and Vantis, opted to construct low-income units on-site and pay in-lieu for very low-income units. It is important to note that all in-lieu payments were made as a part of negotiated agreements, and not pursuant to an adopted fee.

Developers have completed the total in-lieu payments owed for Ventana Ridge and Glenwood. For the Vantis development, Shea Homes is required to pay a balance of \$490,250 by the 400th certificate of occupancy for the development's market-rate units.

Two hundred ninety three (293) market rate units have been completed to date with the completion of two of the three residential phases within the Vantis development. Construction of the third phase is anticipated to begin in 2015. The fourth CBO, Commons, also has a Development Agreement with an-lieu payment or construction requirement; however this is tied to the proposed residential portion of the development. To date, the City has not received a residential building permit application, and with the 2015 expiration of the Commons Development Agreement, the potential In-Lieu payment is not being included in the Strategy total.

Of the \$2 million collected in In-Lieu Monies, the City has spent about \$50,000 to date. Approximately \$30,000 was used in December 2012 to purchase an affordable deed-restricted unit in the Glenwood development from an owner at risk for foreclosure. The City's purchase prevented the sale of the unit to the bank, who would have sold the unit at market rate. The City resold the unit in June 2013 and maintained the deed restriction. The remaining expenditures have been for the development of this Strategy and support for housing services.

Housing Assessment

Based on the Southern California Association of Governments' ("SCAG") RHNA allocation for the 2006-2014 and 2014-2021 planning periods, the City's share of the region's need for additional housing units is 315 units, as illustrated in Table 3. Although SCAG did not include the extremely-low category in their RHNA projections, it is estimated that the number of extremely low-income units needed is equal to half of the number of very low-income units needed, an assumption allowed by state law. Table 3 also lists the 2014 income limits for Orange County set by HCD, which are based upon a four-person household.

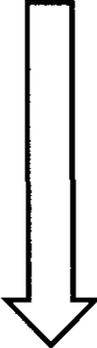
Table 3: City of Aliso Viejo Regional Housing Needs Analysis

City of Aliso Viejo Current Housing Needs Analysis					
	VERY LOW	LOW	MODERATE	ABOVE MODERATE	TOTAL
RHNA 2006-2014 Allocation	208	165	179	367	919
Units Built 1/06-10/2013	0	Glenwood, 43 Vantis, 15 Total, 58	Glenwood, 141 Vantis, 259 Total, 400	Glenwood, 318 Vantis, 35 Ventana Ridge, 12 Total, 365	823
Anticipated Units	Commons, 7 Total, 7	Commons, 14 Vantis, 20 Total, 34	Commons, 119 80 Total, 80	Vantis, 0	121
RHNA 2006-2014 Carryover	201	73	0	2	276
RHNA 2014-2021 Allocation	9	7	7	16	39
Total 2014-2021 Need	210	80	7	18	315
2014 Income Limit 4-Person Household	\$48,150	\$77,050	\$104,650		

Table 4 is a brief assessment of housing stock available in Aliso Viejo, by income category, for someone seeking accommodations today. For example, if a person makes \$32,000 per year, no housing product in Aliso Viejo can be considered affordable to them at the time this Strategy was written, under the premise that only 35% of gross income should be used for housing. At that income level, an individual seeking to live in Aliso Viejo would either need to find a roommate(s), or increase their percentage of income used for housing. Interestingly, according to the Harvard Joint Center for Housing Studies, about one quarter of households in the greater Los Angeles metropolitan area spend at least half of their income on housing, with renters faring slightly worse than homeowners. About 33 percent of renters are paying more than 50% of their income for housing. Increases in housing expenditures in turn reduce discretionary expenditures on goods that hit a city's bottom line, like taxable sales.

Table 4 reveals that existing housing stock is primarily affordable to households with an annual income of \$50,000 or more. This illustrates that very low-income households (making \$48,150 or less for a family of four) have the greatest need for new affordable housing options in the city. Additionally, households with an annual income up to \$75,000 have limited options for housing larger than a 2-bedroom unit. Low-income households (making \$77,050 or less for a family of four) would benefit from new affordable housing options that have at least 3-bedrooms. Note, however, that approximately one-third of very-low and low-income households in the city are senior households over the age of 55, where the preference is typically for smaller, one-bedroom units. If the development at the 2C Liberty site is completed as proposed, it could potentially produce 167 low-income units and 33 very low-income units restricted to seniors. This would leave a remaining need for 177 very low-income units from the City's RHNA allocation.

Table 4: City of Aliso Viejo Housing Product Affordability

	Income Range	# HH 2014 ¹	% HH 2014 ¹	% Income to Housing	Supportable Monthly Housing Costs	Current Product Affordable to Income Group ²	
	Rent	\$ - - 15,000	650	3.46%	35%	\$ - - 438	None
		\$ 15,000 - 24,999	484	2.57%	35%	\$ 438 - 729	None
		\$ 25,000 - 34,999	887	4.72%	35%	\$ 729 - 1,021	None
		\$ 35,000 - 49,999	1,505	8.01%	35%	\$ 1,021 - 1,458	Few studio and 1 bedroom options for rental or purchase (apartments or condos)
		\$ 50,000 - 74,999	3,080	16.38%	35%	\$ 1,458 - 2,187	Many options for up to 2 bedroom rental or purchase; some options for up to 3 bedroom purchase (apartments or condos)
		\$ 75,000 - 99,999	3,026	16.10%	33%	\$ 2,063 - 2,750	Almost any option for rental; some options for up to 4 bedroom purchase (all housing types)
		\$ 100,000 - 149,999	4,758	25.31%	33%	\$ 2,750 - 4,125	Any rental; Many options for ownership
	\$ 150,000 - 199,999	2,511	13.36%	30%	\$ 3,750 - 5,000	Any rental; Almost any option for purchase	
Mortgage	\$ 200,000 +	1,898	10.10%	30%	\$ 5,000 +	Any product	
Total		18,799	100.00%				

¹ ESRI Business Analyst

² Table reflects affordability only, not necessarily product preferences

Sources: ESRI Business Analyst, Zillow, Craig's List, Hotpads.com, Rent.com

HOUSING STRATEGY

The Housing Element identified nine programs to reach the City's housing goals. The following objectives are from four of the nine programs, which specifically relate to the development and implementation of this Strategy:

- Housing Program 1, Adequate Sites for Affordable Housing: "The City will facilitate affordable multi-family development on these sites. [2C Liberty and 4 Liberty] by supporting funding applications, allocating funds from the Affordable Housing In-Lieu Monies, and / or approving modifications to development standards."
- Housing Program 2, Affordable Housing In-Lieu Funds: "Within the first year of the planning period, the City will hire a qualified housing consultant to develop recommendations for the best use of the in-lieu funds, with the priority of extremely-low and very-low income housing. The City will devise a plan to distribute the existing funds, as well as the balance of the anticipated funds collected with the Vantis Development Agreement. The priority for the use of in-lieu funds will be to assist the provision of extremely-low and very-low-income rental housing, which may include purchasing affordability covenants on existing rental units and/or providing incentives to non-profit developers of rental housing. The City Council will make available the funds to qualified participants within two years from the adoption of the Housing Element. These funds could also be utilized to retain affordable status on units that may require City intervention and the associated administrative costs."
- Housing Program 3, Homeownership Assistance Programs: "The City will investigate the feasibility of developing its own homeownership assistance program with the use of in-lieu funds."
- Housing Program 8, Conservation of Existing and Future Affordable Units: "...the City will monitor the deed restrictions or affordability covenants of affordable housing and pursue options to preserve the affordable housing units."

Options for Expending the In-Lieu Account

The best way for the City to meet both its Housing Element Goals and support its RHNA allocation is to increase the number of affordable units. Based on needs assessment and RHNA allocation, rental units that can be supported by very low- and low-income households are most critical. While the availability of funds to incentivize production of very low-income housing is a valuable asset, an In-Lieu Account will be best utilized by implementing proactive strategies to guide affordable housing development in the city. Four strategies for spending In-Lieu Account monies are provided below. The City may consider implementing one or more of these strategies or a combination based on the opportunities presented by future development in Aliso Viejo. In some cases, these strategies offer an alternative to the developer negotiations the City has previously undertaken, in others, the program would be in addition to future developer negotiations.

Housing In-Lieu Ordinance

Housing in-lieu ordinances and fees are a mechanism to produce housing units or funds for unit production. They are generally established to either require construction of affordable units or collect fees from projects and, in turn, to use those fees to assist in the development of affordable units at other sites. In the last several years, court cases - most notably the *Palmer/Sixth Street Properties L.P. v. City of Los Angeles* (2009), the *Building Industry Assn of Central California v. City of Patterson* (2009), and *Sterling Park v. City of Palo Alto* (2013) – have shifted the way in which cities approach these activities. The validity of these types of ordinances is still being determined by the Legislature and the courts, and may continue to change in the near future.

Pros:

- Once established, the ordinance eliminates the need to negotiate with developers for affordable units or in-lieu funds. This takes pressure off of elected officials as well as staff.
- Provides developers with an up-front, clear-cut understanding of their options for paying an in-lieu fee or constructing units. Note that if a developer chooses to pay a fee instead of building a unit, the City will still need to establish a means by which to expend that funding to achieve units.

Cons:

- Recent lawsuits require very meticulous construction of the ordinance and fee structure, including extensive research and documentation, which could cost the City upwards of \$100,000 in consultant and attorney fees.
- The litigious environment related to these fees may increase at least the perceived threat of further litigation, though other communities have pursued in-lieu ordinances since the Palmer, Patterson, and Sterling Park decisions.

City Acts as Developer

The City can act as a developer and expend funds itself by acquiring land and hiring a builder to construct the units. Upon completion, the City could operate the units, or look to sell to another party that specializes in affordable housing operations and maintenance.

Pros:

- Complete control over the process and units.

Cons:

- This is the most expensive option, with the least return in number of units. By taking on the full cost burden, the City substantially limits the number of units it can achieve, even if funding is used in conjunction with other state or federal programs.
- The City bears all administrative costs and duties including staff time, and it lacks experience as a development entity.
- Complexity would grow with layering of funding (e.g. tax credits) that would maximize investment. Without a development partner, staff would be responsible for obtaining any additional funding, an extremely time-consuming endeavor as state and federal funding sources for affordable housing are generally allocated through a competitive process. Note that while the City is now entitled to CDBG funds annually, use of CDBG for new construction is extremely limited by law. CDBG funds may be used for rehabilitation.

Gap Financing through Partnership with Developers

The City can capitalize on units a private entity builds by providing the funding necessary to offset the reduced income an affordable unit generates, often called “gap financing”. Through this investment, the City can obtain affordable units without taking on all the administrative costs and duties of construction. The City took steps in the summer of 2014 to investigate this option specifically as a way to encourage the development of very low-income units, which have been identified as the primary need in the City’s RHNA allocation. The City requested information to identify the gap funding required for low- and very-low income units, and the difference between the two.

The following summarizes the methodology used for identifying the “incentive” or the cost differential between a low-income unit and a very-low income unit:

- a) Identification of the current affordable housing costs prepared in accordance with the rental limitations published for the Orange County by HCD for low and very low income levels.
- b) Preparation of development programming and financial pro forma analysis for prototypical apartment rental units using comparable market building prototypes and unit sizes to estimate direct and indirect construction costs, financing costs, and a base developer fee to identify the total estimated development costs.
- c) Identification of the total rental revenue based on the maximum affordable rent limits by unit size per each income category.
- d) The total affordable development funding deficit (gap) associated with each income category’s affordable rent is the difference between the total estimated development cost and the estimated maximum supportable debt service at a coverage ratio of 1.2 based on net operating income derived from the project’s affordable rental revenue with assumptions for vacancy and operations costs. The difference between this number for the low-income and very low-income unit is the cost variance.

Under the 2014 market assumptions and construction cost estimates, the total development funding deficit is broken down as follows:

Low-Income Units	(\$163,661) per unit
Very Low-Income Units	(\$199,296) per unit
Cost Differential (Low vs. VL)	\$35,665

A variety of factors ultimately influence the variance including date of construction, duration of construction, unit mix, density, land costs, interest rates, and other market-driven factors. Therefore, the \$35,635 factor gives a snapshot in time that will change. As a result, the City can consider establishing a reasonable subsidy based on the cost differential to incentivize the development of very low-income units. With an eleven (11) percent cost fluctuation, the incentive would be \$40,000 for every deed-restricted very-low income unit, while \$45,000 would allow just over a twenty (20) percent cost fluctuation.

Pros:

- Working with developers and utilizing a gap financing approach will best leverage City funds. Essentially, the City can put in the least amount of money and obtain the greatest number of units by working in conjunction with a private entity.
- The developer takes on the burden of obtaining additional funding sources as needed.

- Gap financing can be structured as a loan or grant program. RSG strongly recommends a loan program for a number of reasons:
 - Loaned funds are eventually returned for use in additional affordable units.
 - A loan provides additional security that the affordability covenants will be maintained.
 - Developers may prefer a loan for tax reasons.
- The most direct way to approach this program is to create a standard underwriting policy (or application document), where a series of criteria would need to be met by a developer in order to receive any assistance from the City's In-Lieu Account. This would make the program transparent and easy for a developer to review and determine interest.

Cons:

- This program makes the City an underwriter, which must therefore vet who it loans money to, just like a bank would. At a minimum, the City should review past performance on similar projects that demonstrate the developer's ability to execute a project, as well as historical financial records, and operating pro formas for the proposed development. Reference checks are also a good idea if the developer has worked in conjunction with a city before.
- As a development partner, ongoing staff interaction with the developer is required during the development process.
- The City may need to seek outside technical assistance to determine an applicant's ability to deliver a successful project (e.g. pro forma review).

Purchase of Covenants

The City can buy covenants on existing units as noted in the Housing Element. This process is essentially gap financing provided after the fact, to offset reduced rents generated by an affordable unit. Underwriting requirements would still be required, but may be based on direct historical financial stability, vacancy rates, etc. associated with the project itself.

Pros:

- City leverages funds to achieve affordable units within a known and established rental development.

Cons:

- As an investor, the City must review the financial stability of the project to ensure that units will not be lost in foreclosure or other economic crisis of the development owner.

ADDITIONAL PROGRAM OPTIONS TO SUPPORT AFFORDABLE HOUSING

The City's focus is correctly placed on the use of its in-lieu funding source, as it is the only funding source earmarked specifically for affordable housing at this time. However, the Housing Element and general best practices support the integration of other initiatives as well.

Adequate Sites for Affordable Housing & Land Acquisition

As previously discussed, the City amended the General Plan and zoning designations of the 2C and 4 Liberty sites to accommodate residential development on a scale that is adequate to meet the City's RHNA needs. It is critical to the City's RHNA success to ensure that development can be facilitated to meet the low- and very low-income targets at these sites, or within other developments in the community that may occur. The City may need to proactively seek out and negotiate with developers to ensure units are developed. With a formalized loan program, the City will be able to more actively engage in the development community.

Most notably, the City will need to proactively pursue opportunities to develop the 4 Liberty site (or other vacant land) with affordable housing. USPS' webpage currently includes information about the site's zoning for affordable housing, along with the City Planning Department's phone number. The City could request that the webpage also include information about potential incentives to develop affordable housing on the site.

Implementation Strategies

- Engage with the development community, potentially with a focus on non-profit developers who may be interested in the 4 Liberty site.
- Request that USPS include information about development incentives for affordable housing on the 4 Liberty site by March 2015.

Homeownership Assistance Programs

The Housing Element set a goal of investigating the availability of homeownership programs supported by outside agencies and making information available to prospective homeowners. Potential programs include Mortgage Credit Certificates, California Housing Finance Agency, mortgage revenue bonds, CDBG, and HOME funding. It also set a goal to investigate the feasibility of developing the City's own homeownership assistance program with the use of In-Lieu Monies. There will be limited In-Lieu money available through 2016; however a homeownership assistance program could be set up if there are sufficient funds in the future. Homeownership programs typically target moderate-income households based on their greater ability to make mortgage payments.

Implementation Strategy

- Based on the needs assessment, this program should be secondary to the addition of new rental units, and therefore not addressed until 2016. At that time, the City should determine availability of In-Lieu Monies it may use to proceed with homeownership opportunities, and assemble additional funding mechanisms to support the program.

Conservation of Existing and Future Affordable Units

City staff monitors deed restrictions and affordability covenants to ensure existing units remain affordable. Units in the Glenwood and Vantis developments are sold to low-income buyers. The City has previously been able intervene if a homeowner is at risk of foreclosure so the bank does not repossess the property and sell it at market rate. The City may want to establish a

reserve amount to be adjusted annually by the change in CPI or AMI, whichever is higher to ensure adequate funds are available to maintain affordable status of units.

Implementation Strategies

- Continue monitoring deed restrictions and affordability covenants.
- Consider establishing a reserve policy for the In-Lieu Account to prevent loss of units. Again, as the needs assessment shows priority should be placed upon achieving additional very low- and low-income units, the amount of in-lieu money put towards retaining a moderate-income unit would ideally be less than what would be required to establish a very low- or low-income unit.

Use of CDBG Funds

The City just became an Entitlement City, which grants it an allocation of CDBG funds annually. The City has, for the time being, agreed the County should assist them with implementation of these funds, as the County has the expertise to do so, and City staff time is limited. The CDBG program requires that all activities meet one of the following criteria: benefit low- and moderate-income persons, prevent or eliminate slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available. Except under very limited circumstances, CDBG funds may not be used to construct new housing units. The City, to the extent that it can, should work with the County to better understand the types of programs or projects it could fund with CDBG money to best serve the community's low- and moderate-income residents.

Implementation Strategy

- Increase working knowledge of the CDBG program uses to strategically leverage funding to benefit persons of low- to moderate-income in the city.
- Research how other entitlement jurisdictions of similar income levels to Aliso Viejo are utilizing CDBG funds.
- Consider a two- to three-year time horizon to proactively determine the best uses of funding, and potentially begin administering the CDBG funds independently of the County if staff time allows.

OTHER FUNDING RESOURCES FOR FUTURE HOUSING PRODUCTION

It is important to note that there are several outside sources of public and private funding available for affordable housing development that may be used to augment or pair with the City's efforts, particularly if the City chooses to take on a developer role, or work with a developer to facilitate development of affordable housing. Note that most of these resources are generally awarded through a competitive process, where demonstrated need plays a large role in eligibility; and a proposed project must align with the funding source's goals. Outside programs include but are not limited to the following:

Low Income Housing Tax Credits (LIHTC) – This Federal and State program allows investors an annual tax credit over a ten-year period for funding housing projects that provide at least 20% very-low income (50% AMI) units or 40% low-income (60% AMI) units. The total credit has a present value totaling 70% of qualified construction and rehabilitation expenditures. Aliso Viejo's Woodpark Apartments was partially funded by the LIHTC program.

Multifamily Housing Programs (MHP) – The State has assigned \$100 million in one-time General Fund revenues to its MHP and MHP-Supportive Housing programs. Its purpose is to assist the new construction, rehabilitation and preservation of permanent and transitional rental housing for lower income households. Applications are invited through the issuance of Notices of Funding Availability (NOFAs); the first NOFA announced the availability of \$47.5 million in funding with an application deadline of December 23, 2014.

National Housing Trust Fund (NHTF) – The NHTF was created in 2008 through the Housing and Economic Recovery Act and is awaiting an appropriation of funds from Congress. It will provide communities with funds to build, preserve, and rehabilitate homes that are affordable for extremely and very low income households, with an emphasis on rental housing.

Federal Home Loan Banks Affordable Housing Program (AHP) - The AHP is one of the largest private sources of grant funds for affordable housing in the United States. It is funded with 10% of the Federal Home Loan Banks' net income each year. AHP grants subsidize construction, purchase and/or rehabilitation of owner-occupied and rental housing for very low- to moderate-income households. AHP funds can be used for construction financing, permanent financing, principal reduction, down payment assistance or interest rate buy-down. AHP funds may be used in combination with other programs and funding sources, like the LIHTC. Eligible projects serve a wide range of needs, including but not limited to seniors, the disabled, homeless families, and first-time homeowners.

Community Development Financial Institutions (CDFIs) – The CDFI Fund is a Federal program that promotes revitalization and community development through investment in and assistance to community development financial institutions (CDFIs). CDFIs complement traditional lenders by offering services that traditional financial institutions do not offer, such as working within different underwriting parameters. Their housing financing opportunities include support for affordable housing developers for predevelopment, acquisition, construction, renovation, working capital, mortgages and direct mortgage; and lending to low-income individuals for rental, service-enriched and transitional housing.

California Organized Investment Network (COIN) – COIN leverages insurance company capital to fund investments that benefit low to moderate income communities, rural communities, and the environment. COIN's investment officers source, structure, analyze and qualify prospective projects for its insurers to invest in through its CDFI program. Interested parties can apply for funding periodically through COIN's website. This program works best for housing projects that have a mixed-use component that produces a return on investment.

A few competitive funding programs for low-income military veteran housing have been gaining momentum in California, notably under the State's Proposition 41 and the Federal Veterans Affairs Supportive Housing ("VASH") program. At this time, according to the US Census, Aliso Viejo has approximately 1,550 veteran residents. However, median incomes among this population are currently about \$70,000, which is above the AMI for a one- and two-person household. While a larger household may qualify as a low- or very low-income household, the limited veteran population and higher income levels may not allow Aliso Viejo to be competitive for funding among jurisdictions with much greater demand and lower income levels. Should the City wish to pursue such a program, more research is required to determine viability.

CITY OF ALISO VIEJO
Affordable Housing In-Lieu Strategic Plan

The above funding sources are potential options to leverage in-lieu money to support affordable housing in Aliso Viejo and may be considered when implementing the housing strategy outlined in this report.

RECOMMENDED IMMEDIATE PLAN OF ACTION

Based upon review of the Housing Element, available resources, and needs assessment, it is recommended the following options be adopted for immediate implementation:

1. Approve a gap finance loan program to subsidize units affordable to very-low income households based on the per-unit subsidy calculation. Maximum loan amounts may be adjusted annually at a rate equal to the percent change in Consumer Price Index (CPI) or AMI, whichever is higher. At a minimum, the City should require developers seeking these loans to demonstrate their ability to execute the proposed project through previous projects and/or financial standing, as well as allow the City to review their operating pro forma and negotiate points of concern. The applicant developer must receive site development permit approval, establish a deed restriction (in a form approved by the City) for a minimum of thirty (30) years for a very-low income household, and obtain a building permit to be able to receive a per-unit "incentive" for every very-low income unit provided. Program parameters and/or application materials will be placed on the City's website.
2. Approve a reserve amount of In-Lieu Monies to mitigate potential foreclosures of affordable ownership units, as has been necessary in the past. There are currently 58 affordable home-ownership units in the City's program. According to RealtyTrac, the foreclosure rate in Aliso Viejo is currently 0.1%. Based on that rate alone, only one of the affordable units is likely to enter into foreclosure in a given year. The most expensive affordable units are currently selling at \$180,000. In previous experiences where the City purchased a unit to save it from foreclosure, repairs were necessary before it could be sold again. Therefore, it is recommended that a reserve account be established that can accommodate an expenditure of \$180,000 plus 20% for a total reserve amount of \$220,000 (with rounding). This amount should be adjusted annually based upon the CPI, or rate of median income growth over the prior year, whichever is more, as the sales price of a unit can increase with the AMI and repair amounts will rise with inflation. Note that upon sale of a unit, the City will be able to recoup the bulk of its expenditure, net of any repairs or improvements that were necessary to sell the unit.
3. Continue all ongoing City efforts to encourage and maintain affordable housing such as streamlined permitting and code enforcement.
4. Continue to develop relationships with affordable housing developers to ensure affordable units continue to be created in the city. This may be a long term activity, but should be a focus now, particularly in light of the availability of the 4 Liberty property.
5. Begin to engage in the CDBG program in a greater capacity. Seek out assistance and examples from the County and similar entitlement cities to use the City's annual allocation to benefit low- and moderate-income residents.

City of Aliso Viejo

CITY COUNCIL AGENDA ITEM



DATE: February 4, 2015

TO: City Council

FROM: Albert Armijo, Director of Planning Services
Jennifer Lowe, Associate Planner

SUBJECT: RESOLUTION REVERSING THE DIRECTOR OF PLANNING SERVICES' ACTION OF NOVEMBER 10, 2014, AND DENYING ADMINISTRATIVE USE PERMIT PA14-020 A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

RECOMMENDED ACTION:

Adopt resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REVERSING THE DIRECTOR OF PLANNING SERVICES' DECISION AND DENYING APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

DISCUSSION:

On January 21, 2015, the City Council directed Staff to return with a resolution reversing Director of Planning Services action of November 10, 2014, and deny Administrative Use Permit PA14-020.

The resolution provides findings indicating the proposed alcohol sales as accessory to the theater use are inconsistent with needs of the Aliso Viejo residents at this time who, based upon the substantial evidence of opposition to the proposed use presented at the public hearings, desire that the theater remain a venue that serves families and adults who prefer to attend an alcohol-free theater, especially in light of the increasing number of theaters in the general vicinity that allow alcohol sales.

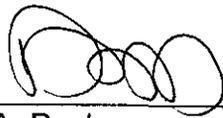
Prepared by:


Jennifer Lowe
Associate Planner

Approved by:


Albert Armijo
Director of Planning Services

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL


David A. Doyle
City Manager

Attachments:

Draft City Council Resolution No. 2015-XX

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, REVERSING THE DIRECTOR OF PLANNING SERVICES' DECISION AND DENYING APPROVAL OF ADMINISTRATIVE USE PERMIT PA14-020, A REQUEST TO ESTABLISH A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EDWARDS THEATER – ALISO VIEJO 20 AT 26701 ALISO CREEK ROAD IN ALISO VIEJO, CA

WHEREAS, a City Council member of the City Council of the City of Aliso Viejo submitted a call up of action taken by the Director of Planning Services' ("Director") approval of Administrative Use Permit PA14-020, a request by Regal Entertainment Group, to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road; and

WHEREAS, on October 30, 2014, the Director sent a public notice to property owners within 300 feet of the Aliso Viejo Town Center and all tenants within Aliso Viejo Town Center stating the Director would be making a determination on the application made by Regal Entertainment Group to establish a Type 41 ABC License at 26701 Aliso Creek Road; and

WHEREAS, the Director considered the application, staff reports, and public testimony, and after considerable discussion and evaluation of the project, approved Administrative Use Permit PA14-020 on November 10, 2014; and

WHEREAS, on November 14, 2014, a City Council member of the City of Aliso Viejo called up the Director's decision pursuant to AVMC Section 15.70.080 and requested the project be reviewed by City Council; and

WHEREAS, the applicant was given notice of the call up in accordance with Section 15.70.080; and

WHEREAS, consistent with City Policy, a Council Member call up of a decision of the Director for full review by the City Council is not subject to payment of appeal fees, and need not be submitted on an "Appeal" form; and

WHEREAS, on January 7, 2015, the City Council conducted a public hearing and considered the staff report, public testimony both for and against Administrative Use Permit PA 14-020 and information from Planning, Economic Development and Police Services staff, discussed the project and thereafter, continued the public hearing to give Council Members the opportunity to visit movie theaters in other cities that allow sale of alcoholic beverages; and

Attachment 1 Regal Entertainment: PA14-020
Resolution No. 2015-XX
City Council 02/04/15

WHEREAS, on January 21, 2015, the City Council held the continued public hearing and considered additional public testimony in favor and against Administrative Use Permit PA 14-020, and after considerable discussion and evaluation of the project, including all of the evidence and testimony presented at the January 7 and January 21 public hearings, reversed the Director's decision and denied Administrative Use Permit PA14-020.

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

SECTION 1. The City Council hereby finds and determines that all of the recitals set forth above are true and correct. The above recitals are hereby incorporated as substantive findings of this Resolution.

SECTION 2. Pursuant to Section 15.74.040 of the AVMC, the application for Administrative Use Permit PA14-020 (AUP) shall be denied subject to the following findings:

1. *Consistency with General Plan. The land use is consistent with the General Plan and any applicable specific plan.*

The proposed use is not consistent with General Plan Goal LU-1: "Provide a diverse mix of land uses to meet the future needs of all residents and the business community." The Council finds that the proposed alcohol sales as accessory to the theater use are inconsistent at this time with needs of the Aliso Viejo residents who, based upon the substantial evidence of opposition to the proposed use presented at the public hearings, desire that the theater remain a venue that serves families and adults who prefer to attend an alcohol-free theater, especially in light of the increasing number of theaters in the general vicinity that allow alcohol sales.

2. *Consistency with Zoning Code. The land use and associated development conform to the permitted use provisions and development standards of this Zoning Code and is consistent with this Code and any applicable specific plan.*

The location for a Type 41 ABC License is located within a Town Center Commercial zoning district. Aliso Viejo Municipal Code (AVMC) Section 15.22.200(D)(1) requires an administrative use permit for a new ABC license or any change in the type of license. As detailed below, the project is not consistent with provisions and development standards of the Zoning Code.

In addition to the findings required in Section 15.74.040(C), pursuant to AVMC Section 15.22.200, the decision-making authority is required to find that the proposed sale of alcoholic beverages proposed by Administrative Use Permit PA14-020 (AUP) is consistent with the purpose and intent of that section, which is to protect the public health and safety for residents and businesses by establishing a set of consistent standards for safe operation of alcoholic beverage retail outlets

and prevent alcohol-related problems. In reviewing required findings, the decision-making authority shall also consider the following:

- a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City;
- b. The numbers of alcohol-related calls for service, crimes or arrests in the reporting district and in adjacent reporting districts; and,
- c. The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.
- d. Whether the permit will result in an overconcentration of alcoholic beverage outlets in the vicinity of the proposed outlet.

The Chief of Police Services for the City of Aliso Viejo provided a report that supplied crime rate and reportable incident data. After reviewing the data, the Chief of Police concluded the number of general and alcohol related crimes are within tolerable limits and recommended approval of the Type 41 ABC License. Notwithstanding this recommendation which focuses on criminal behavior, however, the City Council finds that the establishment of a Type 41 ABC License at 26701 Aliso Creek Road would not protect the health and safety of residents and would contribute to alcohol-related problems sufficient to justify denial. A theater is similar in nature to a recreation facility because of the substantial number of families and children who attend the theater, and, therefore, serving alcohol is an inconsistent use with that venue. Further, the City Council finds that serving alcohol in such a venue may contribute to the well-established negative effects of early exposure of alcohol to minors. Accordingly, the City Council finds that the establishment of a Type 41 ABC License at 26701 Aliso Creek Road, does not conform to the permitted use provisions and development standards of 15.22.200 of the Zoning Code.

3. *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

The Director determined the Administrative Use Permit is Categorically Exempt from further environmental review per the California Environmental Quality Act (CEQA) and CEQA Guidelines under Class 1 (Existing Facilities, sec. 15301) because the administrative use permit involves operation, licensing, and minor alteration of existing private structures involving negligible or no expansion of the use beyond that existing at the time of the Director's determination.

4. *Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.*

Addition of alcohol service at the theater will create conditions materially detrimental to the public health, safety and general welfare based upon the following evidence and findings:

a. The size and layout of the theater is not compatible with sale of alcoholic beverages in that it will be difficult to adequately monitor and supervise the premises to ensure minors do not have access to and consume alcoholic beverages. The subject theater is substantially different from other theaters in Orange County which serve alcoholic beverages in that i) there is less seating in those theaters and the seats are farther apart from each other, ii) those establishments have servers that come into the theater and are able to better monitor who is drinking alcohol, and iii) given the higher ticket prices at those establishments, the patrons appear to be older and there is less risk of minors having access to alcohol.

b. In light of the fact that minors are able to convince adults to purchase alcohol for them at liquor stores and other retail establishments that sell alcohol for off-site consumption, it is reasonable to conclude that minors may be even more successful in requesting adults to purchase alcohol which can be delivered to them in the dark theater.

c. Allowing alcohol sales in the theater will detract from the family-friendly nature of the theater. Unlike restaurants where families are not required to sit with or in proximity to those who are drinking alcohol, in the theater it is virtually impossible for families with minors to ensure they will not be sitting next to persons who are drinking alcohol. Additionally, there was evidence presented that many adults prefer an alcohol-free experience at the theater, and unlike restaurant seating, cannot be assured that they will not be sitting next to a patron who is drinking alcohol. This problem is exacerbated by the close proximity of the seats in the theater.

d. Allowing alcohol sales in a theater which is frequented by minors, often unaccompanied by adults, may further the negative effects of early exposure of alcohol to minors.

SECTION 3. The City Council hereby reverses the decision of the Director of Planning Services' and denies the Administrative Use Permit PA14-020 to establish a Type 41 Alcoholic Beverage Control (ABC) license for Edwards Theater – Aliso Viejo 20 at 26701 Aliso Creek Road.

SECTION 4. Custodian of Records. The administrative record for the Project is maintained at City Hall located at 12 Journey, Suite 100, Aliso Viejo, CA 92656. The custodian of records is the City Clerk.

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

PASSED, APPROVED AND ADOPTED this 4th day of February, 2015.

William Phillips
Mayor

ATTEST:

Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

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

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2015-XX 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 February, 2015, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. 2015-XX duly passed and adopted by the Aliso Viejo City Council at its regular meeting held February 4, 2015.

(SEAL)

City of Aliso Viejo

Agenda Item



DATE: February 4, 2015

TO: Mayor and City Council

FROM: Lieutenant John MacPherson
Chief of Police Services

SUBJECT: Upgrade Existing Bike Trailer to Multimedia Public Information Trailer

Recommended Action:

Approve upgrading the existing Public Safety Bike Trailer to a Multimedia Public Information Trailer in the amount of \$29,000.

Fiscal Impact:

No direct fiscal impact to the City. The cost for upgrading the bike trailer will come out of The Orange County Fire Authority – Structural Fire Entitlement Fund program for the City of Aliso Viejo. These are funds specifically set aside for use by the city.

Background:

The Orange County Fire Authority has set aside Structural Fire Entitlement Funds for the City of Aliso Viejo. There is currently \$29,057 in unspent funds that can be used for Emergency Planning, Preparedness, Community Education and Citizen Emergency Response Teams.

Discussion:

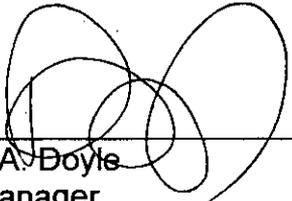
Aliso Viejo Police Services would like to promote community awareness by conducting Neighborhood Watch meetings, Business Watch meetings, Emergency Preparedness meetings, Public Safety meeting and recruit Citizen Emergency Response Teams (CERT). This new Multimedia Trailer will be used throughout our city for Community Education. The new trailer will be utilized at special events such as (National Night Out, Twilight Camp, Shred & Identity Theft, Founder's Day Fair, Bike Rodeo's, Walk to School, Snow Fest and Concerts in the Park). This new multimedia trailer will promote public safety and educate our citizens' emergency preparedness.

The trailer modification would include; flush mount loud speakers, audio amplifier, wireless handheld and head worn microphone transmitters, wireless receiver, hand held wired microphone, blue-ray DVD/CD player, wireless mixer with Bluetooth input, digital

outdoor television antenna, VGA/HDMI converter, 60" television and cabinet's, awning windows, electronic awnings, and halogen spot lights

LT. J. MacPherson
Lieutenant John MacPherson
Chief of Police Services

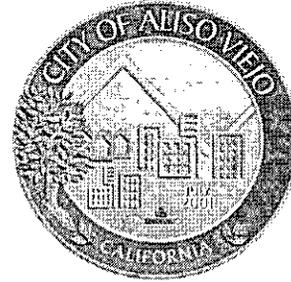
APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



David A. Boyle
City Manager

City of Aliso Viejo

Agenda Item



DATE: February 4, 2015
TO: Mayor and City Council
FROM: Gina M. Tharani, Dir. Of Financial Services/City Treasurer
SUBJECT: MID-YEAR BUDGET UPDATE

Recommended Action

1. Adopt the recommended Mid-Year Budget for Fiscal Year 2014-15.
2. Authorize City Manager to execute the Data Center Rebuild contract.

Fiscal Impact

As a result of Mid-Year adjustments, General Fund revenues gained a net increase of \$182,814. Expenditures sustained an overall net increase of \$26,100. Included are Council approved budget amendments in the amount of \$48,500 and a decrease in Mid-Year Budget projections of \$22,400. As a result of these amendments, the net cost of operations for the City decreased by \$156,714. The total change in the General Fund fund balance is projected to be an increase of \$629,444 at year end for an ending fund balance of \$20,787,690.

The net change from mid-year budget amendments to the overall City fund balance, which includes the General Fund, Special Revenue funds and Capital Improvement funds, is an increase in the amount of \$24,164, due to revenue increases in the General Fund and a reduction of expenditures in the Development Impact fund. The year-end projection for the change in the overall City fund balance is a decrease of \$990,211 for an overall projected City fund balance of \$31,435,142.

Background

In preparation for the adoption of this year's Annual Budget, the Council held budget workshops on April 16, 2014 and May 21, 2014. On June 18, 2014, the Council approved and adopted the FY 2014-15 Annual Budget. The resulting budget maintained service levels with no reductions to programs and services. In addition, the City's Comprehensive Annual Financial Report for fiscal year ending June 30, 2014 was presented to the City Council on December 3, 2014.

During the FY 2014-15 annual budget process, Staff provided Council with conservative estimates to better account for the impacts of the uncertain economic environment. City

revenues are, overall, slightly higher than original FY 2014-15 projections after some fine-tuning within the various categories to better reflect current trends in receipts. Expenditures also saw a slight increase and were tweaked to reflect current expenditure trends and funding requests for ongoing City programs and projects.

Discussion

U.S. Economic Outlook

After years of frustratingly slow growth the national economy is expected to grow at a steady rate for the next few years according to a report released by the Congressional Budget Office. Annual increases in the Gross Domestic Product (GDP) are projected to be around 3% through 2017. The federal unemployment rate is projected to continue to decline slowly over the next few years.

Overall, gross domestic product grew at a 5.0% annual rate in the third quarter of 2014, up from a 4.6% increase in the April-June period. The acceleration in GDP growth reflected upturns in personal consumption expenditures as well as federal, state and local government spending. The November unemployment rate held steady at 5.8%, improving from a rate of 7.0% in November 2014. Employment gains in November were strong with increases in professional and business services, retail, health care and manufacturing according to data released by the Bureau of Labor Statistics.

Markets have been closely following the unemployment rate, inflation rate and discussions by the Federal Reserve concerning the timing of a possible increase in interest rates. The Federal Reserve has expressed its desire to continue to maintain interest rates at near-zero levels to meet its objectives of maximum employment and a 2 percent rate of inflation. In a recent press release the Federal Reserve indicated the possibility of a rate increase in late 2015. Additionally, it continues to taper its stimulus programs given the progress of the economic recovery.

California Economic Outlook

The economic outlook for California has dramatically reversed course since 2011. Proposition 30 took effect January 1, 2013 imposing a 0.25% sales tax increase through 2016 and increased income tax rates on high-income earners through the end of 2018. The State's Legislative Analyst Office (LAO) is currently projecting a budget surplus for FY 2014-15 of \$3.2 billion the result of these temporary tax measures and increased tax collections overall due to the improving economy. The Governor recently released his proposed \$113 billion budget for fiscal year 2015-16. The proposed budget has been called fiscally prudent and includes a \$1.2 billion transfer to the State's rainy day fund and another \$1.2 billion allocated to reduce the Economic Recovery Bonds. The proposed budget also maintains many of the spending cuts of recent years in an attempt to avoid the boom and bust cycle of prior years.

California's November 2014 unemployment rate is currently estimated at 7.2% by the State's Employment Development Department, based on seasonally adjusted data,

down from 8.4% a year ago. Nearly all employment sectors gained jobs in November with the largest gains occurring in the trade, transportation and utilities sector followed by the professional and business services sector.

Orange County Economic Outlook

Preliminary data suggest Orange County's unemployment rate was 5.0% in November, down from 5.8% a year ago. The local economy added an estimated 9,000 jobs in November with the trade, transportation and utilities sector showing the strongest gains. Over the last year Orange County has added a total of 32,200 jobs.

Based on the recent economic forecast by California State University, Fullerton, Orange County's economy is expected to perform above its long term average growth rate for the next three years with noted improvement in every sector of the economy. The strength in the County's employment base is expected to help the recovering housing market move forward as well.

Aliso Viejo

Shea Homes' Vantis development, which includes various types and sizes of condominiums and townhomes and the City Walk project, which is comprised of residential units above street-level work space, have been completed. Construction has begun on a new 129 room upscale extended-stay hotel and is expected to be completed late in 2015. Requests for building permits for a 435 unit apartment complex is expected by mid-2015. Construction on a 202 units of affordable senior apartments is scheduled to commence in the Spring 2015.

The median sale price of a home for sale in Aliso Viejo was \$487,500 for the three months of October 2014 to January 2015. This is an increase of 6% from the prior year. The local housing market is nearing pre-recession levels after a steady climb since late 2012. However, the vacancy rate in the industrial market has recently increased slightly signaling a potential slowing in that market.

Aliso Viejo's unemployment rate is still the lowest of any Orange County city, at 2.6%, based on preliminary EDD estimates for November 2014. Aliso Viejo's population was estimated at 49,951 as of January 2014 based on information received from the Department of Finance, Demographic Research Unit. These updates are provided every year in May.

General Fund

In the proposed mid-year adjustments, General Fund revenues were increased by \$182,814, or 1.2%, to bring the projected revenues in line with current trends in receipts. The main contributors to the increase were Property Tax In-Lieu, Sales Tax in Lieu, Parking Citations and Motor Vehicle License Fee. Collectively, taxes were up 1.1% or \$150,900. Significant increases in Property Tax in Lieu of VLF and Secured Property Taxes contributed to the overall increase in Property Taxes of \$85,000, or

1.3%. Largely beyond the City's control, the budgets for these taxes are routinely adjusted according to current receipt trends. Sales Tax in Lieu was adjusted by \$49,900, or 4.3%, to reflect revised estimates by the State and to account for a true-up in the prior year Sales Tax in Lieu payments. In the chance that the State's sales tax collections do not meet the new estimates, the adjustments and true ups for these advances would occur in FY 2015-16, thus impacting the City's receipts in FY 2015-16. The budget for Parking Citations was increased by \$50,000 to reflect the higher collections to date and anticipated collections for the rest of the year. There was also a slight increase made of \$15,000, or 1.8% in the Transient Occupancy Tax estimate.

The mid-year budget also includes an adjustment for the final payment of \$20,470 in Motor Vehicle License Fees (MVLF) collected by the State. As part of its 2011 budget realignment plan, the State shifted MVLF revenue allocated to cities to fund law enforcement grants, thus eliminating further MVLF general fund allocations to local governments.

The total estimate of revenue for the Licenses and Permits category was increased by slightly more than \$9,000, or 2.0%. The increase is entirely in Plumbing Permits and this increase is offset against decreases in Building and Electrical Permits.

The budget for Investment Earnings was decreased by \$34,250 due to lower than anticipated interest rates being earned on the City's investments than originally forecast. Other minor decreases are projected in the Planning and Zoning Charges area for the Housing Administration and General Plan categories.

General fund appropriations increased by a net total of \$26,100, or 0.2%, as a result of adjustments to departmental budgets for various projects and programs. Council approved amendments of \$48,500 included Wall of Fame (\$10,500), responses to the AV Ranch Mitigated Negative Declaration (\$30,000) and an increase to the landscape maintenance contract for the new ball field constructed at Iglesia Park (\$8,000).

The Economic Development and Finance Departments have no net changes to their budgets. The finance department savings from the Financial Analyst and Junior Accountant position vacancies were transferred to professional services to fund the cost of temporary help being used to fill in for the vacant positions. The budgets for the City Council, City Manager and City Clerk departments were adjusted for minor variations based on actual costs for programs and services.

The Non-Departmental budget was decreased by \$8,400 from the adopted budget. The decrease is the net of increases for additional recruitment advertisements, the addition of a strategic facilitation program, the purchase of iPads and related equipment, cabinets for the EOC and funding for quarterly employee meetings offset by a decrease of over \$49,000 in insurance costs for the year primarily due to the receipt of a retroactive adjustment.

The City Attorney's budget was increased by a total \$52,500 for the additional legal services required for special projects (\$10,000), NPDES (\$7,500), Zoning Code changes (\$10,000), and litigation (\$25,000).

In Community Services, there was an overall increase of slightly over \$12,000 from the original adopted budget. The entire increase is due to increasing the maintenance budgets of both the Iglesia building and park.

The Planning Services budget includes an adjustment of \$93,365 for funds to be expended on the Town Center Concept Plan, the Aliso Viejo Ranch response to Mitigated Negative Declaration along with minor increases to the salary and benefit categories. The Code Enforcement budget was increased by \$2,500 to cover the costs of administrative citation hearings. The Public Works budget was decreased a total of \$62,500 due to a \$60,000 credit adjustment for the Aliso Creek Directive permit costs and a \$2,500 funding transfer to the Wetlands project.

The Public Safety budget was increased by a total of \$20,755 to accommodate the printing of citation books, event supplies, toll charges, uniforms and equipment, automated fingerprint identification equipment (AFIS), a larger storage unit for Crime Prevention and EOC and the increases in the Animal Control Services provided by the City of Mission Viejo. Mission Viejo Animal Services (MVAS) provides estimates to partner cities every year; however, if revenues fall short or unanticipated expenditures occur the partner cities share the net cost based on the population formula. MVAS notified the City of a true up adjustment in the amount of \$12,770 to accommodate an increase in FY 2013-14 expenditures from the original estimate for the year.

Also included in the Public Safety budget is the purchase of a new motorcycle in the amount of approximately \$28,000. This new vehicle will be funded entirely by savings recognized from vacancy credits to be received from the County.

Budget appropriations for City Hall operating costs were increased overall by \$4,900 reflecting an overall increase in utility costs, an increase in the cost of janitorial services due to an increase in the minimum wage and the inclusion of window washing services, netted against a reduction in property management service costs.

Special Revenue Funds

Special Revenue Funds were also fine-tuned to reflect current trends in the collection of receipts and appropriations were also adjusted according to scheduled projects and programs. Special Revenue funds are expended in compliance with their funding stipulations and should be drawn down to prevent confiscation of the funds by the originating agencies. However, it is common to accumulate Special Revenue funds for multiple years in order to expend later in a single year on larger City projects.

- Gas Tax revenues were increased by \$33,825 to reflect a better estimate provided by the State of funds to be received and Measure M2 revenues were decreased by \$17,375 based upon an updated estimate received from OCTA.
- Public Safety grant revenues were increased by \$10,000 to \$110,000 to include the receipt of prior year funds that were previously unpaid by the State.
- Development Impact revenues were increased by \$87,500 to reflect funds received from the Commons bankruptcy.

Projected revenues for Development Impact fees have been updated with the most recent revisions to the Vantis Development Agreement. A total of \$911,085 is expected from the Vantis project, which includes 435 luxury apartment units and a 129-room hotel. Included in the fees are \$561,800 in Housing in Lieu fees and \$250,000 in Community Enhancement with the balance designated for street and traffic improvements.

Fees received for all projects to date total \$10.1 million. The following table details which fees have been collected to date, which remain outstanding, and how much has been spent to date for City projects and programs:

Development Impact Fees	Collected To Date	FY 2014-15 Balance of Budgeted Revenues			Spent to Date	FY 2014-15 Budgeted Expenditures	Available (Coll. less Spent/Budget)
		Vantis	Vantis	Total			
	(as of 1/12/15)				(as of 1/12/15)		
Housing in Lieu Fee	1,967,116	245,125	245,125	2,457,366	40,005	-	1,927,111
Traffic Mitigation	716,788	-	-	716,788	-	-	716,788
Community Enhancement	6,322,526	-	-	6,322,526	1,483,163	702,405	4,136,958
Parks/Trails/Open Space	209,196	-	-	209,196	-	-	209,196
Median Improvement	777,750	-	-	777,750	-	-	777,750
Art in Public Places	6,000	-	-	6,000	-	-	6,000
Crossing Guard (General Fund)	164,435	-	-	164,435	164,435	-	-
	10,163,811	245,125	245,125	10,654,061	1,687,603	702,405	7,773,803

* Includes Foxborough Park Lighting Improvements reserve of \$421,684 and \$50,000 for the Cattery.

Housing in Lieu funds spent to date total \$197,225 for the City's purchase, repair and resale of an affordable housing unit facing foreclosure. Included is the purchase of the unit, attorney fees, lien pay-offs for the various Home Owners Associations (HOA's), painting and repairs required to prepare the unit for sale. The City recouped \$166,086

when the home was purchased for a net cost of \$31,138, leaving a balance of \$1,927,111 for future programs. Housing In Lieu monies in the amount of \$245,125 are expected in the current year with the balance of \$245,125 in FY 2015-16.

Appropriations in the Development Impact fund were decreased by a net amount of \$91,500. Included were increases for the Affordable Housing in Lieu program in the amount of \$21,500 and \$187,000 for the Iglesia Park Ball Field Rehabilitation project. The budgets for the Town Center Sign (\$100,000) and City Welcome Sign (\$200,000) projects were decreased and will be brought back to be implemented in conjunction with the Town Center Specific plan.

Community Enhancement funds spent to date include expenditures for the Recreation Ad Hoc projects, Conference Center Kitchen remodel and equipment, Phase II of the Town Center Loop Trail, improvements at the AV Ranch, Iglesia Park enhancements and for the Cattery expansion.

Community Enhancement funds will also be transferred to the Capital Improvement Fund for the following projects:

- Conference Center Patio Improvements \$100,000
- Bike Racks at Key Locations in the City \$50,000
- Paint/Screen Off Storage Bins at Parks \$50,000
- Two LED Scoreboards at ANHS (completed) \$75,000
- Town Center Loop Trail Improvements \$45,000
- Way finding Signs \$150,000
- Iglesia Park Ball Field rehabilitation (completed) \$187,000
- Cattery Expansion (completed) \$100,000

Appropriations in the Gas Tax Special Revenue Fund were decreased by a total of \$83,900 consisting of an increase in utility costs of \$16,100 and a decrease of \$100,000 for the funding of the Slurry Seal project which is now being funded with Measure M monies.

The Public Safety Grant fund has increased expenditures of \$95,900 for fifteen Hot Red radios for the patrol officers and \$6,000 for the purchase of five new Tasers for a total increase of \$101,900. The City has a combination of radios that can be upgraded to the new P25 compliant software and others that have reached their end of life and will not be supported by the manufacturer. These new radios allow law enforcement personnel to hear emergency communication from multiple agencies on the Red channel and have been specifically developed for OCSO to be used in Orange County. Purchasing these radios within the current year will allow the City to avail of a 50% discount offered by the manufacturer.

The budget for AQMD funds was increased \$28,000 to accommodate the purchase of a new compressed natural gas (CNG) vehicle to be used by the City's crime prevention specialist for City activities. The budget in the Integrated Waste Management fund was increased by \$15,000 to reflect funding for Aliso Viejo students to attend the Discovery Science Center educational program.

The Technology Grant fund expenditures were increased by \$20,000 for the initial design and discovery phase of televising City Council meetings and \$157,000 for the Data Center Rebuild project. The design and discovery phase of selecting an audio/visual system designed to televise Council Meetings will include reviewing equipment, picture quality, preview monitors, character generator for creating graphics and a video server to record and playback Council Meetings.

The Data Center Rebuild project looks to improve application performance and user interface by enhancing the VSphere and VDI environment. The project will entail adding additional storage, realigning the equipment to better process data and reconfiguring the virtualized data center. Included in the budget are costs for hardware and software (\$101,000), hardware and software support (\$16,000), labor (\$45,000), and contingency costs (\$15,000). Hardware to be purchased includes one SAN server, four smart servers, four switches and two UPS units.

Storage area networks (SAN) are designed to handle large data transfers, are faster and reliable and connect multiple server systems to one main storage disk. SAN servers assist users to access data at a higher speed allowing for effective and efficient workflow. The current switches being utilized are at their end of life cycle. Additionally, the current servers do not have the capacity or the capability required to cater to a large scale of users using a virtualized desktop infrastructure (VDI). VDI is the practice of hosting a desktop operating system within a virtual machine and having it run on a centralized server. The City current UPS (uninterrupted power supply) system is ten years old and does not have the capacity to power down the current hardware infrastructure. UPS systems are typically used to protect hardware where an unexpected power disruption could cause business disruption by corrupting the hardware and or causing data loss.

In keeping with the City's conservative approach to budget projections, adjustments to the Conference Center included fine tuning of salaries and wages and operating expenditures for the year by \$114,435. No budget changes were recommended for the Aquatic Center. The net cost of operations for the Conference Center is projected to be \$216,565 and \$135,695 for the Aquatic Center. Based on operations to date and facility bookings through the end of the year, the net operational cost of both facilities is on target to meet or exceed expectations.

Capital maintenance projects planned for the City facilities include repairs and aesthetic enhancements. Projects at the Conference Center include upgrades to the audio-visual equipment and fencing totaling \$30,000. At the Aquatic Center, repairs to the fencing and locker rooms are required as are upgrades to the children's splash pad for a total of \$38,600. In addition, \$6,000 is budgeted for the additional furniture at the pool.

Conclusion

The estimated fund balance for the General Fund at year-end is now expected to be \$20.8 million. In accordance with the City's *Fund Balance Policy*, fund balance in the amount of \$16.2 million has been assigned as follows: \$9.5 million for replacement of City infrastructure assets, \$4.4 million for contingencies/potential revenue losses due to State actions, \$1.5 million for emergencies or unanticipated CIP projects, \$0.6 million as self-insurance for future benefit obligations and \$0.2 million for 800 MHz upgrade and replacement costs. The remainder of \$4.6 million is unassigned and available for any governmental purpose.

General Fund Mid-Year Adjustments Recap:

Revenues:

• Property Taxes	\$ 85,000
• Sales Taxes	\$ 49,900
• Transient Occupancy Taxes	\$ 15,000
• Franchise Fees	\$ 1,000
• Fines and Forfeitures	\$ 50,000
• Intergovernmental Revenues	\$ 20,470
• Current Service Charges	(\$ 14,471)
• Licenses & Permits	\$ 9,165
• Use of Money and Property	(\$ 35,250)
• Other Revenue	\$ 2,000

Appropriations:

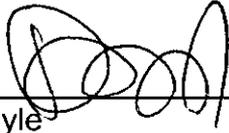
• Administration & Support	\$ 41,045
• Community Services	\$ 12,165
• Community Development	\$ 93,365
• Building & Safety	\$ 2,500
• Public Works	(\$ 62,500)
• Public Safety	\$ 20,755
• City Hall	\$ 4,900

Staff will continue to analyze revenue and expenditure trends and provide updates to Council as needed. In addition, staff is following developments at the federal and state levels and will perform the necessary analysis to accommodate any fluctuations in revenues or changes to policies. In addition, revenue projections for the FY 2015-16 budget cycle will be presented to Council in March 2015.

The City's fiscal strength is evident in our reserves and operations. The proposed mid-year budget reflects changes in anticipated revenues and appropriations and provides sufficient funding to complete current projects and priorities as designated by Council.

Gina Tharani

Gina M. Tharani
Director of Financial Services/City Treasurer
APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



David Doyle
City Manager

Attachment: Resources and Appropriations by Fund
General Fund Resources and Appropriations
Presentation

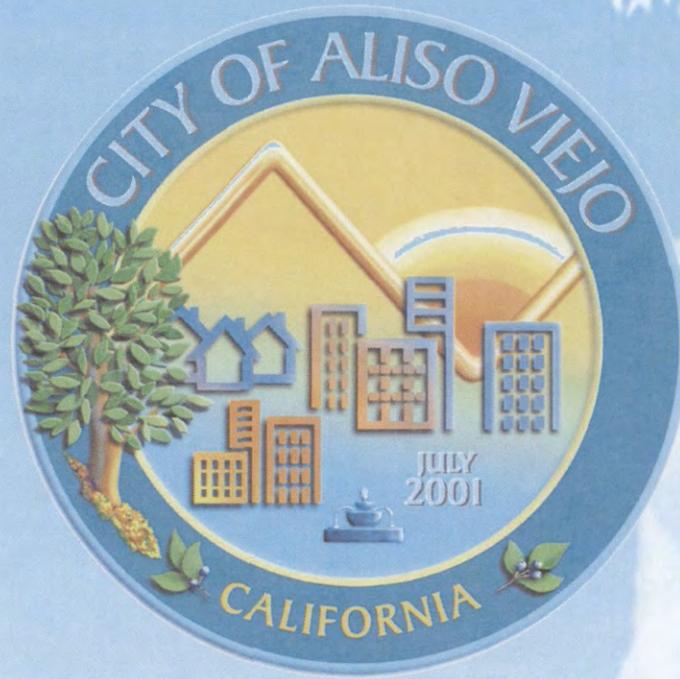
CITY OF ALISO VIEJO
RESOURCES AND APPROPRIATIONS BY FUND
FY 2014-15 MID-YEAR BUDGET

	FY 2014-15 Adopted Budget	FY 2014-15 Amended Budget	FY 2014-15 Mid-Year Budget	FY 2014-15 Actual as of 01/23/15
RESOURCES				
101 General Fund	14,998,925	14,998,925	15,181,739	6,904,607
203 Gas Tax	1,233,375	1,233,375	1,267,200	609,443
204 Measure M	668,825	668,825	651,450	205,455
215 Public Safety Grants	100,100	100,100	110,100	43,485
221 AQMD Air Quality	61,900	61,900	61,900	15,682
225 Integrated Waste Management	13,325	13,325	13,325	6
231 Other Grants	56,950	56,950	56,950	-
241 Technology Grant	6,600	6,600	6,600	2,750
245 Development Impact	665,960	665,960	753,460	508,359
251 Federal Grants	-	-	-	-
260/1 City Facilities	1,380,045	1,380,045	1,265,610	421,486
311 Street Improvements	1,547,000	1,547,000	1,547,000	36,311
331 Capital Improvements	1,225,000	1,412,000	1,112,000	67,595
332 Storm Water	61,550	64,050	64,050	965
Total Estimated Resources	22,019,555	22,209,055	22,091,384	8,816,143
APPROPRIATIONS				
101 General Fund	14,526,195	14,574,695	14,552,295	7,401,531
203 Gas Tax	1,839,000	1,739,000	1,755,100	317,499
204 Measure M	775,650	875,650	875,650	43,810
215 Public Safety Grants	75,855	75,855	177,755	37,927
221 AQMD Air Quality	641,685	641,685	669,685	27,936
225 Integrated Waste Management	15,000	15,000	30,000	9,634
231 Other Grants	56,950	56,950	56,950	-
241 Technology Grant	20,000	20,000	197,000	-
245 Development Impact	870,000	1,078,500	778,500	126,462
251 Federal Grants	-	-	-	-
260/1 City Facilities	1,380,045	1,380,045	1,265,610	452,257
311 Street Improvements	1,547,000	1,547,000	1,547,000	50,625
331 Capital Improvements	1,225,000	1,412,000	1,112,000	159,531
332 Storm Water	61,550	64,050	64,050	25,102
Total Estimated Appropriations	23,033,930	23,480,430	23,081,595	8,652,315
NET CHANGE IN FUND BALANCE				
	(1,014,375)	(1,271,375)	(990,211)	163,828
Beginning Fund Balance	32,425,353	32,425,353	32,425,353	32,425,353
Long Term Financing	-	-	-	-
PROJECTED ENDING FUND BALANCE				
	31,410,978	31,153,978	31,435,142	32,589,181
Reserve Levels				
Restricted Fund Balance				
Special Revenue Funds	2,190,579			
Long Term Financing	8,616			
Unrestricted Fund Balance				
Committed Fund Balance	8,448,257			
Assigned Fund Balance				
Contingency Reserves	4,365,689			
Self Insurance/Benefit Obligations	570,000			
Asset Replacement Reserves	9,493,715			
800 MHZ upgrade & replacement	262,000			
Emergencies & Unanticipated CIP Projects	1,500,000			
Unassigned Fund Balance	4,596,287			
Total Fund Balance	<u>31,435,142</u>			

CITY OF ALISO VIEJO
GENERAL FUND RESOURCES AND APPROPRIATIONS
FY 2014-15 MID-YEAR BUDGET

	FY 2014-15 Adopted Budget	FY 2014-15 Amended Budget	FY 2014-15 Mid-Year Budget	FY 2014-15 Actual as of 01/23/15
RESOURCES				
Taxes	13,743,515	13,743,515	13,894,415	6,109,761
Licenses & Permits	454,750	454,750	463,915	273,301
Fines & Forfeitures	230,000	230,000	280,000	194,054
Rev-Use of Money & Property	95,250	95,250	60,000	27,829
Intergovernmental Revenue	13,560	13,560	34,030	33,465
Current Services Charges	217,700	217,700	203,229	128,449
Other Revenue	40,700	40,700	42,700	22,079
General Fund Sub-Total	14,795,475	14,795,475	14,978,289	6,788,939
City Hall-Rental Income	203,450	203,450	203,450	115,667
Rental Income Sub-Total	203,450	203,450	203,450	115,667
Total Estimated Resources	14,998,925	14,998,925	15,181,739	6,904,607
APPROPRIATIONS				
City Council	154,605	154,605	155,980	75,096
City Manager	691,755	691,755	694,680	321,543
Economic Development	120,950	120,950	120,950	66,918
City Clerk	231,960	231,960	224,605	98,918
City Attorney	364,500	364,500	417,000	179,885
Finance	661,690	661,690	661,690	278,957
Non-Departmental	643,310	653,810	634,910	338,592
C.Svcs. Administration	690,380	686,380	688,755	323,426
Iglesia Park	80,085	92,085	92,085	42,176
Iglesia Building	34,075	34,075	35,865	21,892
Family Resource Center	100,000	100,000	100,000	39,745
Planning	884,445	914,445	977,810	474,032
Building & Safety	391,000	391,000	391,000	203,749
Code Enforcement	115,000	115,000	117,500	59,226
P.W. Engineering	753,900	751,400	691,400	285,023
Traffic Engineering	20,000	20,000	20,000	8,883
Street Maintenance	389,800	389,800	389,800	224,594
Law Enforcement - Contract	6,992,915	6,992,915	6,992,915	4,040,007
Law Enforcement - Other	200,620	200,620	206,655	94,182
Crime Prevention	10,000	10,000	11,950	4,096
Animal Care Services	275,100	275,100	287,870	143,935
EOC	3,000	3,000	3,000	27
CIP Project Expenses	-	-	-	-
Transfer-Out Other Funds	548,805	551,305	462,675	965
General Fund Sub-Total	14,357,895	14,406,395	14,379,095	7,325,867
City Hall	168,300	168,300	173,200	75,664
City Hall Sub-Total	168,300	168,300	173,200	75,664
Total Estimated Appropriations	14,526,195	14,574,695	14,552,295	7,401,531
NET CHANGE IN FUND BALANCE	472,730	424,230	629,444	(496,924)
Beginning Fund Balance	20,158,246	20,158,246	20,158,246	20,158,246
PROJECTED ENDING FUND BALANCE	20,630,976	20,582,476	20,787,690	19,661,322

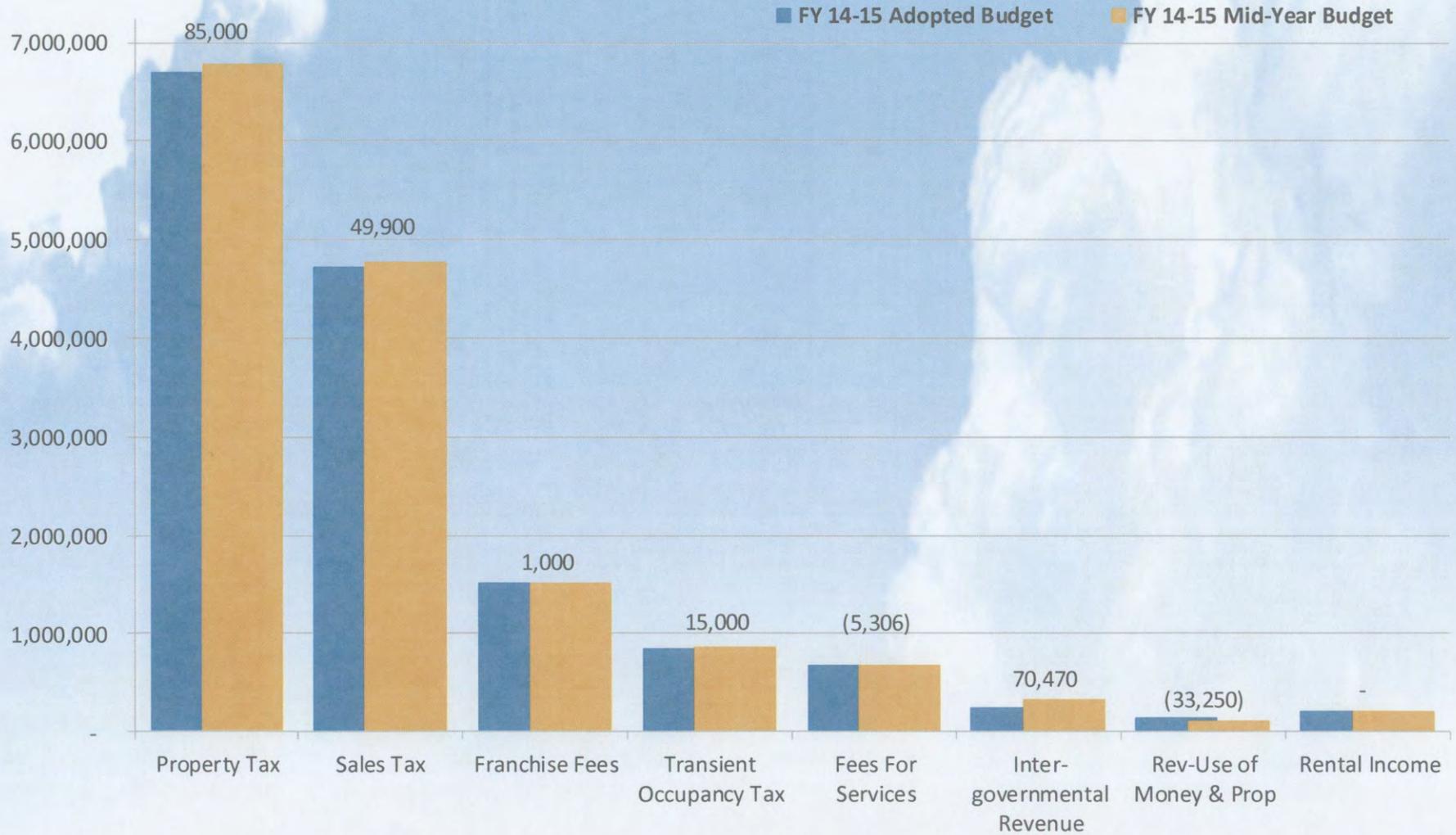
Revenue	14,998,925
Expenditure	(14,526,195)
Council Amendments	(48,500)
Change to Fund Balance	424,230
Mid-Year Adjustments	205,214
Net Change to Fund Balance	629,444



Mid-Year Budget Fiscal Year 2014-15

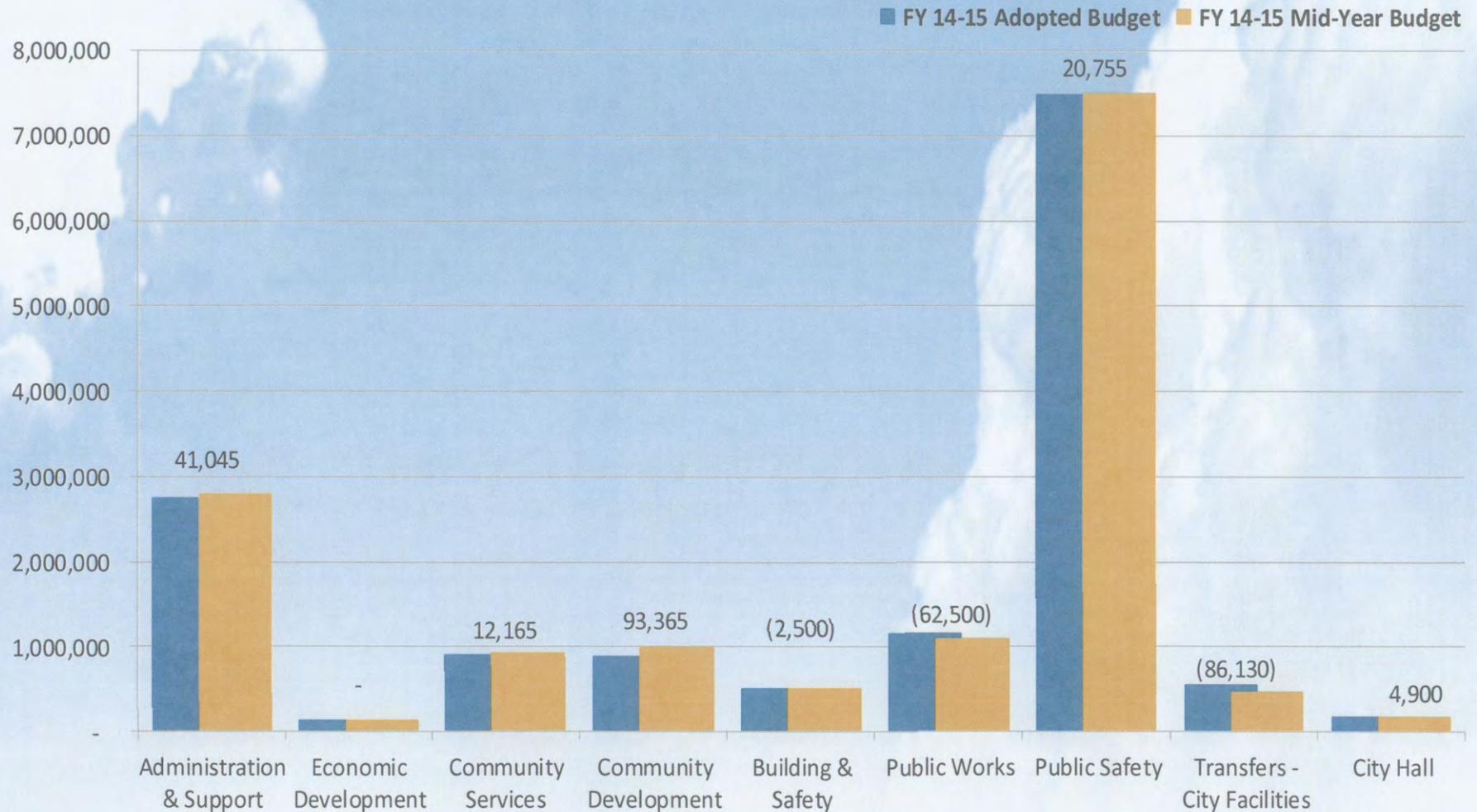


General Fund Resources





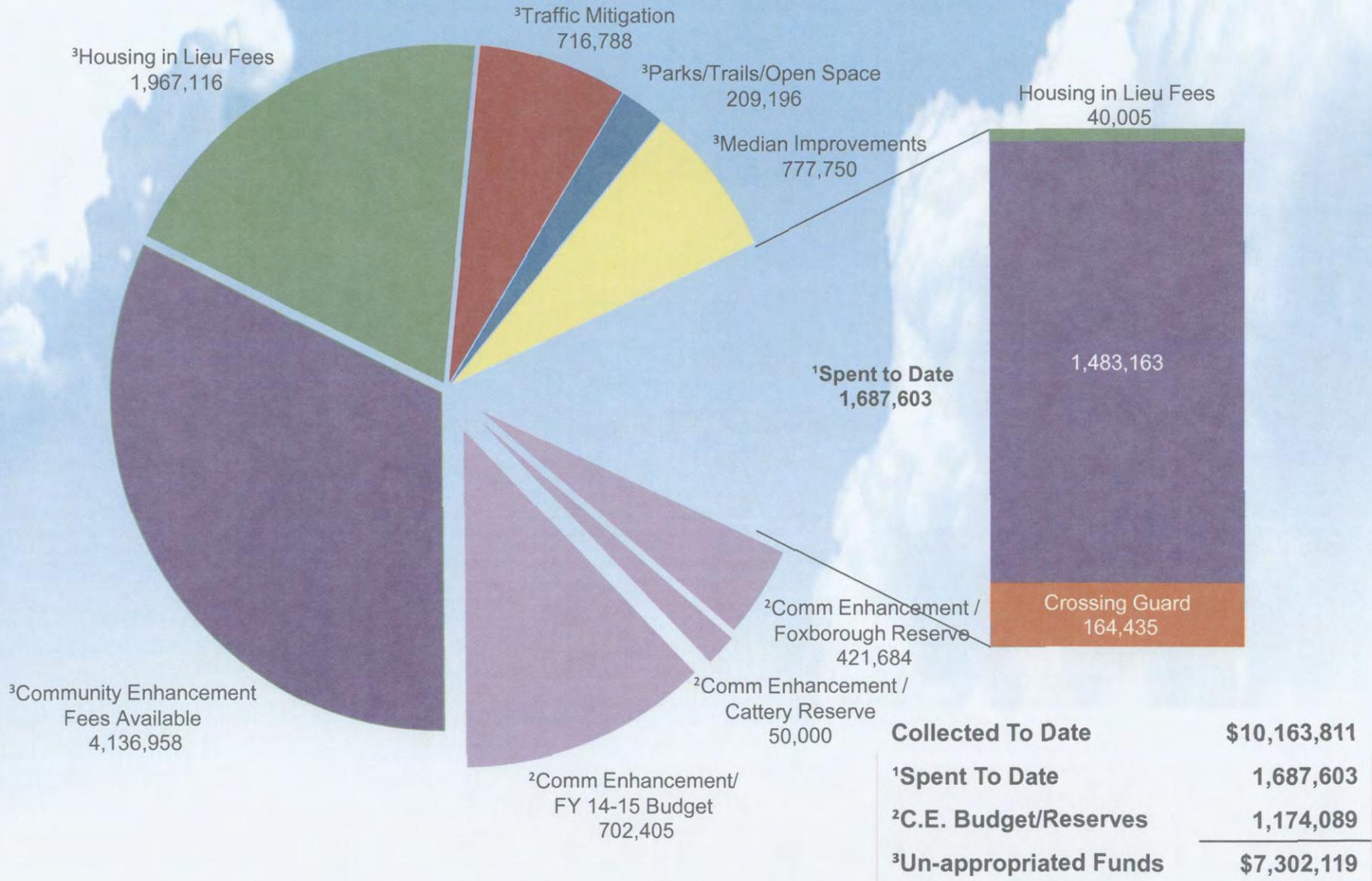
General Fund Appropriations

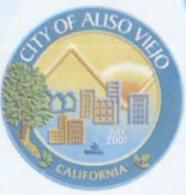




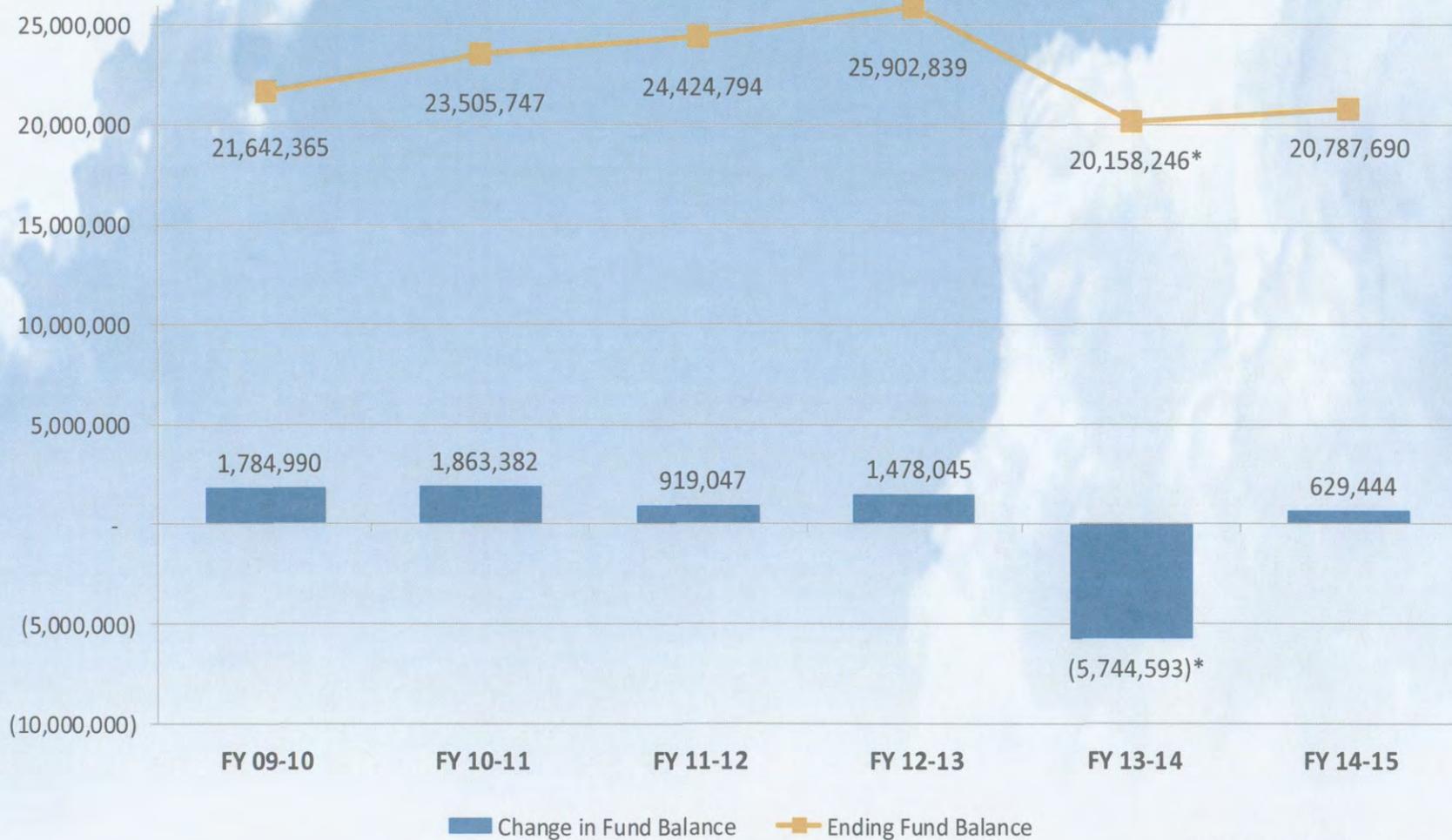
Development Impact Fees

Collected To Date

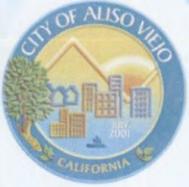




General Fund - Fund Balance



*Mid-Year Projection includes COPS Payoff of \$6,992,790



General Fund - Fund Balance

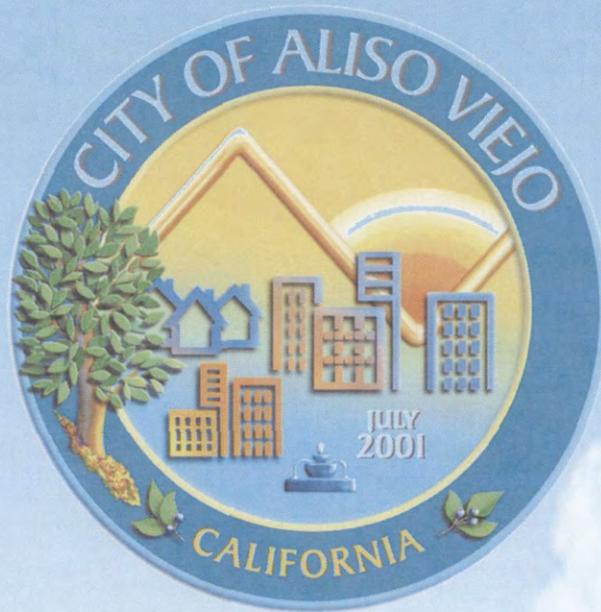
FY 2014-15 Mid-Year Budget Projection

Assigned Reserves

Contingencies	4,365,689
Self Insurance/benefit obligations	570,000
Asset Replacement	9,493,715
800 MHZ upgrade & replacement	262,000
Emergencies & Unanticipated CIP Projects	<u>1,500,000</u>
	16,191,404

Unassigned Reserves: 4,596,287

Projected GF Fund Balance \$ **20,787,691**



City of Aliso Viejo

Agenda Item



DATE: February 4, 2015

TO: Mayor and City Council

FROM: Karen Crocker, Community Services Director

SUBJECT: Request for Field Usage at Iglesia Park – Scorpions Baseball Club and Consideration of Athletic Field Use Policy for Iglesia Park

Recommendation:

1. Authorize the City Manager to enter into a field use agreement with the Scorpions Baseball Club to utilize the newly renovated baseball field at Iglesia Park from February 5 through September 1, 2015, on Sunday afternoons and one weekday afternoon.
2. Approve the Athletic Field Use Policy at Iglesia Park.

Fiscal Impact:

It is recommended that the Scorpions Baseball Club pay the City of Aliso a rental fee to utilize the baseball field at Iglesia Park. The recommended rental fee is \$10.00 per hour or \$500.00 per season which is consistent to the recommended fee schedule in the proposed Athletic Field City Council Policy that is being presented as part of this report.

Background:

Iglesia Park was acquired from the County of Orange by the City as a condition of incorporation on July 1, 2001. Upon the property transfer, the City Council immediately embraced the Iglesia Park community and has made various improvements to the park and renovations to the Community Center throughout the years. The existing baseball and soccer field were in need of field improvements which have recently been completed. The newly renovated multi-purpose field was opened for play on January 30, 2015.

Discussion:

There has been a request from the Scorpions Baseball Club to utilize the newly renovated baseball field for their team practices. They have requested the use of the field from now through September 1, 2015. As a result of the newly renovated overlay baseball/soccer field, staff anticipates additional youth sports organizations and club teams requesting the use of the fields at Iglesia Park. The City owns two (2) parks within the City, Vista Park which is located adjacent to the City's Aquatic Center and the Iglesia Park. The Aliso Viejo Community Association owns and operates the other parks and athletic fields located in the City of Aliso Viejo.

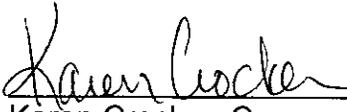
In anticipation of sports/club organizations requesting use of the multi-purpose baseball and soccer field, attached is a recommended Council Policy for the use of the fields at Iglesia Park. The purpose of the policy is to establish the guidelines and procedures for regulating athletic field usage, defining user priority, reservation procedures and fees for the use of the fields. The policy is intended to provide for fair and equitable use by the residents of the Iglesia Park community, youth sports and the general public.

A summary of the policy includes policy guidelines, field user classifications for field rental, season priority, inclement weather, field maintenance and general rules and conditions of field use.

The field was renovated not only for sports/club organizations to utilize but primarily for the residents of the Iglesia Community to utilize for recreational play. Therefore, the policy includes language that the field will be available for non-scheduled field reservations at a minimum of 50% of the time within a one week time period. It is also recommended as part of the policy that groups of 8 or more be required to obtain a field use permit from the City of Aliso Viejo. This regulation is recommended to prevent walk-on organized sports/club teams to utilize the field during the general public recreational play periods. Signage will be posted at the fields.

Parking at the Iglesia Park is at a minimum and there is not adequate parking to accommodate spectators for sport games and tournaments. Therefore, staff is recommending in the policy that the fields be permitted for practice play only. In general, the majority of the youth participating in the organized sport will be dropped off by their parents for practice days opposed to game days and tournaments.

The Community Services Department currently contracts with a security company who monitors the Iglesia Park on the weekends. Between the Security Company and City staff we will be periodically monitoring the athletic fields for compliance.



Karen Crocker, Community Services Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL



David Doyle, City Manager

Attachment: Athletic Field Request Letter from the Scorpions Baseball Club
Proposed Athletic Field Use Policy

RECEIVED

JAN 12 2015

CITY OF ALISO VIEJO

Attention David Doyle
Aliso Viejo City manager

Hello,

This is James Buccheri of the Scorpions baseball club. We would like to thank the city of Aliso Viejo for funding the renovation of Iglesia Park.

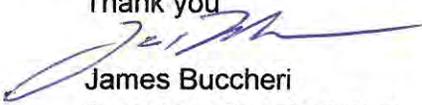
Our baseball program would love the opportunity to teach the kids of Aliso Viejo the game of baseball on the new field. Our program consists of over 90% Aliso Viejo kids who enjoy playing baseball all year round between the Scorpions and Little League.

Our initial request would be to use the field Sundays 10am-2pm (we are flexible on Sundays and any 4 straight hour time slot will work.) In addition to Sundays we would also like Mondays 2:30-dark or Fridays 2:30-dark (once again we are flexible and just looking for a week day practice. The time frame we are looking for is from opening day of the park until September 1st (flexible on end date commitment). We would like to get on a schedule all year round and willing to commit to any time frame the city has on the rescheduling of the permits.

We understand that other teams from other sports are wanting and deserving to use the facility and we are more than willing to adjust our above mentioned schedule to accomodate. We have heard that the city might be considering having baseball practices scheduled at the same time of a soccer practice and are willing to make that work however after visiting the field recently I feel that strictly from a safety perspective there is a chance of soccer players being hit with baseballs as part of their field is right behind 2nd base and 1st base. We also run the risk of players colliding going after the ball. Lastly we would be using the field strictly for practices only and no games against other teams will occur.

This Letter is for City Council consideration for January 21st meeting

Thank you



James Buccheri
Scorpions Baseball Club
Head coach & Director
ocscorpionsbaseball@gmail.com
949 205-9080

cc: Karen Crocker



City of Aliso Viejo

COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
ATHLETIC FIELD USE – IGLESIA PARK	2005-XXX	XXX	2/4/15	1 of 4

BACKGROUND

The City Council is charged with the authority to regulate the operation of public facilities owned or leased by the City of Aliso Viejo. The City of Aliso Viejo owns the Iglesia Park which has amenities of a multi-purpose soccer and baseball field.

PURPOSE

The purpose of this policy is to establish the guidelines and procedures for regulating athletic field usage, defining user priority and reservation procedures and fees for the use of the multi-purpose soccer and baseball field located at Iglesia Park. This policy is intended to provide for fair and equitable use by the residents of the Iglesia Park community, youth sports groups and the general public.

POLICY GUIDLINES

1. User Groups are required to submit a completed Application and Agreement for Athletic Field Use and comply with the established Rules and Regulations of the Iglesia Park.
2. All applications or requests for use of the Athletic Fields will be reviewed and approved by the Community Services Director.
3. Submission of field requests does not constitute approval; approval is given only after final field allocations are completed and groups are in compliance with policies and procedures which includes City insurance and fee requirements.
4. A Certificate of Insurance naming the City of Aliso Viejo as additionally insured with \$1,000,000 general liability is required.
5. The City reserves the right to request proof of residency by checking rosters.
6. The fields will be available no less than 50% of the time within a one week time period for general public play. General public play does not constitute organized play.
7. Groups of 8 or more persons will be required to submit an application for the use of the fields.
8. Due to lack of parking, the fields are only to be used for practices and neighborhood pick-up games. There will be no formal scheduled games or tournament play at the Iglesia Athletic Fields.



City of Aliso Viejo

COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
ATHLETIC FIELD USE – IGLESIA PARK	2005-XXX	XXX	2/4/15	2 of 4

9. For the purpose of equitability amongst various user groups, field allocation will be based on one weekday practice of no more than 2 hours and one weekend practice of no more than 4 hours per group/organization.

10. Access and activity can begin no earlier than 8:00 a.m., Monday through Saturday, and 9:00 a.m. on Sundays. Athletic fields will be closed at dusk. No temporary lighting is allowed on the fields.

FIELD USER CLASSIFICATIONS FOR FIELD RENTAL

Athletic fields shall be available for use by the general public for recreational and sports oriented purposes. Field users shall be classified into groups for the purpose determining priorities.

Field user priorities are as follows:

- Priority 1. City-sponsored or co-sponsored events.
- Priority 2. City-approved lease or agreements with other agencies--i.e. agreement with Boys and Girls Club.
- Priority 3. Programs conducted by nationally recognized youth sport groups or club teams which are located in Aliso Viejo. A minimum of 90 percent of the participants must be comprised of residents of Aliso Viejo.
- Priority 4. Programs run by private, not-for-profit schools which are located in Aliso Viejo.
- Priority 5. Programs run by not-for-profit adult leagues. A minimum of 90 percent of the participants must be comprised of residents of Aliso Viejo.

SEASON PRIORITY

For the purpose of field allocation, the sport in season will have first priority. During the fall and winter, soccer and football will be primary users. During spring and summer, baseball and softball will be primary users.

INCLEMENT WEATHER

City staff will determine closure of fields due to inclement weather by placing "Field Closed" signs on the field and notification to user groups.



City of Aliso Viejo

COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
ATHLETIC FIELD USE – IGLESIA PARK	2005-XXX	XXX	2/4/15	3 of 4

FIELD MAINTENANCE/FIELD PREPARATION/FIELD RENOVATION

Primary maintenance responsibilities for the fields will be with the City.

In an effort to prevent unnecessary turf damage caused by repetitive use during sport practices, the following regulations are to be enforced:

1. Alternate portable soccer/football goals, which are to be used away from permanent goal areas. These alternate areas are to be varied in location daily so as not to create wear patterns.
2. Set drills are to be practiced in different alternating areas and away from visible “worn” turf areas.

Maintenance activities such as lightweight field preparation, lining of the fields, setting of bases and installation of portable goals will be performed by each sports group/organization.

Motorized vehicles are not permitted on City parks for the preparation of athletic fields unless prior permission is given by the City.

Each user is responsible for the cleanliness of the fields and dugout areas being free of trash or debris caused by group usage. It is the responsibility of users to bag and dispose of their trash in designated bins at the conclusion of field use.

User groups are not authorized to make facility modifications, or construct additions (pitching mounds, pitching rubbers, base or goal anchors, batting cages, etc.)

Bi-annual field closures will be necessary to provide maintenance and turf revitalization. Depending on maintenance needs the fields will not be permitted from Thanksgiving thru mid-January and mid-July thru September 1.

GENERAL RULES AND CONDITIONS OF FIELD USE

1. Priority field use will be given to groups or individuals that have a permit approved by the City of Aliso Viejo to utilize fields. Unscheduled groups shall not interfere with reserved field users.
2. Reserved field time must be used by the requesting group, or field time must be released for rescheduling. Please notify the Community Services Department of any changes in field use.



City of Aliso Viejo

COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
ATHLETIC FIELD USE – IGLESIA PARK	2005-XXX	XXX	2/4/15	4 of 4

3. For safety reasons, incompatible uses such as soccer and baseball/softball will not be scheduled on the fields at the same time.
4. The City prohibits consumption of alcoholic beverage, littering, golfing and any destruction of City property.
5. In order to assure that the City's fields are in quality condition, cooperation with enforcing the established policies is critical; therefore, failure to comply with the requirements could result in permits being revoked.

FEES

Hourly fees are \$10.00 per hour or \$500.00 per season. Fall/winter season is August 1 to December 31 and spring/summer season is February 1 to June 30. January and June are reserved for field maintenance.