

RULE NO. 15

MAIN EXTENSIONS AND ENLARGEMENTS

A. **DISTRIBUTION SYSTEM**

The cost of all Main Extensions and Main Enlargements shall be paid for by the owner or developer of the properties served by these mains in accordance with this Rule. Main Extensions or Main Enlargements may also be required or requested for Recycled Water Service.

1. Main Extensions and Main Enlargements

- a. Applicant shall be responsible for the labor, equipment, and material costs of a Main Extension or Main Enlargement on a work order basis and related rights-of-way dedications that are necessary and reasonably related to furnishing Service (or, if applicable, Recycled Water Service) solely to their project ("Project"). These costs include, but are not limited to, those related to the preparation of designs and plans, inspection, document review and plan check, right-of-way dedication, materials, installation, and construction.
- b. Applicant shall design and construct the Main Extension or Main Enlargement, except as determined otherwise by the General Manager. A preliminary cost estimate for the Utility's applicable scope of work shall be provided to the applicant based on their preliminary design submittal. The applicant shall:
 - i. Design and construct the Main Extension or Main Enlargement in accordance with all applicable standards, specifications, and federal, state, or local codes including, but not limited to, the Anaheim Municipal Code, Rates, Rules and Regulations, and the Water Services Standard Specifications, and Water Administrative Procedures and Design Guidelines.
 - ii. Utilize contractors with experience in constructing Main Extensions or Main Enlargements in the public right-of-way and maintain a current license that meets all applicable laws, codes, and requirements.
 - iii. After construction of the Main Extension or Main Enlargement is complete and the Utility has inspected and approved the work, the applicant shall convey the facilities to the City, provided liens, encumbrances, and other attachments have been removed, and that associated easements, access permits, crossing agreements, or other rights-of-way have been provided.
- c. In the event applicant's costs for the Main Extension or Main Enlargement exceed their share under Section A.1, the Utility and applicant may enter into a reimbursement letter agreement or other mutually agreeable reimbursement arrangement, which the General Manager is authorized to execute.

2. Timing

Applicant shall dedicate rights-of-way at such time as mutually agreed, except as required by law or this Rule.

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MAIN EXTENSIONS AND ENLARGEMENTS

A. DISTRIBUTION SYSTEM (Continued)

3. Payment Options

- a. Applicant shall pay to the Utility those costs authorized by Section A.1.a above prior to construction of the Main Extension or Main Enlargement or as required by applicable law.
- b. The Utility may allow an applicant to pay for their Main Extension or Main Enlargement costs in accordance with applicable Added Facilities provisions of Rule No. 2.
- c. A deposit for Utility design and plan review activities for a Main Extension or Main Enlargement of a Project may be due prior to commencing the preparation of designs and plans, except as required by applicable law. The Utility will determine the amount of the deposit based on the estimated time required to complete the design and plan review for the Project. The Utility shall credit any unused portion of the deposit towards other Project costs incurred by the Utility, or refund any unused portion of the deposit to the applicant.

B. [INTENTIONALLY OMITTED]

(Continued)

RULE NO. 15

MAIN EXTENSIONS AND ENLARGEMENTS

C. EAST SANTA ANA CANYON AREA TRANSMISSION AND TERMINAL STORAGE FACILITIES

The costs of all transmission and terminal storage facilities serving the East Santa Ana Canyon Area as defined herein shall be paid for by the owners or developers benefiting from such facilities. All Developers/Applicants of properties in the East Santa Ana Canyon Area will pay, in the form of Transmission and Terminal Storage Acreage Fees, their proportionate share of costs incurred by previous owners or developers who paid for the installation of transmission and terminal storage facilities. In addition, owners or developers will be obligated to pay for new facilities and/or rehabilitation of existing facilities needed to serve their properties.

1. Definition of Terms

- a. "East Santa Ana Canyon Area" - That portion of the Water Utility's service area located generally south of the Santa Ana River and extending to the Orange-Riverside County line, as shown on the latest revision on Drawing W-2389 on file at the City of Anaheim (City), Public Utilities Department, Water Engineering Division.
- b. "Transmission Facilities and Terminal Storage Facilities" - Those facilities that are eligible for reimbursement and associated with those certain pipelines and reservoirs deemed necessary by the Water Utility to provide water in an efficient and reliable manner, and which have been determined by the Water Utility to be of direct benefit to the East Santa Ana Canyon Area.
- c. Developer/Applicant - The person, association, corporation or governmental agency applying for water service.
- d. "Transmission Facility" - Transmission facilities are hereby defined as the Developer/Applicant's Rule 15-C portion of the capacity and cost of a 36 inch water main constructed from the existing City system in the vicinity of Mohler Drive and Santa Ana Canyon Road to the most southerly boundary of the Bauer Ranch Development as shown as Phase I and Phase 1a, on the latest revision of Drawing W2389. The transmission portion of the water main continuing south in Weir Canyon Road to the Terminal Storage Reservoirs, shown as Phase II on the latest revision of Drawing W2389, shall be as designated by the Public Utilities General Manager based on hydraulic studies.
- e. "Terminal Storage Facilities" - Terminal storage facilities are defined as Weir Canyon and Oak Hills Reservoirs, consisting of eight million gallons of Terminal Reservoir Storage which is located within the East Santa Ana Canyon Area.
- f. "Transmission and Terminal Storage Acreage Fees" - Transmission and Terminal Storage Acreage Fees shall be the rate to be charged per acre of gross area of Developer/Applicant's property. The rate will be determined and, as a condition precedent, is payable at the time that the developer connects to the City's water system. This rate is to be computed by dividing the gross area of undeveloped properties within the East Santa Ana Canyon Area into the current amount of prior costs eligible for reimbursement for Transmission and Terminal Storage Facilities determined to be of direct benefit to the East Santa Ana Canyon Area and as quantified on the latest revision of Drawing W2393.

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MAIN EXTENSIONS AND ENLARGEMENTS

C. EAST SANTA ANA CANYON AREA TRANSMISSION AND TERMINAL STORAGE FACILITIES
(Continued)

- g. "East Santa Ana Canyon Area Documents" - Shall consist of the latest revision of Drawing Nos. W-2389, and W-2393 delineating the boundary of the East Santa Ana Canyon Area, location and actual cost of transmission and terminal storage facilities and gross area in acres of undeveloped properties, actual cost of facilities in place, current amount of prior costs eligible for reimbursement, and such other costs which may be incurred annually in direct benefit of the area described in Rule 15-C.
- h. Proportionate Share of Costs - Shall consist of the proportion of Transmission and Terminal Storage facility costs deemed appropriate by the Utility in our sole and exclusive determination for properties in the East Santa Ana Canyon Area based on gross area of the Developer/Applicant's property. If the Transmission and/or Terminal Storage Acreage Fees were not properly adjusted in the past to reflect an Developer/Applicant's proportionate share, the Developer/Applicant's reimbursable costs may be adjusted by the Utility to reflect as such.
- i. Gross Area of Developer/Applicant's Property: The contiguous land area owned or controlled by an Developer/Applicant, including streets, but excluding land areas excluded in the East Santa Ana Canyon Area's Gross Area as determined by the Utility, plus one-half the land area of the abutting streets to which legal, recorded access exists at the time of application for water service.
- j. Utility: The City of Anaheim's Public Utilities Department, Water Services Division.
- k. Pay, Paid, Payment - "Make satisfactory financial arrangements," "satisfactorily arranged for financially," and "satisfactory financial arrangements," respectively, in addition to the accepted meaning of these terms.

2. Computation of Charges

- a. Transmission Facilities Acreage Fees - Transmission Facilities Acreage Fees shall be computed on the basis of actual costs incurred by prior developers to install the Transmission Facilities as defined in Rule 15-C-1-c. The original reimbursable cost is equal to the developer's actual and necessary installation costs minus the Transmission Facilities Acreage Fees associated with the property originally developed. The current balance of reimbursable costs shall be the original reimbursable costs minus any previous reimbursements made and then adjusted by an amount equal to any changes in the Engineering News Record (ENR) construction cost index since the date of completion for those Transmission Facilities previously installed. The Transmission Facilities Acreage Fee is determined by taking the current balance of reimbursable costs and dividing such total costs by the gross acreage remaining to be developed within the East Santa Ana Canyon Area as shown on the East Santa Ana Canyon Area Documents, and multiplying the quotient by the number of acres in the Developer/Applicant's development. The Developer/Applicant's development area shall be measured to the nearest one-hundredth acre of the gross acreage.

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C. EAST SANTA ANA CANYON AREA TRANSMISSION AND TERMINAL STORAGE FACILITIES

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- b. Terminal Storage Facilities Fees - Terminal storage facilities fees shall be computed on the basis of the actual and necessary costs incurred by prior developers to install Weir Canyon and Oak Hills Reservoirs as defined in Rule 15-C-1-d. The original reimbursable cost of Weir Canyon Reservoir is equal to the actual cost of the facility minus the Terminal Storage Facilities Fees associated with that development. The original reimbursable cost of Oak Hills Reservoir is equal to the actual cost of the facility minus Mello-Roos funding of \$491,425 and minus the Terminal Storage Facilities Fees associated with that development. The current balance of reimbursable cost of each facility shall be the original cost minus and previous reimbursements made and then adjusted by an amount equal to any changes in the ENR construction cost index since the date of completion for those terminal storage facilities. The Terminal Storage Facilities Fee shall be the sum of the current balance of reimbursable costs for each of the two reservoirs divided by the gross acres remaining to be developed within the described area, and multiplying the quotient by the number of acres in the Developer/Applicant's development area. The Developer/Applicant's development area shall be measured to the nearest one-hundredth acre of the gross acreage.
- c. Transmission and Terminal Storage Acreage Fees are due and payable within thirty (30) calendar days from the date the fees are billed. If Acreage or Facilities Fees are not paid within the specified period, a new calculation will be made which may result in a higher fee. Acreage or Facilities Fees for Terminal Storage and Transmission Main Facilities within the east Santa Ana Canyon area, subsequent to the first initial phases of development, shall be paid prior to recordation of any Final Tract or Parcel Map. Acreage or Facilities Fees shall be required on tracts in their entirety. Payment of Acreage or Facilities Fees for portions of a tract shall not be accepted.

3. Improvements to Undeveloped Land

Any person who makes improvements to an undeveloped parcel of land within the Santa Ana Canyon Area shall pay his proportional share of all necessary facilities required to provide water service to the property. These facilities shall include, but not be limited to, additional transmission facilities, terminal storage facilities identified on Drawing W-2389 but not yet constructed, and additional pumping stations, pressure regulating facilities, and distribution mains.

In certain circumstances, the Utility may require the developer to install facilities in excess of what is required to serve his property. In such cases, the developer must enter into a reimbursement agreement with the City to recover his expenditures in excess of his proportionate share. Reimbursement of such costs shall be made to the developer, without interest, as moneys are collected from future developments. The reimbursement agreement shall be in effect for a period of ten (10) years or until the proportionate cost for all additional property served has been collected and reimbursed to the developer, whichever occurs first.

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C. EAST SANTA ANA CANYON AREA TRANSMISSION AND TERMINAL STORAGE FACILITIES
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4. Reimbursement Payments

The Utility shall make yearly reimbursement payments to the eligible Developer/Applicants in September of each year of all East Santa Ana Canyon Area acreage fee payments, including adjustments by the ENR Construction Cost Index, as defined in Rule 15-C-2-b. The fiscal year extends from July 1 to June 30.

5. Miscellaneous

- a. Rendition of Water Service - The Utility shall not be obligated to serve any portion of the new development until all applicable payments have been completed.
- b. Revision - The General Manager of the Utility is authorized and directed to revise and update Drawing Nos. W-2389 and W-2393 as necessary to reflect actual construction cost of facilities, current cost estimates and such adjustments required to accommodate approved land use changes in the East Santa Ana Canyon Area. Such adjustments include, but are not limited to the addition or deletion of projects or adjustments to the borders of the East Santa Ana Canyon Area .
- c. Any Transmission and Terminal Storage Facilities installed hereunder shall become the sole property of the Utility after acceptance by the City of Anaheim.
- d. Reconciliation – The General Manager of the Utility is authorized to provide reconciliation using Utility funds to ensure that all Developer/Applicants pay their proportionate share of transmission mains and terminal storage costs.
- e. Special Situations - Special conditions of service, facilities and related matters applicable to these Rules and Regulations not expressly covered, shall be resolved by the Utilities General Manager.
- f. Exceptional Cases - In unusual circumstances, when the application of these rules appears impractical or unjust, the Developer/Applicant may refer the matter to the Anaheim Public Utilities Department General Manager for special ruling, or for the approval of special conditions, which must be agreed upon, prior to commencing construction. If the matter is not satisfactorily resolved by the Anaheim Public Utilities Department General Manager, the Developer/Applicant may petition the City Council for final determination.

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RULE NO. 15

MAIN EXTENSIONS AND ENLARGEMENTS

D. PLATINUM TRIANGLE WATER FACILITIES

The cost of upgrading all water facilities serving the Platinum Triangle as defined herein shall be paid for by the owners or developers of property requiring such facilities. The procedure set forth herein provides that the developer of a parcel of property within the Platinum Triangle, other than for permitted primary industrial uses as provided in Section d.11, shall pay the proportional share of the cost of facilities in the form of Gross Floor Building Area (GFA) fees. Other fees, which are covered in the City's Water Rates, Rules and Regulations shall also be applicable.

1. Definition of Terms

- a. Advance - The payment required for financing the installation of upgraded water facilities within the Platinum Triangle.
- b. Commercial or Office Development - Any buildings or structures within the Platinum Triangle hereafter constructed, enlarged, or modified.
- c. Competitive Bidding Procedure - The process of obtaining sealed construction bids by the developer for a portion of the upgraded water facilities. The bids must be obtained in a bid form and bid items approved by the General Manager prior to soliciting for bids. The developer must obtain a minimum of three bids. The developer will not be allowed to award the contract and to proceed with the water construction work, until the bids are submitted to the City and the lowest responsible bid approved by the General Manager. The bids obtained by the developer shall be from construction contractors licensed by the State of California and qualified to perform water construction work. The General Manager will have the authority to reject all bids and request the developer to obtain the authority to obtain additional bids. If all bids submitted to the General Manager for approval are not satisfactory, the City reserves the option to solicit bids for the work under established City advertising and awarding procedures.
- d. Developer/Applicant - The person, association, corporation or governmental agency applying for water service.
- e. Gross Floor Building Area Fees - Gross Floor Building Area (GFA) fees shall be the rate on a gross square foot basis for new residential, commercial and office developments within the Platinum Triangle.
- f. Gross Floor Building Area of Applicant's Development - The total gross floor area as shown on the building plans submitted to the City for approval including any amendments, additions or revisions as may be requested by the Applicant or the City, measured to the nearest square foot.

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RULE NO. 15

MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

- g. Pay, Paid, Payment - "Make satisfactory financial arrangements" "satisfactorily arranged for financially," and "satisfactory financial arrangements," respectively, in addition to the accepted meaning of these terms.
- h. Platinum Triangle/Platinum Triangle - That portion of the service area bounded on the east by the Santa Ana River, on the south by the Anaheim city limits, on the west by the Santa Ana Freeway, and on the north by the Southern California Edison easement, which easement is generally located parallel to and north of Katella Avenue.
- i. Platinum Triangle Documents - Shall consist of Drawing Nos. W-2523 and W-2524 as latest revised delineating the boundary of the Platinum Triangle location and estimated or actual cost of upgrading water facilities and the GFA in square feet. These documents shall be revised periodically to reflect adjusted GFA, actual cost of facilities in place, current cost estimates, and such other costs which may be incurred annually in direct benefit of the Platinum Triangle.
- j. Platinum Triangle Facility Fund - A fund into which the GFA Fees and Advances are deposited and expenditures are made in connection with upgrading all water facilities in the Platinum Triangle. All interest earned by moneys in this fund shall remain in this fund. Appropriate administrative and overhead costs shall be charged against this fund by the Utility.
- k. Projected Total Development - The Projected Total Development shall be the incremental projected building square foot growth within the boundaries of the Platinum Triangle as documented in the most current land use plans adopted by the City, for commercial, residential and office space development measured to the nearest square foot.
- l. Residential Development - Any building or structure within the Platinum Triangle hereafter constructed, enlarged, or modified for use as a residence.
- m. Upgraded Water Facilities - Those facilities which have been determined to be necessary to provide domestic and fire flows to the Platinum Triangle, as shown on Drawing No. W-2523 on file at the City of Anaheim, Public Utilities Department, Water Engineering Division.

2. Computation of Fee

- a. GFA Fees - Gross Floor Building Area fees shall be computed on the basis of the estimated or actual costs of construction of the upgraded Water Facilities divided by the projected square footage of gross building area
- b. The Platinum Triangle Document, Drawing No. W-2524 as latest revised, shall be the official record of Gross Floor Building Area and the fee as computed per section D.2.a.

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MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

3. Application of Fee

- a. Each Developer shall pay an amount for upgraded water facilities calculated by multiplying the GFA fee times the Gross Floor Building Area of the Applicant's Development.
- b. Each developer shall pay the amount of the fee as calculated pursuant to section D.3.a. prior to approval of water improvement plans or completion of the application for water service or prior to rendering water service to the developer's premises; provided however that any failure of the City to collect the fee shall not relieve the developer of its obligation to pay the fee.

4. Advances

- a. Primary main fees in the Platinum Triangle shall be treated in the manner set forth in Rule 15-A.
- b. In lieu of the fee as herein described, the Applicant for water service that requires Platinum Triangle Facilities, shall be permitted, if qualified in the judgment of the General Manager, to design and construct the facilities or arrange for their installation pursuant to Competitive Bidding Procedures. The cost, including the cost of design review, inspection and supervision by the Utility, shall be paid directly by Applicant. The Applicant shall provide the General Manager with a statement of actual construction cost in detail satisfactory to the General Manager. The amount to be treated as an Advance subject to refund shall be the lesser of (1) the actual cost, or (2) the price quoted in the General Manager's detailed cost estimate. The installation shall be in accordance with the plans and specification approved by the General Manager.

5. Refund of Advances

- a. Each Advance in excess of the GFA Fees shall be refunded from subsequent Applicant's GFA Fees, in accordance with a written reimbursement agreement between the Utility and Developer. Such Reimbursement agreements shall have a maximum term of 10 years.
- b. The total amount of any refund to an Applicant shall not exceed the amount of their Advance.
- c. Refunds shall be subject to any existing Revenue Bond Covenants, and shall be junior to any present or future bond and note payments.

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MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

- d. The Utility shall make refunds to the Applicant who made an Advance, or his assignee, until the amount of the Advance has been paid, without interest.
- e. When it has been necessary for the Utility to advance funds to alter or add to the Platinum Triangle Facilities, funds available for refunds will first be applied to the Utility's Advance before Section D.5.a. is applicable.
- f. Where two or more Applicants in the Platinum Triangle have paid Advances in the Platinum Triangle, they shall each receive as refunds a proportional amount of the funds received from GFA Fees.
- g. The proportional yearly amount of refund is determined by multiplying the gross amount available for refund times a weighted factor for each Applicant. The numerator of this factor is the product of the Applicant's original Advance multiplied by the number of years since the date of record of the Applicant's Advance. The denominator of this factor is the sum of the numerators for all applicants eligible for refunds. The number of years shall be calculated to the nearest month.
- h. The Utility shall make yearly refund payments to the eligible Applicants in September of each year.
- i. The first payment by the Utility for a developer's Advance shall be made in September of the year following completion and acceptance by the Utility of the upgraded water facility for which the Advance was made.

6. Miscellaneous

- a. Revision - The General Manager of the Utility is authorized and directed to revise and update Drawing Nos. W-2523 and W-2524 as necessary to reflect actual construction cost of facilities, current cost estimates and such adjustments required to accommodate approved land use changes in the Platinum Triangle. Such adjustments include, but are not limited to the addition or deletion of projects or adjustments to the borders of the Platinum Triangle.

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RULE NO. 15

MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

7. Ownership, Design and Construction of Platinum Triangle Facilities

- a. Any Platinum Triangle Facilities installed hereunder shall become the sole property of the Utility after acceptance by the City.
- b. The construction of water facilities must be accomplished in compliance with the requirements of any public authority having jurisdiction in the area of work. Any additional costs incurred in order to comply with these requirements shall become part of the total cost of the water facility.

8. Estimates, Contract Documents, Plans and Specifications

- a. Any Applicant for a Platinum Triangle Facility which has entered into an agreement for designing and constructing water improvements shall be required to deposit with the Utility an amount equal to the estimated cost of review and approval of such material. The Utility shall, upon request, make available within a reasonable period after receipt of the deposit referred to above.
- b. The applicant shall provide the City with As Built drawings of all facilities constructed by the applicant pursuant to section D.4.b. Such as built drawings shall be original mylars drawings sealed by the engineer of record to include all revisions approved by the City during construction and startup. The construction field superintendent for the applicant shall keep a set of plans on the jobsite with all approved changes noted in red throughout the construction and startup of the facilities. Such red lined set shall be signed by the applicant's representative and turned over to the City inspection staff at the closeout of the project.

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MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

- c. In the event a Platinum Triangle Facilities contract with the Utility is executed within 180 days after the Utility furnishes the detailed plans and specifications, the deposit shall become a part of the Advance. If such contract is not so executed, the deposit to cover the cost of preparing plans, specifications and cost estimates shall be forfeited by the Applicant.
- d. When detailed plans, specifications and cost estimates are requested, the Applicant for a Platinum Triangle Facility shall furnish the Utility accurate drawings showing a site plan including Gross Floor Building Area of the building(s) to be developed. If changes are made subsequent to the presentation of these drawings by the Applicant, and these changes require additional expense in revising contract documents, plans, specifications and cost estimates, this additional expense shall be borne by the Applicant, not subject to refunds.

9. Timing and Adjustment of Advances

- a. Unless the Applicant for the Platinum Triangle Facilities elects to arrange for the installation of the Platinum Triangle Facility, as permitted by Section D.4.b., the full amount of the required Advance, or an acceptable surety bond and/or letter or credit must be provided to the Utility at the time of execution of a Platinum Triangle Facility agreement prior to issuance of a building permit.
- b. An Applicant for Platinum Triangle Facilities may be required by the General Manager to deposit sufficient cash to cover the cost of such Platinum Triangle Facilities in advance of construction.
- c. An Applicant for a Platinum Triangle Facility who advances funds shall be provided by the Utility with a statement of actual costs. Said statement shall be submitted within sixty days after the actual costs of the installation have been determined by the General Manager.

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MAIN EXTENSIONS AND ENLARGEMENTS

D. ANAHEIM PLATINUM TRIANGLE WATER FACILITIES (Continued)

- d. Any differences between the actual costs and the amount advanced shall be shown as a revision of the amount of Advance and shall be payable by the developer or reimbursed by the City within thirty days of the date of the submission of a statement to the Applicant.

10. Special Conditions

- a. Special Situations - Special conditions of service, facilities and related matters applicable to these Rules and Regulations not expressly covered, shall be resolved by the Utilities General Manager.
- b. Exceptional Cases - In unusual circumstances, when the application of these rules appears impractical or unjust, the Applicant may refer the matter to the Utilities General Manager for special conditions, which are agreed upon, prior to commencing construction. If the matter is not satisfactorily resolved with the Utilities General Manager, the Applicant may petition the City Council for final determination.
- c. Any person who disputes the amount of the fee or the application of the fee shall file a notice of appeal with the Utilities General Manager within 10 calendar days of receiving notice that the fee is due. The filing of an appeal shall not relieve the developer of the obligation to pay the fee in accordance with the preceding paragraph b. Any fees paid during or prior to an appeal will be held by the Utility until the appeal is determined.

11. Exemptions

- a. Any structure of any portion thereof devoted to parking of automobiles.
- b. Conversion of a building or structure to a similar or less intensive land use.
- c. Reconstruction of any building or structure destroyed by fire or other natural causes.
- d. Any building or structure wherein the proposed use is a permitted use under Section 18.61.020 of the ML (Limited Industrial) Zone.