CITY OF LOS ALAMITOS

3191 Katella Ave.
Los Alamitos, CA 90720

CITY COUNCIL AGENDA
SPECIAL MEETING

Monday, July 13, 2020 – 5:00 p.m.

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos City Council Meeting referenced above will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to the Executive Orders and given the current health concerns, **members of the public may not attend the meeting in person.** Members of the public can access the meeting by phone by dialing +1 (301) 715-8592 and enter the Meeting ID: 865 9060 6055. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 3:00 p.m.** will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via telephone conference can submit their requests to cityclerk@cityoflosalamitos.org **until the start of the meeting**. The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the City Council during the meeting shall become public record and subject to applicable disclosure laws.

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection online at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact

the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Murphy
Mayor Pro Tem Chirco
Council Member Doby
Council Member Grose
Council Member Hasselbrink

3. SPECIAL ORDERS OF THE DAY

A. Temporary Use Permits for Outdoor Uses (Development Services)

On July 1, 2020 the City Manager in his capacity as the Director of Emergency Services established Temporary Use Permitting (TUP) and standards for outside business operation to allow for social distancing due to the COVID-19 Pandemic (the "TUP Program"). Among other things, the TUP Program provides commercial businesses the ability to expand into common areas and parking lots to more easily accommodate physical distancing requirements for dining and sales areas. City Council approval of the proposed Resolution will confirm and ratify the City Manager's prior action and prolong the TUP Program.

Recommendation: Adopt Resolution No. 2020-23, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING TEMPORARY USE PERMITTING AND STANDARDS FOR OUTSIDE BUSINESS OPERATION TO ALLOW FOR SOCIAL DISTANCING DUE TO THE COVID-19 PANDEMIC".

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

B. Emergency Relief Small Business Grant Program-Phase II (Development Services)

At the City Council's direction, staff has collaborated with the Small Business Development Center (SBDC) to develop a small business grant program that the SBDC would administer on the City's behalf. Phase I of the Emergency Relief Grant Program was approved at the June 10, 2020 City Council meeting. A online Zoom webinar was held on June 17, 2020 to introduce the program and to guide interested businesses with the grant process. The application portal was open on June 22, 2020 and closed on June 24, 2020 with approximately 45 applications received. SBDC has reviewed the application and currently less than 10 applicants has met the criteria for receiving the $5,000 grant.

Staff is recommending launching a second phase of the Emergency Relief Small Business Grant Program and easing restrictions so businesses that did not qualify in the first phase will be able to receive assistance.

Recommendations:

1. Authorize the City Manager to apply funding options from the CARES ACT for the City of Los Alamitos Emergency Relief Small Business Grant Program; and,

2. Approve the revised eligibility guidelines for the second phase of the Emergency Relief Small Business Grant Program; and,

3. Approve the remaining allocation after awarding the first phase of grants to the second phase of the Emergency Relief Small Business Grant Program from the Community Development Block Grant (CDBG) CARES ACT fund.

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

4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at City Hall, 3191 Katella Ave., Los Alamitos, CA 900720 and on the City's website at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.

Windmera Quintanar, MMC, City Clerk
Date: July 9, 2020

City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: July 13, 2020 **ITEM NUMBER: 3A**

To: **Mayor Richard D. Murphy & Members of the City Council**

Presented By: **Ron Noda, Acting Deputy City Manager**

Subject: **Temporary Use Permits for Outdoor Uses**

SUMMARY:

On July 1, 2020 the City Manager in his capacity as the Director of Emergency Services established Temporary Use Permitting (TUP) and standards for outside business operation to allow for social distancing due to the COVID-19 Pandemic (the "TUP Program"). Among other things, the TUP Program provides commercial businesses the ability to expand into common areas and parking lots to more easily accommodate physical distancing requirements for dining and sales areas. City Council approval of the proposed Resolution will confirm and ratify the City Manager's prior action and prolong the TUP Program.

RECOMMENDATION

Adopt Resolution No. 2020-23, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING TEMPORARY USE PERMITTING AND STANDARDS FOR OUTSIDE BUSINESS OPERATION TO ALLOW FOR SOCIAL DISTANCING DUE TO THE COVID-19 PANDEMIC".

DISCUSSION

The City of Los Alamitos recognizes the difficulty for reopening businesses to provide for social distancing during the COVID-19 pandemic. The Municipal Code provides a method for permanent outdoor dining uses through the Temporary Use Permit process. However, during this reopening phase for businesses, a temporary solution to expand beyond existing building footprints may be the better alternative for both restaurants and retail businesses. This resolution provides the ability for businesses to temporarily utilize private common areas for business use by permitting:

- Up to 25% reduction in parking.
- Removal of drive aisles.
- Utilization of parking spaces.
- Temporary directional signage.

- Utilization of canopies, tables, chairs, and other temporary improvements as needed to serve customers.
- Service of alcohol for establishments already licensed to do so.

The Temporary Use Permit process is a staff level process to assist businesses quickly with reopening endeavors. Businesses may utilize the temporary outdoor sales and dining for the duration of the City's proclamation of local emergency. To further accommodate businesses, staff recommends waiving the $909.00 Temporary Use Permit fee during this time.

FISCAL IMPACT

If affirmed, the $909.00 application fees would not be collected by the City for each Temporary Use Permit for outside sales and dining during the COVID-19 pandemic.

Submitted by: Tom Oliver, Associate Planner
Fiscal Impact Reviewed by: Craig Koehler, Interim Finance Director
Reviewed by: Ron Noda, Acting Deputy City Manager
Approved by: Chet Simmons, City Manager

Attachment: 1. Resolution No. 2020-23

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING TEMPORARY USE PERMITTING AND STANDARDS FOR OUTSIDE BUSINESS OPERATION TO ALLOW FOR SOCIAL DISTANCING DUE TO THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency relating to the coronavirus identified as COVID-19 and the worldwide spread of a new disease against which most people do not have immunity; and,

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus identified as COVID-19 to be a pandemic; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency relating to COVID-19; and,

WHEREAS, the Director of Emergency Services of the City of Los Alamitos did proclaim the existence of a local emergency within said city on the 13th day of March, 2020 by adoption of Resolution No. 2020-06; and,

WHEREAS, the City Council of the City of Los Alamitos found that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency on the 16th day of March, 2020 by adoption of Resolution No. 2020-07; and,

WHEREAS, on May 7, 2020, Governor Newsom issued updated industry guidance and a Resilience Roadmap with 4 stages to help drive reopening for some economic sectors in the State – including retail, manufacturing and logistics – with modifications, beginning Friday, May 8, 2020. The guidance provides for regional variances to allow for counties to move further into broader reopening of various sectors when the counties attest to meeting certain criteria; and,

WHEREAS, on July 1, 2020, Governor Newsom issued an order that requires restaurants, wineries, tasting rooms, family entertainment centers, movie theaters, museums, zoos and cardrooms in the 19 counties through the State of California to halt indoor operations for at least three weeks. The affected establishments are allowed to operate outdoors, such as restaurant patios; and,

WHEREAS, on July 1, 2020 the City Manager in his capacity as the Director of Emergency Services established Temporary Use Permitting and standards for outside

business operation to allow for social distancing due to the COVID-19 Pandemic as outlined in this resolution (the "TUP Program"); and,

WHEREAS, approval of this Resolution will confirm and ratify the City Manager's prior action and prolong the TUP Program; and,

WHEREAS, the City acknowledges the need for businesses to operate differently in order to promote recovery and business sustainability through the emergency; and,

WHEREAS, the City promotes the idea of utilizing private outdoor spaces, including parking areas and driveways, for interim operational uses including outdoor dining and retail sales areas; and,

WHEREAS, this Resolution establishes use permitting and standards for businesses in the City to temporarily operate outdoor dining and retail sales areas with social distancing to best protect the health and safety of employees and customers.

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

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

SECTION 2. The limitations of the City of Los Alamitos Municipal Code applicable to outdoor dining and sales are hereby temporarily suspended to facilitate the implementation of a temporary outdoor use permit issued at the discretion of the City's Development Services Department to enable restaurants, eateries, and other commercial establishments to expand their business footprint adjacent to their place of business onto the parking facilities and private walkways to enable social distancing while serving the community, subject to applicable State and County Health Department guidelines.

These Temporary Use Permits are subject to the following:

Part 1: Temporary Use Permits – Outdoor Dining and Sales

A. Application. Applications for a temporary use permit (TUP) will be required to utilize private outdoor space to accommodate business operation for social distancing purposes. Application for a TUP must include the following:

1. Temporary Use Permit Application Fee. This fee will be waived throughout the administration of this program. The Program is set to conclude fourteen (14) days after the City rescinds its proclamation of local emergency.

2. Site plan.

3. Floor plan of any usable private outdoor space including, but not limited to: tables and chairs or sales racks reflecting social distancing requirements; location of other fixtures such as umbrellas or portable heaters; walkway dimensions to meet ADA requirements for accessibility; planters; and all barriers.

4. Letter describing extent of project, including: number of parking spaces or drive aisles to be impacted; percentage of parking spaces to be impacted; proposed improvements; hours of use; potential service of alcohol; signage; barriers; trash receptacles; operations; and other requests as part of the application.

5. Traffic plan, if drive aisles and parking spaces are impacted.

6. Sign plan, if temporary directional or other signs are proposed.

7. Liability Insurance Coverage. Proof of Insurance needed. In addition to one-million dollars in General Liability, an endorsement specifically naming "The City of Los Alamitos, its officers, employees, agents and volunteers as additional insureds" is required.

B. Term. Businesses may continue to operate in conjunction with their approved TUP, provided that all health and safety requirements are being met. The TUP will expire fourteen (14) days after the City rescinds its proclamation of local emergency.

C. Conditions of Approval. Upon approval of a TUP application, conditions of approval may be imposed by the City, which must be agreed to by the property owner/applicant prior to issuance of the TUP.

Part 2. Commercial Zones and Uses

A. Applicability. This section applies to the C-O (Commercial Professional Office and C-G (General Commercial) zoning districts. This section also applies to commercial uses, such as restaurants, that may be permitted in other zoning districts.

B. Uses Permitted. The following uses are permitted:

1. Conversion of pedestrian and/or common areas to outdoor customer areas, which includes outdoor dining or outdoor sales, of any size, so long as accessibility standards can be maintained.

2. Two (2) temporary directional signs, maximum eight (8) square feet each, shall be permitted per impacted business.

C. Uses Permitted with a TUP. The following uses are permitted with a TUP in order to create an environment for social distancing for customers and employees:

1. Up to a 25% reduction in parking.

2. Removal of a drive aisle(s) or change of a drive aisle(s) to one-way, so long as the drive aisle is not part of an established fire lane subject to submittal of a traffic plan and approval by the Public Works Director/City Engineer.

3. The parking spaces or drive aisles removed from circulation may be improved with canopy structures, tables, chairs, spaces heaters and other temporary improvements as necessary to serve customers, subject to the approval of the Development Services Director.

4. Businesses with Type 41 (on-sale beer and wine – eating place) or 47 (on-sale general – eating place) liquor licenses issued by the Department of Alcohol Beverage Control may serve alcohol in proposed outdoor areas, subject to the discretion of the Development Services Director and issuance of a temporary "Catering Authorization Permit" by the Department of Alcohol Beverage Control.

D. Standards. The following standards shall apply:

1. Where applicable per a TUP, barriers, preferably decorative in nature, shall be placed around the outdoor customer areas and to close off drive aisles as needed, subject to approval by the Orange County Fire Authority and City Engineer.

2. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating.

3. Sanitation standards as provided by the County, State, and Federal governments shall be followed.

4. Appropriate six-foot distancing shall be maintained between groups of customers.

5. Businesses shall attempt to create special zones for delivery-based services.

6. Employees and workers should wear face coverings over their noses and mouths while performing their work.

7. Business should provide easily accessible hand sanitizer for customers and employees.

8. It is strongly encouraged to implement contactless ordering and payment processes.

9. Restaurants are encouraged to use a reservation process to prevent capacity issues.

10. Restaurants are encouraged to use disposable menus.

11. Canopies, umbrellas, and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. Canopies, opened umbrellas and other decorative features shall maintain a minimum clearance of six (6) feet, eight (8) inches (eighty (80) inches) above the ground.

12. Generators may be permitted but must be located as far away as possible from pathways, seating areas and other businesses.

13. No amplified music.

Part 3. Duration

This action is effective immediately and shall remain in effect for the duration of City's proclamation of local emergencies.

SECTION 3. The City Council of the City of Los Alamitos, California, finds and determines that the introduction and adoption of this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15269(c) (the activity is necessary to prevent or mitigate an emergency), 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED, APPROVED, AND ADOPTED this 13th day of July 2020.

_____
Richard D. Murphy, Mayor

ATTEST:

_____
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

_____
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the July 13, 2020, by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Windmera Quintanar, MMC, City Clerk

City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: July 13, 2020 **ITEM NUMBER: 3B**

To: **Mayor Richard D. Murphy & Members of the City Council**

Presented By: **Ron Noda, Acting Deputy City Manager**

Subject: **Emergency Relief Small Business Grant Program-Phase II**

SUMMARY

At the City Council's direction, staff has collaborated with the Small Business Development Center (SBDC) to develop a small business grant program that the SBDC would administer on the City's behalf. Phase I of the Emergency Relief Grant Program was approved at the June 10, 2020 City Council meeting. A online Zoom webinar was held on June 17, 2020 to introduce the program and to guide interested businesses with the grant process. The application portal was open on June 22, 2020 and closed on June 24, 2020 with approximately 45 applications received. SBDC has reviewed the application and currently less than 10 applicants has met the criteria for receiving the $5,000 grant.

Staff is recommending launching a second phase of the Emergency Relief Small Business Grant Program and easing restrictions so businesses that did not qualify in the first phase will be able to receive assistance.

RECOMMENDATIONS

1. Authorize the City Manager to apply funding options from the CARES ACT for the City of Los Alamitos Emergency Relief Small Business Grant Program; and,

2. Approve the revised eligibility guidelines for the second phase of the Emergency Relief Small Business Grant Program; and,

3. Approve the remaining allocation after awarding the first phase of grants to the second phase of the Emergency Relief Small Business Grant Program from the Community Development Block Grant (CDBG) CARES ACT fund.

BACKGROUND

The State of California and the County of Orange measures to limit the spread of COVID-19 have placed an incredible burden on the Los Alamitos business community. This impact is especially profound on small businesses. As businesses continue to suffer through forced closures and uncertain transitional phases, many will need capital to pay for rent, insurance and other fixed expenses.

At the special meeting of June 10, 2020, City Council approved the following recommendations and eligibility requirements:

1. Authorize the creation of an Emergency Relief Small Business Grant Program in partnership with the Small Business Development Center (SBDC); and,

2. Authorize the City Manager to apply funding options from the CARES ACT for the City of Los Alamitos Emergency Relief Small Business Grant Program; and,

3. Approve the allocation of $271,876 for the creation of an Emergency Relief Small Business Grant Program from the Community Development Block Grant (CDBG) CARES ACT fund.

Phase I Eligibility

1. For-profit business that is physically located in Los Alamitos.
2. Business must be located in a commercial or industrial space.
3. It has held an active Los Alamitos business license for a minimum of six (6) months
4. It has at least two (2) employees, but no more than 25 employees (full or part-time) excluding the business owner.
5. It is in good standing with the City (current on bills, no liens or judgments, etc.) unless directly correlated to COVID-19 impacts.
6. It has not received other Federal COVID-19 funding through alternative sources such as Economic Injury Disaster Loan (EIDL) or Payroll Protection Program (PPP) Loan that is above 5% of their gross revenue from 2019, as of the date of the application.
7. Allocation of $5,000 for the Small Business Grant Program.

DISCUSSION

Staff is recommending the same eligibility requirements from phase I, but with the following two changes to the eligibility for phase II:

- Revise to one employee, but no more than 25 employees (full or part-time).
- Revise to reduce the requirement for having an active Los Alamitos business license for a minimum of six (6) months to three (3) months.

Proposed Timeline for Phase II

DATE	ACTION
07/14/2020	Complete guidelines for grant program
07/20/2020	E-Flyer and press release completed and sent out
07/27/2020	Finalize online criteria
07/22/2020	Zoom Webinar introducing the program by Mayor and/or City Manager and SBDC
07/27/2020	Application portal is open at 8:00am
08/03/2020	Application portal is closed at 5:00pm
08/10/2020	SBDC verifies all eligible applicants for lottery
08/12/2020	Lottery for all eligible applicants
08/13/2020	SBDC works with each awardee to collect documents
08/13/2020 - Ongoing	Grants submitted to City, as awardees complete documentation review

Use of the Grant

The proposed Small Business Grant Program is intended to provide assistance to local small businesses in Los Alamitos. Funds may be used to pay rent, accounts payable, payroll, utilities, insurance, and/or personal protective equipment (PPE) to assist with reopening. Funds from the grant are not intended to be used for working capital or lost salary/draws for the small business owner. The goal of the program is to support the reopening and potential growth of the businesses as the community and the economy restarts.

FISCAL IMPACT

The Emergency Relief Small Business Grant Program will award approximately 54 grants in the amount of $5,000 per grant for a total of $270,000. The SBDC has waived their fee for managing the program. The funding for this program is available due to the acceptance of the COVID-19 related CARES Act funding from the County of Orange.

Submitted by: Michelle Muller, Management Analyst
Reviewed by: Ron Noda, Acting Deputy City Manager
Approved by: Chet Simmons, City Manager