AGENDA
CITY COUNCIL/ SUCCESSOR AGENCY TO THE FOUNTAIN VALLEY AGENCY FOR COMMUNITY DEVELOPMENT/ FOUNTAIN VALLEY HOUSING AUTHORITY
Study Session 4:45 p.m.
Closed Session Immediately Following Study Session
Regular Meeting 6:00 p.m.
Tuesday, February 4, 2020
Council Chambers
10200 Slater Avenue
Fountain Valley, CA 92708
http://www.fountainvalley.org

MEETING ASSISTANCE: In compliance with the Americans with Disabilities Act, anyone needing special assistance to participate in a meeting of the government bodies listed herein should contact the City Clerk’s Office at (714) 593-4445. Notification 72 hours prior to the meeting allows the City to make reasonable arrangements to ensure accessibility to the meeting.

AGENDA COMMUNICATIONS: All revised or additional documents and writings related to an item on this agenda provided to all or a majority of the government body members after distribution of the agenda packet, are available for public inspection (1) in the City Clerk’s Office at 10200 Slater Avenue, Fountain Valley, CA 92708 during normal business hours; and (2) in the Council Chambers at the time of the meeting. Unless directed otherwise by a government body listed herein all actions shall be based on/memorialized by the latest document submitted as a late communication.

PUBLIC COMMENTS/PUBLIC HEARINGS: Persons wishing to address the City Council or other government body listed complete a speaker card and give it to the City Clerk prior to the public comment period. Requests to speak will not be accepted after the public comment session begins without permission of the Mayor/Chair. Speakers must limit remarks to a total of (3) three minutes and address the City Council through the Mayor. Comments to individuals or staff are not permitted. Scheduled Matters, including Public Hearings: Indicate on the card what item you want to address. Unscheduled Matters: Indicate on the card what subject matter you want to address. Comments must be related to issues that are within the jurisdiction of the governing body listed on the agenda. Pursuant to the Brown Act, the governing body may not enter into discussion regarding items not on the agenda.

CONSENT CALENDAR: All matters listed under the Consent Calendar are considered by the governing bodies listed herein to be routine and will be enacted on simultaneously with one motion without discussion unless separate action and/or discussion is requested by a governing body member, staff, or a member of the public.

PUBLIC HEARINGS: Persons wishing to speak in favor of or in opposition to a proposal are given an opportunity to do so during the public hearing. Those wishing to address a governing body during the hearing are requested to complete the speaker card and submit it to the City Clerk prior to the hearing. If a proposed action is challenged in court, there may be a limitation to
raising only those issues raised during the hearing or in written correspondence received by the governing body at or before the hearing.

**Note:** The Fountain Valley City Council serves as the Successor Agency to the Fountain Valley Agency for Community Development (Successor Agency), the Fountain Valley Housing Authority, and the Fountain Valley Finance Authority. The Actions of the Successor Agency are separate and apart from the actions of the City Council.

### STUDY SESSION

**CALL TO ORDER**

4:45 p.m.

**PUBLIC COMMENTS** (Study Session matters only)

Persons wishing to speak on a Study Session matter are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period. The City Clerk will call upon those that wish to speak.

1. Presentation on the Updates Made to the New City Website presented by Maggie Le and Lee Pratt

2. Presentation on a Urban Forest Management / Tree Marker options Program Presented by Marco Garcia, City Arborist

### CLOSED SESSION

**CALL TO ORDER**

Immediately Following Study Session

**PUBLIC COMMENTS** (Closed Session matters only)

Persons wishing to speak on a Closed Session matter are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period.

3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
   Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (1 potential case)

4. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code §54957.6. Agency Designated Representatives: City Manager, Rob Houston, Finance Director, Jason Al-lam, Human Resources Director, Chelsea Phebus, Attorney for the City, Colin Burns Employee Organizations: Police Officers' Association (POA), Police Officers' Management Unit (POMU), Fire Association (FVFA), Fountain Valley Municipal Employees Association (Field Services unit), Fountain Valley General Employees Association (FVGEA) and Fountain Valley Professional and Technical Employees (P&T)

5. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
   Paragraph (1) of subdivision (d) of Section 54956.9
   Name of case: WISP Petition for Declaratory Ruling Regarding Denial of CUP WT Docket No. 19-270
OPEN SESSION

CALL TO ORDER 6:00 p.m.

INVOCATION

SALUTE TO THE FLAG Council Member Steve Nagel

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/ ROLL CALL

Council Members: Constantine, Harper, Nagel, Mayor Pro Tem/Vice Chair Vo, Mayor/Chair Brothers

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

PUBLIC COMMENTS (Scheduled Matters Only)

Persons wishing to speak on Agenda item(s) are requested to identify themselves by completing a blue speaker card indicating the item they want to address and to give the card to the City Clerk prior to the public comment period. Each person will be given up to 3 minutes to speak on the entire Consent Calendar, 3 minutes to speak on each item pulled from the consent calendar, and 3 minutes to speak on any agendized item(s) not appearing on the Consent Calendar.

READING ORDINANCES

6. Waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

CONSENT CALENDAR

Consent Calendar Items 6 – 8 will be approved simultaneously with one motion, unless separate action/or discussion is requested.

7. (Council/Successor Agency/Housing Authority) Receive and File the Draft Minutes of the January 21, 2020 Regular City Council Meeting / Receive and File / City Clerk Page 1

8. (Council) Second Reading and Adoption of an Ordinance approving Code Amendment No. 19-08 – An Amendment to the Fountain Valley Municipal Code (FVMC) Section 21.10.030 And 21.90.020 For Restaurant Uses And The Addition Of FVMC Section 21.10.060 To Establish Standards For Small Format Restaurant Uses Allowed By-Right / Approve / Planning Page 9

9. (Council) 1) Waive the Bidding Requirements Pursuant to FVMC 2.36.070 and Award a Contract to Charles Abbott Associates, Inc. for Continued Public Works Project Management in an Amount Not to Exceed $90,000; and 2) Amend the 2019/20 Budget in the Amount of $90,000 / Approve / Public Works Page 33

PUBLIC HEARINGS

Each person will have up to 3 minutes to speak on each Public Hearing.

10. (Council) Adopt a Resolution Establishing an Updated Master Fee Schedule for Fiscal Year 2019/20 (Report by Jason Al-Imam, Finance Director) Page 50
ADMINISTRATIVE ITEMS

11. (Council) Report from the Measure HH Essential City Services Advisory Oversight Committee on 2018/19 Audited Measure HH Revenues and Expenditures (Report by Jason Al-Imam, Finance Director) Page 142

12. (Council) Interim Urgency Ordinance Regulating Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply With Government Code Sections 65852.2 and 65852.22 (Report by Steven Ayers, Planner) Page 150

COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION

CITY COUNCIL/ SUCCESSOR AGENCY/ HOUSING AUTHORITY/ PUBLIC COMMENTS
(Unscheduled Matters Only)

Persons wishing to speak on an unscheduled matter are requested to identify themselves by completing a blue speaker and to give the card to the City Clerk. Each person will have up to 3 minutes to speak. The City Clerk will call upon those that wish to speak.

APPOINTMENTS

13. Mayoral Appointments of Council Members and Staff to Outside Committees

14. City of Fountain Valley Committee and Commissions Appointments for the Planning Commission, Advisory Committee for the Disabled, Fountain Valley Community Foundation, Fountain Valley Housing & Community Development Advisory Board and the Measure HH Advisory Committee

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY AB 1234/GENERAL COMMENTS

ADJOURN THE MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

The next Regular Meeting of the Fountain Valley City Council is February 18, 2020 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.
MINUTES OF THE
CITY COUNCIL/ SUCCESSOR AGENCY TO THE FOUNTAIN
VALLEY AGENCY
FOR COMMUNITY DEVELOPMENT/ FOUNTAIN VALLEY
HOUSING AUTHORITY
Closed Session 5:15 p.m.
Regular Meeting 6:00 p.m.
Tuesday, January 21, 2020
Council Chambers

CLOSED SESSION

CALL TO ORDER
5:15 p.m.

PUBLIC COMMENTS (Closed Session matters only)

1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
   Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 potential case)
   By a 5-0 vote, the City Council approved initiation of litigation

2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
   Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case)
   SoCal Gas has threatened to sue the City regarding encroachment fees.
   No Reportable Action

3. CONFERENCE WITH LABOR NEGOTIATORS
   Pursuant to Government Code §54957.6.
   Agency Designated Representatives: City Manager, Rob Houston, Finance Director, Jason Al-Imam, Human Resources Director, Chelsea Phебus
   Employee Organizations: Police Officers' Association (POA), Police Officers' Management Unit (POMU), Fire Association (FVFA), Fountain Valley Municipal Employees Association (Field Services unit), Fountain Valley General Employees Association (FVGEO) and Fountain Valley Professional and Technical Employees (P&T)
   No Reportable Action

OPEN SESSION

CALL TO ORDER
6:24 p.m.

INVOCATION
Pastor Kene Panas

SALUTE TO THE FLAG
Mayor Cheryl Brothers
CITY COUNCIL/SUCCESSOR AGENCY/ HOUSING AUTHORITY/ ROLL CALL

Council Members Present: Constantine, Harper, Nagel, Mayor Pro Tem/Vice Chair Vo, Mayor/Chair Brothers
Council Members Absent: None

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None

PRESENTATIONS

- Update on Medical Incident that took place during Christmas Tree lighting presented by Rob Frizzelle, Community Services Director, Ron Cookston, Fire Chief and Matt Sheppard, Police Chief

An update was given on the incident that took place at the Christmas Tree Lighting event, where a young volunteer suffered a heart attack. All three departments worked closely together and saved the young woman’s life.

PUBLIC COMMENTS (Scheduled Matters Only)

None

READING ORDINANCES

4. Waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

ACTION: Move to approve waiving the reading in full of all ordinances under consideration and direct the Mayor to read by titles only

MOTION: Vo SECOND: Constantine

AYES: Constantine, Harper, Vo, Brothers
NOES: None
ABSENT: Nagel
ABSTAIN: None

CONSENT CALENDAR

Consent Calendar Items 4, 6 and 7 were approved simultaneously with one motion, unless separate action/or discussion is requested.

4. Draft Minutes of the December 17, 2019 Regular City Council Meeting

ACTION: Move to approve the Draft Minutes of the December 17, 2019 Regular City Council Meeting

MOTION: Vo SECOND: Nagel
AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

(Pulled by Council Member Patrick Harper)

5. Fiscal Year 2018/19 Audit Reports

ACTION: Move to Receive and File the Fiscal Year 2018/19 Audit Reports

MOTION: Harper SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

6. (1) Second Reading of an Ordinance Revising Chapter 14.12 of the Fountain Valley Municipal Code, which modifies the City's Policy on Discontinuation of Residential Water Service for Nonpayment; and (2) Adoption of the Policy on Residential Water Service

ACTION: Move to Approve (1) Second Reading of an Ordinance Revising Chapter 14.12 of the Fountain Valley Municipal Code, which modifies the City's Policy on Discontinuation of Residential Water Service for Nonpayment; and (2) Adoption of the Policy on Residential Water Service

MOTION: Vo SECOND: Nagel

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

7. Adoption of the City of Fountain Valley Six Month Strategic Objectives for 11-19-2019 through 4-15-2020

ACTION: Move to Adopt the City of Fountain Valley Six Month Strategic Objectives for 11-19-2019 through 4-15-2020

MOTION: Vo SECOND: Nagel

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None
8. Authorization to Renew Contract 11-09 with CARE Ambulance, Inc. for One Year or Until the Commencement of an Updated Contract or Further Agreement, Whichever Comes First

ACTION: Move to approve the Renewal of Contract 11-09 with CARE Ambulance, Inc. for One Year or Until the Commencement of an Updated Contract or Further Agreement, Whichever Comes First

MOTION: Constantine SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

(Pulled by Council Member Steve Nagel)

9. 1) Waive the Bidding Requirements Pursuant to FVMC 2.36.070 and Award a Contract to Charles Abbott Associates, Inc. for Continued Public Works Project Management Services in an Amount Not to Exceed $230,000; and 2) Amend the 2019/20 Budget in the Amount of $180,000

ACTION: Move to table this item to a date uncertain.

MOTION: Nagel SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS


Public Hearing opened at 6:52 p.m.

There were no public comments

Public Hearing Closed at 6:53 p.m.

ACTION: Move to read the ordinance by Title only.

MOTION: Nagel SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None


MOTION: Harper  SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

ADMINISTRATIVE ITEMS

11. Authorization of Distribution of a Proposition 218 Notification Regarding a Proposed Residential Trash Collection Rate Increase

ACTION: Move to Approve Authorization of Distribution of a Proposition 218 Notification Regarding a Proposed Residential Trash Collection Rate Increase

MOTION: Nagel  SECOND: Vo

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

12. (Council) Opposition to the Modified Regional Housing Needs Assessment Approved by the SCAG Regional Council on November 7, 2019, and by the State Department of Housing and Community Development on January 13, 2020.

ACTION: Move to Approve the opposition to the Modified Regional Housing Needs Assessment Approved by the SCAG Regional Council on November 7, 2019, and by the State Department of Housing and Community Development on January 13, 2020.

MOTION: Harper  SECOND: Nagel

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None
COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION

Council Member Nagel requested that the Planning / Building Director have a study session item on parking structures within the Crossings Area. Seconded by Mayor Pro Tem Vo

CITY COUNCIL/ SUCCESSOR AGENCY/ HOUSING AUTHORITY/ PUBLIC COMMENTS
(Unscheduled Matters Only)

There were no Public Comments

APPOINTMENTS

16. Mayoral Appointments of Council Members and Staff to Outside Committees

Mayor Brothers made the following City Council appointments to outside committees:

- Advisory Committee for the Disabled – Councilmember Constantine / Mayor Pro Tem Vo
- Public Cable Television Authority – Mayor Brothers / Mayor Pro Tem Vo
- Santa Ana River Flood Protection – Councilmember Harper / Councilmember Constantine
- League of California Cities – Mayor Brothers
- Legislative Committee – Councilmember Nagel / Councilmember Harper
- OC Sanitation District – Mayor Brothers / Councilmember Harper
- OC Library Advisory Board – Councilmember Constantine / Councilmember Harper
- OCTA I-405 Policy working group – Councilmember Harper / Mayor Pro Tem Vo
- Community Foundation – Councilmember Nagel
- Vector Control – Mayor Brothers
- SCAG – Councilmember Nagel

ACTION: Move to Approve the committee assignments as presented by Mayor Brothers.

MOTION: Vo SECOND: Constantine

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY AB 1234/GENERAL COMMENTS

Council Member Constantine

January 9  Attended the Fountain Valley Chamber mixer at Cambalache and the Advisory Committee for the Disabled
January 15 Attended the Ethics and Sexual Harassment training
January 16  Attended the Mayor's Breakfast, the Kiwanis meeting and the Library Advisory Board meeting
Council Member Nagel

January 13  
Attended the OCCOG conference call

January 15  
Attended the Ethics and Sexual harassment training class

January 16  
Attended the Mayor’s Breakfast

January 17  
Attended the School District State of the Schools

Council Member Harper

December 19  
Attended the Retirement Ceremony of Kevin Childe

January 16  
Attended the Mayor’s Breakfast

January 17  
Attended the School District State of the Schools

January 21  
Attended the meeting with Congressman Lowenthal for the Santa Ana River Flood Protection Agency, regarding the funding for flood channel modifications

Mayor Pro Tem Vo

December 18  
Attended the PCTA Meeting

December 19  
Attended the Retirement Ceremony of Kevin Childe

January 16  
Attended the Mayor’s Breakfast

January 17  
Attended the School District State of the Schools

Mayor Brothers

December 18  
Attended the PCTA meeting and Police Department Badge Ceremony

December 19  
Attended the MVCDOC meeting

January 7  
Attended the MVCDOC employee recognition

January 8  
Attended the LAFCO meeting

January 9  
Attended the Fountain Valley Chamber Government Affairs Committee meeting

January 13  
Attended the CALAFCO University

January 14  
Attended the Summerfest Meeting

January 15  
Attended the ACCOC Board Meeting

January 16  
Attended the Mayor’s Breakfast

January 17  
Attended the School District State of the Schools, Congressman Rouda’s presentation on grant funding and the Friends of the Library 55 year celebration

January 19  
Attended the Boy Scout Troop Court of Honor

January 21  
Attended the Rotary Most Improved Student Awards and the Santa Ana Watershed Ambassador program, part 2.
ADJOURN THE MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

Mayor Brothers adjourned the meeting at 7:27 pm to the next Regular Meeting of the Fountain Valley City Council on February 4, 2020 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.

Cheryl Brothers, Mayor

Attest:

Rick Miller, City Clerk
EXECUTIVE SUMMARY:

At its meeting on January 21, 2020, the City Council introduced for a first reading an Ordinance approving Code Amendment No. 19-08 – an amendment to the Fountain Valley Municipal Code (FVMC) section 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC section 21.10.060 to establish standards for small format restaurant uses allowed by-right (Attachment No. 2). The Ordinance was approved by a vote of 5-0 during the first reading without amendment.

As detailed in the attached report (Attachment #1), the ordinance would streamline the process and save money for smaller and more typical restaurants by eliminating both the CUP processing time of 2-3 months as well as the CUP application fee of $3,465 and replace it with an over-the-counter process and a $120 application fee. This should encourage the establishment of more restaurants, something that the community has expressed a strong desire.

The Ordinance is now presented to the City Council for a second reading and adoption.

ENVIRONMENTAL REVIEW:

This request is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). The project will amend the city review process to allow Small Format Restaurants that provide 50 or less seats, including those that serve beer and wine, that pose little or no negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, including all residential uses, and that follow a strict set of standards outlined in the proposed amendment set in place by the Planning, Building, Public Works, Fire, and Police Departments, to be permitted by-right, subject to review of an administrative permit.

FINANCIAL ANALYSIS:

The proposed code amendment will reduce fees collected for Conditional Use Permit review by about 22%. Last Fiscal year (FY 2018-2019), the Planning Departments annual
budget for conditional use permits was $75,000 and the actual intake of fees totaled $108,351. Of the conditional use permits the city reviewed, the number of applications that would have qualified for the Small Format Restaurant would have been seven (7) for a total of $23,815.

ATTORNEY REVIEW:

The Attorney for the City has reviewed and approved the attached Ordinance.

PUBLIC NOTIFICATION:

The item was published in the Fountain Valley View and notices were posted at City Hall, the Recreation Center and the Fountain Valley Library for the public hearing on January 21, 2020.

ALTERNATIVES:

Alternative No. 1 Adopt the attached Ordinance of the City Council of the City of Fountain Valley approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend the Fountain Valley Municipal Code (FVMC) section 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC section 21.10.060 to establish standards for small format restaurant uses allowed by-right.

Alternative No. 2 Do not adopt the attached Ordinance of the City Council of the City of Fountain Valley approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend the Fountain Valley Municipal Code (FVMC) section 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC section 21.10.060 to establish standards for small format restaurant uses allowed by-right.

Alternative No. 3 Continue the request for additional information.

RECOMMENDATION:

Staff recommends that the City Council select Alternative No. 1 – Adopt the attached Ordinance of the City Council of the City of Fountain Valley approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend the Fountain Valley Municipal Code (FVMC) section 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC section 21.10.060 to establish standards for small format restaurant uses allowed by-right.

Prepared By: Steven Ayers, Principal Planner

Approved By: Brian James, Planning and Building Director
Fiscal Review by: Jason Al-Imam, Finance Director/ Treasurer
Approved By: Rob Houston, City Manager

Attachment 1: January 21, 2020 Staff Report

Attachment 2: An Ordinance of the City Council of the City of Fountain Valley approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend the Fountain Valley Municipal Code (FVMC) section 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC section 21.10.060 to establish standards for small format restaurant uses allowed by-right.
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and
Members of the City Council

Agenda Date: January 21, 2020


EXECUTIVE SUMMARY:

The Fountain Valley Municipal Code (FVMC) currently requires all restaurants to obtain a Conditional Use Permit (CUP). Currently, small restaurants, such as Jamba Juice or Subway, which operate during normal business hours and pose no negative impacts to surrounding uses are required to go through the same CUP process as larger restaurants and restaurants that include activities that could cause negative impacts, such as late hours, a drive-thru, and entertainment. The proposed amendment would streamline the process and save money for smaller and more typical restaurants by eliminating both the CUP processing time of 2-3 months as well as the CUP application fee of $3,465 and replace it with an over-the-counter process and a $120 application fee. This should encourage the establishment of more restaurants, something that the community has expressed a strong desire.

The proposed Code Amendment will establish two different categories of restaurants in Fountain Valley – Small Format Restaurants and Large Format Restaurants. Small Format Restaurants would be those with 50 seats or less that have no impact to uses surrounding them while Large Format Restaurants would be those with 51 seats or more. Applicants that plan to operate compliant with the requirements of the Small Format Restaurant Permit will sign the application and be issued the permit at business license issuance. Follow up and inspections will occur by Planning Staff during Building Department Final. Applicant’s that plan to operate their business outside of the requirements of the Small Format Restaurant Permit, or those that will have 51 seats or more, will be required to obtain a Conditional Use Permit.

On May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning & Building Director to present to the City Council options to permit restaurants without a CUP to help enhance economic development in the City of Fountain Valley. Planning staff conducted a survey of cities in Orange County and presented results to the Planning Commission and City Council at Study Sessions on September 11, 2019, and October 1, 2019, respectively. With input from the survey of Orange County cities, and direction from the Planning Commission and City Council Study Sessions, staff formulated Code Amendment No. 19-08.

At the Planning Commission meeting of December 11, 2019, the Planning Commission voted 5-0 recommending the City Council approve Code Amendment No. 19-08.
Staff recommends the City Council approve the attached Ordinance approving Code Amendment No. 19-08 to amend FVMC Sections 21.10.030 and 21.90.020 for restaurant uses and add FVMC Section 21.10.060 to establish standards for Small Format Restaurant Uses allowed by-right.

**Proposal:**

An amendment to FVMC Sections 21.10.030 and 21.90.020 for restaurant uses and the addition of FVMC Section 21.10.060 to establish standards for Small Format Restaurant uses allowed by-right in the City of Fountain Valley.

**Current Code Requirements:**

Per FVMC Section 21.10.030 Table 2-6, all restaurants, including those that serve on-premises beer and wine, are required to obtain a CUP to operate in the City of Fountain Valley. Additionally, per FVMC Section 21.90.020, restaurants that provide accessory entertainment uses, including restaurants that include televisions screens for their customers that measure larger than 30 inches diagonal, are required to obtain a CUP.

**DISCUSSION:**

On May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning & Building Director to present to the City Council options to permit restaurants without a CUP to help enhance economic development in the City of Fountain Valley.

**Existing Regulations**

The current FVMC definition of a restaurant includes any retail business selling food for on or off-premises consumption. FVMC Section 21.90.020(18) Definitions “R” states;

"Restaurant" means a retail business selling food and beverages prepared on the site, for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes coffee houses.

For larger restaurants that may or may not include features such as late operating hours, a drive-thru or walk-up service window, close proximity to residential properties, alcohol sales, or accessory uses including accessory entertainment, the requirement of a CUP allows staff the time to analyze the use further to determine if the restaurant will cause any negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, including all residential uses. Additionally, if there are potential negative impacts, the Planning Commission can impose conditions of approval to help mitigate any negative impacts a project may bring. Examples of these types of large restaurants are Claim Jumper, The Recess Room, and McDonalds.
For smaller restaurants that have little or no negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, the requirement of a CUP can be burdensome in terms of cost and time. This is especially the case if those restaurants do not include activities that may require careful scrutiny, such as operation outside of normal business hours, a drive-thru or walk-up window, location near residential units, alcohol sales, and accessory entertainment uses. An example of these kinds of small restaurants are Subway, Jamba Juice, Flame Broiler, and Yang's Braised Chicken.

Initial Discussion

The City sent out a survey to 32 Orange County Cities and received 17 responses. Staff asked cities if they required a CUP for restaurants and, if they did, what triggered that requirement. Out of the 17 cities that responded, 15 do not require CUP’s for restaurants with little or no impacts, while two require CUP’s for any type of restaurant, similar to current requirements in Fountain Valley (Attachment #1). Of the cities that did not require a CUP for restaurant uses, certain accessory uses did trigger the requirement of a CUP. These results are included in Attachment #1 and include:

- Located in low parking zones such as Industrial or Manufacturing zones
- Accessory Entertainment
- Alcohol sales
- Late hours of operation
- Drive-thru's
- Walk-up service
- Close proximity to residential uses
- Large restaurant size
- Large seating area
- Deviation from parking

Staff analyzed the input received from the survey, and presented possible amendments to Planning Commission and City Council during study sessions on September 11, 2019, and October 1, 2019, respectively. The Planning Commission provided positive comments and suggested allowing on-site beer and wine sales as an allowed use. The City Council was also receptive to loosening requirements for restaurant CUPs and to allowing beer and wine sales; however, the Council expressed some concern about the ability to enforce performance standards absent a CUP as a CUP allows a process for revocation when restaurants don’t abide by their conditions of approval.

Proposed Ordinance

Staff gathered the survey results and input from the Planning Commission and City Council and formulated the code amendment as detailed in Attachment #2 and discussed below.

Ordinance Summary

The proposed ordinance would make it easier for Small Format Restaurants, defined as those with 50 or less seats, to establish their business in the City of Fountain Valley. Similar to the existing city process when a restaurant plans to open in the city, a restaurant owner
inquiring about, or applying for a business license for new restaurant, would be notified by Planning Department staff of the requirements for either a Large or Small Format Restaurant. If the restaurant is a Large Format Restaurant, a CUP would be required, and the application would go through the normal entitlement process for Planning Commission approval. If the restaurant is a Small Format Restaurant, the restaurant owner would speak to a Planning Department staff member to make sure they qualify per the guidelines of the Small Format Restaurant Permit (Attachment #3). If they do, the restaurant owner would fill out and sign the Small Format Restaurant Permit and be subject to the standard conditions outlined by each city department. Once signed, a business license would be issued, and building permits could be signed off when ready; however, the Small Format Restaurant Permit would not be valid until an on-site inspection has verified compliance with necessary physical improvements such as posting of required signage, grease interceptors, fire extinguishers, etc. If the restaurant were ever to change ownership or close, a new owner would be required to apply for a new Small Format Restaurant Permit to operate within the guidelines of the ordinance when applying for a new business license.

The proposed changes to the FVMC summarized above and outlined below will help ensure internal consistency within the FVMC for the proposed ordinance. The following changes will include:

- Amending the definitions of accessory entertainment use and restaurant
- Amending the land use and permitting requirements for Large and Small Format Restaurants
- Providing standards for Small Format Restaurants including those providing on-premises beer and wine sales that will be administered through a Small Format Restaurant Permit

FVMC 21.90.020 – Definitions

Accessory entertainment uses - This amendment is proposed to clarify the definition of "accessory entertainment use" to delete “television screens over thirty inches diagonal” from the definition (Attachment #2). The definition of accessory entertainment use currently reads;

"Accessory entertainment use" means a use that is incidental to the main use which involves entertainment devices and equipment (e.g., electronic and mechanical games and rides, amplified music, television screens over thirty inch diagonal and similar devices) and live entertainment and performances (e.g., music, dance, comedy act, karaoke).

This definition has been in place since December 7, 2000, when Ordinance 1308 approved Title 21 – Development Code. Accessory entertainment uses require a CUP per FVMC Section 21.10.030 for the sole purpose of alleviating noise impacts to adjacent businesses and properties. Since the year 2000, the television industry has seen a fundamental change from smaller to larger screens to the point where it is difficult to find a television smaller than 30 inches in a retail store today. Additionally, several restaurants are now utilizing television screens to display their menus to allow them more flexibility to manipulate menu items and prices. For these reasons, staff is proposing to eliminate the size limitation to televisions in
the definition of accessory entertainment uses as it is outdated and the size of a television screen is not directly related to the noise impacts.

Restaurant – This amendment is proposed to clarify the definition of “restaurant” to include a distinction between large and small restaurants based on the number of customer seats (Attachment #2). "Large format restaurants" would be those that provide 51 or more seats while “Small Format Restaurants” would be those that provide 50 or less seats. Per this proposed code amendment, a Large Format Restaurant would require a CUP in any situation, regardless of any other accessory uses, while a Small Format Restaurant may be permitted by-right if compliant with the standards of a Small Format Restaurant, as noted below.

FVMC 21.10.030 – Permitted Uses

FVMC Section 21.10.030 Table 2-6 lists allowed uses by commercial and manufacturing zoning districts. The proposed amendment would allow on-premises beer and wine sales subject to a Small Format Restaurant Permit. Also, restaurant uses would be split into two different categories; Restaurants – Large Format and Restaurants – Small Format (Attachment #2). Large format restaurants would follow the same permitting requirements for any restaurant by zone per today's code, while Small Format Restaurants would be permitted by-right in commercial zones and subject to the standards of a small format restaurant noted below.

FVMC 21.10.060 – Standards for Small Format Restaurants Including Those Providing On-Premises Beer and Wine Sales

As detailed in Attachment #2, this proposed Section in the FVMC would include new standards for Small Format Restaurants that include the following topics:

Purpose and Applicability – These sections establish the intent of the new ordinance, which is to streamline the permitting process for Small Format Restaurants including those providing on-premises beer and wine sales to benefit tenants, property managers, and the public. Small Format Restaurants including those proving on-premises beer and wine sales that have little or no negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, including all residential uses, would be administratively permitted subject to clearly establish standards for Small Format Restaurants including those providing on-site premises beer and wine sales.

Permit – A Small Format Restaurant permit (Attachment #3) would be required as part of the business license application to establish permitted hours of operation, establish operating standards that eliminate or minimize nuisance factors such as noise, odors, smoke, waste disposal, loitering, property maintenance, outdoor storage, and signage, and would be required to be signed by the applicant and property owner/manager prior to being reviewed by applicable City Departments. The permit would not be valid until an on-site inspection has verified compliance with necessary physical improvements, would have to be renewed annually at the time of renewal of the business license, and may be transferred upon closure of the business or change of ownership upon issuance of a new Small Format Restaurant Permit in conjunction with the issuance of a business license.
Standard Requirements – Small Format Restaurants shall be subject to a number of standard requirements normally issued through a conditional use permit as conditions of approval from the Planning, Building, Police, Fire, and Public Works Departments (Attachment #3). Applicants applying for a Small Format Restaurant Permit would be subject to requirements that address the following concerns:

- Noise and impact to neighbors – This would be addressed through the limits on the hours of operation, hours of delivery, maximum occupancy, no live entertainment, and requirements on signage, trash dumping, and litter/graffiti.
- Building/Fire Code - Restaurants would be subject to requirements to address disabled access, energy conservation, construction and maintenance, grease collection, fire sprinklers and extinguishers, carbon dioxide storage for soft drinks, and exiting requirements.
- Safety requirements – Restaurants would be required to install security cameras, alarms, and prohibit loitering of school age youth.
- City Impacts – Restaurants would be required to pay traffic impact fees and install a reduce pressure principle device/backflow devices to prevent contaminants from entering back into the city’s water flow.

Beer & Wine Requirements – In addition to the standard requirements for a Small Format Restaurant, restaurants that apply for an on-premises beer and wine license would also be subject to the following provisions:

- Posting of alcohol signage limiting alcohol to persons 21 years and older.
- Posting requiring ID to purchase alcohol.
- Licensee Education on Alcohol and Drugs (LEAD) certification required for restaurant employees.
- Food shall be required to be served at all hours
- Quarterly gross alcohol sales cannot exceed gross food sales.
- Advertising signage of alcohol beverages.
- No loitering within 100 feet of the restaurant.
- The surrender, lapse, termination, suspension, or payment of fine in-lieu of suspensions/termination of the alcohol license issued by ABC shall be grounds for revocation of city approvals.

Revocation – The section would also clearly establish the parameters in which a Small Format Restaurant or a restaurants providing on-premises beer and wine sales may be revoked. Revocation may be initiated if:

- The restaurant operations change by the applicant to a degree that the public convenience, health, interest, safety, or welfare require revocation.
- The restaurant owner misrepresents or omits information on their application.
- Requirements of the permit have not been fulfilled or have been violated.
- The restaurant is in violation of any code, law, ordinance, or statute of the city, state, or federal government.
Council Action Request  
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Page 7

- The restaurant is creating a nuisance.

**General Plan Consistency**

The proposed amendments will meet the City Council's Strategic Plan Goal #3 to enhance economic development in the City of Fountain Valley. The amendment will also meet General Plan Goal 2.12.1 to enhance the city’s economic base and business environment by assisting in the improvement and intensification of commercial development in the City of Fountain Valley. Additionally, the amendments will preserve the conditions of approval that are normally placed into a CUP from each City Department as well as allow an avenue to revoke a Small Format Restaurant permit if necessary.

**ENVIRONMENTAL REVIEW:**

This request is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment). The project will amend the city review process to allow Small Format Restaurants that provide 50 or less seats, including those that serve beer and wine, that pose little or no negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, including all residential uses, and that follow a strict set of standards outlined in the proposed amendment set in place by the Planning, Building, Public Works, Fire, and Police Departments, to be permitted by-right, subject to review of an administrative permit (Attachment #4).

**FINANCIAL ANALYSIS:**

The proposed code amendment will reduce fees collected for Conditional Use Permit review by about 22%. Last Fiscal year (FY 2018-2019), the Planning Departments annual budget for conditional use permits was $75,000 and the actual intake of fees totaled $108,351. Of the conditional use permits the city reviewed, the number of applications that would have qualified for the Small Format Restaurant would have been seven (7) for a total of $23,815.

**ATTORNEY REVIEW:**

The Attorney for the City has reviewed the attached Ordinance.

**PUBLIC NOTIFICATION:**

The item was published in the Fountain Valley View and public notices were posted at City Hall, Recreation Center, and Fountain Valley Library.

**ALTERNATIVES:**

1. Adopt the attached Ordinance approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend FVMC Sections 21.10.030 and 21.90.020 for restaurant uses as well as to add Section 21.10.060 to establish standards for restaurant uses allowed by-right.
2. Do not adopt the attached Ordinance approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend FVMC Sections 21.10.030 and 21.90.020 for restaurant uses as well as to add Section 21.10.060 to establish standards for restaurant uses allowed by-right.

3. Continue the request for additional information.

**Recommended Action**

Staff recommends that the City Council select Alternative No. 1 – Adopt the attached Ordinance approving a notice of exemption in accordance with the California Environmental Quality Act (CEQA) and Code Amendment No. 19-08 to amend FVMC Sections 21.10.030 and 21.90.020 for restaurant uses as well as to add Section 21.10.060 to establish standards for restaurant uses allowed by-right.

Prepared By: Steven Ayers, Principal Planner

Approved By: Brian James, Planning and Building Director

Fiscal Review By: Jason Al-Imam, Finance Director/Treasurer

Approved By: Rob Houston, City Manager

Attachments:
1. Survey results of CUP requirements for restaurants
2. Ordinance for Code Amendment No. 19-08
3. Draft Small Format Restaurant Permit
4. Notice of Exemption
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CODE AMENDMENT (CA) NO. 19-08 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.10.030 AND 21.90.020 FOR RESTAURANT USES AS WELL AS TO ADD SECTION 21.10.060 TO ESTABLISH STANDARDS FOR RESTAURANT USES ALLOWED BY-RIGHT

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, on May 29, 2019, at a Special Meeting of the City Council Strategic Planning Study Session, direction was given to Planning & Building Director to present to the City Council options to permit restaurants without a Conditional Use Permit (CUP) to help enhance economic development in the City of Fountain Valley; and

WHEREAS, on September 11, 2019, the Planning Department presented options to the Planning Commission during a study session to permit certain types of restaurants without a CUP and received input; and

WHEREAS, on October 1, 2019, the Planning Department presented options to the City Council during a study session options to permit certain types of restaurants without a CUP and received input; and

WHEREAS, the amendments to FVMC 21.10.030, 21.90.020, and 21.10.060 incorporate input received from both study sessions of the Planning Commission on September 11, 2019 and City Council on October 1, 2019; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 19-08 at a duly noticed public hearing on December 11, 2019, and the Planning Commission recommended the City Council approve a categorical exemption per CEQA and approve CA 19-08 to amend FVMC 21.10.030 and 21.90.020 for restaurant uses as well as to add section 21.10.060 to establish standards for restaurant uses allowed by right; and

WHEREAS, the proposed Code Amendment No. 19-08 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The City Council hereby determines that Code Amendment No. 19-08 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2)(the activity will not result in a direct or reasonably foreseeable indirect
physical change in the environment) and 15061(b)(3)(there is no possibility the activity in question may have a significant effect on the environment).

SECTION 2

The City Council finds that due notice of the public hearing on January 21, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, in the case of a title amendment. The proposed amendment would enhance the city’s economic base and business environment by assisting in the improvement and intensification of commercial development (General Plan Goal/Policy 2.12.1). FVMC Sections 21.10.030 and 21.90.020 would be updated to provide internal consistency with the newly added Section 21.10.060 to address requirements for restaurants in the City of Fountain Valley.

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment would clearly identify standards that must be met for restaurants seeking approval to be permitted by right as well as clearly identify standards for restaurants that require a conditional use permit.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city’s environmental review procedures as addressed in Section 1 above.

4. The proposed amendment is internally consistent with other applicable provisions of Title 21. As noted in finding 1 above, FVMC Sections 21.10.030 and 21.90.020 would be updated to provide internal consistency with the added Section 21.10.060 to address requirements for restaurants in the City of Fountain Valley. There are no other known inconsistencies with the proposed amendment and other applicable provisions of Title 21.

SECTION 4

Section 21.90.020(1) Definitions “A” is hereby amended to read as follows:

"..."
"Accessory entertainment use" means a use that is incidental to the main use which involves entertainment devices and equipment (e.g., electronic and mechanical games and rides, amplified music, television screens over thirty inch diagonal and similar devices) and live entertainment and performances (e.g., music, dance, comedy act, karaoke).

**SECTION 5**

Section 21.90.020(18) Definitions "R" is hereby amended to read as follows:

"..." Restaurant" means a retail business selling food and beverages prepared on the site, for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes coffee houses. For permitting purposes, the City categorizes Restaurants as:

- **Restaurant - Large Format** – Establishments with 51 seats or more.
- **Restaurant - Small Format** – Establishments with 50 seats or less.

**SECTION 6**

Section 21.10.030 Table 2-6 allowed uses for Alcoholic beverage sales, on-premises, Restaurants – Large Format, and Restaurants – Small Format is hereby partially amended to read as follows:

"..."

<table>
<thead>
<tr>
<th>TABLE 2-6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND USE (1)</strong></td>
</tr>
<tr>
<td><strong>Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts</strong></td>
</tr>
<tr>
<td>Agricultural production</td>
</tr>
<tr>
<td>Agricultural produce market, wholesale</td>
</tr>
<tr>
<td>Greenhouses, commercial, wholesale only</td>
</tr>
<tr>
<td><strong>MANUFACTURING AND PROCESSING USES</strong></td>
</tr>
</tbody>
</table>

Page 022
<table>
<thead>
<tr>
<th>Activity</th>
<th>CUP</th>
<th>P</th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural products processing</td>
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<td>P</td>
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<tr>
<td>Apparel and fabric products manufacturing</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Assembly of prepared materials</td>
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<tr>
<td>Bakery products distribution</td>
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<tr>
<td>Chemical product manufacturing</td>
<td></td>
<td></td>
<td>CUP</td>
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<tr>
<td>Concrete, gypsum, and plaster products</td>
<td></td>
<td></td>
<td>CUP</td>
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<tr>
<td>Electronics and appliance manufacturing</td>
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<tr>
<td>Food and beverage product manufacturing</td>
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<td>CUP</td>
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<tr>
<td>Furniture/fixtures manufacturing, cabinet shops</td>
<td></td>
<td></td>
<td>CUP</td>
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<tr>
<td>Fuel storage</td>
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<tr>
<td>Glass product manufacturing</td>
<td></td>
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<td>CUP</td>
<td>P</td>
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<tr>
<td>Handcraft industries, small-scale manufacturing</td>
<td></td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Laundries and dry cleaning plants</td>
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<tr>
<td>Leather, fur products</td>
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<tr>
<td>Machinery manufacturing</td>
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<td>CUP</td>
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<tr>
<td>Metal products fabrication, machine/welding shops</td>
<td></td>
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<td>CUP</td>
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<tr>
<td>Paper product manufacturing</td>
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<td>Petroleum bulk storage</td>
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<td>Pharmaceuticals manufacturing</td>
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<tr>
<td>Photographic processing</td>
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<tr>
<td>Plastics, synthetics, rubber products manufacturing</td>
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<td>CUP</td>
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<tr>
<td>Printing and publishing</td>
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<tr>
<td>Quarry materials storage and distribution</td>
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<tr>
<td>Recycling – Large collection facility</td>
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<tr>
<td>Recycling – Small collection facility</td>
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<tr>
<td>Research and development (R&amp;D)</td>
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<td>P</td>
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<tr>
<td>Stone and stone cut products</td>
<td></td>
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<td>CUP</td>
<td>P</td>
<td></td>
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<tr>
<td>Structural clay and pottery product manufacturing</td>
<td></td>
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<td>CUP</td>
<td></td>
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<tr>
<td>Textile manufacturing</td>
<td></td>
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<td>CUP</td>
<td>P</td>
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<tr>
<td>Warehousing, wholesaling and distribution facilities</td>
<td></td>
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<td>P</td>
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<tr>
<td>Woodworking shops, including cabinetry</td>
<td></td>
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<td>P</td>
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</tbody>
</table>

**Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts**

- **P**: Permitted Use
- **CUP**: Conditional Use Permit required
- **Specific Use Regs.**
<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>Use not allowed</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>PERMIT REQUIRED BY DISTRICT</td>
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<tr>
<td></td>
<td>CP</td>
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<tr>
<td><strong>RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory entertainment uses</td>
<td>CUP</td>
</tr>
<tr>
<td>Assembly facilities and nonprofit institutions</td>
<td></td>
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<tr>
<td>Billiard and pool halls</td>
<td></td>
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<tr>
<td>Clubs, lodges, membership meeting halls</td>
<td>CUP</td>
</tr>
<tr>
<td>Dance halls</td>
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<tr>
<td>Health and fitness centers</td>
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<tr>
<td>Indoor amusement/entertainment facilities</td>
<td></td>
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<tr>
<td>Libraries and museums</td>
<td>CUP</td>
</tr>
<tr>
<td>Night clubs and bars</td>
<td></td>
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<tr>
<td>Outdoor commercial recreation facilities</td>
<td></td>
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<tr>
<td>Schools - private</td>
<td>CUP</td>
</tr>
<tr>
<td>Schools - Specialized training and education</td>
<td>CUP</td>
</tr>
<tr>
<td>Studios (dance, martial arts, music, photography, etc.)</td>
<td>CUP</td>
</tr>
<tr>
<td>Theaters and auditoriums</td>
<td></td>
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<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
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<tr>
<td>Caretaker's quarters</td>
<td></td>
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<tr>
<td>Emergency shelters(^2)</td>
<td></td>
</tr>
<tr>
<td>Rooming and boarding houses</td>
<td>CUP</td>
</tr>
<tr>
<td>Residential care homes</td>
<td>CUP</td>
</tr>
<tr>
<td>Single room occupancy (SRO)</td>
<td></td>
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<tr>
<td><strong>RETAIL TRADE</strong></td>
<td></td>
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<tr>
<td>Accessory retail sales</td>
<td></td>
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<tr>
<td>Alcoholic beverage sales, off-premises</td>
<td></td>
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<tr>
<td>Alcoholic beverage sales, on-premises</td>
<td>CUP</td>
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<tr>
<td>Antiques, art galleries, collectibles</td>
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</tr>
<tr>
<td>Auto parts sales</td>
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<tr>
<td>Auto sales and rental, new</td>
<td></td>
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<tr>
<td>Auto sales and rental, used</td>
<td></td>
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<tr>
<td>Bakeries, retail</td>
<td></td>
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<tr>
<td><strong>Butcher shops</strong></td>
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<tr>
<td><strong>Building material stores</strong></td>
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<tr>
<td><strong>Convenience stores</strong></td>
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<tr>
<td><strong>Department stores</strong></td>
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<tr>
<td><strong>Drive-in and drive-through sales</strong></td>
<td></td>
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<tr>
<td><strong>Drug stores, pharmacies</strong></td>
<td>CUP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts</strong></th>
<th><strong>P</strong></th>
<th><strong>Permitted Use</strong></th>
<th><strong>CUP</strong></th>
<th><strong>Conditional Use Permit required</strong></th>
<th><strong>Use not allowed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND USE (1)</strong></td>
<td><strong>PERMIT REQUIRED BY DISTRICT</strong></td>
<td><strong>CP</strong></td>
<td><strong>C1</strong></td>
<td><strong>C2</strong></td>
<td><strong>CM</strong></td>
</tr>
</tbody>
</table>

| **RETAIL TRADE (con’t)** |   |   |   | CUP | CUP |
| **Equipment sales and rental** |   |   |   | CUP | CUP |
| **Furniture, furnishings & appliance stores** |   | P | P | P | CUP |
| **Garden supply and equipment sales and services** | P | P | P | CUP |
| **General retail, primary use** | CUP | P | P | CUP |   |
| **Grocery stores** |   | P | P |   |   |
| **Heavy equipment sales and rental** |   |   |   | CUP | CUP |
| **Hydroponic stores** |   | CUP | CUP |   |   |
| **Lumber yards** |   |   |   | CUP | CUP |
| **Multi-use commercial centers** |   | CUP | CUP | CUP |   |
| **Pet shops** |   | P | P | P |   |
| **Plant nurseries and garden supply stores** |   | P | P | P | CUP |
| **Recreational vehicle sales and rental** |   |   | CUP |   | CUP |
| **Restaurants** | CUP | CUP | CUP |   | CUP |
| **Restaurants – Large Format** | CUP | CUP | CUP |   | CUP 21.10.060 |
| **Restaurants – Small Format** |   | P | P | P | CUP 21.10.060 |
| **Restaurants – Accessory cafeterias** |   | CUP | CUP | CUP | CUP |
| **Secondhand stores, pawn shops** |   | CUP | CUP |   |   |
| **Specialized sporting goods store** |   | P | P | CUP | CUP |
| **Tattoo establishments** |   | CUP | CUP |   |   |

**SERVICES**
<table>
<thead>
<tr>
<th>Service</th>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>CM</th>
<th>M1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance services</td>
<td></td>
<td></td>
<td></td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Automated teller machines (ATMs)</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Auto repair and maintenance, minor</td>
<td></td>
<td></td>
<td>CUP</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Auto repair and maintenance, major</td>
<td></td>
<td></td>
<td></td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Banks and financial services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Business support services</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car wash, full service</td>
<td></td>
<td></td>
<td>CUP</td>
<td>CUP</td>
<td></td>
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<tr>
<td>Car wash, self service</td>
<td></td>
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<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
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<tr>
<td>Catering services</td>
<td></td>
<td></td>
<td></td>
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<td>CUP</td>
</tr>
<tr>
<td>Child day care centers</td>
<td></td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Contractor’s storage yard</td>
<td></td>
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<tr>
<td>Gunsmiths</td>
<td></td>
<td></td>
<td></td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Medical services – Clinics, offices, and laboratories</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>

**Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts**

<table>
<thead>
<tr>
<th>Land Use (1)</th>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>CM</th>
<th>M1</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES (con’t)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical services – Extended care</td>
<td>P</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical services – Hospitals</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortuaries</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices – Administrative, business, professional</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal services, accessory use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
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<tr>
<td>Personal services, primary use</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Pest control services</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
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<tr>
<td>Repair services for consumer products</td>
<td></td>
<td>P</td>
<td>P</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Service stations</td>
<td></td>
<td>CUP</td>
<td>CUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage, outdoor</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Storage, personal self-service (mini-storage)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CUP</td>
</tr>
</tbody>
</table>

**Specific Use Regs.**

- **Permitted Use**
- **Conditional Use Permit required**
- **Use not allowed**

<table>
<thead>
<tr>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>CM</th>
<th>M1</th>
</tr>
</thead>
</table>
TRANSPORTATION AND COMMUNICATIONS USES

| Veterinarians, animal hospitals, kennels, boarding | — | CUP | CUP | — | CUP |
| Broadcast studios | — | — | — | CUP | CUP |
| Heliports | — | — | — | — | CUP |
| Parking lots and garages | CUP | CUP | CUP | CUP | CUP |
| Transit stations and terminals | — | — | — | CUP | CUP |
| Vehicle and freight terminals | — | — | — | CUP | CUP |
| Wireless telecommunications facilities (3) | Administrative wireless facilities permit (3) | 21.28 |

Notes:

1. See Chapters 21.66 through 21.84 of this title for land use definitions. See Section 21.02.020 regarding uses not listed.
2. Emergency shelters are limited to no more than 30 occupants per site as a permitted use. Emergency shelters with more than 30 occupants per site are permitted subject to the approval of a CUP.
3. Wireless telecommunications facilities may also be permitted by a conditional use when the planning/building director determines that the project’s complexity or the public interest warrants the referral.
4. On-premises beer and wine sales may be permitted per section 21.10.060.

SECTION 7

Section 21.10.060 is hereby added as follows:

"...

21.10.060 Standards for Small Format Restaurants including those providing on-premises beer and wine sales.

(a) Purpose. It is the purpose of this Section to:
   (1) Streamline the permitting process for small format restaurants including those providing on-premises beer and wine sales to benefit tenants, property managers, and the public.
   (2) Administratively permit small format restaurants including those providing on-premises beer and wine sales that have little or no negative impacts to the property or commercial center in which they are located or to nearby noise sensitive uses, including all residential uses.
   (3) Clearly establish standards for Small Format Restaurants including those providing on-site premises beer and wine sales.
   (4) Clearly establish the parameters in which a permit for a Small Format Restaurant or restaurants providing on-premises beer and wine sales may be revoked.

..."
(b) Applicability. Except as noted in Section 21.10.060(c), all Small Format Restaurants, as defined in Chapter 21.90, shall be subject to the following provisions:

(1) Approval of a Small Format Restaurant Permit by the Planning Director or his/her designee. The Small Format Restaurant Permit shall:

(A) Establish hours of operation;

(B) Establish operating standards that eliminate or minimize nuisance factors (e.g., noise, odors, smoke, waste disposal, loitering, property maintenance, outdoor storage, signage and banners);

(C) Establish operating standards applicable to restaurants that propose to serve on premise beer & wine;

(D) Be reviewed by applicable City Departments prior to issuance;

(E) Be acknowledged and signed by the applicant and property owner/manager prior to issuance;

(F) Be valid for the period of the business license and shall be renewed annually at the time of renewal of the business license;

(G) Be able to be transferred upon closure of the business or change of ownership upon issuance of a new Small Format Restaurant Permit in conjunction with issuance of the business license; and

(H) Not be valid until an on-site inspection has verified compliance with necessary physical improvements for a new Small Format Restaurant. An on-site inspection may or may not be necessary upon renewal subject to the review and approval of the Planning & Building Director.

(2) Issuance of Business License.

(c) The following small format restaurants shall require issuance of a Conditional Use Permit per Chapter 21.36:

(1) Restaurants with accessory entertainment;

(2) Restaurants in the M1-Manufacturing Zone;

(3) Restaurants with drive-thru facilities;

(4) Restaurants with exterior amplified sound (e.g. music, ordering)

(5) Restaurants proposing public operating hours between 12:00 a.m. and 5:00 a.m.

(6) Restaurant openings, such as windows or doors, within 50 feet of a residential property line and, in the opinion of the Planning Director, have the potential to result in negative impacts associated with noise, odors, public access, outdoor use, or involve an operator with a prior enforcement history.

(7) Restaurants that have the potential for heavy parking demand subject to review by the Planning Director.

(8) Except as noted in Section 21.10.060(e), restaurants serving alcohol.

(9) Restaurants that, in the opinion of the Planning Director, have the potential for an impact resulting from issues such as noise, odors, public access, outdoor use, or involve an operator with a prior enforcement history.
(d) Small Format Restaurant Standards. As applicable, the following standards shall apply to small format restaurants. At the discretion of the City, additional standards may be applied to address specific impacts arising from the nature and location of the proposed business subject to a conditional use permit.

(1) Planning Department standards for small format restaurants.
   a. Public operating hours shall be limited to 5:00 a.m. to 12:00 a.m.
   b. Hours of delivery shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday, and no time on Sunday or legal holiday.
   c. The number of persons inside the business shall not exceed the maximum occupancy load as determined by the Fire Department. If required by the Fire Department, signs indicating the occupant load shall be posted in a conspicuous place near the main entrance.
   d. Signs for the business shall comply with the sign regulations of the Fountain Valley Sign Code and applicable Shopping Center Sign Program.
   e. The windows of the business shall be free of any obstruction, tinting, or painting, except for window signage as permitted by the Fountain Valley Sign Code.
   f. There shall be no trash dumping from the restaurant between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
   g. To prevent scavenging, illegal dumping, and to contribute to the general cleanliness of the shopping center, the business shall provide a refuse containment area with a screened and secureable gate if not already provided by the property owner. Also, if not already provided by the property owner, exterior signage shall be provided outside of the trash enclosure prohibiting the scavenging of any material from the trash dumpster. Any refuse containment area and signage shall be included in the applicant's plan check submittal to the Building Department and shall be installed prior to issuance of certificate of occupancy for the restaurant.
   h. To maintain the cleanliness of the shopping center, the restaurant owner shall be responsible for maintaining the area adjacent to their premises, over which they have control, free of litter and graffiti.
   i. The rear and/or side access door(s) (other than the main entrance) must remain closed 24 hours a day and shall only be used in cases of emergencies and deliveries.
   j. The restaurant owner shall comply with Labor Code Section 6404.5 prohibiting smoking in restaurants and public places, such as eating establishments and shall install "No Smoking" signage per the provisions of this statute.
   k. The establishment will not provide any video or arcade games.

(2) Building Department standards for small format restaurants.
   a. Restaurant owner shall comply with California Building Code including requirements for California Disabled Access, Title 24, and grease interceptors.

(3) Police Department standards for small format restaurants.
   a. There shall be no live entertainment within the facility.
   b. Install, and maintain in working order, security cameras to provide visual coverage of the areas available to the public on the inside of the restaurant, as well as the parking area adjacent to the restaurant.
c. The restaurant owner acknowledges that Education Code Section 48200 et. seq. provides that persons between the ages of 6 and 18 are subject to compulsory education and are required to be in school unless exempted. Permittee agrees not to allow the business to become a "hang out" for truants and agrees not to allow youths to congregate or otherwise loiter in or around the business. Permittee shall take reasonable steps to control the conduct of others on this property so that it does not become a nuisance or otherwise disturb the peace and quiet of the neighborhood or peace, health and safety of the community.

d. An alarm system shall be installed and be of a type that sounds a signal when it is activated.

(4) Fire Department standards for small format restaurants.
   a. Restaurant owner shall comply with California Fire Code requirements for Group "A" occupancies, automatic fire sprinklers, premises identification with address numbers, portable fire extinguishers, Knox box, commercial cooking systems, combustible materials, CO2 storage, public assembly permits, exits or exit access doorways, and panic and fire exit hardware.

(5) Public Works Department standards for small format restaurants.
   a. As required by the City Engineer, install a reduced pressure principle device on the domestic water supply line to the buildings and install approved backflow devices for irrigation systems.

(e) On-premises Beer and Wine Standards. The following standards, in addition to the standards for a small format restaurant in section 21.10.060(d) above, shall apply to restaurants that are applying for an on-premises sale of beer and wine license from the California Department of Alcoholic Beverage Control (ABC), which authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liquor for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

(1) Standards for Small Format Restaurants with on-premises beer and wine sales;
   a. Restaurant owner shall post signage in the restaurant stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
   b. Restaurant owner shall ensure all pertinent employees have obtained Licensee Education on Alcohol and Drugs (LEAD) Certificates and copies of such certificates shall be kept on-site and made available for inspection by a public official upon request.
   c. Food shall be required to be served at all hours that the establishment is open for business.
   d. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period.
e. The sale of alcoholic beverages may not be advertised by signs directed toward persons outside of the building.

f. The operator will ensure that there will be no drinking and/or loitering in the parking lot or within 100 feet of the establishment.

g. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.

h. All requirements of an on-premises beer and wine ABC license and of the City shall be observed at all times. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of city approvals.

(2) Revocations. If approval for beer and wine sales is revoked or modified per Section 21.10.060(f) and 4.04.100, operator may continue to operate under the provisions of a Small Format Restaurant subject to approval of a revised Small Format Restaurant approval. Also, per Section 4.04.100, if a beer and wine sales permit is revoked, no other application for a permit to carry on a similar business by such a person shall be considered for a period of one year.

(f) Revocation or Modification. A Small Format Restaurant Permit may be revoked or modified per Section 4.04.100 if any one of the following findings of fact can be made:

(1) Circumstances under which the Small Format Restaurant Permit was granted have been changed by the applicant to a degree that the public convenience, health, interest, safety or welfare require the revocation or modification;

(2) The Small Format Restaurant Permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application;

(3) One or more of the requirements of the Small Format Restaurant Permit have not been substantially fulfilled or have been violated;

(4) The improvement/use authorized in compliance with the Small Format Restaurant permit approval is in violation of any code, law, ordinance, regulation or statute of the city, state or federal governments; or

(5) The improvement/use authorized in compliance with the Small Format Restaurant Permit has become detrimental to the public convenience, health, interest, safety or welfare, or the manner of operation constitutes or is creating a nuisance.

(g) Unlawful to operate without approval. It is unlawful for any owner, operator, tenant, or other person in control of property within the city for which the standards set forth in this section apply, to operate a business or land use in a zone requiring a Conditional Use Permit or Small Format Restaurant Permit without such a permit, or to fail to comply with each and every condition of that Conditional Use Permit or Small Format Restaurant Permit.

SECTION 8

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such
decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 9

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS 4TH DAY OF FEBRUARY, 2020.

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP

Attorneys for the City
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and Members of the City Council

Agenda Date: February 4, 2020

SUBJECT: 1) Waive the Bidding Requirements Pursuant to FVMC 2.36.070 and Award a Contract to Charles Abbott Associates, Inc. for Continued Public Works Project Management in an Amount Not to Exceed $90,000; and 2) Amend the 2019/20 Budget in the Amount of $90,000

EXECUTIVE SUMMARY:

Due to the tremendous need and amid a heavy capital project workload, the City has utilized Charles Abbott Associates, Inc. over the past year for Public Works Project Management Services under the City Manager’s contract authority. Beginning in December 2018, Mark Bray fulfilled the role of Project Manager for several public works capital improvement projects, including but not limited to the following projects: Recreation Center Interior Improvement, Project No. GF341, and Police Department Interior Locker Room/Restroom Remodel, Project No. GF794.

The City Manager’s purchasing authority has been exhausted, and the tremendous need for Project Management Services remains as the projects are currently in pre-construction phase and remain ongoing.

Charles Abbott has provided the City with a number of professional services throughout the Planning, Building and Safety, and Public Works Department for many years. In addition, the City has been very happy with Charles Abbott and the professional services they have provided.

On January 21, 2020, it was recommended that the City Council award a contract in the amount of $240,000 for these two projects and the Pre-Manufactured Metal Building Addition at Fire Station No. 2. The City Council directed staff to revisit the scope of work in order to scale down the cost associated with project management services. Therefore, the following changes were made to the contract that is proposed for City Council consideration:

- $50,000 of work associated with the Pre-Manufactured Metal Building Addition at Fire Station No. 2 has been removed from Charles Abbott’s scope of work. In order to keep this project moving forward, another consultant (Interwest) that is performing inspection services has agreed to also perform project management services for an additional amount of $25,000, which is a reduction to what was
originally proposed and has been executed under the City Manager's contract authority.

- The scope of work has been limited to work on the Recreation Center Interior Improvement Project and Police Department Interior Locker Room/Restroom Remodel. The scope has also been limited to project management services up to and including bid assistance and therefore does not cover construction management services.

Staff recommends that the City Council 1) waive the bidding requirements and award a contract to Charles Abbott Associates, Inc. for continued Public Works Project Management Services in an amount not to exceed $90,000, and 2) amend the 2019/20 Budget in the amount of $90,000.

DISCUSSION:

Charles Abbott Associates, Inc. has been a national alternative service provider to state and local government agencies since 1984. Their expertise allows them to provide public agencies with the best value for building & safety, city engineering, public works, environmental, and fire prevention services. With decades of successful experience as a firm serving public agencies, Charles Abbott has the knowledge and attitude to bring the highest degree of care and professionalism.

In 2010, the City distributed a Request for Proposal to solicit building firms with the experience and technical qualifications to provide comprehensive building management services. Seven proposals were received. Based on the content of their proposal, quality of dedicated contract personnel, references, and price, Staff recommended that the City Council accept the proposal and award a contract to Charles Abbott. On October 19, 2010, the City Council awarded a contract to Charles Abbott.

Due to the tremendous need and amid a heavy capital project workload, the City utilized Charles Abbott Associates, Inc. over the past year for Public Works Project Management Services. In late 2018, Charles Abbott began to provide the Public Works Department with Project Management Services, which utilized the hourly rates set forth in the 2010 competitively procured contract that was approved by the City Council. Project Management Services have been performed by Mark Bray within the City Manager's contract authority.

Mark Bray is currently serving the role of Project Manager for several public works capital improvement projects, including but not limited to the following projects: Recreation Center Interior Improvement, Project No. GF341, and the Police Department Interior Locker Room/Restroom Remodel, Project No. GF794.
However, at this time, the City Manager’s contract authority has been expended. In order to ensure that capital projects continue to move forward it is recommended that the City Council approve an agreement with Charles Abbott for Project Management Services.

The scope of work includes project management services through June 30, 2020 and will involve the following responsibilities: Including concept development and managing architects and their preparation of the design plans and specifications (PS&E), project development, and bid assistance to help facilitate these projects for successful bidding. The fee arrangement is based on an hourly rate of $110 per hour that coincides with the rate set forth in the 2010 competitively procured contract for a Senior Building Inspector.

Professional services contracts greater than $50,000 are generally retained in connection with a competitively procured process involving a Request for Proposal that is project-specific and has a defined scope and fee. Section 2.36.070 of the Fountain Valley Municipal Code provides that bidding may be dispensed with when "piggybacking" off the pricing that was previously established in a competitive manner or when the public interest requires that bidding be dispensed with.

It is recommended that bidding be dispensed with for the following reasons:

- The hourly rate that is proposed by Charles Abbott for Mark Bray’s time is based on an hourly rate that was established in connection with a competitively procured process.
- Mark Bray has been actively involved in overseeing projects for the past twelve months and therefore has an intimate understanding of the City’s process and project needs.
- If the City continues to use Mark Bray for project management services, the capital projects that he is overseeing will continue to move forward whereas alternatively these projects would be delayed by 8-12 weeks if a competitive procurement process was conducted.

**FINANCIAL ANALYSIS:**

Charles Abbott has provided Public Works Project Management Services since December 2018, which has totaled $191,085 through December 31, 2019. The proposed contract provides for an additional $90,000 of Public Works Project Management Services to be performed by Charles Abbott Associates, Inc. through June 30, 2020. The breakdown of costs projected to be spent from February 2020 through June 2020 is estimated to be split between the Recreation Center Interior Improvement Project and Police Department Interior Locker Room/Restroom Remodel Project at $45,000 each. Services to be performed include, but are not limited to concept development and managing architects and their facilitation of the design plans and specifications (PS&E), project development, and bid assistance to help facilitate these projects for successful bidding.
The budgets associated with the Recreation Center Interior Improvement Project and Police Department Interior Locker Room/Restroom Remodel Project do not have sufficient funding. Therefore, it is recommended that an appropriation of $90,000 be made from General Fund Capital Reserves, which has a budgetary reserve balance of approximately $14 million.

It should also be noted that additional funding will be required for the Recreation Center Interior Improvement Project and Police Department Interior Locker Room/Restroom Remodel Project, which will be requested at a later date when the City Council considers the award of a construction contract for these two projects.

**ATTORNEY REVIEW:**

The Attorney for the City has reviewed and approved the contract.

**ALTERNATIVES:**

**Alternative No. 1:**

1) Waive the bidding requirements pursuant to FVMC 2.36.070 and award a contract to Charles Abbott Associates, Inc. for continued Public Works Project Management Services in an amount not to exceed $90,000; and 2) Amend the 2019/20 Budget in the amount of $90,000. This is the recommended action.

**Alternative No. 2:**

Do not approve alternative No. 1 and provide staff with direction for evaluating other alternatives. This is not the recommended action as Project Management Services are needed to complete the ongoing capital improvement projects and prevent any delays.

**RECOMMENDATION:**

It is recommended that the City Council approve Alternative No. 1, which is to: 1) waive the bidding requirements pursuant to FVMC 2.36.070 and award a contract to Charles Abbott for continued Public Works Project Management Services in an amount not to exceed $90,000; and 2) amend the 2019/20 budget in the amount of $90,000.

Prepared by: Fatana Temory, Management Aide
Approved by: Temo Galvez, Acting Director of Public Works/City Engineer
Fiscal Review by: Jason Al-Imam, Finance Director/City Treasurer
Approved By: Rob Houston, City Manager

Attachment: Charles Abbott Contract
AGREEMENT FOR CONSULTANT SERVICES  
CON – 19 –  
PUBLIC WORKS PROJECT MANAGEMENT SERVICES

This AGREEMENT is made and effective as of February 4, 2020, between the City of Fountain Valley, a municipal corporation ("CITY") and Charles Abbott Associates, Inc. ("CONSULTANT"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **TERM**

   This AGREEMENT shall commence on February 4, 2020 ("EFFECTIVE DATE") and remain and continue in effect until all tasks described herein are completed but in no event later than June 30, 2020, unless sooner terminated or extended pursuant to the provisions of this AGREEMENT.

2. **SERVICES**

   CONSULTANT shall perform the tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. CONSULTANT shall complete the tasks according to the schedule of performance, which is also set forth in Exhibit A.

3. **PERFORMANCE**

   CONSULTANT shall at all times faithfully, competently, and to the best of his/her/its ability, experience, and talent perform all tasks described herein. CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of CONSULTANT hereunder in meeting its obligations under this AGREEMENT.

4. **CITY MANAGEMENT**

   Temo Galvez, City Engineer shall represent CITY in all matters pertaining to the administration of this AGREEMENT, including review and approval of all products submitted by CONSULTANT, but not including the authority to enlarge the tasks to be performed or change the compensation due to CONSULTANT. The City Manager shall be authorized to act on CITY'S behalf and to execute all necessary documents that enlarge the tasks to be performed or change CONSULTANT's compensation, subject to Section 5 hereof.

5. **PAYMENT**

   (a) CITY agrees to pay CONSULTANT in accordance with the payment rates, terms, and schedule of payment set forth in Exhibit A, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed ninety thousand dollars ($90,000) ("TOTAL CONTRACT SUM") for the total term of this AGREEMENT unless payment is approved as provided in this AGREEMENT.

   (b) CONSULTANT shall not be compensated for any services rendered in
connection with its performance of this AGREEMENT that are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. This written authorization requirement cannot be waived. CONSULTANT shall be compensated for any additional services in the amounts and in the manner as agreed to by the City Manager and CONSULTANT at the time CITY’s written authorization is given to CONSULTANT for the performance of said additional services. The City Manager’s authority to approve additional compensation is subject to Fountain Valley Municipal Code section 2.36.110. Approval of additional compensation that exceeds the City Manager’s authority as specified in Fountain Valley Municipal Code section 2.36.110 must be obtained from the City Council.

(c) CONSULTANT will submit invoices for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of CONSULTANT’S fees it shall give written notice to CONSULTANT within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) CITY may at any time, for any reason, with or without cause, suspend or terminate this AGREEMENT, or any portion hereof, by serving upon CONSULTANT, at least thirty (30) days prior, written notice. Upon receipt of said notice, CONSULTANT shall immediately cease all work under this AGREEMENT, unless the notice provides otherwise. If CITY suspends or terminates a portion of this AGREEMENT such suspension or termination shall not make void or invalidate the remainder of this AGREEMENT.

(b) In the event this AGREEMENT is terminated pursuant to this section, CITY shall pay to CONSULTANT the actual value of the work performed up to the time of termination, provided that the work performed is of value to CITY. Upon termination of the AGREEMENT pursuant to this section, CONSULTANT will submit an invoice to CITY detailing work performed up to the time of termination.

7. DEFAULT OF CONSULTANT

(a) CONSULTANT’s failure to comply with the provisions of this AGREEMENT shall constitute a default. In the event that CONSULTANT is in default for cause under the terms of this AGREEMENT, CITY shall have no obligation or duty to continue compensating CONSULTANT for any work performed after the date of default and can terminate this AGREEMENT immediately by written notice to CONSULTANT. If such failure by the CONSULTANT to make progress in the performance of work hereunder arises out of causes beyond CONSULTANT’s control, and without fault or negligence of CONSULTANT, it shall not be considered a default.

(b) As an alternative to the procedure for immediate termination for default set forth in subparagraph (a), if CITY determines that CONSULTANT is in default in the performance of any of the terms or conditions of this AGREEMENT, CITY may in its discretion cause to be served upon CONSULTANT a written notice of the default and demand to cure. CONSULTANT shall have ten (10) calendar days after service upon it
of said notice to cure the default by rendering a satisfactory performance. In the event that CONSULTANT fails to cure its default within such period of time, CITY shall have the right, notwithstanding any other provision of this AGREEMENT, to terminate this AGREEMENT without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity, or under this AGREEMENT.

8. OWNERSHIP OF DOCUMENTS

(a) CONSULTANT shall maintain complete and accurate records with respect to services provided and other such information required by City that relate to the performance of services under this AGREEMENT. CONSULTANT shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. CONSULTANT shall provide free access to the representatives of CITY or its designees at reasonable times to such books and records; shall give CITY the right to examine and audit said books and records; shall permit CITY to make copies and transcripts therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this AGREEMENT. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion, termination, or suspension of this AGREEMENT all data, files, reports, documents both electronic and paper prepared in the course of providing the services to be performed pursuant to this AGREEMENT shall become the sole property of CITY and may be used, reused, or otherwise disposed of by CITY without the permission of CONSULTANT. With respect to computer files, CONSULTANT shall make available to CITY, at CONSULTANT’s office and upon reasonable written request by CITY, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. INDEMNIFICATION

(a) Indemnification for Professional Liability. When the law establishes a professional standard of care for CONSULTANT’s services, to the fullest extent permitted by law, CONSULTANT shall indemnify, protect, defend, and hold harmless CITY and any and all of its officials, employees, and agents (“INDEMNIFIED PARTIES”) from and against any and all losses, liabilities, damages, costs, and expenses, including attorney’s fees and costs to the extent the same are caused in whole or in part by any negligent or wrongful act, error, or omission of CONSULTANT, its officers, agents, employees, or subconsultants (or any entity or individual that CONSULTANT shall bear the legal liability thereof) in the performance of professional services under this AGREEMENT. With respect to the design of public improvements, CONSULTANT shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in this AGREEMENT without the written consent of CONSULTANT.

(b) Indemnification for Other Than Professional Liability. Other than in the performance of professional services and to the full extent permitted by law, CONSULTANT shall indemnify, defend, and hold harmless CITY, and any and all of its employees, officials, and agents from and against any liability (including liability for claims,
suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, whether actual, alleged, or threatened, including attorneys fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this AGREEMENT by CONSULTANT or by any individual or entity for which CONSULTANT is legally liable, including but not limited to officers, agents, employees, or subconsultants of CONSULTANT.

(c) General Indemnification Provisions. CONSULTANT agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subconsultant or any other person or entity involved by, for, with or on behalf of CONSULTANT in the performance of this AGREEMENT. In the event CONSULTANT fails to obtain such indemnity obligations from others as required here, CONSULTANT agrees to be fully responsible according to the terms of this section. Failure of CITY to monitor compliance with these requirements imposes no additional obligations on CITY and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend CITY as set forth here is binding on the successors, assigns, or heirs of CONSULTANT and shall survive the termination of this AGREEMENT or this section. Nothing in this indemnity shall be construed as authorizing any award of attorney’s fees in any action or to enforce the terms of this Indemnity or AGREEMENT. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable.

10. INSURANCE

Prior to performing any work or receiving any compensation under this AGREEMENT, CONSULTANT shall obtain, and thereafter maintain for the duration of this AGREEMENT, insurance coverage as specified in Exhibit B, attached hereto and incorporated herein as though set forth in full.

11. INDEPENDENT CONTRACTOR

(a) CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT’s exclusive direction and control. Neither CITY nor any of its officers, employees, or agents shall have control over the conduct of CONSULTANT or any of CONSULTANT’s officers, employees, or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the CITY. CONSULTANT shall not incur or have the power to incur any debt, obligation, or liability whatsoever against CITY, or bind CITY in any manner.

(b) No employee benefits shall be available to CONSULTANT in connection with the performance of this AGREEMENT. Except for the fees paid to CONSULTANT as provided in this AGREEMENT, CITY shall not pay salaries, wages, or other compensation to CONSULTANT for performing services hereunder for CITY. CITY shall not be liable for compensation or indemnification to CONSULTANT for injury or sickness arising out of performing services hereunder. In addition to the indemnification provisions of Section 11, CONSULTANT shall indemnify, defend, and hold CITY harmless from claims or liability arising from CONSULTANT’s employees for CITY benefits including, but not limited to, pension, health benefits, holiday, vacations, etc.
12. **LEGAL RESPONSIBILITIES**

CONSULTANT shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this AGREEMENT. CONSULTANT shall at all times observe and comply with all such laws and regulations. CITY, and its officers and employees, shall not be liable at law or in equity occasioned by failure of CONSULTANT to comply with this Section.

13. **UNDUE INFLUENCE**

CONSULTANT declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of CITY in connection with the award, terms, or implementation of this AGREEMENT, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the CITY will receive compensation, directly or indirectly, from CONSULTANT, or from any officer, employee, or agent of CONSULTANT, in connection with the award of this AGREEMENT or any work to be conducted as a result of this AGREEMENT. Violation of this section shall be a material breach of this AGREEMENT entitling CITY to any and all remedies at law or in equity.

14. **NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of CITY, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with this AGREEMENT.

15. **RELEASE OF INFORMATION / CONFLICTS OF INTEREST**

(a) All information gained by CONSULTANT in performance of this AGREEMENT shall be considered confidential and shall not be released by CONSULTANT without CITY's prior written authorization. CONSULTANT, its officers, employees, agents, or subconsultants, shall not without written authorization from the City Manager or unless requested by the Attorney for the City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this AGREEMENT or relating to any project or property located within the CITY. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.

(b) CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, employees, agents, or subconsultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, requests for admissions, or other discovery request, court order, or subpoena from any person or party regarding this AGREEMENT and the work performed thereunder or with respect to any project or property located within the CITY. CITY retains the right, but has no obligation, to represent CONSULTANT and/or be present at any deposition, hearing, or similar proceeding. CONSULTANT agrees to cooperate fully with CITY and to provide the opportunity to review any response to discovery requests provided by
CONSULTANT. However, CITY's right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

16. SECURITY OF INFORMATION

CONSULTANT shall identify reasonably foreseeable internal and external risks to the privacy and security of personal information acquired during performance of this AGREEMENT that could result in the unauthorized disclosure, misuse, alteration, destruction, or other compromise of the information. CONSULTANT shall regularly assess the sufficiency of any safeguards and information security awareness training in place to control reasonably foreseeable internal and external risks, and evaluate and adjust those safeguards in light of the assessment.

17. NOTICES

Any notices which either party may desire to give to the other party under this AGREEMENT must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

CITY
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, California 92708
Attention: City Clerk

CONSULTANT
Charles Abbott Associates, Inc.
27401 Los Altos #220
Mission Viejo, CA 92691
Attention: Mark Abbott

18. ASSIGNMENT

CONSULTANT shall not assign the performance of this AGREEMENT, nor any part thereof, nor any monies due hereunder, without the prior written consent of CITY.

19. LICENSES

At all times during the term of this AGREEMENT, CONSULTANT shall have in full force and effect, all licenses required of it by law for the performance of the services described in this AGREEMENT including, but not limited to, a Fountain Valley business license.

20. GOVERNING LAW

CITY and CONSULTANT understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this AGREEMENT and also govern the interpretation of this AGREEMENT. Any litigation concerning this AGREEMENT shall take place in Orange County Superior Court or Central District of California Federal District Court.
21. **ENTIRE AGREEMENT**

This AGREEMENT contains the entire understanding between the parties relating to the obligations of the parties described in this AGREEMENT. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this AGREEMENT and shall be of no further force or effect. Each party is entering into this AGREEMENT based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

22. **INTERPRETATION**

In the event of conflict or inconsistency between this AGREEMENT and any other document, including any proposal or Exhibit hereto, this AGREEMENT shall control unless a contrary intent is clearly stated. This AGREEMENT shall be interpreted as though drafted by all parties hereto.

23. **MODIFICATION**

No modification to this AGREEMENT shall be effective unless it is in writing and signed by authorized representatives of the parties hereto. The written modification requirement cannot be waived.

24. **ATTORNEY FEES**

In any action or proceeding brought by either party against the other party arising out of or in any way connected to this AGREEMENT, or where any provision hereof is validly asserted as a defense, the parties shall bear their own attorney's fees, costs, and expenses. Nothing in this provision shall excuse CONSULTANT's duty to provide CITY with a defense at CONSULTANT's cost when CITY receives a complaint, petition, or other pleading from a third party requiring CITY to defend itself.

25. **AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this AGREEMENT on behalf of CONSULTANT warrants and represents that he/she/they has the authority to execute this AGREEMENT on behalf of CONSULTANT and has the authority to bind CONSULTANT to the performance of his/her/its obligations hereunder.
IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

CITY OF FOUNTAIN VALLEY

Cheryl Brothers, Mayor

ATTEST:

City Clerk

Approved as to Form:

HARPER & BURNS LLP

Attorneys for the City

CONSULTANT

Signature

Typed Name

CEO

Title

Corporate seal (or attach Notary acknowledgment)
Exhibit “A”
Scope of Services and Payment Terms
EXHIBIT A
SCOPE OF SERVICES AND PAYMENT TERMS

Charles Abbott Associates, Inc. will provide Mark Bray to fulfill the role of Project Manager for the City of Fountain Valley on the Recreation Center Interior Improvement Project and Police Department Interior Locker Room/Restroom Remodel. Services to be performed include, but are not limited to concept development and managing architects and their facilitation of the design plans and specifications (PS&E), project development, and bid assistance to help facilitate these projects for successful bidding.

Services shall be provided at an hourly rate of $110 per hour. Time associated with each project shall be tracked and reported to the City on a monthly basis.
Exhibit “B”

Insurance Specifications

Without limiting CONSULTANT’s indemnification of CITY, and prior to performing any work under this AGREEMENT or receiving any compensation, CONSULTANT shall obtain, provide and maintain at its own expense during the term of this AGREEMENT, policies of insurance of the type and amounts described below and in a form that is satisfactory to CITY.

**General liability insurance.** CONSULTANT shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than $1,000,000.00 dollars per occurrence, $2,000,000.00 dollars general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability.

**Automobile liability insurance.** CONSULTANT shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of CONSULTANT arising out of or in connection with the work to be performed under this AGREEMENT, including coverage for any owned, hired, non-owned, or rented vehicles, in an amount not less than $1,000,000.00 dollars combined single limit for each accident.

**Workers’ compensation insurance.** CONSULTANT shall maintain Workers’ Compensation Insurance (Statutory Limits) and Employer’s Liability Insurance (with limits of at least $1,000,000.00 dollars). CONSULTANT shall submit to CITY, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of CITY, its officers, agents, employees, and volunteers.

**Professional liability (errors & omissions) insurance.** CONSULTANT shall maintain professional liability insurance that covers the services to be performed in connection with this AGREEMENT, in the minimum amount of $1,000,000.00 dollars per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this AGREEMENT and CONSULTANT agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this AGREEMENT.

**Proof of insurance.** CONSULTANT shall provide certificates of insurance to CITY as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers’ compensation. Insurance certificates and endorsement must be approved by CITY prior to commencement of performance. Current certification of insurance shall be kept on file with CITY at all times during the term of this contract. CITY reserves the right to require complete, certified copies of all required insurance policies, at any time.
Duration of coverage. CONSULTANT shall procure and maintain for the duration of the AGREEMENT insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of this AGREEMENT by CONSULTANT, his/her/its agents, representatives, employees, or subconsultants. If this AGREEMENT involves construction, CONSULTANT must maintain general liability and umbrella or excess liability insurance for as long as there is a statutory exposure to completed operations claims. CITY and its officers, officials, employees, and agents shall continue as additional insureds under such policies.

CITY’s rights of enforcement. In the event any policy of insurance required under this AGREEMENT does not comply with these specifications or is canceled and not replaced, CITY has the right but not the duty to obtain the insurance it deems necessary and any premium paid by CITY will be promptly reimbursed by CONSULTANT or CITY will withhold amounts sufficient to pay premium from CONSULTANT’s payments. In the alternative, CITY may cancel this AGREEMENT.

Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders’ Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best’s Key Rating Guide, unless otherwise approved by CITY. Notwithstanding the foregoing, XCU insurance shall have a rating of at least B-VI.

Waiver of subrogation. All insurance coverage maintained or procured pursuant to this AGREEMENT shall be endorsed to waive subrogation against CITY, its elected or appointed officers, agents, officials, employees, and volunteers or shall specifically allow CONSULTANT or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. CONSULTANT hereby waives its own right of recovery against CITY, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

Enforcement of contract provisions (non estoppel). CONSULTANT acknowledges and agrees that any actual or alleged failure on the part of CITY to inform CONSULTANT of noncompliance with any requirement imposes no additional obligations on the CITY nor does it waive any rights hereunder.

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

Notice of cancellation. CONSULTANT agrees to oblige its insurance agent or broker and insurers to provide to CITY with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.
**Additional insured status.** General liability policies shall provide or be endorsed to provide that CITY and its officers, officials, employees, and agents shall be additional insureds under such policies. This provision shall also apply to any excess liability policies. Coverage available to the additional insured shall be primary and non-contributory.

**Agency's right to revise specifications.** CITY reserves the right at any time during the term of the AGREEMENT to change the amounts and types of insurance required by giving CONSULTANT ninety (90) days advance written notice of such change. If such change results in substantial additional cost to CONSULTANT, CITY and CONSULTANT may renegotiate CONSULTANT's compensation.

**Self-insured retentions.** Any self-insured retentions must be declared to and approved by CITY. CITY reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by CITY.

**Timely notice of claims.** CONSULTANT shall give CITY prompt and timely notice of claims made or suits instituted that arise out of or result from CONSULTANT's performance under this AGREEMENT, and that involve or may involve coverage under any of the required liability policies.

**Additional insurance.** CONSULTANT shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and Members of the City Council

Agenda Date: February 4, 2020

SUBJECT: Adopt a Resolution Establishing an Updated Master Fee Schedule for Fiscal Year 2019/20

EXECUTIVE SUMMARY:

The City charges a range of fees for services provided to residents and businesses. User fees and charges are intended to recover all or a portion of the City's costs for providing a service or access to public property. All City fees are consolidated in the Master Fee Schedule, which is adopted annually. The recommended changes to the Master Fee Schedule for Fiscal Year 2019/20 are outlined within this report.

DISCUSSION:

The recommended updates to the 2019/20 Master Fee Schedule listed below are based on legislative change, City cost recovery, and/or prior approved Council Actions.

ADU Review – AB 881 established that "A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit." Per AB 881, the Planning Division is proposing a fee that is based on full cost recovery of the time required to complete the review of ADU applications. The City is recommending a fee of $138.

Preliminary Housing Application – SB 330 established that "An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee." Per SB 330, the Planning Division is proposing a fee that is based on full cost recovery of the time required to complete the review. The City is recommending a fee of $552.

Small-Format Restaurant Permit – With the City Council's approval of the code amendment easing the requirements for new restaurants, the Small-Format Restaurant permit was created. It is anticipated that the effort to process this new permit will be similar to that of the Temporary Use permit and therefore the City is proposing a similar fee that is based on full
cost recovery of the time required to complete the review. The Planning Division is recommending a fee of $120.

**Temporary Use Permit – Non Profit** – With approval of Code Amendment 19-04, the Council established a $50 application permit fee for non-profits to apply for a temporary use permit.

**Development Plan Review – Crossings** – The Crossings Specific Plan created a unique administrative review process for new projects in the Specific Plan area. The City is proposing a fee that mirrors a similar application and review process (Precise Plan) to recover costs associated with the time required to complete the review. The Planning Division is recommending a fee of $3,480.

**Water Service Rate & Charges SB998 Qualified** – SB998, which goes into effect on February 1, 2020, limits the charges to qualified residents for the disconnection and restoration of services to $50 during regular business hours and $100 for after hours.

**Development Mitigation Fee** – The Development Mitigation Fee has been eliminated. The City is currently conducting a study for Development, Traffic and Park fees that will be brought back to Council at a later date.

**Prior Approved Fee Changes by Council** – Also included in the updated fee schedule are previously approved fee changes for Garbage & Rubbish Collection (residential & commercial), the elimination of the deposit for Construction & Demolition Debris Permits.

**FINANCIAL ANALYSIS:**

The recommended changes to the Master Fee Schedule provides for cost recovery of services provided to residents and businesses, which means the revenue received in connection with the proposed changes is estimated to cover the costs incurred in connection with the related services. The exception to full cost recovery would be fees mandated by the State (SB998 above).

**PUBLIC NOTIFICATION:**

Notice of the public hearing was published in the Orange County Register on January 19, 2020 and data supporting the fees has been available for public inspection in the Finance Department for at least 10 days before the hearing.

**CITY ATTORNEY REVIEW:**

The Attorney for the City has reviewed and approved the attached resolution and Master Fee Schedule.
2019/20 Update to Master Fee Schedule
February 4, 2020
Page 3

**ALTERNATIVES:**

**Alternative No. 1:** Adopt a Resolution Establishing the Updated Master Fee Schedule for Fiscal Year 2019/20.

**Alternative No. 2:** Do not approve as presented and provide direction to staff.

**RECOMMENDATION:**

Staff recommends Alternative No. 1.

- Prepared by: David Faraone, Budget Analyst
- Reviewed by: Jason Al-Imam, Director of Finance
- Approved by: Rob Houston, City Manager

Attachment 1: Resolution establishing an updated Master Fee Schedule (including Exhibit “A” – Comprehensive User Fee Schedule for 2019/20)
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FOUNTAIN VALLEY REPEALING AND REPLACING RESOLUTION # 9708, AND ESTABLISHING THE CITY OF FOUNTAIN VALLEY 2019-2020 COMPREHENSIVE ANNUAL USER FEE SCHEDULE.

WHEREAS, in the City of Fountain Valley budget revenues are divided into two major categories, general and functional; and

WHEREAS, the City endeavors to establish fees which pay for services that benefit a single individual or business and in this way the customer who procures those services pay directly for those services and general taxes are not subsidizing such services; and

WHEREAS, this allows the City to use the General Revenues to support services that benefit all residents; and

WHEREAS, the City Council has determined that fees should be reviewed on an annual basis, to ensure that a proper relationship exists between the fee charged and the service provided; and

WHEREAS, the City did conduct a comprehensive study that justified that the proposed fees do not exceed the costs of providing the services and in fact, in many cases are less than the actual cost of services;

WHEREAS, the City has determined that user fees may be adjusted annually based on the year over year increase in labor/benefit costs that serves as the basis for the fee.
NOW, THEREFORE, be it resolved that this resolution entitled "A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FOUNTAIN VALLEY REPEALING AND REPLACING RESOLUTION #9708, AND ESTABLISHING THE CITY OF FOUNTAIN VALLEY 2019-2020 COMPREHENSIVE ANNUAL USER FEE SCHEDULE" repeals and replaces all resolutions related to those charges and fees and establishes the City of Fountain Valley 2019-2020, charges and fees as those attached hereto as the "City of Fountain Valley Municipal Code Fee Schedule Changes".

PASSED, APPROVED and ADOPTED at the regular meeting of the City Council of the City of Fountain Valley, California, held on January 21, 2020 by the following vote:

AYES: Council Members: __________________________
NOES: Council Members: __________________________
ABSENT: Council Members: _________________________
ABSTAIN: Council Members: _______________________

_____________________________________________
Cheryl C. Brothers, Mayor

ATTEST:

_____________________________________________
Rick Miller, City Clerk

APPROVED AS TO FORM:

_____________________________________________
Colin Burns
Attorneys for the City

ATTACHMENT
Exhibit A (Comprehensive User Fee Schedule)
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**Current Resolution**
Resolution No. XXXX: A resolution of the City Council for The City of Fountain Valley to Repeal and Replace Resolution No. 9708 and establishes the City's 2019-20 Fee Schedule.

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Title 1
General Provisions

Chapter 1.16 - General Penalty

1.16.010 Violations - Penalty

It is unlawful for any person, firm or corporation to violate any provision or fail to comply with any of the requirements of this code. A violation of this code shall constitute a misdemeanor except that notwithstanding any other requirement of the code, any violation constituting a misdemeanor under this code may, at the discretion of the city attorney or other prosecutor, be charged and prosecuted as an infraction.

Notwithstanding any other provision of this code to the contrary, any person convicted of a misdemeanor shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.

Any person charged and convicted of an infraction under the provisions of this code is punishable by:

1. A fine not exceeding one hundred dollars for a first violation;

2. a fine not exceeding two hundred dollars for a second violation of this chapter within the year; and

3. a fine not exceeding five hundred dollars for each additional violation of this chapter within one year.
Title 3
Revenue and Finance

Chapter 3.08 - Transient Occupancy Tax

3.08.030 Imposition

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax which shall be set by resolution (currently 9%). Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator, which means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub lessee, mortgagee in position, licensee or any other capacity or to the city.

3.08.080 Penalties and Interest

a. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required to pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.

b. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first becomes delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed.

c. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (a) and (b).

d. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

e. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.08.090 Failure to Collect and Report Tax - Determination of Amount

If any operator fails or refuses to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he/she may deem best to obtain facts and information on which to base their estimate of the tax due.
Chapter 3.24 - Charges for Legal Services

3.24.020 Charges Imposed

Whenever legal services are requested of the city attorney by a person, firm, corporation or other organization or entity to bring a property or use in compliance with this code or with other applicable laws or for any other reason related to city business, the amount paid to the city attorney pursuant to the terms of his then current contract shall be billed and charged to such person, firm, corporation or other organization or entity. Notice of the provisions of this chapter shall be given to the party requesting the legal services before the services are rendered.

Services provided by the city attorney shall be billed at $365 per hour.
Title 4
Business Permits and Regulations

Chapter 4.04 - Rules and Regulations

4.04.120 Appeal - Council
   a. Right to Appeal. Any person aggrieved by any decision of the City Manager, may appeal the decision to the City Council. The application to appeal shall be accompanied by a non-refundable fee of $1,975 for business and $880 for individuals per application.

4.04.130 Permit Validity Period & Renewal
   c. Late Penalties:
      10% per month not to exceed 100% of permit cost.

Chapter 4.15 - Dances

4.15.020 Permit—Specific application information and fee
   Investigation Fee: $374
   Subsequent Request w/no material difference: $315

Chapter 4.20 - Solicitors and Peddlers

4.20.050 Permit—Specific application information and fee
   Investigation Fee: $315 plus fingerprinting

Chapter 4.30 - Poolrooms and Billiard Halls

4.30.010 Permit—Specific application information and fee
   Investigation Fee: $374 annually, plus the cost of fingerprinting

Chapter 4.32 - Taxi Regulations

The City of Fountain Valley has an inter-agency agreement with the Orange County Transportation Authority and participates in the Orange County Taxi Administration Program (OCTAP), therefore, rates, fees, charges, standards, etc. are established by OCTAP. The following approximate costs are associated with obtaining your OCTAP Taxicab Driver’s Permit:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>$120.00</td>
<td>Paid to OCTAP to cover Administrative Costs</td>
</tr>
<tr>
<td>Livescan Fingerprint</td>
<td>$59.00</td>
<td>Paid to City of Fountain Valley</td>
</tr>
<tr>
<td>Background Fee</td>
<td>$32.00</td>
<td>Paid to Department of Justice (subject to change)</td>
</tr>
<tr>
<td>Drug Screen</td>
<td>$90.00</td>
<td>Varies by lab, may be paid by employer</td>
</tr>
</tbody>
</table>
Chapter 4.37 - Sexually Oriented/Adult Businesses

4.37.060 Application Requirements

   b. Non-Refundable Deposit and Permit Administration Fees
      Administration Fees:
      $794 plus the cost of fingerprinting the owner
      $374 plus the cost of fingerprinting each additional owner

4.37.110 Permit renewal

      $675 first owner annual renewal
      $396 each additional owner annual renewal

4.37.140 Sexually oriented/adult business employee's license

      Permit Application Fee: $374 + cost of fingerprinting
      Permit Administration and Annual Renewal Fee: $374

Chapter 4.40 - Massage Establishment

4.40.030 Operator's Permit—Specific application information and fee

      $492 + fingerprinting - 1st owner for initial year
      $374 + fingerprinting - Each additional owner for initial year
      Renewal Annual $492 1st owner - Additional Owner $374 + fingerprinting

4.40.060 Off/On-Premise Massage Permit—Specific application information and fee

      Investigation Fee: $374 annually + fingerprinting 1st year only

4.40.100 Requirements of Operation—Massage establishment

      ( r ) Insurance Requirements:
      As set forth in the FVMC or OCHSA Fees per County Fee Schedule

4.40.120 Fees - County Health Department

      Health services fee varies per County of Orange.

4.40.130 Duration of permits and transfers

      Renewal Fee:
      Same as 4.40.030, 4.40.060, 4.40.090.

Chapter 4.41 - Massage Technician

4.41.030 Massage Technician's Permit—Specific application information and fee

      Investigation Fee: $374 + fingerprinting - 1st year only
Chapter 4.45 - Community Antenna Television Systems

4.45.060 Application Fee
   $1,000

4.45.070 Surety Bonds
   a. Bond for the Protection of the City
      $100,000
   b. Bond for the Protection of the Subscribers
      $50,000

4.45.080 Protection of City Against Liability
   b. Comprehensive Liability Insurance
      $1,000,000

4.45.090 Franchise Payment
   a. Acceptance Fee
      None set at this time.
   b. Annual Franchise Fee
      At least 3% of gross receipts.

Chapter 4.50 - Pawnbrokers & Secondhand Dealers

4.50.040 Permits—Specific application information and fee
   $492+ fingerprinting - Owner annual renewal $375
   Additional owner $374 + fingerprinting - Annual renewal $374

Chapter 4.55 - Burglary and Robbery Alarm Systems

4.55.100 False Alarms—Prevention—Payment of Costs
   b. False Alarm Fee
      $25 annual alarm permit fee (one false alarm in a fiscal year)
      $110 each additional false alarm in excess of one in a fiscal year
      OR
      $110 each false alarm for those without a permit

Chapter 4.60 - Off-Site Sale of Single Agricultural Products

4.60.030 Permit—Specific application information and fee
   Business License required along with a deposit of $500 and a permit fee of $145

4.60.060 Insurance
   a. A minimum of $100,000.00 for the death or injury of one person; and
   b. A minimum of $300,000.00 for the death or injury of more than one person; and
c. A minimum of $25,000.00 for property damage

Chapter 4.65 - Escorts, Esc Cost of Further Repairs to be Paid by Permit

4.65.040 Escort Bureau/Introduction Service Permit—Specific Application Information & Fee
$675 annually per owner plus the cost of fingerprinting

4.65.080 Escort Permit—Specific application information and fee
$675 plus the cost of fingerprinting

Chapter 4.80 - Bingo Games

4.80.045 Permit—Daily fee
$50 (Maximum permitted by State)

Chapter 4.85 - Official Police Towing Services

4.85.130 Application for Tow Company Operation Permit—Fee
Application Fee: $928
Permit Renewal Fee: $574
Change of Ownership Fee: $528

4.85.150 Application for Tow Truck Operator Permit—Fee
Application Fee: $337
Permit Renewal Fee: $337

4.85.200 Tow Service—Fee
None set at this time.

4.85.210 City Referral Towing—Legal & Insurance Requirements

3. Insurance

a. Workers comp. to cover employees as required by California Labor Code.

b. Comprehensive personal injury and property damage liability insurance with minimum liability limits of one million per occurrence.

Chapter 4.90 - Sidewalk Vendor Regulations

4.90.000 Sidewalk Vendor Permit Application

Sidewalk Vendor Permit Application Fee (Per Application) - $144
Title 5
Business Licenses and Regulations

Chapter 5.04 - Business Licenses

5.04.250 License Penalties
City Council Ordinance 77, 1962: License tax becomes delinquent on the last day of the month following the due date. Penalties accrue at 10% of license tax per month, not to exceed 100% of the license tax due.

5.04.270 Non-transferability of License—Amendment for changed location
License Amendment Fee: $0

5.04.280 Duplicate License
The duplicate license fee charged to replace a license that has been lost or destroyed is: $0

Chapter 5.08 - License Fees

5.08.020 Base Fee
Fees are based on category, average number of employees and number of vehicles

5.08.030 Categories Established and Defined; Fee Schedules

5.08.040 Short Term Contracting and Part-Time Self Employment
a. Short Term Contracting

General Engineering – Class "A" $ 50.00 quarterly
General Building Contractor – Class "B" $ 85.00 Semiannually
Pool Contractor – Class "C-53" $ 50.00 quarterly
Specially or Subcontractor – Class "C" (Other than C-53) $ 85.00 Semiannually
$ 25.00 quarterly
$ 43.00 Semiannually

And
1 to 9 employees $ 4.25 Annual
10 to 40 employees (per employee) $ 3.00 Annual
41 to 250 employees (per employee) $ 1.85 Annual
Over 250 employees (per employee) $ 1.25 Annual
All vehicles, in excess of one (per vehicle) $ 22.50 Annual

b. Part-time self employment

Less than 10 hours worked per week $ 21.50 Annual
10 through 20 hours worked per week $ 28.00 Annual
Over 20 hours worked per week $ 50.00 Annual

5008050 Categories

Category A: Retail Sales and Service
Base Fee: $ 50.00 Annual
1 to 9 employees (per employee) $ 4.25 Annual
10 to 40 employees (per employee) $ 3.00 Annual
41 to 250 employees (per employee) $ 1.85 Annual
Over 250 employees (per employee) $ 1.25 Annual
All vehicles, in excess of one (per vehicle) $ 22.50 Annual
For Service Stations (per fuel pump) $ 7.25 Annual

Category B: Wholesaling and Manufacturing
Base Fee: $ 50.00 Annual
1 to 9 employees (per employee) $ 4.25 Annual
10 to 40 employees (per employee) $ 3.00 Annual
41 to 250 employees (per employee) $ 1.85 Annual
Over 250 employees (per employee) $ 1.25 Annual
All vehicles, in excess of one (per vehicle) $ 22.50 Annual

Category C: Professions (Professional Services)
Base Fee: $ 50.00 Annual
1 to 9 employees (per employee) $ 4.25 Annual
10 to 40 employees (per employee) $ 3.00 Annual
41 to 250 employees (per employee) $ 1.85 Annual
Over 250 employees (per employee) $ 1.25 Annual
All vehicles, in excess of one (per vehicle) $ 22.50 Annual

Category D: Contractors, Developers, Sub dividers and Owner/Builders (not short term)
Base Fee: $ 140.00 Annual
1 to 9 employees (per employee) $ 4.25 Annual
10 to 40 employees (per employee) $ 3.00 Annual
41 to 250 employees (per employee) $ 1.85 Annual
Over 250 employees (per employee) $ 1.25 Annual
All vehicles, in excess of one (per vehicle) $ 22.50 Annual
Category E: Subcontractors

Base Fee: $70.00 Annual
1 to 9 employees (per employee) $4.25 Annual
10 to 40 employees (per employee) $3.00 Annual
41 to 250 employees (per employee) $1.85 Annual
Over 250 employees (per employee) $1.25 Annual
All vehicles, in excess of one (per vehicle) $22.50 Annual

Category F: Real Estate Rentals

3 to 10 units: $50.00 Annual
11 to 15 units: $55.00 Annual
16 to 20 units: $85.00 Annual
21 to 30 units: $110.00 Annual
31 to 40 units: $140.00 Annual
Each additional unit in excess of 40: $3.00 Annual

Category U: Public Utilities

Use Category A

Category V, V-1: Vending Machines

First $10,000 or less: (Minimum) $50.00 Annual
Next $15,000 per $1,000: $0.37 Annual
Next $25,000 per $1,000: $0.30 Annual
Next $250,000 per $1,000: $0.18 Annual
Next $450,000 per $1,000: $0.06 Annual
Next $750,000 and over per $1,000: $0.03 Annual

Category V-2: Vending Machines

Base Fee: $50.00 Annual
Each machine or device charging one to four cents inclusive: $1.20 Annual
Each machine or device charging five to nine cents inclusive: $6.00 Annual
Each machine or device charging ten cents or more: $12.00 Annual

Category X: Exceptions

(Any business not specifically included by name or description within categories A-F or U & V)

Base Fee: $50.00 Annual

Category Y: Youth Self-employed

The licensee: $1.25 Annual

5.08.060 Category Exceptions

1. Amusement & recreation centers
   a. Boxing or wrestling exhibition, per exhibition: $50.00 per exhibition
b. Carnival tent show, open air show, or in a hall or building constructed for theatrical purposes
   In addition, for five games of non-skilled concessions or less:
   $ 140.00 * Annual
   In addition, for each game of non-skill concessions over five:
   $ 37.00 * Daily
   In addition, for each game of skill concessions:
   $ 6.00 * Daily
   $ 37.00 * Daily

c. Automotive racing or recreation:
   In addition, for each motorized vehicle
   $ 140.00 * Annual
   In addition, for each motorized vehicle not operated on the public streets:
   $ 22.50 * Annual
   $ 12.00 * Annual
   In addition, for each non-motorized vehicle:
   $ 9.00 * Annual

   Motorcycle racing or recreation:
   $ 140.00 * Annual
   In addition, for each motorized vehicle:
   $ 22.50 * Annual
   In addition, for each motorized vehicle not operated on the public streets:
   $ 12.00 * Annual
   In addition, for each non-motorized vehicle:
   $ 9.00 * Annual

d. For any amusement center, amusement room, amusement business or amusement parlor containing recreational devices and amusements for entertainment, including but not limited to pool tables, billiard tables, bowling alleys, batting cages, trampolines, games of skill and non-skill, and amusement games:
   $ 140.00 * Annual (Minimum)
   Bowling alleys, for each additional alley above one:
   $ 15.00 * Annual
   For each additional pool or billiard table above one:
   $ 7.50 * Annual
   For each additional batting cage above one:
   $ 7.50 * Annual
   For each additional trampoline above one:
   $ 7.50 * Annual
   For each machine or device charging 5 to 9 cents:
   $ 6.00 * Annual
   For each machine or device charging 10 cents or more:
   $ 12.00 * Annual

e. For each person conducting, managing, or carrying on any ice or roller skating rink, enclosure or park
   $ 185.00 * Annual

f. For each person conducting, managing, or carrying on the business of an athletic/sport facility where a rental fee is charged for the use of the facility, whether or not it is enclosed.
   $ 50.00 * Annual
   For each court, field or stall beyond one:
   $ 7.50 * Annual
g. For stadium facilities being used for public gatherings, including but not limited to, sporting events, shall be licensed on the following basis:

- First 500 seats: $185.00 * Annual
- For each seat in excess of 500: $0.60 * Annual

2. **Baths**
   
   For every person conducting, managing, or carrying on the business of giving steam baths, electric tub baths, shower baths, electric light baths, sponge baths, vapor baths, or operating any public bath which maintains, in connection there, with a steam room, plunge, bath, or sleeping accommodations: $140.00 * Annual

3. **Circuses**
   
   With a seating capacity under four thousand, first day: $215.00 * Daily
   
   For each additional day: $140.00 * Daily
   
   With a seating capacity over four thousand, first day: $280.00 * Daily
   
   For each additional day: $140.00 * Daily

**Cost Dance Halls or Dancing Establishments**

- For every person conducting, managing, or operating a public dance or dinner and dance establishment: $280.00 * Annual
- For every person conducting, managing, or operating a public dance: $21.50 * Daily

5. **Geophysicist Core and Test Drilling**
   
   Per set or series of tests: $1,250.00 * per set or test
   
   Plus, per hole: $30.00

6. **Junk Collector or Junk Dealer**
   
   The company, owner, or first employee: $140.00 * Annual

7. **Oil Well Driller and Drilling**
   
   Per hole: $1,250.00 * Annual

8. **Pawnbroker**
   
   The company, owner, or first employee: $425.00 * Annual

9. **Rentals**
   
   For every person conducting, managing, or carrying on a business of renting the use of any motor propelled vehicle or non-motorized vehicle for the use of transportation or for hauling when the rates established are per mile, trip, hour, day, week, or month: $140.00 * Annual
For each motorized vehicle and equipment, over one (such as, but not limited to, cars, trucks, motor homes, and construction equipment) - see FVMC §5.08.040:

For each motorized vehicle not operated on the public streets (includes golf carts)

For each non-motorized vehicle (includes trailers)

10. Solicitors

a. For every person, firm, or corporation not having a regularly established place of business in the city, who sells or offers for sale any dry goods or hardware upon the streets or upon highways or upon any parcel of land in the city from an automobile, truck, or any other vehicle; per each such automobile or truck so operated

b. For every person, firm, or corporation not having a regularly established place of business in Fountain Valley engaged or carrying on the business of selling or distributing prepared food for human consumption (including fruits and vegetables) either by foot or by any motorized or un-motorized vehicle; for vehicle or individual

c. For every person carrying on or engaged in the business of canvasser or solicitor, for each such person employed or engaged in such business in the city (this section shall not apply to salesmen or solicitors regularly employed by any wholesale house or jobber who takes or solicits orders from retailers or other merchants conducting a regularly established place of business in the city)

d. Soliciting, selling, peddling, or distributing goods, wares, merchandise of any class, or character, by telephone, per person

11. Stereopticon, biograph, moving pictures

Any advertising by means of stereopticon, Biograph, moving pictures, or similar device (not motion picture theaters):

Used outdoors:

Used indoors:

Annual
12. Theaters and theatricals

a. For every person conducting, managing, or carrying on a drive-in outdoor theater where moving or motion pictures are exhibited

An outdoor theater containing more than one screen for concurrent programming, and which requires a separate admission fee for patrons, shall pay license fee in accordance with the following schedule for each independent program area:

- First 100 stalls, per screen: $245.00 * Annual
- Next 101-500 stalls, per screen: $375.00 * Annual
- All over 500 stalls, per screen, each: $0.60 * Annual

b. For every person conducting, managing or carrying on an outdoor or walk-in theater where moving or motion pictures, or legitimate theater or vaudeville shows are exhibited.

- First 500 seats: $185.00 * Annual
- For each seat in excess of 500: $0.60 * Annual

c. For every person conducting, managing, or carrying on any theatrical or vaudeville performance or exhibiting any moving or motion picture in any theater, public hall, club room, or assembly hall, for which a charge is made or donations received.

- $21.50 * Daily

13. Vehicular advertising

By vehicle containing amplifier, phonograph or loudspeaker:

- $75.00 * Annual

For each vehicle:

- $15.00 * Daily

If any vehicle is used by a city licensee to advertise his own licensed business only and such vehicle is regularly registered and licensed to the State to such licensee, then for each such vehicle.

- $50.00 * Annual

* And (applies to all exceptions)

1 to 9 employees $4.25 Annual
10 to 40 employees (per employee) $3.00 Annual
41 to 250 employees (per employee) $1.85 Annual
Over 250 employees (per employee) $1.25 Annual
All vehicles, in excess of one (per vehicle) $22.50 Annual
Title 6
Health and Sanitation

Chapter 6.08 - Garbage and Rubbish Collection and Disposal

6.08.180 Residential Service—Charges
Effective January 1, 2020 the charge to be levied for trash collection services shall be: $20.83 per month (billed bimonthly).

Effective January 1, 2020 the charge to be levied for trash collection services for Seniors shall be: $18.40 per month (billed bimonthly).

6.08.180 Residential Service—Deposit
None set at this time.

NOTE: Commercial Rates are listed in the following tabbed section.

Chapter 6.09 - Construction and Demolition Debris Permits (C&D)

6.09.060 Permit Review
4% of Project Value (performance security bond/deposit)
$72 Construction and Demolition Permit (C&D) - (for projects > $10CK project value)

Chapter 6.13 - Health Services Fee

6.13.080 Fees
The health service fees are to be paid by the proprietor or operator of a food facility and are set by the County of Orange (Health Care Agency)

See HCA Environmental Health Fee Schedule on Following Pages.

Point of Contact: Patricia Gentry, Environmental Health Specialist, (714) 433-6012.

Updated fees can be obtained from the Finance Department.
Updated information can be obtained at website: www.ochealthinfo.com
### Commercial Garbage & Rubbish Collection Rates

**Effective January 1, 2020**

<table>
<thead>
<tr>
<th></th>
<th>Total Fee</th>
</tr>
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<tbody>
<tr>
<td><strong>1 Yard</strong></td>
<td></td>
</tr>
<tr>
<td>1 time per week</td>
<td>$ 88.74</td>
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<tr>
<td>2 times per week</td>
<td>$ 140.52</td>
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<tr>
<td>3 times per week</td>
<td>$ 177.49</td>
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<tr>
<td>4 times per week</td>
<td>$ 197.32</td>
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<tr>
<td>5 times per week</td>
<td>$ 231.88</td>
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<tr>
<td>6 times per week</td>
<td>$ 268.80</td>
</tr>
<tr>
<td>Extra Pick Up</td>
<td>$ 37.45</td>
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<tr>
<td><strong>2 Yards</strong></td>
<td></td>
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<tr>
<td>1 time per week</td>
<td>$ 144.85</td>
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<tr>
<td>2 times per week</td>
<td>$ 210.29</td>
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<tr>
<td>Extra Pick Up</td>
<td>$ 39.32</td>
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<td>3 times per week</td>
<td>$ 384.81</td>
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<td>4 times per week</td>
<td>$ 458.49</td>
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<td>5 times per week</td>
<td>$ 586.11</td>
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<tr>
<td>6 times per week</td>
<td>$ 486.53</td>
</tr>
<tr>
<td>Extra Pick Up</td>
<td>$ 45.56</td>
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</table>
Title 7
Animal Control, Welfare and License Requirements

Chapter 7.04 - County Ordinances Adopted

7.04.010 County Ordinances Adopted

All Animal Control Services are contracted through County of Orange Animal Care Services

Fee Schedule on Following Pages.

For Updated Fee Schedule call (714) 935-6848.
COUNTY OF ORANGE ANIMAL CARE CENTER
FEE SCHEDULE
Board Resolution #18-072 (July 17, 2018)

Board Resolution #18-072 on subsequent pages.
EXHIBIT 1

FEES FOR INDIVIDUAL ANIMAL LICENSES

1. Dog Licenses (See Note 1.6):
   a. 12 month, non-neutered $159.00
   b. 12 month, neutered (See Note 2) $28.00
   c. 12 month, neutered, senior citizen discount (See Note 7) $14.00
   d. 12 month, neutered, active and veteran US military discount (See Note 10) $14.00
   e. Puppy, 12 month license for dogs 6 months old or younger, Free
   f. Assistance/Guide Dog (See Note 8) Free
   g. Police Dog (See Note 9) Free

2. Penalties:
   a. Late Fee (See Note 4) $48.00
   b. Non-Compliance Collection Fee (TTC Collections) (See Note 5) $58.00
   c. Non-Compliance Fee (Enforcement) (See Note 5) $150.00

3. Cat Licenses (Optional):
   a. 12 month, neutered $9.00
   b. 12 month, non-neutered $9.00

4. Other:
   a. Reissue of lost dog or cat license tag $9.00
   b. Transfer of dog or cat license $9.00
   c. Rabies Vaccination Exemption Application Fee (non-refundable) $65.00
   d. Animal Permit (per household per year for more than three cats or dogs per household)
      i. Private Citizen (See Note 3a) $300.00
      ii. Non-Profit animal rescues (registered 501(c)(3)) (See Note 3) Free
   e. Exotic Animal Permit
      i. Per Aviary $450.00
      ii. Per Species (non-bird species) $450.00

5. Declared Dog Permit:
   a. Declared Dog Permit (See Note 11) $450.00

EXHIBIT 2

BE IT FURTHER RESOLVED that effective August 1, 2018, this Board hereby establishes the following OC Animal Care fees and hereby rescinds all of Resolution No. 14-038 except as it relates to the individual animal license and permit related fees shown above which will remain in

Resolution No. 18-072, Item No. 36
OC Animal Care Fee Schedule Update
place until September 1, 2018:

FEES FOR ANIMAL BUSINESS LICENSES

1. Application Fee (Non-Refundable):
   For each application, to be credited to the license fee if the license is issued
   $138.00

2. Penalty Fees:
   a. Penalty Fee
      For annual licenses not renewed within 30 days after the expiration
      of the previous license or for licenses not timely obtained
      25% of permit fee
      $58.00
   b. TTC Collections Fee (See Note 13)
      $58.00

3. Animal Business Re-Inspection Fee:
   $466.00

4. Kennel Permit, per year:
   a. Up to 30 animals
      $524.00
   b. 31 animals and over
      $560.00
   c. Non-Profit animal rescues (registered 501(c)(3)) (See Note 3)
      Free

5. Pet Shop, per year:
   a. Aquarium only pet shop
      $731.00
   b. Pet shop
      $696.00

6. Grooming Parlors, per year:
   a. Fixed Location
      $425.00
   b. Mobile Groomer — Field Inspection
      $400.00
   c. Mobile Groomer — OCAC Inspection
      $300.00

7. Animal Rental Establishment, per year:
   $325.00

8. Permanent Animal Exhibition, per year:
   $585.00

9. Temporary Animal Exhibition:
   a. First day
      $100.00
   b. Additional day (not to exceed per year Maximum Fee)
      $50.00
   c. Maximum fee
      $585.00

10. Commercial Stable, per year:
    a. 1-49 horses
       $672.00
    b. 50-99 horses
       $743.00
    c. 100 or more horses
       $1,244.00
11. **Circus (billed as hourly rate):**
   a. Business Licensing Staff  $145.00
      Charged at a rate of $36.25 per quarter hour
   b. Veterinary Services Staff  $123.00
      Charged at a rate of $30.75 per quarter hour

12. **Rodeo (billed as hourly rate):**  $145.00
    Charged at a rate of $36.25 per quarter hour
EXHIBIT 3

FEES FOR ANIMALS IMPOUNDED (Note 12)  

1. Impound Fees for Animals Brought in by Field Officers (See Note 14, 15, 18):
   a. Large Animal (horse, cow, etc.) $171.00
   b. Medium Animal (pig, goat, sheep, etc.) $134.00
   c. Dog or Cat
      i. First Impound $150.00
      ii. Second and subsequent Impounds $205.00
   d. All other small animals (small mammals, birds, reptiles, etc.) $50.00

2. Impound Fees for Animals Brought in by Citizens Over the Counter (See Note 14, 15, 18):
   a. Large Animal (horse, cow, etc.) $126.00
   b. Medium Animal (pig, goat, sheep, etc.) $99.00
   c. Dog or Cat
      i. First Impound $120.00
      ii. Second and subsequent Impounds $134.00
   d. All other small animals (small mammals, birds, reptiles, etc.) $50.00

3. Impound Fines for Non-Sterilized Animals:
   Owners of impounded dogs or cats that are not spayed or neutered shall be fined as follows:
   a. First occurrence $35.00
   b. Second occurrence $50.00
   c. Third or subsequent occurrence $100.00

   NOTE: The above fines are mandated by the State and are in addition to any other fines or impound fees currently assessed for impounded animals. Cal. Food & Ag. Sections 30804.7 and 31751.7

4. Daily Feed and Care Fee (for each day commencing the day after impound):
   a. Large Animal (horse, cow, etc.) $155.00
   b. Medium Animal (pig, goat, sheep, etc.) $100.00
   c. Dog or Cat $50.00
   d. Dog Declared Potentially Dangerous or Vicious $100.00
   e. All other small animals (Small mammals, birds, reptiles, etc.) $10.00

5. Veterinary Services:
   a. Rabies Vaccination $10.00
   b. For veterinary services performed by County staff, per quarter hour $31.00
      For services requiring less than 15 minutes, the per minute charge shall be $2.00.
   c. For veterinary services performed by other than County staff Actual Cost
   d. Owner requested Euthanasia $132.00
   e. Sedation $15.00
   f. Spay/Neuter on dog or cat $200.00
   g. Microchip Implant and Registration $14.00

Resolution No. 18-072, Item No. 36
OC Animal Care Fee Schedule Update

Page 6 of 14
6. **Owner Relinquishment Fee**:  
   a. At the shelter (Note 16)  
      i. Each adult dog or cat $ 306.00  
      ii. Each litter, including the adult female dog or cat, if present $ 306.00  
      iii. Each adult Rabbit or other Small Mammal $ 42.00  
      iv. Each litter of Rabbits or other Small Mammals, including the adult female, if present $ 42.00  
      v. Each adult Bird or Reptile $ 39.50  
   b. In the field  
      i. Each adult dog or cat $ 360.00  
      ii. Each litter, including the adult dog or cat, if present $ 360.00  
      iii. Each adult Rabbit or other Small Mammal $ 96.00  
      iv. Each litter of Rabbits or other Small Mammals, including the adult female, if present $ 96.00  
      v. Each adult Bird or Reptile $ 93.50  

7. **Bathing and Grooming**:  
   a. Health Related Grooming  
      i. Minor $ 21.00  
      ii. Major $ 90.00  
   b. Health Related Bath  
      i. Small $ 24.00  
      ii. Medium $ 33.00  
      iii. Large $ 50.00  

8. **Owner Requested Disposal**:  
   a. At Shelter $ 32.00  
   b. In Field  
      i. Large Animal $ 232.00  
      ii. Medium Animal $ 138.00  
      iii. Dog, Cat or other small animal $ 32.00  

9. **Non-Compliance Collection Fee for Unpaid Balances**:  
   a. TTC Collections Fee (See Note 13) $ 58.00  

10. **Taxable Sales**:  
    a. Animal Leash $ 1.00  
    b. Cat Carrier $ 4.00  
    c. Pet ID Tag (not a license) $ 2.00  

11. **Non-refundable adoption deposit**  
    $ 50.00  
    To be credited to Placement Fees upon adoption of reserved animal or alternative animal if reserved animal is owner redeemed.
12. Placement Fees (See Notes 16, 19):
All Placement Fees include adoption fee, microchip, vaccinations, sterilization and all vet services, including anti-parasite treatment, unless otherwise indicated

a. Dog
   i. Puppies up to 6 months of age: $225.00
   ii. Dogs, 7 months of age and older, days 1-5: $200.00
   iii. Dogs, 7 months of age and older, days 6+: $150.00
   iv. Senior dog (5+) for senior citizen (60+): $100.00
   v. Dog of any age for active or veteran US Military: $100.00

b. Cat
   i. Kittens up to 4 months of age, days 1-5: $175.00
   ii. Kittens up to 4 months of age, days 6+: $125.00
   iii. Cats, 5 months of age or older: $125.00
   iv. Senior cat (5+) for senior citizen (60+): $100.00
   v. Cat of any age for active or veteran US Military: $100.00
c. Rabbits
   i. With spay/neuter: $90.00
   ii. Without spay/neuter: $50.00
d. Exotic Animals (including parrots and reptiles) $50.00
e. Goats, pigs, sheep $50.00
f. Other animals, including non-exotic birds and reptiles $20.00
g. Small mammals, including rats, mice, hamsters, etc. $15.00

13. Pharmaceuticals and Medical Supplies Cost of same to County
EXHIBIT 4

FEES FOR FIELD ACTIONS

1. Rabies Home Quarantine: $ 145.00

2. Animal Delivery Fee: $ 54.00

3. Declared Dog Fees:
   a. Declaration $ 1,571.00
   b. Non-Compliance
      i. First Occurrence of Non-Compliance $ 250.00
      ii. Second Occurrence of Non-Compliance or Move with No Notice $ 500.00
      iii. Third Occurrence of Non-Compliance or Stray at Large Declared Dog $ 899.00

4. Non-Compliance Collection Fee for Unpaid Balances:
   a. TTC Collections Fee (See Note 13) $ 58.00

EXHIBIT 5

Facility Rental Fees

1. Community Outreach Training Room Rental Fee: $ 100.00 /Hour
   a. Charged at the rate of $100 per hour, with a 2-hour minimum charge.

2. Event Yard Rental Fee: $ 500.00 /Day

3. Event Security Fee: $ 100.00 /Hour
   To be charged if, per OCAC policy, event security is required.

4. Security Deposit:
   a. Security Deposit for the Community Outreach Training Room will be required for events involving at least one outside vendor, such as a food vendor, equipment vendor, etc. Security Deposit will be refunded after the event minus any repair or professional cleaning necessitated by harm to the facility beyond normal wear and tear. $ 100.00
   b. Security Deposit for Event Yard will be required for events involving at least one outside vendor, such as a food vendor, Audio/video equipment vendor, etc. Security Deposit will be refunded
after the event minus any repair or professional cleaning necessitated by harm to the facility beyond normal wear and tear. $ 250.00

5. Event Permit Fees: $ 75.00
   a. Individuals or groups renting the Community Outreach Training Room or Event Yard who utilize outside vendors for food, party equipment, etc., will be required to pay $75.00 for up to two vendors, plus $25.00 for each additional vendor.
   b. Vendors will be required to provide valid proof of liability insurance that complies with the County’s Risk Management Office.

The following listed events shall be exempt from Facility Rental Fees set out in Items 1 and 2, above, and Event Permit Fees set out in Item 5 above. The Director of OC Animal Care’s prior written approval required confirming event meets one of the following categories:

- Meetings of, or events hosted by, OC Animal Care support groups or partner organizations for the benefit of OC Animal Care
- Meetings of, or events hosted by, any County agencies or departments or elected officials for the benefit of the County
- Meetings and events organized and/or sponsored by OC Animal Care
- Meetings or events held by and for the benefit of OC Animal Care’s contract cities
Title 8
Public Peace, Morals and Safety

Chapter 8.06 - Graffiti

8.06.080 Rewards

Section 1
A reward of $500.00 may be provided to any person providing information that leads to the identification, apprehension, and conviction of any person who applied graffiti within the City.

Section 2
The above reward is discretionary with the City Council and may be repealed at any time. Notwithstanding this limitation, it is the City Council’s policy to reward citizens that come forward with information about graffiti crime.

Section 3
Persons causing injury to the property, or their parents or guardians in the case of an emancipated minor, shall be liable for the amount of the reward, in accordance with Government Code Section 53069.5.

Chapter 8.12 - Abandoned Wells

8.12.050 Permits

$100 First Well
$50 Each additional well at the same location
$250 Probe survey unlimited

Chapter 8.50 - Special Events

8.50.022 $500 Application Fee

Small Event Exception

b. Insurance

The applicant shall submit proof of personal injury and property damage insurance with the combined limits of one million dollars.

d. Application Fee

The application fee for a Small Event permit shall be $570 per event.
8.50.030 Permit and Appeal Processing

The application fee for a Single Day Event permit shall be $150.00.
The application fee for a Multi-Day Event permit shall be $300.00.
The application fee for Outdoor Facility Use for Large Events permit shall be $550.00 per day.
The application fee for appealing a permit shall be $125.00.

8.50.130 Insurance, Indemnification, and Bonds

a. Personal Injury and Property Damage Insurance

The applicant shall submit proof of personal injury and property damage insurance with the combined limits of one million dollars. Applicant may obtain insurance from the city. There is an Administrative Fee of $100 per application.

c. Cash Deposit or Bonds

The applicant shall also post such cash deposit or bonds to protect the city from costs incurred by its employees. The amount of the bond must be a minimum of $500, maximum of $100,000

8.53.000 Vacant Property/Foreclosure Property Registration

Section 1. That based on the above recitals, the City Council does hereby establish the following:

a. Initial Annual Registration Fee for Vacant/Foreclosure Properties shall be $100.00
b. Annual Renewal Registration Fee for vacant/Foreclosure Properties shall be $75.00
c. Monthly Monitoring Fee for Vacant Nuisance Properties shall be $100.00
Title 10
Vehicles and Safety

Chapter 10.44 - Stopping, Standing & Starting

10.44.250  No Parking of Commercial and Other Large Vehicles On All Streets.

$103.00 per violation.

Chapter 10.48 - Parking Meters

10.48.050  Fees

No parking meters within the city limits. In place for future use.

Chapter 10.64 - Bicycles

10.64.070  Fees

Issuance of original and new license:  No Charge
Sale or transfer of bicycle:  $ 1.00
Change of address on licensing:  No Charge
Replacement of lost or stolen license receipt or bicycle plate:  $ 1.00
Release of impounded bicycle:  $ 5.00
Title 11
Streets and Sidewalks

Chapter 11.08 - Right of Way Encroachments

11.08.020 Encroachment Permit

Utility (inspection of/or connection to City Utility)
$553

Utility Street Cut -
$414 for first 50' plus $67 for each additional 50' or portion thereof
$67 for each inspection day after the first day

Driveway/Sidewalk
$269 per driveway or per 30 linear feet or portion thereof

Traffic Control
$346 for first day; $88 for each additional day

Traffic Control (Complex Project)
Required Deposit $5,000/Fee is Actual Cost

Curb Core
$139

Public Right of Way
$259

USA Marking Removal (per location)
$130

11.08.060 Violation - Penalty

If found guilty of misdemeanor, shall be punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment (not to exceed six months) in county jail, or by both such fine and imprisonment.

Chapter 11.12 - Newsracks

11.12.040 Annual Encroachment Permit Required

$243 for one rack
$88 each additional newsrack
Title 12
Public Property

Chapter 12.04 - Trees and Shrubs

12.04.040  Injuring or Interfering With Tree
No person shall cut, trim, plant, prune, remove, injure or interfere with any tree, shrub or plant upon any street, parkway or public place of the city without prior permission and approval therefore from the Director of Public Works.

12.04.050  Request for Permit
It is a policy of the City of Fountain Valley to assist property owners in the removal of undesirable parkway trees only. The property owner shall receive permission or a permit before any action is taken.

Matching Parkway Tree Planting Program
$35

Tree Removal/Replacement Permit (homeowner removal)
$576

New Tree Installation Service
$425

Tree Removal and Replacement (plus cost of tree)
$661 Less/Equal to 6" in diameter (dbh).
$704 Greater than 6" and up to 12"
$833 Greater than 12" and up to 24"
$997 Greater than 24" and up to 35"
$1,094 Greater than 35"

Chapter 12.12 - Damage to City Property

12.12.010  Recovery of Damages
City shall take all reasonable and practical steps to recover civil damages for any negligent, willful, or unlawful damaging or taking of property of the City, including the institution of appropriate legal action.

12.12.020  Negligent Spills Onto Public Streets
Damage to public property shall include, but not be limited to, the spilling of any material onto any street or other public property which requires the City to use its crews or to expend sums of money for labor to remove and dispose of such materials from the public streets, and the cost of such removal and disposal shall constitute civil damages to the City which shall be recovered pursuant to Government Code Section 53059.6 and Section 12.12.010 of this code at the fully burdened cost for removal & disposal.
Title 13
Public Works

Chapter 13.12 - Excavations, Fills and Obstructions

13.12.045 Annual Public Utility Permits
The fee shall be the estimated cost to the City as determined by the Director of Public Works.

13.12.060 Special Deposit of Cost Required
The Special Deposit shall be $1.20 per square foot of surface; minimum $300.

13.12.060 Applicant May Make General Deposit
The applicant may make a General Deposit in the amount of the estimated fees and repairs; not to exceed $1,000.

13.12.110 Cost of Resurfacing
Actual cost of repairs.

13.12.120 Cost of Further Repairs to be Paid by Permittee.
Actual cost of repairs.

Chapter 13.32 - Overweight and Oversize Loads

13.32.020 Transportation Permit (maximum set by State Law)
$90.00 Annual
$16.00 Single Trip

Chapter 13.36 - Drainage Plan

13.36.030 Drainage Annexation Fee
$3,195.86 per gross acre
Title 14
Water and Sewers

Chapter 14.12 - Water Service Rates & Charges

14.12.020 Rates Inside City Limits (Effective July 1, 2019)

Water rates shall be set according to the water commodity adjustment policy approved by City Council.

All Customer Classes

<table>
<thead>
<tr>
<th>Units* Consumed</th>
<th>Fee Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charge per HCF</td>
<td>$3.69</td>
</tr>
<tr>
<td>* one unit = 100 ft.³</td>
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</tbody>
</table>

Reclaimed Water

<table>
<thead>
<tr>
<th>Units* Consumed</th>
<th>Fee Per Unit</th>
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</thead>
<tbody>
<tr>
<td>Charge per HCF</td>
<td>$2.16</td>
</tr>
<tr>
<td>* one unit = 100 ft.³</td>
<td></td>
</tr>
</tbody>
</table>

14.12.030 Rates Outside City Limits

Rate is 150% of the current rate inside the City limits

14.12.050 Water Bill Due Dates & Fees

Late Fee: 7% of past due balance or $10.00, whichever is greater (includes all billable utilities).

14.12.060 Applications & Transfer Fees

$39 per account (new turn-on)
$12 per account (transfer only)

14.12.080 Service Call Fee

$100 to disconnect and restore service during regular business hours.
$228 to disconnect and restore service after regular business hours.

$50 to disconnect and restore service during regular business hours (SB998 qualified).
$100 to disconnect and restore service after regular business hours (SB998 qualified)

14.12.090 Unauthorized Turn-on—Penalty

$50.00 per violation

14.12.100 Nonpayment Deposits

For those customers who require more than two service calls per twelve month period shall pay a deposit equivalent to the amount owed on the customer's two most recent water bills. This amount shall not be refunded until said customer's account is closed.

14.12.150 Service Connection Charges—Meters

See 14.12.220(b) for fees
14.12.160 Change of Meter Location

Deposit: One and one half times the estimated cost of time and materials, including excavating, repaving and overhead, needed to complete the meter location change.

14.12.180 Testing Meters & Leak Checks

$100 per visit during regular business hrs (waived if meter is faulty or if leak is on City’s side)

14.12.190 Temporary Service

$276 Construction hydrant water meter installation
$104 Hydrant water meter relocation
$500 Water usage deposit

Metered Water Service

Charge per $3.69

14.12.200 Fire Protection Rates & Charges

a. Private fire service—Standby rates

<table>
<thead>
<tr>
<th>Fire Line Size</th>
<th>Rate</th>
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<tbody>
<tr>
<td>3/4&quot;</td>
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</tr>
<tr>
<td>1&quot;</td>
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</tr>
<tr>
<td>2 1/2&quot;</td>
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<tr>
<td>3&quot;</td>
<td>$3.78</td>
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<tr>
<td>4&quot;</td>
<td>$8.06</td>
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<td>6&quot;</td>
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<td>$89.71</td>
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<tr>
<td>12&quot;</td>
<td>$144.90</td>
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</tbody>
</table>

b. Private fire service—Installation charges

Equivalent to one and one half times the Utilities Manager’s estimate for said installation.

c. Private fire service—Testing/Maintenance charges

To be determined by Utilities Manager.

d. Public fire protection

Annual charge is $7.50 per hydrant

14.12.210 Fire Hydrant & Valve Location

Change of location fee is Actual Cost.
### Water Supply Facilities Fee

#### Meter Size

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Water Service Fee</th>
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<td>$989.01</td>
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#### Water Meter Purchase

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<td>$141.46</td>
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<td>$160.09</td>
</tr>
<tr>
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<td>$206.91</td>
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<tr>
<td>1 1/2&quot;</td>
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<td>2&quot;</td>
<td>$1,581.78</td>
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<td>3&quot;</td>
<td>$1,975.70</td>
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<tr>
<td>4&quot;</td>
<td>$3,415.32</td>
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<tr>
<td>6&quot;</td>
<td>$5,901.41</td>
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#### Courtesy Valve

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<td>$71.61</td>
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<td>$310.32</td>
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#### Fire Service Kit

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<tr>
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<td>$364.31</td>
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<td>1&quot;</td>
<td>$411.15</td>
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#### AMI Radio Unit

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#### Fire Service Bracket

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<tbody>
<tr>
<td></td>
<td>$21.60</td>
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</table>
14.12.230 New Development—Waterline Assessment Fee
   b. Waterline assessment fee
       $4.65 per front foot

Chapter 14.17 - Back Flow Control Program

14.17.060 Inspection Fee
       $109 = All Sizes

Chapter 14.18 - Water Conservation

14.18.060 Violations—Penalty
       The fine shall not exceed:
       $100 for a first violation
       $200 for a second violation within one year
       $500 for each additional violation within one year

Chapter 14.20 - Water Mains & Service Extensions

14.20.010 Applications Deposits & Inspections
       To be set by Utilities Manager.

14.24.040 Payment for Extension of Mains
       Persons owning land adjacent to streets or rights-of-way in which water mains have been previously installed
       by the city by a previous applicant or jointly by the city and a previous applicant, shall reimburse the city for
       their proportional share of said main in accordance with the then current water main reimbursement policy in
       effect or applicable reimbursement agreement.

Chapter 14.24 - Water Service to Subdivisions & Annexations

14.24.020 Annexation of Areas Excluded From Primary Assessment
   b. Water annexation fee
       $697.27 per gross acre

Chapter 14.28 - Water & Sewer Connections

14.28.010 Tie-In Fee
       $4.65 per front foot

Chapter 14.36 - Sewer Rates and Charges

14.36.120 Maintenance & Inspection Fee
       Included in 14.36.130

Orange County Health Care Agency

       Fat, Oil & Grease Control Program (FOG)
       $92.00 Annually
       $139.00 Reinspection
### 14.36.130 Sewer Cost Replacement & Extension Fee

#### b. Connection Fees

<table>
<thead>
<tr>
<th>Customer Class</th>
<th>Meter Size (in)</th>
<th>Recommended</th>
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</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>5/8</td>
<td>$931</td>
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<tr>
<td>Commercial</td>
<td>3/4</td>
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<tr>
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<tr>
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### 14.36.140 Monthly Sover Rate (Effective July 1, 2019)

<table>
<thead>
<tr>
<th>Customer Class</th>
<th>Meter Size (in)</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>5/8</td>
<td>$6.89</td>
</tr>
<tr>
<td>Residential</td>
<td>3/4</td>
<td>$6.89</td>
</tr>
<tr>
<td>Residential</td>
<td>1</td>
<td>$6.89</td>
</tr>
<tr>
<td>Condominium</td>
<td>5/8, 3/4 &amp; 1</td>
<td>$6.89</td>
</tr>
<tr>
<td>Commercial</td>
<td>5/8</td>
<td>$6.89</td>
</tr>
<tr>
<td>Commercial</td>
<td>3/4</td>
<td>$9.03</td>
</tr>
<tr>
<td>Commercial</td>
<td>1</td>
<td>$18.81</td>
</tr>
<tr>
<td>Commercial</td>
<td>1 1/2</td>
<td>$41.35</td>
</tr>
<tr>
<td>Commercial</td>
<td>2</td>
<td>$75.81</td>
</tr>
<tr>
<td>Commercial</td>
<td>3</td>
<td>$206.74</td>
</tr>
<tr>
<td>Commercial</td>
<td>4</td>
<td>$330.79</td>
</tr>
<tr>
<td>Commercial</td>
<td>6</td>
<td>$551.30</td>
</tr>
<tr>
<td>Commercial</td>
<td>8</td>
<td>$699.13</td>
</tr>
<tr>
<td>Commercial</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Industrial</td>
<td>5/8</td>
<td>$6.89</td>
</tr>
<tr>
<td>Industrial</td>
<td>3/4</td>
<td>$6.89</td>
</tr>
<tr>
<td>Industrial</td>
<td>1</td>
<td>$41.35</td>
</tr>
<tr>
<td>Industrial</td>
<td>1 1/2</td>
<td>$55.13</td>
</tr>
<tr>
<td>Industrial</td>
<td>2</td>
<td>$82.70</td>
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<tr>
<td>Industrial</td>
<td>3</td>
<td>$96.48</td>
</tr>
<tr>
<td>Industrial</td>
<td>4</td>
<td>$110.26</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>5/8</td>
<td>$13.78</td>
</tr>
<tr>
<td>----------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>3/4</td>
<td>$89.59</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>1</td>
<td>$110.28</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>1 1/2</td>
<td>$137.53</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>2</td>
<td>$179.18</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>3</td>
<td>$344.57</td>
</tr>
<tr>
<td>Multiple Units</td>
<td>4</td>
<td>$413.47</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Other</th>
<th>Post Office/Library</th>
<th>$13.78</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>City Facilities</td>
<td>$27.57</td>
</tr>
<tr>
<td>Other</td>
<td>County of Orange</td>
<td>$41.35</td>
</tr>
<tr>
<td>Other</td>
<td>Orange County Water District</td>
<td>$27.57</td>
</tr>
<tr>
<td>Other</td>
<td>FV School District Office</td>
<td>$27.57</td>
</tr>
<tr>
<td>Other</td>
<td>Elementary School</td>
<td>$41.35</td>
</tr>
<tr>
<td>Other</td>
<td>Middle School</td>
<td>$46.24</td>
</tr>
<tr>
<td>Other</td>
<td>High School</td>
<td>$62.02</td>
</tr>
<tr>
<td>Other</td>
<td>Valley Vista High School</td>
<td>$34.46</td>
</tr>
<tr>
<td>Other</td>
<td>Coastline Comm. Coll</td>
<td>$48.24</td>
</tr>
</tbody>
</table>
Title 16
Oil Wells

Chapter 16.12 - Permits

16.12.030  Bond—Requirements

Corporate surety bond in the penal sum of five thousand dollars for each such well or in lieu a bond in the amount of twenty-five thousand dollars to cover all said operations conducted in the County of Orange.

16.12.110  Fees—Schedule

a.  Drilling & Re-drilling

   $100

b.  Annual Inspection Fee

   $10 per well

c.  Building Permit

   The said fee shall be based upon the total valuation of the structure when completed

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20.00</td>
<td>No fee</td>
</tr>
<tr>
<td>$20.00 to $100.00 inclusive</td>
<td>$1.00</td>
</tr>
<tr>
<td>$100.01 to $400.00 inclusive</td>
<td>$2.00</td>
</tr>
<tr>
<td>$400.01 to $700.00 inclusive</td>
<td>$4.00</td>
</tr>
<tr>
<td>$700.01 to $1,000.00 inclusive</td>
<td>$6.00</td>
</tr>
<tr>
<td>Each additional $1,000.00 or fraction up to and including $15,000.00</td>
<td>$2.00</td>
</tr>
<tr>
<td>Each additional $1,000.00 or fraction up to and including $50,000.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>Each additional $1,000.00 or fraction up to and exceeding $50,000.00</td>
<td>$0.50</td>
</tr>
</tbody>
</table>
## Title 17
### Fire Prevention

#### Chapter 17.103 - Organization, Authority, Duties and Procedures

#### 17.103.4.7 Plan Check & Inspection Permit Fees

##### Fire Inspection Permit Fees

<table>
<thead>
<tr>
<th>Fire Sprinklers</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New System per Riser</td>
<td>$1,025.00 per riser</td>
</tr>
<tr>
<td>Tenant Improvement</td>
<td>$427.00</td>
</tr>
<tr>
<td>13D System</td>
<td>$342.00</td>
</tr>
<tr>
<td>Per Head Charge (all systems)</td>
<td>$9.00</td>
</tr>
<tr>
<td>Underground</td>
<td>$855.00</td>
</tr>
<tr>
<td>Additional Inspections</td>
<td>$171.00</td>
</tr>
<tr>
<td>Additional Plan Check</td>
<td>$171.00</td>
</tr>
<tr>
<td>As-Built Fee</td>
<td>$85.00</td>
</tr>
</tbody>
</table>

##### Fire Alarm Systems

<table>
<thead>
<tr>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New System</td>
</tr>
<tr>
<td>Tenant Improvement</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
</tr>
<tr>
<td>Per Device Charge (all systems)</td>
</tr>
</tbody>
</table>

##### Hood Systems

<table>
<thead>
<tr>
<th>Hood System</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Nozzle Charge</td>
<td>$513.00 includes 5 devices</td>
</tr>
<tr>
<td>$9.00</td>
<td></td>
</tr>
</tbody>
</table>

##### Fire Plan Review

<table>
<thead>
<tr>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Photovoltaic Installations (Commercial)</td>
</tr>
<tr>
<td>Smoke Control Systems</td>
</tr>
<tr>
<td>Fire Pumps</td>
</tr>
<tr>
<td>Fire Sprinkler Demo Work (&lt;100 Heads)</td>
</tr>
<tr>
<td>Fire Sprinkler Demo Work (&gt;100 Heads)</td>
</tr>
<tr>
<td>Fixed Fire Protection Systems</td>
</tr>
</tbody>
</table>

##### Underground Storage Tanks

<table>
<thead>
<tr>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>UST Removals (1-3 tanks)</td>
</tr>
<tr>
<td>Additional Tank Removal</td>
</tr>
<tr>
<td>UST Installations (1-3 tanks)</td>
</tr>
<tr>
<td>Additional Tank Installation</td>
</tr>
<tr>
<td>Vapor Extraction Systems</td>
</tr>
<tr>
<td>Gas Stations (upgrades/modifications)</td>
</tr>
</tbody>
</table>

##### Aboveground Tank

<table>
<thead>
<tr>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installations (one tank)</td>
</tr>
<tr>
<td>Additional Tank Installations</td>
</tr>
</tbody>
</table>

##### Miscellaneous

<table>
<thead>
<tr>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Access/Hydrant Survey only</td>
</tr>
<tr>
<td>Medical Gas System</td>
</tr>
<tr>
<td>High Pile Storage</td>
</tr>
<tr>
<td>Spray Booths</td>
</tr>
</tbody>
</table>
Solar Photovoltaic Installations (Commercial) $ 513.00
Smoke Control Systems $1711.00
Battery Systems $ 513.00

Special Inspection Fees
Hazardous Materials/Combustible Liquids $513 per
Emergency Responder Radio Coverage $684 per

Special Inspections
$171 per hour - Normal business hours (after initial 3 hours).

Special Inspections (outside of normal business hours)
$513 3 hour minimum

Extraordinary Services
Actual Costs. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.

Chapter 17.105 - Permits and Certificates

17.106.4 Inspection Required

Before a permit or temporary permit may be issued, a fee as established by resolution shall be collected from the applicant.

See Chapter 17.103.4.7(c) for fee schedule.

Chapter 17.1302 - False Alarms

a. False alarm fee
False alarm fees shall be collected for each false alarm in excess of two (2) in a calendar year beginning January 1 and ending December 31, and for each person modifying or repairing a fire alarm system when no prior notification has been given to the Fire Department. The fee shall be $125 for the third alarm and $250 for subsequent alarms. The fee for failure to notify shall be $125. Said fees shall be due and payable upon receipt of invoice.

Late Fee
Penalties for failure to pay when due shall add a penalty of ten (10) percent of the accessed fee on the first day of each month after the due date thereof, provided that the amount of such penalty to be added shall in no event exceed one hundred (100) percent of the amount of the fee.

b. Violation - Penalty
Any firm or corporation who tampers with, renders inoperative, or maliciously damages any fire alarm equipment maintained for the purpose of sounding or transmitting fire alarms, or who willfully fails to pay any amount assessed as due under the ordinance codified in this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine or not more than one thousand dollars ($1,000) or by imprisonment in the county jail for a term not exceeding six (6) months or by both fine and imprisonment.

Chapter 17.4000 - Miscellaneous Fees

17.4001(1) Paramedic Subscription Fee
$60.00 Annually

17.4001(2) Resident Paramedic Non-Member Fee
$300.00 Each Occurrence

17.4002 Advanced Life Support Fee (Transport/Non-Transport)
$400 Each Occurrence

17.4001(2) Non-Residential Paramedic Fee
$350 Each Occurrence
Chapter 17.7701 - Explosives and Blasting Agents

17.7701.4 Bond Required
$1 million dollars—All Comprehensive

Chapter 17.7802 - Fireworks

17.7802.4.3 Bond for Public Fireworks Display
$1 million dollars—All Comprehensive

Chapter 17.8005 - Hazardous Materials

17.8005.080 Fees

Annual Fee by Quantity Ranges:

$385 1 chemical
$427 2-5 chemicals
$513 6-10 chemicals
$641 11-15 chemicals
$812 16-20 chemicals
$983 21-24 chemicals
$1,367 25 and over chemicals

$385 Retail establishments disclosing consumer quantities and/or carbon monoxide and/or refrigerant only

$85 Cell sites disclosing only reportable quantities of acid electrolyte (processing fee only).

Failure to Comply Fee

Businesses that fail to comply with the original 30-day requirement to submit Hazardous Materials Disclosure documents will be assessed a fee of $100.00 on 30 day intervals.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aerosol Products Level 2 &amp; 3</td>
<td>$85</td>
</tr>
<tr>
<td>2</td>
<td>Assembly A-1 Fixed Seating Performing Arts Studios, Theaters</td>
<td>$367</td>
</tr>
<tr>
<td>3</td>
<td>Assembly A-2 Food and drink consumption. Restaurants &amp; Bars.</td>
<td>$367</td>
</tr>
<tr>
<td>4</td>
<td>Assembly A-3 Worship, amusement, recreation and other not classified in Group A. Libraries, art galleries, lecture halls.</td>
<td>$197</td>
</tr>
<tr>
<td>5</td>
<td>Assembly A-4 Assembly uses intended for viewing indoor sporting events and activities with spectator seating</td>
<td>$342</td>
</tr>
<tr>
<td>6</td>
<td>Assembly A-5 Assembly uses intended for participation in or viewing outdoor activities</td>
<td>$256</td>
</tr>
<tr>
<td>7</td>
<td>Candles/Assemblies Use of candles and other open flame devices</td>
<td>$85</td>
</tr>
<tr>
<td>8</td>
<td>Care Facility Residential State Licensed</td>
<td>$85</td>
</tr>
<tr>
<td>9</td>
<td>Care Facility Commercial 0-50 State Licensed</td>
<td>$513</td>
</tr>
<tr>
<td>10</td>
<td>Care Facility Commercial 51-99 State Licensed</td>
<td>$684</td>
</tr>
<tr>
<td>11</td>
<td>Care Facility Commercial 100-150 State Licensed</td>
<td>$1,025</td>
</tr>
<tr>
<td>12</td>
<td>Care Facility Commercial 151-200 State Licensed</td>
<td>$1,367</td>
</tr>
<tr>
<td>13</td>
<td>Special Events Any special events (carnival/ fair) with plans of the grounds to be submitted</td>
<td>$513</td>
</tr>
<tr>
<td>14</td>
<td>Cellulose Nitrate Storage of cellulose nitrate plastics (pyroxicin) and/or cellulose nitrate motion picture film</td>
<td>$100</td>
</tr>
<tr>
<td>15</td>
<td>Combustible Fibers Over 100 cubic feet</td>
<td>$342</td>
</tr>
<tr>
<td>16</td>
<td>Combustible Materials Use, machining, processing, and/or storage</td>
<td>$342</td>
</tr>
<tr>
<td>17</td>
<td>Compressed Gases To store or use compressed gases in a building</td>
<td>$171</td>
</tr>
<tr>
<td>18</td>
<td>CO2</td>
<td>$171</td>
</tr>
<tr>
<td>19</td>
<td>Cryogenic Fluids</td>
<td>$171</td>
</tr>
<tr>
<td>20</td>
<td>Day Care Facilities 8-14 Residential day care with occupant load of 8-14</td>
<td>$85</td>
</tr>
<tr>
<td>21</td>
<td>Day Care Facilities Commercial 0-50 Day Care Facilities Commercial with occupant load of 0-50</td>
<td>$171</td>
</tr>
<tr>
<td>22</td>
<td>Day Care Facilities Commercial 51-100 Day Care Facilities Commercial with occupant load of 51-100</td>
<td>$256</td>
</tr>
<tr>
<td>23</td>
<td>Day Care Facilities Commercial 101-150 Day Care Facilities Commercial with occupant load of 101-150</td>
<td>$299</td>
</tr>
<tr>
<td>24</td>
<td>Dispensing of Flammable/Combustible liquids into a vehicle For the first 3 dispensing nozzles</td>
<td>$171</td>
</tr>
</tbody>
</table>

+ $10 for each additional nozzle
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Description details</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Dry Cleaning Plants</td>
<td>Using hazardous, toxic and/or flammable liquids</td>
<td>$171</td>
</tr>
<tr>
<td>26</td>
<td>Dust Producing in &quot;F&quot; Occupancies</td>
<td>In &quot;F&quot; Occupancies</td>
<td>$171</td>
</tr>
<tr>
<td>27</td>
<td>Explosives</td>
<td>Possession, storage and/or transportation</td>
<td>$171</td>
</tr>
<tr>
<td>28</td>
<td>Fire Standby</td>
<td>Current billable rates at time and one-half</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Fireworks Storage</td>
<td>To store, handle, possession for sale, or transport other than Safe &amp; Sane</td>
<td>$1,367</td>
</tr>
<tr>
<td>30</td>
<td>Fireworks Display</td>
<td>Outside public display. Approved fire standby required at operator's expense</td>
<td>$1,025</td>
</tr>
<tr>
<td>31</td>
<td>Flammable/Combustible +120 Handling/Transporting</td>
<td>Storage, handling, and/or transportation of more than 120 gallons in a container, tank or tank vehicle</td>
<td>$171</td>
</tr>
<tr>
<td>32</td>
<td>Flammable/Combustible Inside/Outside +60 Gal.</td>
<td>Inside storage of 60 gallons and over</td>
<td>$214</td>
</tr>
<tr>
<td>33</td>
<td>Flammable/Combustible Inside/Outside -60 Gal.</td>
<td>Inside storage of less than 60 gallons</td>
<td>$171</td>
</tr>
<tr>
<td>34</td>
<td>Flammable/Combustible Liquid. Outside/Above Ground Over 60 Gal</td>
<td>Permanent Tank or Temporary Tank</td>
<td>$171</td>
</tr>
<tr>
<td>35</td>
<td>Flammable/Combustible U/G Tanks</td>
<td>Underground storage first-tank, piping and vapor recovery system</td>
<td>$103</td>
</tr>
<tr>
<td>36</td>
<td>General Use</td>
<td>Required for any activity or operation not specifically described herein, which, in the judgment of the Fire Chief or Fire Marshal is likely to produce condition hazardous life or property</td>
<td>$171</td>
</tr>
<tr>
<td>37</td>
<td>Hazardous Materials</td>
<td>Store, use or handle hazardous materials in excess of the amounts listed in table CFC 105.6.20</td>
<td>$342</td>
</tr>
<tr>
<td>38</td>
<td>High-Piled Combustible Stock</td>
<td></td>
<td>$342</td>
</tr>
<tr>
<td>39</td>
<td>High-Rise 55' or more</td>
<td>Buildings over 55 ft. in height</td>
<td>$684</td>
</tr>
<tr>
<td>39A</td>
<td>High-Rise 55' or more</td>
<td>for first 5 floors, $55 each additional floor</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Hydrant/Control Valve Flow Test</td>
<td>First Hydrant</td>
<td>$256</td>
</tr>
<tr>
<td>41</td>
<td>Industrial Ovens/Drying</td>
<td>Permit to operate</td>
<td>$171</td>
</tr>
<tr>
<td>42</td>
<td>Liquefied Petroleum Gases</td>
<td>Storage, handling, and/or transportation of more than 120 gallons in a container or tank</td>
<td>$171</td>
</tr>
<tr>
<td>43</td>
<td>Liquid or Gas Filled Vehicles in Assemblies</td>
<td>To display, compete or demonstrate</td>
<td>$342</td>
</tr>
<tr>
<td>44</td>
<td>Motor Vehicle Repair</td>
<td>To use a building for repair of motor vehicles</td>
<td>$171</td>
</tr>
<tr>
<td>45</td>
<td>Outside Storage of Tires</td>
<td>Piles not exceeding 5,000 sq. ft. or 50,000 cubic feet. 40 feet between piles</td>
<td>$171</td>
</tr>
<tr>
<td>46</td>
<td>Pyrotechnical Special Effects</td>
<td>Manufacture, store or use pyrotechnical special effect material</td>
<td>$1,367</td>
</tr>
<tr>
<td>47</td>
<td>Radioactive Materials</td>
<td></td>
<td>$171</td>
</tr>
<tr>
<td>48</td>
<td>Reinspection Fee</td>
<td>After initial reinspection has been made. This charge is for administrative cost recovery.</td>
<td>$171</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Fee</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Spray Booths/ Dipping Operations</td>
<td>$171</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Tents/Canopies &amp; Membrane Structure 200 sq.ft. - 999 sq. ft.</td>
<td>$128</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Site inspection. Approved fire standby may be required. Proof of Fire Marshal flame proofing required</td>
<td>$171</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Tents/Canopies &amp; Membrane Structure 1,000 sq.ft. - 1,999 sq. ft.</td>
<td>$356</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Site inspection. Approved fire standby may be required. Proof of Fire Marshal flame proofing required</td>
<td>$342</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Welding and Cutting</td>
<td>$85</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Fire Dept. Control Valves</td>
<td>$171</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>To operate any Fire Department control valve.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Five year certification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Flow Test</td>
<td>$256</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Fire Pump Test</td>
<td>$256</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Copies of Reports</td>
<td>$2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per Page</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Miscellaneous Fees

One Time Prevention Fees $171
Amusement Building Fees $256
Hazardous Production Materials $85
Lumber Yards & Woodworking Plants $85
Magnesium $85
Refrigeration Equipment $85

Late Fees:

Penalties for failure to pay when due shall add a penalty of ten (10) percent of the accessed fee on the first day of each month after the due date thereof, provided that the amount of such penalty to be added shall in no event exceed one hundred (100) percent of the amount of the fee.

Annual Business Fire Safety Inspections (Business includes 2 inspections, excluding apartments)

- B Occupancies with NO fire permits, fire protection systems or hazmat plans. $43
- B Occupancies with fire permits, fire protection system, hazmat plans OR > 5,000 Square Feet - (i.e. bank, professional office) $256
- M Occupancies (i.e. market, department or drug store), S & F occupancies $256
- R-1 Occupancy (i.e. hotels, motels) $342
- R-2 Occupancy (i.e. Res Permanent 4+)
  - 4-49 units $43
  - 50+ units $255
- Re-inspection (after initial and first re-inspection) $171

Drug/DUI Incident Response

DUI - $12,000 Maximum per State law (CA Code 53155)
Title 18
Building Codes and Regulations

Chapter 18.04 - California Building Code

18.04.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.08 - Relocation of Buildings

18.08.020 Permit—Building inspection required
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

18.08.040 Hearing—Application fee
$100

Chapter 18.12 - Residential Code

18.12.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.16 - California Plumbing Code

18.16.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.20 - California Electric Code

18.20.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.24 - California Mechanical Code

18.24.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.26 - Uniform Solar Energy Code

18.26.010 Fees
Residential: $462.50
Commercial: $2,360.50
Chapter 18.28 - California Green Buildings Standard

18.28.010 Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.33 - Uniform Swimming Pool Code

18.33.010 Permit & Plan Checking Fees
See Orange County Public Works (OCPW) Valuation Table or the California Building Code Section 109.3, as determined by the Building Official. Plan check and inspection fees per attached Fee Table.

Chapter 18.34 - Paving Permits

18.34.060 Fees
Up to and including 2,000 sq. ft.: $20.00
For each additional 1,000 sq. ft. or fraction thereof: $1.00

Chapter 18.36 - Strong Motion Instrumentation Program

18.36.030 Fee Schedule
Residential is 0.00021 times the estimated cost of construction (minimum $0.50)
Commercial is 0.0001 times the estimated cost of construction (minimum $0.50)
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Flat Fee</th>
<th>Project Description</th>
<th>Flat Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 REROOFING</strong></td>
<td></td>
<td><strong>3 MECHANICAL</strong></td>
<td></td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
<td>Refrigeration Equipment - Cooling towers,</td>
<td></td>
</tr>
<tr>
<td>Composition &amp; Build-up</td>
<td>$300.00</td>
<td>evaporative units, chillers</td>
<td>$64.20</td>
</tr>
<tr>
<td>Wood &amp; Metal &amp; Built up</td>
<td>$300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clay, Concrete, Metal (Sheet)</td>
<td>$300.00</td>
<td>Restaurant Hoods: 1-3 Per Address</td>
<td>$61.30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>with make-up air and interlock</td>
<td>$20.90</td>
</tr>
<tr>
<td><strong>Commercial:</strong></td>
<td></td>
<td>Fans</td>
<td></td>
</tr>
<tr>
<td>Use Valuation Table</td>
<td></td>
<td>Residential</td>
<td>$6.15</td>
</tr>
<tr>
<td>Chimney/Fireplace</td>
<td>OCPW*</td>
<td>Commercial:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Exhaust Fan (bath type)</td>
<td>$6.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Exhaust Fan&lt;750 CFMs</td>
<td>$21.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>750-4,000 CFMs</td>
<td>$31.65</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,100 and greater</td>
<td>$64.20</td>
</tr>
<tr>
<td><strong>2 PLUMBING</strong></td>
<td></td>
<td>Repair, alteration, relocation or addition to each</td>
<td></td>
</tr>
<tr>
<td>Permit issuance fee</td>
<td>$15.00</td>
<td>boiler or compressor or absorption system</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Up to 5 H.P. or 100,000 BTU</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>More than 5 H.P. or 100,000 BTU</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Registers, Griffes, Outlets - Each (This includes the ducting, support, and insulation required for each device)</td>
<td>$6.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mechanical plan check fees as a percentage of total unit fees as calculated above.</td>
<td>65% of Permit Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Residential Unit SFD or MF</td>
<td>$200.00</td>
</tr>
<tr>
<td><strong>3 MECHANICAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit issuance fee</td>
<td>$15.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AC Condenser</td>
<td>$60.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Furnace</td>
<td>$75.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>OCPW*</td>
<td></td>
</tr>
<tr>
<td>Commercial Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Package Air Conditioner, Roof Top, Heat Exchanger, Heat Pumps, Each</td>
<td>$100.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VAVA, reheat, record, auxiliary fans, additional duct</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4 ELECTRICAL UNIT FEE SCHEDULE

New and Panel Upgrade to 250 amp including bonding/grounding

<table>
<thead>
<tr>
<th>Panels</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 600 amps</td>
<td>$13.55</td>
</tr>
<tr>
<td>800 - 1000 amps</td>
<td>$54.20</td>
</tr>
<tr>
<td>1200 - 1600 amps</td>
<td>$128.80</td>
</tr>
<tr>
<td>2000 - 3000 amps</td>
<td>$158.25</td>
</tr>
</tbody>
</table>

Motor Control Centers

- 5 hp-24 Hp
- 25-50 HP
- 51-100 HP

Bus ways, gutters, cable trays, etc. per 100'

Garage, carport, detached on same serv. per 100 Sq Ft.

Relocated commercial building

Pre-lowering Building Inspection See table for fees

Temporary Power

- Per meter, with 1-3 distribution points & poles
- Each additional pole
- Each additional distribution point

$13.55 Photovoltaic installation State Mandated
$54.20 Commercial
$128.80 Residential

**QCPW**: Per Orange County Public Works Valuation Table

(continued)

4 ELECTRICAL UNIT FEE SCHEDULE (continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special equip. inspection, for equip. based on hourly exempt from laboratory approval, at applicants request</td>
<td>Hourly</td>
</tr>
<tr>
<td>Electrical Plan Check Fees As A Percentage Of Total Unit Fees As Calculated Above</td>
<td>55% Of Permit Fee</td>
</tr>
<tr>
<td>$75.00</td>
<td></td>
</tr>
<tr>
<td>$63.30</td>
<td></td>
</tr>
<tr>
<td>$94.30</td>
<td></td>
</tr>
<tr>
<td>$126.00</td>
<td></td>
</tr>
<tr>
<td>$158.25</td>
<td></td>
</tr>
</tbody>
</table>

6 OTHER STANDARD FEES (1)

- Re-inspection
- Temporary certificate of occupancy
- Conversion inspection
- Change of ownership or contractor

- $13.80
- $31.85
- $41.40

6 Revisions, changes, or additions to approved plans, extensive revisions, projects requiring private consultants & those not covered by this schedule will be charged based upon actual hours worked at the current hourly rate of $126.00 per hour.

- $13.80
- $2.79

$14.10

$41.00
$4.60
$9.20
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Per Sq. Ft.</th>
<th>Project Description</th>
<th>Per Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 APARTMENT HOUSES: (Residential*,**)</td>
<td>OCPW*</td>
<td>19 NURSING HOME</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type I or II F.R</td>
<td>OCPW*</td>
<td>Non-Residential</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type V—Masonry (or Ill)</td>
<td>OCPW*</td>
<td>20 OFFICE SPACE</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type V—Wood Frame</td>
<td>OCPW*</td>
<td>1-4 Stories</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type I—Basement Garage</td>
<td>OCPW*</td>
<td>21 OFFICES</td>
<td>OCPW*</td>
</tr>
<tr>
<td>2 ASSISTED LIVING FACILITY</td>
<td>OCPW*</td>
<td>5-10 Stories</td>
<td>OCPW*</td>
</tr>
<tr>
<td>3 AUDITORIUMS: (Non—Residential)</td>
<td>OCPW*</td>
<td>22 RESTAURANTS</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type I or II F.R</td>
<td>OCPW*</td>
<td>23 RETAIL STORES</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type II—1 hour</td>
<td>OCPW*</td>
<td>24 VOCATIONAL SCHOOLS</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type II—N</td>
<td>OCPW*</td>
<td>25 SUPERMARKETS</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type III—1 hour</td>
<td>OCPW*</td>
<td>26 SWIMMING POOLS/SPAS</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type III—N</td>
<td>OCPW*</td>
<td>New Replastering/Non Structural</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type V—1 hour</td>
<td>OCPW*</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Type V—N</td>
<td>OCPW*</td>
<td>27 THEATRES</td>
<td>OCPW*</td>
</tr>
<tr>
<td>4 BANKS: (Non—Residential)</td>
<td>OCPW*</td>
<td>28 WAREHOUSES/STORAGE</td>
<td>OCPW*</td>
</tr>
<tr>
<td>All type construction</td>
<td>OCPW*</td>
<td>29 WAREHOUSE/OFFICE COMBO</td>
<td>OCPW*</td>
</tr>
<tr>
<td>5 BOWLING ALLEYS: (Non—Residential)</td>
<td>OCPW*</td>
<td>**Repeat plan checks submitted within 12 months of original, located within the same tract, and using approved plans, will receive a 75% discount on plan check fees.</td>
<td>OCPW*</td>
</tr>
<tr>
<td>All type construction</td>
<td>OCPW*</td>
<td>30 DECK, WOOD</td>
<td>$13.00</td>
</tr>
<tr>
<td>6 CHURCHES: (Non—Residential)</td>
<td>OCPW*</td>
<td>31 GREEN HOUSES</td>
<td>$48.25</td>
</tr>
<tr>
<td>All Types</td>
<td>OCPW*</td>
<td>32 MASONRY WALLS</td>
<td>$5.04</td>
</tr>
<tr>
<td>7 DWELLINGS: (Residential)</td>
<td>OCPW*</td>
<td>33 PATIO COVERS</td>
<td>$3.68</td>
</tr>
<tr>
<td>New Type V—Masonry—Good</td>
<td>OCPW*</td>
<td>(4x4 Pct, 2x6 Rafters, Comp Roof)</td>
<td>$7.29</td>
</tr>
<tr>
<td>New Type V—Wood Frame—Good Room Addition</td>
<td>OCPW*</td>
<td>Lightweight (No Flng.)</td>
<td>$6.68</td>
</tr>
<tr>
<td>Residential Interior Remodel Only</td>
<td>OCPW*</td>
<td>Solid Cover (No Flng.)</td>
<td>$10.29</td>
</tr>
<tr>
<td>8 FIRE STATIONS</td>
<td>OCPW*</td>
<td>34 PATIO ENCLOSURES</td>
<td>$21.63</td>
</tr>
<tr>
<td>All Type</td>
<td>OCPW*</td>
<td>Wood frame (minimum $2,550 val)</td>
<td>Valuation</td>
</tr>
<tr>
<td>9 FUNERAL HOMES</td>
<td>OCPW*</td>
<td>35 PLASTERING: (1)</td>
<td>$1.14</td>
</tr>
<tr>
<td>10 GARAGES, COMMERCIAL</td>
<td>OCPW*</td>
<td>36 RETAINING WALLS</td>
<td>OCPW*</td>
</tr>
<tr>
<td>11 GARAGES, PARKING</td>
<td>OCPW*</td>
<td>See Section 02830- pg 78</td>
<td>OCPW*</td>
</tr>
<tr>
<td>12 HOMES FOR THE ELDERLY: R-4</td>
<td>OCPW*</td>
<td>37 COMMERCIAL ROOFING</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type I or II F.R</td>
<td>OCPW*</td>
<td>Composition - Class A</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type II—1 hour</td>
<td>OCPW*</td>
<td>Metal</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type II—N</td>
<td>OCPW*</td>
<td>Built Up</td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type III—1 hour</td>
<td>OCPW*</td>
<td>38 DEMOLITIONS: (1)</td>
<td>$450.00</td>
</tr>
<tr>
<td>Type III—N</td>
<td>OCPW*</td>
<td>SFR - 1 story wood frame</td>
<td>SFR - 2-3 story wood frame</td>
</tr>
<tr>
<td>Type V—1 hour</td>
<td>OCPW*</td>
<td></td>
<td>OCPW*</td>
</tr>
<tr>
<td>Type V—N</td>
<td>OCPW*</td>
<td></td>
<td>OCPW*</td>
</tr>
</tbody>
</table>

OCPW*: Per Orange County Public Works Valuation Table
The building permit fee includes the cost of plan checking, inspection, and issuance fee. The cost of plan check is calculated by multiplying the cost of inspection by a factor of 0.65.

Table 2, Valuation Fee Table is used to calculate the inspection fee which is then used to calculate the total (plan check and inspection) permit cost for valuation based permits. Refer to Appendix 2 for an example of using Table 2.

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Inspection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $3,000</td>
<td>$84.00</td>
</tr>
<tr>
<td>$3,001 - $25,000</td>
<td>$84.00 for first $3,000 plus $17.16 for each additional $1,000 or fraction thereof, to and including $25,000</td>
</tr>
<tr>
<td>$25,001 - $50,000</td>
<td>$482.00 for first $25,000 plus $12.12 for each additional $1,000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 - $100,000</td>
<td>$765.00 for first $50,000 plus $8.04 for each additional $1,000 or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 - $500,000</td>
<td>$1,212.00 for first $100,000 plus $8.13 for each additional $1,000 or fraction thereof, to and including $500,000</td>
</tr>
<tr>
<td>$500,001 - $1,000,000</td>
<td>$4,494.00 for first $500,000 plus $5.10 for each additional $1,000 or fraction thereof, to and including $1,000,000</td>
</tr>
<tr>
<td>$1,000,001 and over</td>
<td>$7,014.00 for first $1,000,000 plus $2.00 for each additional $1,000 or fraction thereof</td>
</tr>
</tbody>
</table>

Page 116
County of Orange
OC Public Works Planning
Appendix 1
Construction Type Definitions

Construction Types
All buildings are classified according to their construction type. Type I is least combustible and Type V is most combustible. The more combustible a building is and the more hazardous the use is, the more the maximum allowable area is limited. All construction types and use groups are allowed to have increased areas by using sprinklers.

Type I (IA or IB)
Typically these are concrete frame buildings made of noncombustible materials. All of the building elements (structural frame, bearing walls, floors and roofs) are fire resistance rated.

Type II (IIA or IIB)
These buildings are constructed of noncombustible materials. Typically these are masonry bearing walls structures with steel studs for walls and steel bar joists for floor and roof structures. IIA has fire rated building elements (structural frame, bearing walls, floors and roofs). IIB is the most common construction type for commercial buildings because the building elements are not required to be fire resistance rated but still must be non-combustible.

Type III (IIIA or IIB)
Type III construction is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of any material permitted by the code (combustible or non-combustible). This is typical of buildings with masonry bearing walls and wood roofs or floors.

Type IV (IVA or IVB)
This is Heavy Timber construction which is not common in California except perhaps in some worship facilities.

Type V (VA or VB)
Type V construction is typically wood frame construction. VA requires fire rated assemblies for all building elements (structural frame, bearing walls, floors and roofs); this is often seen in older construction that predates sprinklers but still not commonly used. VB is very common because it does not require any fire rating. VB is typically used for single family dwellings and garages.
## County of Orange
### OC Public Works Planning
#### Construction Costs Table

The building permit fee is calculated by using Tables 1 & 2. Table 1 is used to calculate the valuation of the project. Table 2 is used to calculate the permit fee from the project valuation. Examples of using Tables 1 & 2 to calculate the building permit fee are provided in Appendix 2.

The following construction costs are a national average and do not take into account any regional cost differences. The regional cost modifier for California is 1.12, and is used to calculate the total valuation.

Table 1, Square Foot Construction Costs is from the International Code Council (ICC), Building Valuation Data — August 2008.

<table>
<thead>
<tr>
<th>Occupancy Groups</th>
<th>Construction Types (Please see Appendix 1 for definitions)</th>
<th>LA</th>
<th>VB</th>
<th>IA</th>
<th>VA</th>
<th>IA</th>
<th>VA</th>
<th>VB</th>
<th>VA</th>
<th>VB</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Assembly, health, with sleep</td>
<td>203.06</td>
<td>195.83</td>
<td>190.69</td>
<td>182.97</td>
<td>172.28</td>
<td>167.18</td>
<td>177.12</td>
<td>127.17</td>
<td>161.38</td>
<td></td>
</tr>
<tr>
<td>A-1 Assembly, health, without sleep</td>
<td>152.99</td>
<td>170.87</td>
<td>171.92</td>
<td>163.91</td>
<td>163.24</td>
<td>146.16</td>
<td>160.07</td>
<td>124.15</td>
<td>132.30</td>
<td></td>
</tr>
<tr>
<td>A-2 Assembly, nightlife</td>
<td>158.74</td>
<td>161.30</td>
<td>147.6</td>
<td>141.6</td>
<td>133.48</td>
<td>129.73</td>
<td>126.84</td>
<td>122.02</td>
<td>118.08</td>
<td></td>
</tr>
<tr>
<td>A-2 Assembly, restaurants, bars, banquet halls</td>
<td>154.74</td>
<td>160.36</td>
<td>145.4</td>
<td>140.9</td>
<td>131.49</td>
<td>128.73</td>
<td>123.84</td>
<td>119.02</td>
<td>115.90</td>
<td></td>
</tr>
<tr>
<td>A-3 Assembly, discharge</td>
<td>199.32</td>
<td>178.7</td>
<td>176.16</td>
<td>167.39</td>
<td>165.44</td>
<td>161.92</td>
<td>150.23</td>
<td>141.75</td>
<td>136.60</td>
<td></td>
</tr>
<tr>
<td>A-3 Assembly, general, community halls, theaters, museums</td>
<td>167.48</td>
<td>170.32</td>
<td>154.79</td>
<td>152.39</td>
<td>150.18</td>
<td>122.85</td>
<td>122.33</td>
<td>111.67</td>
<td>106.79</td>
<td></td>
</tr>
<tr>
<td>A-4 Assembly, museum</td>
<td>181.00</td>
<td>120.61</td>
<td>129.92</td>
<td>179.61</td>
<td>191.24</td>
<td>147.16</td>
<td>172.07</td>
<td>156.15</td>
<td>131.08</td>
<td></td>
</tr>
<tr>
<td>B Business</td>
<td>154.00</td>
<td>149.31</td>
<td>144.63</td>
<td>137.27</td>
<td>125.27</td>
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<td>R-1 Residential, single unit</td>
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<td>R-6 Ranches, low density</td>
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<td>25.46</td>
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<td>39.72</td>
<td>37.37</td>
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</tbody>
</table>

a. Private Garages use Utility, miscellaneous
b. Unfinished basements (all use groups) = $15.00 per sq. ft.
c. For shall any buildings deduct 10 percent
d. N.P. = Not permitted
<table>
<thead>
<tr>
<th>Fee/Category</th>
<th>Plan/Check Fee $</th>
<th>Inspection Fee $</th>
<th>Parent Insurance Fee $</th>
<th>Total Fee $</th>
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<tbody>
<tr>
<td>$ 873,001 to $874,000</td>
<td>$4,341.44</td>
<td>$6,371.60</td>
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</table>

Repeat Plan/Check submitted within 12 months of original, located in the same tract and using approved plans, will receive a 75% discount on plan check, provided there is no change in building codes.

<table>
<thead>
<tr>
<th>Fee/Category</th>
<th>Plan/Check Fee $</th>
<th>Inspection Fee $</th>
<th>Parent Insurance Fee $</th>
<th>Total Fee $</th>
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**$1,000,001 and OVER:** Inspection fee is $7,014.00 for the first $1,000,000.00 plus $2.00 for each additional $1,000.00 thereafter.

Page 126
Title 21
Zoning

Chapter 21.02 - Interpretation of Development Code Provisions

21.02.030 Procedures for Interpretations

(1)(5) Filing Fee
$1,680

Chapter 21.18 - Development and Use Standards

21.18.120 Storm Water Management Plan

(d) Water Quality Management Plan
$139 Pre-review Meeting
$279 WQMP - Small Project (includes 2 reviews) - 2,500-5,000 Sq. Ft.
$72 WQMP - Small Project (each additional review) - 2,500-5,000 Sq. Ft.
$568 WQMP - Medium Project (includes 2 reviews) - 5,000-15,000 Sq. Ft.
$139 WQMP - Medium Project (each additional review) - 5,000-15,000 Sq. Ft.
$1,111 WQMP - Large Project (includes 2 reviews) - greater than 15,000 Sq. Ft.
$279 WQMP - Large Project (each additional review) - greater than 15,000 Sq. Ft.
$279 WQMP Inspection Fee (C of O)
$139 - Annual Inspection (includes 2 inspections)
$72 WQMP - Reinspection

$139 Storm Water Pollution Prevention (SWPPP) (applies to all development sites)

Chapter 21.20 - Landscaping

21.20.050 (f) Landscape Inspection Fees

$385 plus $325 per plan sheet - Planning
$585 plus $160 per plan sheet - P.W. Engineering

Chapter 21.24 - Signs

21.24.080 Standards for Specific Sign Types

(e) Banners
(4) Temporary sign permit filing fee - $55

21.24.090 Sign Permit Procedures

(b) Sign Permit Fee
Administrative Approval - $275
Sign Committee - $955

(k) Permits Issued in Error
Abatement of Sign - $200
Chapter 21.25 General Regulations

21.25.040 General Regulations

(b) Abatement
   First Offense - $0
   Second Offense - $55 per sign
   Each Additional Offense $110 per sign

Chapter 21.26 Trip Reduction and Travel Demand Management

21.26.070 Traffic Mitigation Payment

$59 per net Vehicle Trip Ends as determined by City Engineer

Chapter 21.28 Wireless Communications

21.28.060 Review and Approval

(a)(1)(A) Administrative Wireless Communication Filing Fee - $1,040

(b) Planning Commission Wireless Communication Filing Fee - $3,135

21.28.100 Small Cell Wireless Facilities

Small Cell Wireless Facility Master Lease Review Fee (Per Agreement) - $7,626

Small Cell Wireless Facility Permit Application Fee (Per Municipal Facility) - $2,781

Annual License Payment for Small Cell Wireless Facility (Annually Per Municipal Facility) - $1,800 or Maximum amount permitted by law, whichever is less (currently limited to $270 by Federal Communications Commission)

Chapter 21.32 - Applications, Processing and Fees

21.32.040 (a)(1) The City Council shall, by resolution, establish a schedule of fees for other matters pertaining to the Development Code.

After-the-Fact Entitlements
1.5 x original filing fee

Annexation
Fee $5,550 + Engineering Staff Cost

Environmental Impact Report
Cost of EIR Consultant + 15% plus filing fees for Orange County Clerk Recorder and California Fish & Game

Negative Declaration (CEQA)
Cost of EIR Consultant + 15% plus filing fees for Orange County Clerk Recorder and California Fish & Game
Chapter 21.34 - Amendment

General Plan, Zone Change, Development Code, Specific Plans

21.34.020 Application and Filing
(a)(3) Filing Fee
  Development Code Amendment
  $4,745
  General Plan Amendment
  $11,595
  Specific Plan Amendment
  $11,435
  Zone Change Amendment
  $7,110

Chapter 21.36 - Conditional Use Permits

21.36.040 Application Filing, Processing and Review
(a) Filling Fees
  Full Conditional Use Permit - $3,465
  Add on Application to a Primary Application - $1,005
  Modifications to Conditional Use Permit - $3,025

21.36.070 Post Approval Procedures
(b)(2) Resolution Review Fee
  $355

Chapter 21.38 - Development Agreements

21.38.040 Application Filing, Processing and Review
(c)(1) Processing Fee
  $10,745

21.38.060 Periodic Reviews
(a)(2) Filing Fee
  $720

Chapter 21.40 - Development Review

21.40.040 Application Filing, Processing and Review
(a)(1) Filing Fee
  $1,290
Chapter 21.42 - Home Occupation Permits

21.42.050  Application Filing, Processing and Review
(a)  Filing Fee
   $35

Chapter 21.44 - Precise Plan of Design

21.44.040  Precise Plan of Design
(a)(1)  Filing Fee
   $3,480 minor projects - < 3,500 sq. ft.
   $4,715 major projects - > 3,500 sq. ft.

Chapter 21.46 - Specific Plans

21.46.070  Application Filing, Processing and Review
   Filing Fee
   $15,110

Chapter 21.48 - Temporary Use Permits

21.48.060  Application Filing, Processing and Review
(a)(1)  $50 - Non Profit
   $120 - Outdoor Sales and Seasonal Sales
   $405 - Special Events

Chapter 21.50 - Variance

21.50.040  Filing Fee
(a)  Major Variance - $3,355
   Add on Application to a Primary Application - $1,180
(b)  Minor Variance - $510
   Add on Application to a Primary Application - $205

Chapter 21.54 - Entitlement Implementation, Time Limits and Extensions

21.54.050  Time Limits and Extension
(c)(1)  Filing Fee
   $525

Chapter 21.56 - Nonconforming Uses, Structures and Parcels

21.56.040  Loss of Nonconforming Status
(c)(3)  Appeal
   Filing Fee - $990

Chapter 21.58 - Public Hearings

21.58.070  Continuance of the Hearing
(c)  Continuance Fee
   No new mailing required - $955
   If new mailing is required - $1,575
Chapter 21.60 - Appeals

21.60.050 Application and Filing
   (a)(5)(c) Filing Fee
   Resident - $1,325
   Others - $2,655

Chapter 21.70 - Tentative Map Filing and Processing

21.70.030 Tentative Map Filing, Initial Processing
   (a) General Filing and Processing Requirements
       Tentative Parcel Map - $1,960
       Tentative Tract Map - $5,540

Chapter 21.72 - Parcel Maps and Final Maps

21.72.070 Final Parcel and Tract Maps
   Filing Fee
   $1,540 - P.W. Engineering (for the first two plan checks)
   $240 - P.W. Engineering each add. plan check/reproduction per sheet $25

Chapter 21.76 - Lot Line Adjustments and Parcel Mergers

21.76.030 Adjustments Application and Processing
   (2) Processing
       Filing Fee
       $875 - Planning
       $1,075 - P.W.-Engineering (for the first two plan checks and
       signature check)
       $125 - Each additional plan check by Public Works-Engineering

Chapter 21.78 - Dedication and Exactions

21.78.070 Park Land Dedication and Fees
   See Code for formula

21.78.090 Median Beautification Fee
   Filing Fee
   $8.54 per linear ft./arterial highways

Chapter 21.80 - Improvement Plans and Agreements

21.80.020 Plan Review (includes infrastructure and public improvements)
   Small Project Initial Review - $1,809 - Initial review includes two (2) reviews.
   Small Project Each Additional Review - $284
   Large Project (Plan Review & Inspection)-Dep. $15,000/Fee is Actual Cost
   Crossings Specific $3,480

   Inspection Fee:
   Small Project - $4,000
   Large Project - Actual cost (charged against deposit)

21.80.060 Seismic Hazards Report
   Consultant cost plus $440
Community Services Users Fee Schedule

<table>
<thead>
<tr>
<th>Athletics</th>
<th>Registration Fees</th>
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</thead>
<tbody>
<tr>
<td>Adult 5-Man Basketball</td>
<td>Contracted / Fees set by Contractor</td>
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<tr>
<td>Adult 3-Man Basketball</td>
<td>Contracted / Fees set by Contractor</td>
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<tr>
<td>Youth Basketball</td>
<td>$75.00 per person</td>
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<tr>
<td>Adult Volleyball</td>
<td>Contracted / Fees set by Contractor</td>
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<tr>
<td>Adult Kickball</td>
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<tr>
<td>Adult Soccer</td>
<td>$515.00 per 7 on 7 team &amp; $750 per 11 on 11 team</td>
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<tr>
<td>Adult Softball</td>
<td>$495.00 per team / $545.00 after deadline</td>
</tr>
<tr>
<td>Senior Softball</td>
<td>$445.00 per team / $490.50 after deadline</td>
</tr>
<tr>
<td>Tennis Center</td>
<td>Contracted / Fees set by Contractor</td>
</tr>
</tbody>
</table>

Field Reservations - Fees to be determined by the fields needed per event, using the fees listed below.

| Athletic Field Rental Agreement Processing Charge | $45.00 |

<table>
<thead>
<tr>
<th>General Public Rates</th>
<th>Rental Fee Day Use</th>
<th>Lights Fee</th>
<th>Total Charge (Night Use w/Lights)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ball Fields (not 4 &amp; 5)</td>
<td>$30.00 per hour</td>
<td>$19.00 per hour</td>
<td>$49.00 per hour</td>
</tr>
<tr>
<td>Ball Field 4 &amp; 5</td>
<td>$30.00 per hour</td>
<td>$25.00 per hour</td>
<td>$55.00 per hour</td>
</tr>
<tr>
<td>Tournament Flat Rate</td>
<td>$400.00 per day</td>
<td>100% Light Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>Soccer Field Overlay (4 &amp; 5)</td>
<td>$30.00 per hour</td>
<td>$32.00 per hour</td>
<td>$62.00 per hour</td>
</tr>
<tr>
<td>Soccer Field Overlay</td>
<td>$30.00 per hour</td>
<td>$19.00 per hour</td>
<td>$49.00 per hour</td>
</tr>
<tr>
<td>Soccer Field</td>
<td>$30.00 per hour</td>
<td>$26.00 per hour</td>
<td>$56.00 per hour</td>
</tr>
</tbody>
</table>

* In addition, a $60.00 field preparation charge and an hourly charge based on the outside billing rate for a Recreation Specialist will be assessed per hour used.

Aquatics

<table>
<thead>
<tr>
<th>Aquatics</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginner-Swimmer</td>
<td>$56.00</td>
</tr>
<tr>
<td>Semi-Private (Youth)</td>
<td>$111.00</td>
</tr>
<tr>
<td>Tiny Tots / Parent &amp; Me</td>
<td>$56.00</td>
</tr>
<tr>
<td>Adult Lap Swim</td>
<td>$55.00</td>
</tr>
<tr>
<td>Adult Lap Swim - Daily Rate</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

Recreation Center

<table>
<thead>
<tr>
<th>Recreation Center</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Racquetball / Handball Court</td>
<td>$11.00 per hour</td>
</tr>
</tbody>
</table>
| Outdoor Basketball & Racquetball | $11.00 per court 9:00 a.m. until dusk  
$15.00 per court dusk until 10:00 pm |
**Summer in the Park**

Weekly Rate plus admission costs for excursions  $90.00

**INDOOR FACILITY RENTAL**

*Fees to be determined per the building's needs for each event, using the fees listed below.*

<table>
<thead>
<tr>
<th>Recreation Center Social Hall</th>
<th>Group 1 Resident</th>
<th>Group 1 Non-Resident</th>
<th>Group 2 Resident</th>
<th>Group 2 Non-Resident</th>
<th>Group 3 Resident/Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>$100</td>
<td>$125</td>
<td>$150</td>
<td>$100</td>
<td>$225</td>
</tr>
<tr>
<td>Recreation Center Gymnasium</td>
<td>$32</td>
<td>$38</td>
<td>$50</td>
<td>$63</td>
<td>$88</td>
</tr>
</tbody>
</table>

**INDOOR FACILITY RENTAL FOR SENIOR / COMMUNITY CENTER**

<table>
<thead>
<tr>
<th>Auditorium A, B, and C</th>
<th>Group 1 Resident</th>
<th>Group 1 Non-Resident</th>
<th>Group 2 Resident</th>
<th>Group 2 Non-Resident</th>
<th>Group 3 Resident/Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>$135</td>
<td>$157</td>
<td>$180</td>
<td>$202</td>
<td>$240</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Auditorium A or B or C</th>
<th>Group 1 Resident</th>
<th>Group 1 Non-Resident</th>
<th>Group 2 Resident</th>
<th>Group 2 Non-Resident</th>
<th>Group 3 Resident/Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>$55</td>
<td>$65</td>
<td>$75</td>
<td>$85</td>
<td>$100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Art/Lecture Hall</th>
<th>Group 1 Resident</th>
<th>Group 1 Non-Resident</th>
<th>Group 2 Resident</th>
<th>Group 2 Non-Resident</th>
<th>Group 3 Resident/Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>$15</td>
<td>$35</td>
<td>$25</td>
<td>$40</td>
<td>$50</td>
</tr>
</tbody>
</table>

**KITCHEN RENTAL FOR COMMUNITY CENTER & RECREATION CENTER**

| Hourly Rate | $25 | Plus staff fees at $15.00 per hour. Two hour minimum. Must show proof of insurance and adhere to all state and local requirements related to standard business practices for the food service industry. |

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❖ **Miscellaneous Rental Fees**
  $100.00 - Kitchen Flat Rate
  $100.00 - Patio Flat Rate

❖ **Room Deposits**
  $200.00, $400.00, or $600.00 for Banquet Halls and Rooms at Recreation Center, Gymnasium, and Senior & Community Center
  $15.00 Hourly fee for Building Supervisor billed at the outside billing rate of a Community Services Recreation Coordinator

**LOS ALAMOS PARK**
❖ $20 - Restroom Flat Rate (plus $75 refundable deposit)

**CONTRACT CLASSES**
❖ Contracted instructors receive 65%-85% of the revenue collected.
❖ Contract classes fees vary depending on the number of weeks in session.

**MISCELLANEOUS PROGRAMS**
❖ Membership Campaign: $100 per person
❖ Newsletter business card ad: $240 for 6 months
❖ Place mat ads: $100 for 6 months
❖ Theme Party: $5-$7 per person
❖ Social Dances: $10 per person
❖ Drop-In Programs: Resident: $2-$5 per person, Non Resident: $4-$10 per person
### General and Administrative
### Miscellaneous Fee Schedule

<table>
<thead>
<tr>
<th>FEE CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Labor</td>
<td>All requests for services requiring City Staff will be billed as indicated in the most recent Outside Billing Rate Schedule.</td>
</tr>
<tr>
<td>2 Copies</td>
<td>Anyone requesting copies of City documents will be charged 10 cents per copy.</td>
</tr>
<tr>
<td>3 Driving Under the Influence</td>
<td>Anyone arrested for driving under the influence of any substance will be billed as indicated in the most recent Outside Billing Rate schedule and for any actual costs incurred.</td>
</tr>
<tr>
<td>4 General Overhead Rate</td>
<td>A General Overhead rate of 7.51% will be applied to all billable services.</td>
</tr>
<tr>
<td></td>
<td>Planning Fees</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>General Plan Maintenance</td>
</tr>
<tr>
<td>2</td>
<td>General Plan Conformance Finding</td>
</tr>
<tr>
<td>3</td>
<td>Planning Plan Check</td>
</tr>
<tr>
<td>4</td>
<td>ADU Review Fee</td>
</tr>
<tr>
<td>5</td>
<td>Small-Format Restaurant Permit Fee</td>
</tr>
<tr>
<td>6</td>
<td>Preliminary Housing Application</td>
</tr>
<tr>
<td>7</td>
<td>Zoning Compliance Letter</td>
</tr>
<tr>
<td>8</td>
<td>Final Map Checking Fee</td>
</tr>
<tr>
<td>9</td>
<td>Final Record Map Copies</td>
</tr>
<tr>
<td>10</td>
<td>Finding of Public Need or Convenience/ABC</td>
</tr>
<tr>
<td>11</td>
<td>CC&amp;R Review</td>
</tr>
<tr>
<td>12</td>
<td>Re-conveyance Service</td>
</tr>
<tr>
<td>13</td>
<td>Subordination Service</td>
</tr>
<tr>
<td>14</td>
<td>Recordation Service</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Fire Department Fees</th>
<th>Miscellaneous Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fire Plan Check</td>
<td>12% of Building Plan Check, minimum $17</td>
</tr>
<tr>
<td>FEE CATEGORY</td>
<td>FEE</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>COPIES OF REPORTS</td>
<td>Maximum amount permitted by the Public</td>
<td></td>
</tr>
<tr>
<td>Traffic</td>
<td>Records Act</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VEHICLE RELEASE</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$0 Crime Victim</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$139 Parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$240 Arrest/release</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$453 DUI</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$534 Fatal Collision</td>
<td></td>
</tr>
<tr>
<td>CONCEALED WEAPON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original Permit</td>
<td>$395 + cost of fingerprinting</td>
<td></td>
</tr>
<tr>
<td>Annual Renewal</td>
<td>$215</td>
<td></td>
</tr>
<tr>
<td>PHOTO DUPLICATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5&quot; x 7&quot;</td>
<td>$18</td>
<td></td>
</tr>
<tr>
<td>8&quot; x 10&quot;</td>
<td>$18</td>
<td></td>
</tr>
<tr>
<td>DIGITAL PHOTOCOPY</td>
<td>Actual duplication cost + $10 svc. chg.</td>
<td></td>
</tr>
<tr>
<td>DIGITAL PICTURES 81/2&quot; X 11&quot;</td>
<td>$18</td>
<td></td>
</tr>
<tr>
<td>VIDEO/AUDIO DUPLICATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CD - Existing Data</td>
<td>$6</td>
<td></td>
</tr>
<tr>
<td>CD - Non Existing Data File</td>
<td>$55</td>
<td></td>
</tr>
<tr>
<td>FINGERPRINT SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Card</td>
<td>$21</td>
<td></td>
</tr>
<tr>
<td>Livescan</td>
<td>$59 plus Dept of Justice and FBI fees</td>
<td></td>
</tr>
<tr>
<td>TRAFFIC CITATION SIGN-OFF</td>
<td>$16</td>
<td></td>
</tr>
<tr>
<td>HANDICAP CITATION SIGN-OFF</td>
<td>$16</td>
<td></td>
</tr>
<tr>
<td>RECORDS CLEARANCE LETTERS</td>
<td>$11</td>
<td></td>
</tr>
<tr>
<td>BICYCLE REGISTRATION</td>
<td>Maximum allowed by State</td>
<td></td>
</tr>
<tr>
<td>REPOSSESSION VEHICLE FEE</td>
<td>$16</td>
<td></td>
</tr>
<tr>
<td>STREET SWEEPING VIOLATION</td>
<td>$43</td>
<td></td>
</tr>
<tr>
<td>NO PARKING ANYTIME</td>
<td>$48</td>
<td></td>
</tr>
<tr>
<td>NO PARKING ALLEY</td>
<td>$48</td>
<td></td>
</tr>
<tr>
<td>NO PARKING FIRE LANE</td>
<td>$63</td>
<td></td>
</tr>
<tr>
<td>NO PARKING HANDICAP ZONE</td>
<td>$303</td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATIVE TOW HEARING FEE</td>
<td>$54</td>
<td></td>
</tr>
</tbody>
</table>
### Public Works
#### Miscellaneous Fee Schedule

<table>
<thead>
<tr>
<th>FEE CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Vacation of Easement</td>
<td>$1,189</td>
</tr>
<tr>
<td>2. Certificate of Correction</td>
<td>$284</td>
</tr>
<tr>
<td>3. Transportation Impact Fee</td>
<td>$59 per trip end</td>
</tr>
<tr>
<td>4. Transportation Impact Study - Administrative</td>
<td>$1,075</td>
</tr>
<tr>
<td>5. Transportation Impact Study - Traffic Committee</td>
<td>$1,485</td>
</tr>
<tr>
<td>6. Pump Station Impact Fee</td>
<td>$7,500 per gross acre</td>
</tr>
<tr>
<td>7. Developer Impact Payment</td>
<td>Building Value x 3%</td>
</tr>
<tr>
<td>8. Public Works Plan Check</td>
<td>$44</td>
</tr>
<tr>
<td>9. NPDES Food Service Establishment Inspection</td>
<td>$90</td>
</tr>
<tr>
<td>10. NPDES Facility Inspection</td>
<td>$208</td>
</tr>
<tr>
<td>11. WQMP Post Construction Inspection</td>
<td>$139</td>
</tr>
<tr>
<td>12. Newsrack Impound</td>
<td>$475</td>
</tr>
<tr>
<td>13. Utility Structure Permit (Well)</td>
<td>$250 first well, $125 each additional</td>
</tr>
</tbody>
</table>

### Building Fees
#### Miscellaneous Fee Schedule

| 1. Grading Plan Check & Inspections               | Small project: $565 inc. plan check and permit |
|                                                  | Large project: Plan check hourly ($125); Permit fee $300 |
| 2. Change of Address                              | $150              |
| 3. Special Building Investigation Inspection       | $121.50; time and half after hours - min 3 hours |
| 4. Microfilm fees                                 | Letter or lega: 25¢ |
|                                                  | 11" x 17": 50¢   |
|                                                  | Plans: $2.25 (24" x 36"); $3.00 larger |
| 5. Permit Issuance Fee                            | $15               |
| 6. Geotechnical Review                            | Report Reviews: |
|                                                  | Preliminary Review Residential: $150 |
|                                                  | Residential: $750  |
|                                                  | Commercial: $1050 |
|                                                  | Rechecks Residential or Commercial: $350 |
Utilities
Miscellaneous Fee Schedule

Monthly Meter Service Charge (Effective July 1, 2018)

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot; &amp; 5/8&quot;</td>
<td>$8.38</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$16.76</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$41.90</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$67.04</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$125.71</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$209.52</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$419.03</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$670.45</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$1,005.67</td>
</tr>
</tbody>
</table>

Electric Vehicle Charging Fee

$0.20 per kilowatt hour
$5.00 per hour overstay charge from vehicles using a charging station after a full charge has been achieved and after a 30-minute grace period.
### Fountain Valley Housing Authority
### Miscellaneous Fee Schedule

<table>
<thead>
<tr>
<th>FEE CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Re-Conveyance Service</td>
<td>$100</td>
</tr>
<tr>
<td>2 Subordination Service</td>
<td>$110</td>
</tr>
<tr>
<td>3 Recordation Service</td>
<td>$55</td>
</tr>
</tbody>
</table>
Hourly Rates by Service
Miscellaneous Fee Schedule

<table>
<thead>
<tr>
<th>Department</th>
<th>Fee Per Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Engineering Services</td>
<td>$138</td>
</tr>
<tr>
<td>2  Engineering Services (After Hours/2 Hours Minimum)</td>
<td>$277</td>
</tr>
<tr>
<td>3  Finance Department</td>
<td>$145</td>
</tr>
<tr>
<td>4  Fire - Engine Co. (4 Person Crew)</td>
<td>$684</td>
</tr>
<tr>
<td>5  Fire Hourly Rate</td>
<td>$171</td>
</tr>
<tr>
<td>6  Police - Non Sworn</td>
<td>$73</td>
</tr>
<tr>
<td>7  Police - Sworn</td>
<td>$118</td>
</tr>
<tr>
<td>8  Public Works</td>
<td>$138</td>
</tr>
<tr>
<td>9  Public Works - Field Services (Tree Maintenance)</td>
<td>$151</td>
</tr>
<tr>
<td>10 Utility - Customer Service</td>
<td>$87</td>
</tr>
<tr>
<td>11 Water - Field Services</td>
<td>$100</td>
</tr>
<tr>
<td>12 Water - Field Services (After Hours/2 Hours Minimum)</td>
<td>$218</td>
</tr>
</tbody>
</table>
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and Members of the City Council

Agenda Date: February 4, 2020

SUBJECT: Report from the Measure HH Essential City Services Advisory Oversight Committee on 2018/19 Audited Measure HH Revenues and Expenditures

EXECUTIVE SUMMARY:

On November 8, 2016 the residents of the City of Fountain Valley approved Measure HH – a one-cent transactions and use (i.e. "sales") tax. Pursuant to the ballot measure, a citizen advisory committee was formed to review the expenditure of Measure HH revenues in relation to the City's Responsible Spending Pledge.

DISCUSSION:

The Responsible Spending Pledge sets forth the City's fiscal policy on the use of Measure HH, which states that the majority of this money should be used to:

- Maintain essential city services such as public safety and senior and youth programs
- Maintain streets, sidewalks, roadways, parks and play equipment, and repair storm water systems
- Pay off, pay down, consolidate or refinance outstanding debt
- Pay down unfunded liabilities; and
- Rebuild and maintain the City's established reserve levels
- Attract, develop and retain quality staff

On January 23, 2020, the City's Auditor, Jennifer Farr of Davis Farr LLP (an independent auditing firm), discussed their audit of Measure HH Revenues and Expenditures for the fiscal year ended June 30, 2019 with the Oversight Committee.

The 2018-19 auditor's report reflected approximately $13.3 million of revenue from Measure HH. $1.2 million was used, in accordance with the Responsible Spending Pledge and 20-Year Financial Plan, to fund essential city services such as public safety and senior and youth programs. $680,451 was used to fund capital maintenance projects including residential road rehabilitation and park improvements to Harper Park and Allan Park. An additional payment of $2 million was made to CalPERS consistent with the City's 20-Year Financial Plan where the goal is to pay-off all outstanding debt and unfunded liabilities by 2037 when Measure HH sunsets. The balance of Measure HH revenue in the amount of $9.4 million (71% of Measure...
Report on 2018/19 Measure HH Revenues and Expenditures
February 4, 2020
Page 2

HH revenue) was set-aside to fully rebuild and maintain reserves consistent with the City’s 20-Year Financial Plan and the Fund Balance Reserve Policy.

Oversight Committee Chair Michele Jensen will discuss the results of the Oversight Committee’s report (Attachment 1) with the City Council at the meeting on February 4, 2020.

ALTERNATIVES:
Alternative No. 1: Receive and File the Report from the Measure HH Essential City Services Advisory Oversight Committee on 2018/19 Audited Measure HH Revenues and Expenditures.

Alternative No. 2:
Do not approve Alternative No. 1.

RECOMMENDATION:
Staff recommends Alternative No. 1.

Prepared by: Jason Al-Imam, Director of Finance/Treasurer

Approved by: Rob Houston, City Manager

Attachment 1: Report from the Measure HH Essential City Services Advisory Oversight Committee on 2018/19 Audited Measure HH Revenues and Expenditures
January 23, 2020

TO THE HONORABLE CITY COUNCIL:

The Measure HH – Essential City Services Oversight Advisory Committee was established by the City Council on April 4, 2017 after passage of Measure HH on the November 8, 2016 ballot. One of the provisions of Measure HH was the creation of an Oversight Committee to review and make recommendations to the City Council to ensure that revenues from it are utilized in accordance with the City’s Responsible Spending Pledge. The Responsible Spending Pledge sets forth the City’s fiscal policy on the use of Measure HH, which states that the majority of this money should be used to:

- Maintain essential city services such as public safety and senior and youth programs
- Maintain streets, sidewalks, roadways, parks and play equipment, and repair storm water systems
- Pay off, pay down, consolidate or refinance outstanding debt
- Pay down unfunded liabilities; and
- Rebuild and maintain the City’s established reserve levels
- Attract, develop and retain quality staff

The Measure HH Oversight Committee is pleased to have the opportunity to present to you its comments and conclusions concerning Measure HH Revenues and Expenditures for Fiscal Year 2018-19.

On January 23, 2020, the City’s Auditor, Jennifer Farr of Davis Farr LLP (an independent auditing firm), discussed the audit of Measure HH Revenues and Expenditures for fiscal year 2018-19. The 2018-19 auditor’s report reflected approximately $13.3 million of revenue from Measure HH. $1.2 million was used, in accordance with the Responsible Spending Pledge and 20-Year Financial Plan, to fund essential city services such as public safety and senior and youth programs. $680,451 was used to fund capital maintenance projects including residential road rehabilitation and park improvements to Harper Park and Allan Park. An additional payment of $2 million was made to CalPERS consistent with the City’s 20-Year Financial Plan where the goal is to pay-off all outstanding debt and unfunded liabilities by 2037 when Measure HH sunsets. The balance of Measure HH revenue in the amount of $9.4 million (71% of Measure HH revenue) was set-aside to fully rebuild and maintain reserves consistent with the City’s 20-Year Financial Plan and the Fund Balance Reserve Policy.

The Measure HH Oversight Committee has reviewed the City’s 20-Year Financial Plan, which guides fiscal policy and encompasses the long-term operating and capital needs of the General Fund. The long-term goal is to achieve fiscal sustainability with a balanced operating budget when Measure HH sunsets in 2037. Additional payments are projected to be made to CalPERS over the next twenty years, which is in addition to the amounts required annually by CalPERS. In addition, the City plans to continue to make additional contributions to the City’s Pension Trust, which is designed to mitigate against CalPERS investment risk. In 2037 the City’s pension liability is expected to be paid off along with all other long-term debt. The 20-Year Financial Plan is updated twice a year – in April during the budget process and in October once the books have been closed for the prior fiscal period. The 20-Year Financial Plan that was updated in October 2019 reflected an annual operating deficit of $1.4 million in 2037-38 when HH sunsets. In comparison, the projected operating deficit in 2037-38 was $2.3 million in 2018, which shows that the City has made improvement on closing the projected operating deficit in 2037-38. The long-term goal is to eliminate this deficit over the next two decades, which can be accomplished with active management via new revenue sources from economic development or from cost savings.
CONCLUSIONS: The Measure HH Oversight Committee’s conclusion to the City Council is that (based on information presented to the Committee by City Staff) the audited revenue and expenses for 2018-19 are consistent with the intent of the Measure HH ballot measure and the Responsible Spending Pledge. We are also pleased to see that the City has made progress on closing the projected operating deficit in 2037-38 when Measure HH sunsets.

We are thankful for the opportunity to serve and we look forward to continuing to serve the City Council and the residents of this great city.

Respectfully submitted,

Michele Jensen, Chair
April 2017 – Present

CITY OF FOUNTAIN VALLEY
MEASURE HH ADVISORY OVERSIGHT COMMITTEE

Marjorie Drilling, Vice Chair
April 2017 – Present

John W. Briscoe
April 2017 – Present

Matt Taylor
April 2017 – Present

Evan Jorgensen
January 2019 – Present

Stephen Schwarz, Alternate
February 2018 – Present

Attachments:
1. Measure HH Audit Report for 2018-19
MEASURE HH REPORT CARD
For the Fiscal Year Ended June 30, 2019

This Report Card is provided by the Measure HH Oversight Committee based on the Committee's review of the Audit of Measure HH Revenues and Expenditures for the Fiscal Year Ended June 30, 2019, which reflects that the use of Measure HH Revenues ($13,287,116) is consistent with the Responsible Spending Pledge.

In accordance with the Responsible Spending Pledge, Measure HH was used to fund essential city services (including Police, Fire, Senior & Youth Programs), capital improvements and to build and maintain reserves. In addition, $2 million was used to make additional payments to CalPERS to pay down pension debt consistent with the City's 20-Year Financial Plan where the goal is to payoff all debt by 2037 when Measure HH sunsets.
20-Year Financial Plan

The City’s fiscal policy is guided by the 20-Year Financial Plan, which encompasses the long-term operating and capital needs of the General Fund. The 20-Year Financial Plan is updated twice a year – in April during the budget process and in October once the books have been closed for the prior fiscal period. The 20-Year forecast that was updated in April 2019 reflected an annual operating deficit of $1.5 million in 2037-38 when HH sunsets. The long-term goal is to eliminate this deficit over the next two decades, which can be accomplished with active management via new revenue sources from economic development or from cost savings. The 20-Year Financial Plan that was updated in October 2019 reflects a projected annual operating deficit of $1.4 million in 2037-38, which shows that progress has been made on closing the deficit.
2037-38 City of Fountain Valley - Post HH Operating Surplus / (Deficit)

- 2018-19 Original: $(2,300,005)$
- 2018-19 Mid-Year: $(1,804,393)$
- 2019-20 Original: $(1,403,539)$
## CITY OF FOUNTAIN VALLEY
### MEASURE HH REVENUES AND EXPENDITURES
#### Last Three Fiscal Years

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Essential City Services</th>
<th>Capital Improvements</th>
<th>Additional Pension Payments to CalPERS</th>
<th>Pension &amp; OPEB Trust Reserves</th>
<th>Emergency Reserves</th>
<th>Capital Reserves</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-17</td>
<td>778,588</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,747,320</td>
<td>-</td>
<td>2,525,908</td>
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<tr>
<td>2017-18</td>
<td>2,207,564</td>
<td>441,560</td>
<td>2,200,000</td>
<td>4,500,000</td>
<td>1,956,101</td>
<td>458,841</td>
<td>11,764,066</td>
</tr>
<tr>
<td>2018-19</td>
<td>1,237,647</td>
<td>680,451</td>
<td>2,000,000</td>
<td>4,500,000</td>
<td>1,200,000</td>
<td>3,669,018</td>
<td>13,287,116</td>
</tr>
</tbody>
</table>

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### Cumulative Measure HH Reserves Set-Aside Over Last Three Fiscal Years
- 2016-17: 9,490,383
- 2017-18: 9,093,421
- 2018-19: 4,127,859

### Measure HH and Non-HH Reserve Balances at June 30, 2019
- HH Reserve: $18,990,845
- Non-HH Reserve: $14,200,000
- Total Reserve: $33,190,845

### Short-Term/Long-Term Targeted Reserve
- Short-Term: $20-$60 Million
- Long-Term: $14.2 Million

### % Funded by Measure HH
- Short-Term: 50%
- Long-Term: 35%

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1. Capital Reserves includes General Fund Capital Reserves and Fire Apparatus Reserves
2. Measure HH became effective April 1, 2017, which provided three months of revenue in Fiscal Year 2016/17.
3. Including Related Investment Earnings on Reserves Balances
CITY OF FOUNTAIN VALLEY
CITY COUNCIL
COUNCIL ACTION REQUEST

To: Honorable Mayor and
Members of the City Council

Agenda Date: February 4, 2020

SUBJECT: Interim Urgency Ordinance Regulating Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply With Government Code Sections 65852.2 and 65852.22

EXECUTIVE SUMMARY:

On January 1, 2020, multiple new housing bills relating to accessory dwelling units (ADUs) became law, including AB 68, AB 881, SB 13, AB 587, and AB 670. Municipal regulations that are inconsistent with these new laws were preempted effective January 1, 2020.

Due to time limitations before the actual ADU regulations are enacted, staff is proposing the recommended changes as an interim urgency ordinance authorized by California Government Code 65858, subdivision (a). As such, the interim urgency ordinance may be considered without a noticed public hearing, without two readings, and without the 30-day waiting period. If approved by Council, the proposed ordinance would become effective immediately and would be effective for 45 days. In the meantime, staff will present an ordinance to the Planning Commission and City Council for adoption of the actual ADU ordinance through the public hearing process compliant with state law.

If additional time is necessary to process the city's actual ADU ordinance compliant with state law, pursuant to California Government Code 65090, and through a public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

Staff finds that this interim urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety. The proposed ordinance includes the requisite urgency findings. As an urgency ordinance, the proposed ordinance, at a minimum, must be approved on a 4/5 vote.

Staff recommends the City Council approve the attached interim urgency ordinance regulating ADU's and Junior Accessory Dwelling Units (JADU's) to comply with Government Code Sections 65852.2 and 65852.22 until such time as the actual ADU ordinance is adopted.

DISCUSSION:

On January 1, 2020, multiple new housing bills relating to ADU's became law, including AB 68, AB 881, SB 13, AB 587, and AB 670. Municipal regulations that are inconsistent with state law were preempted effective January 1, 2020.
Specifically, with respect to ADU’s, Subsection (a)(4) of Government Code 65852.2 states in part,

“if a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void...”

As Fountain Valley’s ADU ordinance approved December 5, 2017, is inconsistent with the new state laws, the city’s ADU ordinance has been null and void since January 1, 2020. Therefore, since January 1, 2020, the city has been operating under the new state regulations for ADU’s, outlined below under Summary of ADU Key Provisions, while preparing and formulating the City of Fountain Valley’s ADU ordinance compliant with state law.

Summary of ADU Key Provisions

Reduced Costs and Burdens for Developing ADU’s
- Cities must approve ADU applications within 60 days, without a hearing or discretionary review. (different from City Ordinance)
- For ADUs permitted by 2025, cities cannot require the owner to live at the property. (different from City Ordinance)
- Cities cannot charge any impact fees for ADU’s under 750 square feet; fees for larger ADUs are limited. (different from City Ordinance)
- Homeowners associations must allow the construction of ADU’s.
- ADU’s can be developed at the same time as a primary unit, under most of the same rules.
- A city must delay code enforcement against an existing unlawful ADU to allow it to be legalized.

ADUs Subject to Automatic Approval — No Local Limits (different from City Ordinance)
Cities must permit certain categories of ADU without applying any local development standards (e.g., limits on lot size, unit size, parking, height, setbacks, landscaping, or aesthetics), if proposed on a lot developed with one single-family home. ADUs eligible for this automatic approval include:
- An ADU converted from existing space in the home or another structure (e.g., a garage), so long as the ADU can be accessed from the exterior and has setbacks sufficient for fire safety.
- A new detached ADU that is no larger than 800 square feet, is at least 16 feet tall, and has rear and side setbacks of 4 feet.
- Both of the above options (creating two ADUs), if the converted ADU is a Junior ADU smaller than 500 square feet.

ADUs Subject to Ministerial Approval — Minimal Local Limits
Even if not subject to automatic approval, a city generally must approve any attached or detached ADU under 1,200 square feet unless the city adopts a new ADU ordinance setting local development standards for ADU’s. If a city adopts such an ordinance, it must abide by the following restrictions:
- No minimum lot size requirements. (different from City Ordinance)
- No maximum unit size limit under 850 square feet (or 1,000 square feet for a two-bedroom ADU).
Council Action Request
Interim Urgency Ordinance – Accessory Dwelling Units
City Council Meeting February 4, 2020
Page 3

- No required replacement parking when a parking garage is converted into an ADU. (different from City Ordinance)
- No required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or transit station.
- If the city imposes a floor area ratio limitation or similar rule, the limit must be designed to allow the development of at least one 800 square feet attached or detached ADU on every lot. (different from City Ordinance)

Adding Units to Multifamily Properties (different from City Ordinance)
The new laws allow units to be added to multifamily buildings. Cities must permit these types of units in multifamily buildings without applying any local development standards:
- New units within the existing non-living space of a building (e.g., storage rooms, basements, or garages). At least one unit and up to ¼ of the existing unit count may be created this way.
- Two new detached ADU’s located on the same lot as the multifamily building, with 4-foot side and rear setbacks and a 16-foot maximum height.

The minimum local limits discussed above are the maximum standards Cities can use to evaluate applications for ADUs and JADUs. However, without an updated ordinance, the City cannot enforce these allowable local limitations or any other compliant development standards and the default provisions of Government Code Section 65852.2 will apply to any ADU and JADU applications received by the City while there is no current ordinance in place.

The attached interim urgency ordinance has been created in order to preserve the maximum local limitations allowable under state law while Staff presents a new ADU ordinance that incorporates all desired development standards. For instance, state law sets a minimum building height for a detached ADU, but is silent on setting a maximum building height. However, Section 65852.2, subdivision (e)(B)(ii), provides that City’s may impose a height limitation of 16 feet. The City’s old ADU ordinance, that is now null and void, set a height limit for detached ADU’s at 1-story and 15 feet, consistent with any other detached structure in the rear yard of a single-family property. Without the interim urgency ordinance, the City will not able to enforce the 16 foot height limitation, or any height limitation on newly constructed attached ADUs.

If the City Council chooses to not adopt the proposed interim urgency ordinance, it will lose its ability to enforce certain standards allowed under the state law and the City will be required to approve ADUs that may be directly inconsistent with the City’s development standards.

Staff is proposing the recommended changes as an interim urgency ordinance authorized by California Government Code 65858. As such, the interim urgency ordinance may be considered without a noticed public hearing, without two readings, and without the 30-day waiting period. If approved by Council, the proposed ordinance would become effective immediately and would be effective for 45 days. In the meantime, staff will present an ADU ordinance to the Planning Commission and City Council for adoption through the public hearing process compliant with state law.

If additional time is necessary to process the city’s ADU ordinance compliant with state law, pursuant to California Government Code 65090, and through a public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend
the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

Within the next 45 days, staff will present a new ADU ordinance, compliant with state law to Planning Commission and City Council to ensure that the public, Planning Commission, and City Council are able to fully and thoughtfully participate in the crafting of a permanent ADU ordinance. The normal practice to consider these types of code changes would have staff present a proposed ordinance first to the Planning Commission at a properly noticed public hearing, and thereafter, to the City Council at a properly noticed public hearing. After its introduction, the ordinance thereafter would be required to again be voted on by the City Council at second reading. If approved, the ordinance would become effective 30 days after the second reading.

Staff finds that this interim urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety because the City is likely to continue to receive applications for ADUs regardless of if the City has a new ADU ordinance and without an updated local ordinance, applications for ADUs and JADUs received now will not have to comply with the minimum local limitations allowed, only the default provisions of state law. This will cause confusion and ambiguity regarding the applicability of provisions of the City’s current ADU ordinance with potentially inconsistent and unfair results for City residents and with limited ability for the City to address impacts in a reasonable and timely manner. Without the local limitations allowed by Government Code 65852.2 in place, there may be potential impacts to public safety and conflict with the character of the surrounding neighborhoods.

The proposed ordinance includes the requisite urgency findings. As an urgency ordinance the proposed ordinance, at a minimum, must be approved on a 4/5 vote.

ENVIRONMENTAL REVIEW:

Adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17 [statutory exemption for second unit ordinances]; CEQA Guidelines sections 15282(h) [statutory exemption for second unit ordinances]; 15303 [new construction or small structures] and 15305 [minor alterations to land]. This ordinance is also exempt under CEQA Guidelines section 15061, because this ordinance will not have a significant effect on the environment, because ADU’s will largely constitute infill housing which is exempt from CEQA.

FINANCIAL ANALYSIS:

There is no financial impact associated with approving the proposed interim urgency ordinance.

ATTORNEY REVIEW:

The Attorney for the City has reviewed the attached Ordinance.

PUBLIC NOTIFICATION:
Per the normal agenda posting, Pursuant to California Government Code 65858, an interim urgency ordinance may be considered without a noticed public hearing, without two readings, and without the 30-day waiting period. If approved by Council, the proposed ordinance would become effective immediately and would be effective for 45 days.

**ALTERNATIVES:**

1. Adopt the attached interim urgency ordinance regulating accessory dwelling units and junior accessory dwelling units to comply with Government Code Sections 65852.2 and 65852.22.

2. Do not adopt the attached interim urgency ordinance regulating accessory dwelling units and junior accessory dwelling units to comply with Government Code Sections 65852.2 and 65852.22.

3. Continue the request for additional information.

**Recommended Action**

Staff recommends that the City Council select Alternative No. 1 – Adopt the attached interim urgency ordinance regulating accessory dwelling units and junior accessory dwelling units to comply with Government Code Sections 65852.2 and 65852.22.

Prepared By: Steven Ayers, Principal Planner
Approved By: Brian James, Planning and Building Director
Fiscal Review By: Jason Al-Imam, Finance Director/Treasurer
Approved By: Rob Houston, City Manager

Attachments: 1. Interim urgency ordinance regulating accessory dwelling units and junior accessory dwelling units to comply with Government Code Sections 65852.2 and 65852.22
ORDINANCE NO._____

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF FOUNTAIN VALLEY REGULATING
ACCESSORY DwELLING UNITS AND JUNIOR ACCESSORY
DWELLING UNITES TO COMPLY WITH GOVERNMENT CODE
SECTIONS 65852.2 AND 65852.22

WHEREAS, On October 9, 2019, Governor Newsom signed into law Assembly Bill
(AB) 881 which amended Government Code Section 65852.2 and is intended to increase
the state’s supply of affordable housing by facilitating the construction of accessory
dwelling units ("ADUS") and junior accessory dwelling units ("JADUS");

WHEREAS, Government Code Section 65852.2 significantly changes the abilities
of cities to regulate ADUS and JADUS, including but not limited to the time for processing
a building permit, location, lot size, square footage, height limitations, and parking
restrictions;

WHEREAS, Government Code Section 65852.2 became effective January 1,
2020 and provides that any existing local ADU ordinance failing to meet the requirements
of the new state law shall be null and void unless and until the local agency adopts a new
ordinance complying with Section 65852.2;

WHEREAS, Government Code Section 65852.2 describes the maximum
standards that cities can impose via ordinance and use to evaluate applications for ADUS
and JADUs but, without an ordinance, default provisions of Section 65852.2 will apply
without any of the maximum standards;

WHEREAS, the City Council finds the City is likely to continue to receive
applications for ADUS and JADUS regardless of if the City has a new ADU ordinance and
approval of these applications will cause confusion and ambiguity regarding the
applicability of provisions of the City’s current ADU ordinance with potentially inconsistent
and unfair results for City residents and with limited ability for the City to address impacts
in a reasonable and timely manner;

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WHEREAS, the City Council finds that without an ordinance that imposes maximum standards allowed by Government Code 65852.2 there may be potential impacts to public safety, conflict within the character of the surrounding neighborhoods, and incongruity in the aesthetics of developments, threatening the public health, safety, and welfare;

WHEREAS, the City Council desires to adopt this interim urgency ordinance pursuant to Government Code 65858, subdivision (a), in order to retain its ability to enforce the maximum standards allowable by state law and to avoid being required to approve applications for ADUS and JADUS that may be directly inconsistent with the City's development standards and cause disorganization and disarray among neighborhoods, preserving the public health, safety, or welfare;

WHEREAS, the City Council desires to pass this interim urgency ordinance while the City Council considers an ADU ordinance that will encompass all allowable local development standards enforceable under Government Code 65852.2 in addition to the maximum standards; and

WHEREAS, the City Council finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby ORDAIN as follows:

Section 1. All of the findings set forth above are true and correct and are incorporated herein as if restated in their entirety.

Section 2. Section 21.08.055 of the Fountain Valley Municipal Code is amended to read:

Building Permits will be issued for Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with California Government Code
Section 65852.2 and 65852.22 and the maximum standards allowed therein.

**Section 3.** Severability. If any section, subsection, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, unconstitutional or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

**Section 4.** The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law.

PASSED AND ADOPTED by the City Council of the City of Fountain Valley at a regular meeting this ___ day of __________, 2020.

ATTEST:

__________________________
Rick Miller, City Clerk

__________________________
Cheryl Brothers, Mayor

Approved as to Form:

HARPER & BURNS LLP

__________________________
Alexandra Halfman
Attorneys for the City