



Regular Meeting Agenda January 23, 2018

Placentia City Council
Placentia City Council as Successor to the Placentia
Redevelopment Agency
Placentia Industrial Commercial
Development Authority

Chad P. Wanke
Mayor

Rhonda Shader
Mayor Pro Tem

Craig S. Green
Councilmember

Ward L. Smith
Councilmember

Jeremy B. Yamaguchi
Councilmember

Patrick J. Melia
City Clerk

Kevin A. Larson
City Treasurer

Damien R. Arrula
City Administrator

Christian L. Bettenhausen
City Attorney

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

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Mission Statement

The City Council is committed to keeping Placentia a pleasant place by providing a safe family atmosphere, superior public services and policies that promote the highest standards of community life.

Vision Statement

The City of Placentia will maintain an open, honest, responsive and innovative government that delivers quality services in a fair and equitable manner while optimizing available resources.

Copies of all agenda materials are available for public review in the Office of the City Clerk, online at www.placentia.org, and at the Placentia Library Reference Desk. Persons who have questions concerning any agenda item may call the City Clerk's Office, (714) 993-8231, to make inquiry concerning the nature of the item described on the agenda.

Procedures for Addressing the Council/Board Members

Any person who wishes to speak regarding an item on the agenda or on a subject within the City's jurisdiction during the "**Oral Communications**" portion of the agenda should fill out a "**Speaker Request Form**" and give it to the City Clerk BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should fill out a "**Speaker Request Form**" and give it to the City Clerk BEFORE the item is called.

The Council and Board members encourage free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, the Council and Board discourage clapping, booing or shouts of approval or disagreement from the audience.

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL AND BOARD MEMBERS ARE IN SESSION.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

In compliance with California Government Code § 54957.5, any writings or documents provided to a majority of the City Council regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

Study Sessions are open to the public and held in the City Council Chambers or City Hall Community Room. Executive Sessions are held in the Council Caucus Room. While the public may be in attendance during oral announcements preceding Executive Sessions, Executive Sessions are not open to the public.

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING AGENDA- CLOSED SESSION
January 23, 2018
5:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Councilmember/Board Member Green
Councilmember/Board Member Smith
Councilmember/Board Member Yamaguchi
Mayor Pro Tem/Board Vice Chair Shader
Mayor/Board Chair Wanke

ORAL COMMUNICATIONS:

At this time the public may address the City Council and Boards of Directors concerning any items on the Closed Session Agenda only. There is a five (5) minute time limit for each individual addressing the City Council and Boards of Directors.

The City Council and Boards of Directors will recess to the City Council Caucus Room for the purpose of conducting their Closed Session proceedings.

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957(b)(1):

Title: City Administrator

2. Pursuant to Government Code Section 54956.9(d)(2):

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant exposure to litigation: (1 case)

3. Pursuant to Government Code Section 54956.9(d)(4):

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION

Significant exposure to litigation: (1 case)

RECESS: The City Council and Boards of Directors will recess to their 7:00 p.m. Regular Meeting.

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING AGENDA
January 23, 2018
7:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Councilmember/Board Member Green
Councilmember/Board Member Smith
Councilmember/Board Member Yamaguchi
Mayor Pro Tem/Board Vice Chair Shader
Mayor/Board Chair Wanke

INVOCATION: Chaplain Sterling Bennett

PLEDGE OF ALLEGIANCE:

PRESENTATION: None

CLOSED SESSION REPORT:

CITY ADMINISTRATOR REPORT:

ORAL COMMUNICATIONS:

At this time the public may address the City Council and Boards of Directors concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the City Council and Boards of Directors. There is a five (5) minute time limit for each individual addressing the City Council and Boards of Directors.

CITY COUNCIL/BOARD MEMBER COMMENTS:

1. CONSENT CALENDAR (Items 1.a. through 1.c.):

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any Member of the City Council and Boards of Directors or City Administrator may request an item be removed from the Consent Calendar for discussion. All items removed shall be considered immediately following action on the remaining items.

- 1.a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Fiscal Impact: None
Recommended Action: Approve.
- 1.b. **Tentative Parcel Map (TPM) 2013-147: a Proposed Parcel Map to Subdivide an Approximately 0.42 Acre (18,400 Square Feet) Lot into Three (3) Lots and a Remainder Parcel for a Property Within the R-1 (O) (Single-Family Residential - Combining Oil District) That Is Located on the South Side of Vincente Avenue Between Van Buren Street and Maria Avenue (Assessor's Parcel Number 346-172-07)**

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Council/Board Members may make requests or ask questions of Staff. If a Council/Board Member would like to have formal action taken on a requested matter, it will be placed on a future Council or Board Agenda.

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors will adjourn to Tuesday, February 6, 2018 at 5:00 p.m.

TENTATIVE AGENDA FORECAST

The Tentative Agenda Forecast is subject to change up until the posting of the Agenda for the Council Meeting listed below:

- Fiscal Recap of 2017 Heritage Festival and Approval of 2018 Event
- Public Hearing for Council Election District Boundaries

CERTIFICATION OF POSTING

I, Rosanna Ramirez, Chief Deputy City Clerk of the City of Placentia and Assistant Secretary of the Industrial Commercial Development Authority and Successor Agency, hereby certify that the Agenda for the January 23, 2018 meetings of the City Council, Successor Agency, and Industrial Commercial Development Authority was posted on January 18, 2018.

Rosanna Ramirez, Deputy Director of Administrative Services/
Chief Deputy City Clerk



Placentia City Council

AGENDA REPORT

TO: CITY COUNCIL

VIA: CITY ADMINISTRATOR

FROM: DIRECTOR OF DEVELOPMENT SERVICES

DATE: JANUARY 23, 2018

SUBJECT: TENTATIVE PARCEL MAP (TPM) 2013-147: A PROPOSED PARCEL MAP TO SUBDIVIDE AN APPROXIMATELY 0.42 ACRE (18,400 SQUARE FEET) LOT INTO THREE (3) LOTS AND A REMAINDER PARCEL FOR A PROPERTY WITHIN THE R-1 (O) (SINGLE-FAMILY RESIDENTIAL - COMBINING OIL DISTRICT) THAT IS LOCATED ON THE SOUTH SIDE OF VINCENTE AVENUE BETWEEN VAN BUREN STREET AND MARIA AVENUE (ASSESSOR'S PARCEL NUMBER 346-172-07)

FISCAL
IMPACT: NONE

SUMMARY:

At the Planning Commission meeting held December 12, 2017, the Planning Commission voted 4-0-3 to recommend approval of Tentative Parcel Map (TPM) 2013-147 to the City Council. TPM 2013-147 is an application to subdivide an approximately 0.42 acre (18,400 square feet) lot into three (3) parcels and a remainder parcel measuring 3,818 square feet for parcels 1 and 2, 4,728 square feet for parcel 3, and 6,486 square feet for the remainder parcel on property located at 1633 La Paloma Avenue within the R-1 and O Overlay Districts. In accordance with Placentia Municipal Code (PMC) Sections 22.80.060 and 22.80.070, the Planning Commission hereby submits a report of its findings and recommends approval of TPM 2013-147 to the City Council.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Adopt the findings set forth within Resolution No. PC-2017-21 (Attachment 1); and
2. Approve TPM 2013-147 subject to the Special Conditions of Approval and Standard Development requirements set forth in Attachment 2; and
3. Adopt the finding that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15315 (Class 15 – Minor Land Divisions) and the City of Placentia Environmental Guidelines.

1.b.
January 23, 2018

BACKGROUND:

PMC Section 22.80.010(a) requires a parcel map for all subdivisions of four (4) or fewer parcels and PMC Section 22.80.060(c) requires that the Planning Commission take action to recommend to the City Council conditional approval or denial of the subdivision map. At the Planning Commission meeting held December 12, 2017, the Planning Commission voted 4-0-3 (three members absent), to recommend approval of TPM 2013-147 to the City Council.

DISCUSSION:

Subject Site and Surrounding Land Uses:

The subject site is located within an existing single family residential district on the south side of Vincente Avenue between Maria Avenue and Van Buren Street (APN 346-172-07). The table below shows surrounding existing land uses, zoning, and General Plan Land Use Designations.

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Vacant; oil well facility	Low Density Residential	R-1 & O (single-Family residential – Oil Combining Districts)
North (Across Vincente Ave.)	Vacant; oil well facility	Low Density Residential	R-1 & O
South	Single Family Residential	Low Density Residential	R-1 & O
East	Single Family Residential	Low Density Residential	R-1 & O
West	Single Family Residential	Low Density Residential	R-1 & O

Lot Standards

Chapter 22.16.020 of the PMC sets forth development standards defining the minimum lot width, lot depth, and lot area for all residential districts. The R-1 development standards require a minimum lot size of 7,000 square feet for all interior lots and a minimum frontage of 70 feet. The proposed subdivision does not meet these standards, however Section 23.12.090(1) of the PMC allows for the minimum lot size and width to be compatible with the average size and width of the lots in the neighborhood, if approved by the Planning Commission. The subdivision proposes two lots each at 3,818 square feet with a street frontage of 41.5 feet, one lot at 4,728 square feet with

a street frontage of 46.5 feet, and a remainder lot of 6,486 square feet with a street frontage of 70.5 feet. The lots along Vincente Avenue are approximately 3,680 square feet with 40 feet of street frontage and the lots along La Paloma Avenue are approximately 3,840 square feet with 40 feet of street frontage. Therefore, the proposed lots are of a similar lot size to the lots surrounding the subject site.

CEQA:

The proposed application was reviewed by Staff in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that TPM 2013-147 is exempt from CEQA pursuant to State CEQA Guidelines §15315, Class 15 - Minor Land Divisions, as it applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels, the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Prepared by:

Reviewed and approved:

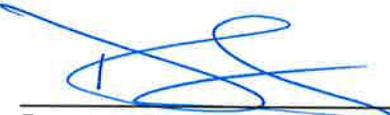


Arlen Beck
Planning Technician



Joseph M. Lambert
Director of Development Services

Reviewed and approved:



Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. PC-2017-21
2. Conditions of Approval
3. Placentia Commission Staff Report for TPM 2013-147

RESOLUTION NO. PC-2017-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING TENTATIVE PARCEL MAP (TPM) 2013-147 PERTAINING TO THE SUBDIVISION OF PROPERTY LOCATED ON THE SOUTH SIDE OF VINCENTE AVENUE BETWEEN VAN BUREN STREET AND MARIA AVENUE (APN NO. 346-172-07) AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Te Family Investment, as owners of the property located on the south side of Vincente Avenue between Van Buren Street and Maria Avenue (APN NO. 346-172-07) ("Applicant" hereinafter) heretofore filed an application for approval of Tentative Parcel Map(TPM) 2013-147, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Tentative Parcel Map request is referred to as the "Application".

(ii) On December 12, 2017, this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

1. The Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed project will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed development or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Conditions of Approval and Standard Development Requirements (Attachments "A and B), this development complies with all applicable code requirements and development standards for Zoning of Title 23 Placentia Municipal Code Plan District and Title 22, Building Codes and Regulations of the Placentia Municipal Code.

b. Accepting that the Planning Commission recommends approval of Tentative Parcel Map 2013-147, the proposed use will be consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "R-1 Single-Family", and the proposed use does not involve any change in the land use of the subject site. The proposed project involves the subdivision of a +/-0.42 acre (18,400 square feet) lot into 3 lots and a remainder parcel located on the south side of Vincente Avenue between Van Buren Street and Maria Avenue (APN No. 346-172-07) in the R-1 (O) (Single – Family Residential - Oil Combining Districts) which is a development type that is consistent with this designation.

c. The proposed project as presented in the staff report and accompanying plans complies with all requirements of Chapter 22.80 Subdivision of four or less parcels. The proposed Development includes Conditions of Approval and Standard Development Requirements to ensure full compliance with applicable code requirements.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of this development approval. Attachment "B" contains Conditions of Approval and Standard Development Requirements specific to this development application in order to provide assurances that the proposed subdivision and related on and off-site improvements are in compliance with applicable requirements of the Placentia Municipal Code.

e. That the proposed map is consistent with the General Plan. The proposed Tentative Parcel Map is to support the construction of 3 units on the site. In an overall review of the General Plan, the proposed 3 unit development is consistent with all of the policies, programs, and goals. More specifically, it is a goal of the General Plan under policy 1.1 that, "continuous vacant or underutilized parcels should be comprehensively planned for development to minimize effects on the City's suburban atmosphere." The subject site is an underdeveloped 0.42 acre site that is improved with three single-family homes. Furthermore, it is an objective of the City's Housing Element to increase the overall housing stock within the City. This includes providing sufficient housing to meet the City's share of the Regional Housing Needs Assessment (RHNA). By allowing the proposed project to be constructed there will be an increase in the housing inventory by 3 units. For these reasons, approval of the Tentative Parcel Map is consistent with all other goals, policies, programs, and land uses of applicable elements of the General Plan.

f. That the site is physically suitable for the type and density of development. The subject site is a 0.42 acre parcel, which has been designed to accommodate the units, as well as sufficient parking, landscaping, and open space. Based on this, the subject site is adequate to accommodate the R-1 Zoning Designation.

g. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. The proposed subdivision is to allow a 3 unit housing development.

h. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. As part of the review of the application, an extensive record research was completed. Additionally, the application submitted a preliminary title report with their application. Although easements have been found, they are for utility access only. All of the easements will be protected in place and will not be altered by the construction of the project.

i. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidable injure wildlife or their habitat. The subject site is an underutilized single family use. There are no known areas within the City that host wildlife or their habitat, most particularly species.

3. The Planning Commission hereby recommends: (a). The City Council of the City of Placentia find that Notice Of Exemption, adopted with respect to the project was prepared in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000, *et seq.*, and the Environmental Impact Report Guidelines of the City of Placentia and that the Council review and consider the information contained in said Notice of Exemption with respect to the Application;

(b). The Planning Commission find and determine that, based upon the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project, no significant adverse environmental effects will occur; and

4. Based upon the findings and conclusions set forth herein, this Planning Commission hereby recommends approval of Tentative Parcel Map 2013-147 to the City of Placentia City Council, as modified herein, and specifically subject to the conditions set forth in Attachment "B" attached hereto and by this reference incorporated herein.

5. The Secretary to the Planning Commission shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 5th day of December 2017.

CHRISTINE SCHAEFER, CHAIRMAN

I, Joseph Lambert, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 12th day of December 2017, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 12th day of December 2017, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAINED:	COMMISSION MEMBERS:

ATTEST:

JOE LAMBERT
SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM

YOLANDA M. SUMMERHILL
ASSISTANT CITY ATTORNEY

SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below and the Standard Development Requirements attached.

ALL OF THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE FULLY COMPLIED WITH PRIOR TO THE FINAL INSPECTION FOR USE AND OCCUPANCY OF THE PREMISES.

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION:

1. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation or amendment of said actions by the City of Placentia Planning Commission.
2. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. To the extent such claim, action or proceeding addresses the applicant's map, this condition shall be construed in accordance with Government Code Section 66474.9.
3. Approval of Tentative Parcel Map 2013-147 and the final map is contingent upon City Council Approval.
4. TPM 2013-147 shall expire twenty-four (24) months after approval or conditional approval if a final map is not recorded. Upon written request by the subdivider, the time limit may be extended a total of twelve (12) months by City Council.
5. A final map shall be prepared by or under the direction of a registered Civil engineer or licensed land surveyor in the State, as provided for in the Business and professions Code.
6. TPM 2013-147 shall comply with all applicable requirements of Chapter 22.80, Subdivisions of Four or Less Parcels of the Placentia Municipal Code.
7. Property owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and

liter. Graffiti shall be removed by the property owner within 72 hours of defacement and/or upon notification by the City.

8. Any changes or modifications to the approved use shall be subject to review and approval by the Director of Development Services. The Director may determine if such change or modification requires approval by the Planning Commission.
9. Applicant/builder is responsible, at its sole cost and expense, to cause all cable, telephone, electrical, and other utility services serving the property to be placed underground within the subject site. Prior to the issuance of building permits, Applicant/builder shall submit a separate utility plan for each such utility service. The utility plan shall indicate the precise location of where all cable, telephone, electrical, and other utility series serving the property will be placed underground within the subject site, as well as the points of connection at the proposed building or buildings on the site and the public right-of-way. Prior to the submittal of the utility plans to the City, the plans shall be reviewed and approved by the respective utility company. Evidence of approvals shall be in the form of a signed and dated approval stamp and/or approval letter. If the precise locations of future utility services cannot be reasonably ascertained prior to the issuance of building permits, upon prior written approval of the Director of Development Services, prior issuance of a certificate of occupancy. Applicant/builder shall provide the City with "as built" plans.
10. Applicant/builder shall establish a rodent abatement program prior to the demolition of existing structures on the property, or before any other on or off-site work. A detailed description of how this program will work shall be submitted to the City Planning Division for approval prior to obtaining building permits.
11. During grading and construction, site shall be regularly sprinkled with water to minimize fugitive dust emissions. Compliance shall be required with the permitted working hours as specified in Section 23.81.170, Grading, construction and maintenance of real property of the Placentia Municipal Code. Signs shall be posted at all construction entrances to the project site indicating the permitted working days and hours.
12. A solid block wall, at a minimum of 6'-0" high shall be installed around the perimeter boundaries of the site along the rear and side yard property lines prior to issuance of a certificate of occupancy.
13. Prior to the issuance of building permits, landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval. Landscaping to include a variation of trees, shrubs, vines, and ground cover, shall be installed and permanently maintained in all common areas of the project site. The plans shall conform to the State Model Water Efficient Landscaping Ordinance per AB 1881, Section 23.78.130-Landscaping of the

Placentia Municipal Code (PMC), and City of Placentia Policy No. 720 – Xeriscape and Landscape Water Conservation Standards.

14. The property owner(s) and/or their successor(s) willfully agree to enter into any established Community Facility District(s) (CFD), Landscape Maintenance District(s) (LMD), and Street Lighting Maintenance District(s) (SLMD) or participate in the annexation into said district(s) for the project area. If any of the subject property(ies) are sold prior to annexation into the three districts, the future property owner(s) must complete the annexation process and no Certificates of Occupancy shall be issued prior to completion of annexation.
15. The property owner(s) shall pay in full all applicable impact fees associated with the development project.

DEVELOPMENT SERVICES DEPARTMENT - BUILDING DIVISION:

16. The south side of the new lot #1 and lot #2 has a 5' existing utility easement, by subdividing the existing lot into four (4) parcels, please identify where the new egress way is for the existing 5' utility easement is to be located prior to issuance of building permits.
17. Prior to issuance of building permits, provide Orange County Fire Authority (OCFA) final approval for existing oil well on proposed lot #4. Clearance of minimum radius from oil well on lot #4 requires OCFA approval before any construction for lot #3.
18. Final tract map shall be approved and recorded by the Orange County Clerk-Recorder prior to issuance of building and grading permits.
19. Any existing overhead electrical poles shall be placed underground. Provide detailed plans and obtain S.C. Edison approval prior to issuance of building and grading permits.

PUBLIC WORKS DEPARTMENT:

20. A preliminary street improvement, grading, and drainage plan shall be submitted and approved by the City Engineering Division prior to issuance of any grading or building permits. Please show the building footprints and locations of proposed drive approaches.
21. A sewer capacity analysis shall be submitted and approved by the City Engineering Division prior to issuance of any grading or building permits.
22. Will-serve letter from water and sewer providers shall be submitted to the City Engineering Division prior to issuance of any grading or building permits.

23. A preliminary geotechnical report shall be submitted to the City Engineering Division prior to issuance of any grading or building permits.
24. A preliminary soils report with recommendations shall be submitted to the satisfaction of the City Engineer prior to issuance of any grading or building permits.
25. Final grading, drainage, and erosion control plans shall be required prior to issuance of any grading or building permits.
26. A final geotechnical report and a hydrology/drainage report will be required at the time of submittal of the final grading plan for plan check.
27. Existing curb and gutter and/or sidewalk which is damaged shall be removed and replaced to the satisfaction of the City Engineer. Pavement rehabilitation of the existing pavement on Vincente Avenue will be required across the entire property frontage to the centerline of the street to the satisfaction of the City Engineer. These items of work as well as drive approaches shall be shown on the grading plan.
28. Frontage improvements along Vincente Ave shall comply with all of the latest ADA requirements. All ADA improvements must be certified by a licensed engineer, in both the design and construction phases.
29. All utilities serving the project site shall be underground prior to issuance of any building or grading permits.
30. The northerly 4.02 feet of said land has an easement for street and highway purposes in favor of the County of Orange. This easement shall be abandoned prior to issuance of grading or building permits, whichever comes first.
31. Any work performed in the public right of way requires a City encroachment permit.
32. A parcel map acceptable to all the conditions of the County Surveyor for recordation is required
33. Fees, charges, and deposits shall be paid prior to recordation of parcel map.

ORANGE COUNTY FIRE AUTHORITY:

34. Prior to issuance of a building permit, a Methane Investigation/Mitigation Plan (service codes PR 172 and PR 174) shall be submitted to Orange County Fire Authority for review.
35. Prior to issuance of a building permit, a Fire Master Plan (service code PR 160) shall be submitted to Orange County Fire Authority for review.
36. Prior to issuance of Certificate of Occupancy, a Fire Sprinkler Plan (service code PR400) shall be submitted to Orange County Fire Authority for review.



Placentia Planning Commission

AGENDA STAFF REPORT

TO: PLANNING COMMISSION
FROM: ARLEN BECK, PLANNING TECHNICIAN
DATE: DECEMBER 12, 2017
SUBJECT: **TENATIVE PARCEL MAP 2013-147**

RECOMMENDATION:

It is recommended that the Planning Commission take the following actions:

1. Open the public hearing concerning Tentative Parcel Map (TPM) 2013-147;
2. Receive the staff report and consider all public testimony;
3. Close the public hearing;
4. Adopt Resolution PC-2017-21, a Resolution of the Planning Commission of the City of Placentia, recommending to the City of Placentia City Council approval of TPM 2013-147 to permit the subdivision of an approximately 0.42 acre (18,400 square feet) lot into three (3) lots and a remainder parcel for a property within the R-1 (O) (Single-Family Residential - Combining Oil District) that is located on the south side of Vincente Avenue between Van Buren Street and Maria Avenue (Assessor's Parcel Number 346-172-07) and to make findings that the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) set forth in Title 14 CCR § 15315 (Class 15 – Minor Land Divisions) and the City of Placentia Environmental Guidelines.

REQUEST:

The applicant, How Chin (Andy) Te, dba Te Family Investment LLC, is requesting the subdivision of an approximately 0.47 acre (18,400 square feet) lot into three (3) parcels and a remainder parcel located on the south side of Vincente Avenue between Van Buren Street and Maria Avenue (APN 346-172-07). The requested subdivision will allow for future sales and conveyance. Placentia Municipal Code (PMC) Section 22.80.010(a) requires a parcel map for all subdivisions of four or fewer parcels and Section 22.80.060 (c) requires that the Planning Commission take action to recommend to the City Council conditional approval or denial of the map.

DISCUSSION:

The subject site is currently vacant with the exception of an oil well facility and related oil extraction equipment. The following table outlines the size of the individual subdivided parcels and remainder lot.

Parcel No.	Lot Size (square feet)	Lot Size (acres)
1	3,818 square feet	.09 acres
2	3,818 square feet	.09 acres
3	4,728 square feet	.09 acres
4 (Remainder)	6,486 square feet	.15 acres

Lots 1 and 2 have a 5 foot easement on the south side of the lot for power and telephone lines. Lot 4 (remainder) cannot be developed at this time because it contains an existing oil well and pump station that is fully operational and a residential building must maintain a certain distance from oil wells.

Subject Site and Surrounding Land Uses:

The subject site is located within an existing single family residential district on the south side of Vincente Avenue between Maria Avenue and Van Buren Street (APN 346-172-07). The table below shows surrounding existing land uses, zoning, and General Plan Land Use Designations.

Surrounding Land Uses:

Location	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Subject Site	Vacant; oil well facility	Low Density Residential	R-1 & O (single-Family residential – Oil Combining Districts)
North (Across Vincente Ave.)	Vacant; oil well facility	Low Density Residential	R-1 & O
South	Single Family Residential	Low Density Residential	R-1 & O
East	Single Family Residential	Low Density Residential	R-1 & O
West	Single Family Residential	Low Density Residential	R-1 & O

LOT STANDARDS:

Chapter 22.16.020 of the PMC sets forth development standards defining the minimum lot width, lot depth, and lot area for all residential districts. The R-1 development standards require a minimum lot size of 7,000 square feet for all interior lots and a minimum frontage of 70 feet. The proposed subdivision does not meet these standards, however Section 23.12.090(1) of the PMC

allows for the minimum lot size and width to be compatible with the average size and width of the lots in the neighborhood, if approved by the Planning Commission. The subdivision proposes two lots each at 3,818 square feet with a street frontage of 41.5 feet, one lot at 4,728 square feet with a street frontage of 46.5 feet, and a remainder lot of 6,486 square feet with a street frontage of 70.5 feet. The lots along Vincente Avenue are approximately 3,680 square feet with 40 feet of street frontage and the lots along La Paloma Avenue are approximately 3,840 square feet with 40 feet of street frontage. Therefore, the proposed lots are of a similar lot size to the lots surrounding the subject site.

CEQA:

The proposed application was reviewed by staff in accordance with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. §§ 15000 *et seq.*, and the Environmental Guidelines of the City of Placentia. Staff recommends that the Planning Commission exercise its independent judgment and find that TPM 2013-147 is exempt from CEQA pursuant to State CEQA Guidelines §15315, Class 15 - Minor Land Divisions, as it applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels, the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

PUBLIC NOTIFICATION:

Legal notice was published in the Placentia News Times on December 1, 2017, and notices were sent to property owners of record within a 300-foot radius of the subject property on November 30, 2017. As of December 7, 2017, staff has received no comments in support or in opposition to the request.

CONCLUSION:

The proposed project is consistent with the City’s General Plan and meets the minimum modified development standards of the PMC. With the recommended conditions of approval, the proposed subdivision located within the existing R-1 (O) Zoning District will be compatible with adjacent land uses and will not result in any adverse impacts to the surrounding area.

RECOMMENDATION:

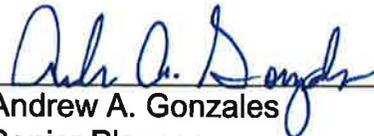
Staff recommends that the Planning Commission adopt Resolution PC 2017-21, recommending approval of TPM 2013-147 to the City of Placentia City Council and making the findings to permit the subdivision as contained in said Resolution.

Prepared and submitted by:



Arlen Beck
Planning Technician

Review and approved by:



Andrew A. Gonzales
Senior Planner



Joseph M. Lambert
Director of Development Services

Attachments:

1. Resolution No. PC 2017-21 recommending City Council approval of TPM 2013-147
2. Statement of Use Submitted by the Applicant Dated and Received September 13, 2017



Placentia City Council

AGENDA REPORT

TO: CITY COUNCIL
VIA: CITY ADMINISTRATOR
FROM: CHIEF OF POLICE
DATE: JANUARY 23, 2018
SUBJECT: **REVISED LEASE AGREEMENT FOR POLICE IMPOUND/EVIDENCE STORAGE FACILITY LOCATED AT 166 E. LA JOLLA AVENUE**

FISCAL

IMPACT: EXPENSE: \$137,796 (January 1 – December 31, 2018)
\$139,863 (January 1 – December 31, 2019)
\$141,961 (January 1 – December 31, 2020)
BUDGETED: \$125,770
OFFSETTING REVENUES: STORAGE AND RELEASE FEES FROM VEHICLE IMPOUNDS

SUMMARY:

The City of Placentia Police Department (Department) currently operates a vehicle impound yard and evidence storage facility on a 1.74 acre site located at 166 East La Jolla Avenue. The City has leased this property since 2009. The lease expired on December 31, 2017. The Department had previously presented a lease which was approved at the City Council meeting held November 7, 2017, but subsequent to the approval, the lessor suggested additional changes which would add a provision for roof and/or ceiling repairs. This action approves a new lease agreement for the property at 166 East La Jolla Avenue for an initial term of thirty-six (36) months with the option for two (2) one-year extensions.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Approve a Lease Agreement with Karagines Family Trust and the Dennis and Deborah Sigalos Family Trust for the property located at 166 East La Jolla Avenue for an initial term of thirty-six (36) months with the option for two (2) one-year extensions; and
2. Authorize the City Administrator and/or his designee to execute all the necessary documents, in a form approved by the City Attorney.

DISCUSSION:

The City is currently leasing property at 166 East La Jolla Avenue to store vehicles impounded by the Department pursuant to California Vehicle Code § 14602.6 and to house police evidence for the City. The property consists of a 43,000 square foot concrete fenced yard area that is used for

1.c.

January 23, 2018

vehicle storage and a 19,500 square foot free standing commercial industrial building that is used to store police evidence. There is a separate 1,840 square foot yard and a free standing storage building at the rear of the property that is used for enclosed vehicle storage. The City has been leasing this property since 2009; however, the lease expired on December 31, 2017.

The City continues to need a site to store police impounds and police evidence. The proposed lease agreement is for an initial term of thirty-six (36) months with the option for two (2) one-year extensions. During the term of the agreement, Staff will explore the feasibility of constructing a City-owned vehicle impound lot and evidence storage facility on city-owned land and will report back to the City Council with options for constructing a City-owned facility on City-owned land with a goal of reducing the General Fund impact of this operational area.

A lease agreement was submitted and approved by City Council on November 7, 2017, but when sent for signatures to the lessor, additional changes to the agreement were requested. The new lease includes language for roofing repairs which state that any repairs to the roof or ceiling in the amount of \$10,000.00 or less will be the responsibility of the City and any repairs above \$10,000.00 will be divided 50/50 between lessee and lessor.

FISCAL IMPACT:

The first year lease amount is \$137,796 paid in quarterly payments. At the time the Fiscal Year (FY) 2017-18 budget was being prepared, Staff anticipated an expense of \$125,770. Since that time, the City Administrator and Chief of Police have negotiated the attached proposed lease. Staff believes that the additional \$12,026 needed in FY 2017-18 will be made up through revenue received in storage and release fees from vehicle impounds. Future years' lease payments amounts will be budgeted accordingly.

Prepared by:


Julie Kennicutt
Sr. Management Analyst

Reviewed and approved:


Darin Lenyi
Chief of Police

Reviewed and approved:


Shally Lin
Senior Financial Advisor

Reviewed and approved:


Damien R. Arrula
City Administrator

Attachment:

Lease Agreement

LEASE AGREEMENT

This Lease ("Lease") made and entered into as of January 1, 2018 ("Effective Date"), by and between the Karagines Family Trust and the Dennis and Deborah Sigalos Family Trust (collectively the "LESSOR") and the City of Placentia, a Charter City and municipal corporation ("CITY") (collectively the "Parties" sometimes hereinafter) regarding that certain parcel of real property, with improvements thereon, as depicted in Exhibit "A" hereto and commonly referred to as 166 East La Jolla Avenue, Placentia, California ("Property").

A. Recitals.

(i). Lessor represents and warrants that it owns that certain real property, located entirely within City, the common and legal description of which is set forth in Exhibit "A," attached hereto and incorporated herein by this reference and hereinafter are referred to as "the Premises."

(ii). All legal prerequisites to the making of this Lease have occurred.

B. Lease.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby the parties hereto agree as follows:

1. Rent. The rent for the Premises shall be at the following rent schedule:

January 1, 2018 – December 31, 2018	\$11,483.00 per month
January 1, 2019 – December 31, 2019	\$11,655.25 per month
January 1, 2020 – December 31, 2020	\$11,830.10 per month

The rent shall be due and payable quarterly, in advance, commencing January 1, 2018, and due and payable on or before the first day of each and every quarter thereafter. Said rent shall be paid to Lessor in equal amounts to the Lessors' address of record.

2. Term. The term of this Lease shall commence on January 1, 2018 ("Commencement Date"). Unless earlier terminated as provided herein, this Lease shall expire and be of no further force and effect at midnight December 31, 2020 (the "Initial Term"). Notwithstanding the foregoing, the Parties hereto may mutually agree in writing to extend the term hereof; provided, however, that no such extension shall exceed a period of two (2) one (1) year periods. This Lease may be terminated without further liability on ninety (90) days prior written notice as follows: (a) by either party upon a default of any covenant, condition, or term hereof by the other party, which default is not cured within ninety (90) days of receipt of written notice of default; (b) by CITY in its sole discretion upon written notice to LESSOR, this Lease, and upon CITY's written notice and payment to LESSOR of an early termination payment as liquidated damages by CITY to LESSOR equal to four (4) months rental at the Rent rate then in effect. The early termination payment in this Section shall not in any way be considered as Rent or Rent offset. Other than as stated herein, LESSOR and CITY shall not have the right to terminate, revoke or cancel this Lease Agreement.

3. Property Acceptance. CITY accepts the Premises in “as-is” condition and acknowledges LESSOR has not made any representations, express or implied, as to its condition. CITY, as part of the consideration for the Premises, agrees at CITY’s sole cost and expense, to keep the Premises in good condition and repair, and surrender the Premises in good condition and repair with the exception of reasonable wear and tear thereof.

4. Utilities. CITY shall pay promptly all charges for gas, electricity, water, refuse removal, sewer assessment, and other utility bills applicable to the Premises during CITY’s occupation, and hold LESSOR harmless therefrom.

5. Equipment. All shelving and storage racks throughout the commissary and warehouse areas shall not be removed from the property without previous written consent from LESSOR. All storage shelving and warehouse racks shall be maintained. Refrigeration and freezers shall be maintained.

6. Maintenance. CITY rents the Premises “as is” and is responsible for all maintenance. At the sole cost of CITY, CITY shall maintain the Premises in good, clean, and safe condition. LESSOR shall not have any responsibility to maintain the Premises. CITY is responsible for all repair and/or replacement of glass as necessary and for all cleaning and general maintenance of the Premises including, but not limited to ~~roof repair~~, plumbing, heating, electrical and parking surfaces. CITY and LESSOR understand and acknowledge that due to the age of the building that the roof may leak or currently leaks ~~repair roof~~. The Parties agree that CITY has the right but not the obligation, to make such roof repairs as reasonably necessary. If the city elects to make repairs to the roof or ceiling, such repairs that cost \$10,000 or less shall be paid for by the CITY, while the cost of repairs exceeding \$10,000 shall be shared equally between LESSOR and CITY. LESSOR further agrees to work with CITY, including the provision of financial assistance to repair the roof as the Parties may agree.. CITY shall maintain open space and parking areas in a weed-free groomed condition. Plantings are encouraged. Painting of the building or any part of the Premises shall be at the approval of LESSOR. All signing shall conform to CITY code and permits obtained from CITY Building Inspector.

7. LESSOR Representations and Warranties. LESSOR makes the following representations and warranties as of the Effective Date and again as of Closing:

7.1. LESSOR has obtained all necessary authorizations and consents to enable it to execute and deliver this Lease and to consummate the transaction contemplated hereby. This Lease and the other documents to be executed by LESSOR hereunder will have been duly entered into by LESSOR and will constitute legal, valid and binding obligations of LESSOR enforceable in accordance with their respective terms.

7.2. LESSOR is not a “foreign person” within the meaning of 26 U.S.C. § 1445(f)(3) (Internal Revenue Code of 1986, as amended).

7.3. The execution, delivery and performance of this Lease hereunder will not conflict with any Lease, contract or law applicable to LESSOR nor constitute a default under any Lease or instrument to which LESSOR is a party or by which LESSOR or the Property are bound.

7.4. LESSOR has not: (1) made a general assignment for the benefit of creditors; (2) filed any voluntary petition in bankruptcy; (3) received notice of the appointment of a receiver to take possession of all or substantially all of its assets; (4) received notice of the attachment or other judicial seizure of all or substantially all of its assets; (5) admitted in writing its inability to pay its debts as they come due; or (6) made an offer of settlement, extension or composition to its creditors generally.

8. CITY Representations. CITY represents and warrants as of the Effective Date and again as of the Closing as follows:

8.1. CITY has obtained all necessary authorizations and consents to enable it to execute and deliver this Lease and to consummate the transaction contemplated hereby. This Lease and the other documents to be executed by CITY hereunder will have been duly entered into by CITY and will constitute legal, valid and binding obligations of CITY enforceable in accordance with their respective terms.

8.2. The execution, delivery and performance of this Lease and the Closing hereunder will not conflict with any Lease, contract or law applicable to CITY nor constitute a default under any Lease or instrument to which CITY is a party or by which CITY is bound.

8.3. CITY has not (i) made a general assignment for the benefit of creditors; (ii) filed any voluntary petition in bankruptcy against it; (iii) received notice of the appointment of a receiver to take possession of all or substantially all of its assets; (iv) received notice of the attachment or other judicial seizure of all or substantially all of its assets; (v) admitted in writing its inability to pay its debts as they come due; or (vi) made an offer of settlement, extension or composition to its creditors generally.

8.4. CITY or its consultants/advisors have the expertise, knowledge and experience to analyze the Property. CITY acknowledges that, except for the § 7 representations and warranties, CITY will in no way rely on any records of LESSOR.

9. LESSOR has not made (and specifically negates and disclaims) any representations or warranties, promises, covenants, Leases or guarantees of any kind, character or nature whatsoever, whether express, implied or otherwise, oral, written, of, as to, concerning or relating to any Property Conditions. Except for Reserved Matters, the parties intend that the foregoing release shall be effective with respect to all matters, past and present, known and unknown, suspected and unsuspected. CITY realizes and acknowledges that factual matters now unknown to it may have given or may hereafter give rise to losses, damages, liabilities, costs and expenses which are presently unknown, unanticipated and unsuspected, and CITY further agrees that the waivers and releases herein have been negotiated and agreed upon in light of that realization and that CITY nevertheless hereby intends to release, discharge and acquit LESSOR from any such unknown losses, damages, liabilities, costs and expenses. In furtherance of this intention, the CITY hereby expressly waives any and all rights and benefits conferred upon it by the provisions of California Civil Code § 1542, which provides as follows:

“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.”

The CITY acknowledges that the foregoing acknowledgments, releases and waivers including the waiver of the provisions of California Civil Code § 1542 were expressly bargained for.

City Initials _____

“Property Conditions” means any matter whatsoever relating to the Property or this Lease or of concern to CITY, including: title; the environmental condition of the Property (including the presence or absence of Hazardous Materials in, on or about the Property and Including: claims, liabilities and contribution, reimbursement and indemnity rights relating to the presence, discovery or removal of any Hazardous Materials in, at, about or under any Property, or for, connected with or arising out of any and all claims or causes of action based thereon Including any claims made under CERCLA or other similar environmental laws, whether state or Federal, providing for contribution); water, soil, pest and geological conditions of the Property; the financial condition of the Property; the suitability of the Property or any and all activities and/or uses which may be conducted thereon; the compliance of or by the Property with any and all laws, rules, ordinances or regulations of any applicable governmental authority or body (Including environmental, zoning, building codes, and the status of any development or use rights respecting the Property); the habitability, merchantability, marketability, profitability or fitness for a particular purpose of the Property; or the physical condition of the Building, Including construction defects, deferred maintenance or other adverse physical conditions or defects.

10. Brokerage Commissions. LESSOR and CITY each represent and warrant that no real estate commission, broker’s fee or finder’s fee is payable in connection with the transaction contemplated by this Lease. LESSOR indemnifies CITY from and against any and all liabilities, claims, demands, damages, or costs of any kind arising from or connected with any broker’s or finder’s fee or commission or charge (“Broker Claims”) claimed to be due by any person arising from or by reason of the conduct of LESSOR with respect to this transaction.

CITY Indemnifies LESSOR from and against any and all Broker Claims claimed to be due by any person arising from or by reason of the conduct of CITY with respect to this transaction.

12. LESSOR Default. If LESSOR defaults under any of the terms of this Lease and if such default is not cured within thirty (30) days after receipt by LESSOR of written notice from CITY, CITY shall be entitled as the sole and exclusive remedy of CITY to either: (1) terminate this Lease; or (2) commence an action for specific performance,

provided however that as a condition to specific performance CITY shall have performed all of its obligations hereunder and waived all conditions for CITY's benefit. In no event shall CITY be entitled to actual, punitive or consequential damages. CITY acknowledges and agrees that its recourse against LESSOR under this Lease for a default by LESSOR hereunder is limited to the remedies set forth in this Section, and in no event shall CITY seek or attempt to obtain any recovery or judgment against any other assets (if any) of LESSOR, or against any of LESSOR's direct or indirect members, partners, directors, officers, employees or shareholders.

13. Notices. All notices, elections, requests and other communication hereunder shall be in writing and shall be deemed given (a) when personally delivered or delivered by reputable overnight courier service; or (b) two (2) business days after being deposited in the United States mail, postage prepaid, certified or registered, or (c) when sent by facsimile before 5:00 p.m. Pacific time on a business day (as evidenced by a confirmation slip from sender's fax machine showing the transmission date and time and recipient's fax number) and otherwise on the next business day. Phone and email addresses are provided for convenience only and shall not constitute effective notice. Notices shall be addressed as follows (or to such other person or at such other address, of which any party hereto shall have given written notice as provided herein):

If to LESSOR:	Addresses on File
If to CITY:	City of Placentia Attention: City Administrator 401 E. Chapman Avenue Placentia, California 92870
With a copy to:	Christian L. Bettenhausen City Attorney City of Placentia 37777 N. Harbor Blvd. Fullerton, CA 92835

14. General Provisions. This Lease: (1) shall be binding upon and shall inure to the benefit of LESSOR and CITY and their respective successors and assigns; (2) is assignable by CITY to any entity, provided that: (i) such assignment shall be subject to a written assignment executed by assignor and assignee as in form and substance reasonably acceptable to LESSOR, including provisions whereby assignee assumes all of assignor's liability and assignor acknowledges that assignor is not released from liability as a result of the assignment; and (ii) the Lease is being assigned concurrently to such assignee; (3) constitutes the entire Lease of CITY and LESSOR with respect to the purchase and sale of the Property, and supersedes any prior or contemporaneous Lease with respect thereto. No amendment or modification of this Lease shall be binding upon the parties unless made in writing and signed by both LESSOR and CITY; (4) shall not be recorded by any party and, if recorded by any party, the other party hereto may immediately terminate all of its obligations under this Lease, and the party who recorded the Lease shall pay all reasonable costs and attorneys' fees in removing this Lease of record; (5) is governed by and construed

in accordance with the laws and customs of the State of California; (6) may be executed in any number of counterparts and by the different parties hereto on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute but one and the same instrument; (7) may be executed and then delivered by fax or scanned email which shall constitute effective execution and delivery. If any action is instituted between LESSOR and CITY in connection with the enforcement of this Lease or any provision hereof, the party prevailing in such action shall be entitled to recover from the other party all of its reasonable costs in bringing such action, Including reasonable attorney fees.

[Signature Block on Next Page]

In witness whereof, the parties hereto have executed this Lease as of the Effective Date.

LESSOR

Karagines Family Trust

Dennis and Deborah Sigalos
Family Trust

CITY

Damien R. Arrula
City Administrator
City of Placentia

ATTEST: _____
City Clerk

Approved as to form:

Christian L. Bettenhausen
City Attorney



Placentia City Council

AGENDA REPORT

TO: CITY COUNCIL

VIA: CITY ADMINISTRATOR

FROM: DIRECTOR OF PUBLIC WORKS

DATE: JANUARY 23, 2018

SUBJECT: **RESOLUTION DECLARING THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. 2018-01 ON CROWTHER AVENUE BETWEEN MELROSE STREET AND EAST OF CAMERON STREET**

FISCAL

IMPACT: There is no fiscal impact associated with the recommended actions.

SUMMARY:

A resolution and public hearing forming a proposed underground utility district is presented for City Council consideration. The boundaries of the proposed Underground Utility District No. 2018-01 (District) is Crowther Avenue between Melrose Street and east of Cameron Street within the eastern half of the City's Transit Oriented Development (TOD) District. Utilizing funds from the Public Utility Commission's Rule 20A tariff, Southern California Edison will remove eight (8) existing utility poles, overhead utility lines and equipment, and place them underground. A public hearing and adoption of a resolution is required in order to establish the District. All property owners adjacent to the proposed District were notified of the hearing. The purpose of undergrounding the existing overhead utilities is to improve safety, the aesthetics to the entrance into the City's planned TOD project area, and to facilitate the construction of planned TOD public streetscape improvements and amenities.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Open the Public Hearing concerning the formation of an underground utility district; and
2. Receive the Staff Report, consider all public testimony, ask questions of Staff; and
3. Close the Public Hearing; and
4. Adopt Resolution No. R-2018-XX, A Resolution of the City Council of the City of Placentia, California declaring the formation of Underground Utility District No. 2018-01 and ordering removal and undergrounding of poles, overhead wires and associated overhead structures along Crowther Avenue within the City's planned Transit Oriented Development.

2.a.
January 23, 2018

DISCUSSION:

The California Public Utilities Commission's (CPUC) Rule 20 sets policies and procedures for the conversion of overhead power lines and other utility lines and equipment to underground facilities, a process called "undergrounding." The benefit of undergrounding overhead utilities is that it provides substantial aesthetic streetscape benefits as well as improves the health, safety and welfare of local communities. Under Rule 20, or specifically Tariff Rule 20A, undergrounding projects are financed by utility customers and rate payers. A small portion of monthly electricity bills paid by ratepayers are allocated into individual accounts for all local governments in California which are managed by the CPUC and their respective electricity utility companies such as Southern California Edison (SCE). Over time, those accounts accumulate sufficient funds whereby utility companies are able to fund the cost of undergrounding projects. Placentia receives an annual Rule 20A allocation of approximately \$66,000 into its account. As of September 2017, the current balance in Placentia's Rule 20A account is \$607,789. Cities also have the option to mortgage an additional five (5) years' worth of future Rule 20A allocation funds to provide sufficient funds to fully fund proposed projects. These funds can only be used to convert overhead utilities to underground under a very specific set of criteria. All costs related to this work are paid for directly by SCE utilizing these funds.

Per PUC regulations, in order to utilize Rule 20A allocations for undergrounding projects the local governing body must first adopt a resolution formally adopting an underground utility district with specific boundaries. In addition, the attached resolution (Attachment 1) makes a finding that the undergrounding project is a public necessity and improves the health, safety and welfare of the community. The proposed District presented for City Council consideration is located on Crowther Avenue between Melrose Street and east of Cameron Street as outlined in the attached project boundary map (Attachment 2). The project will entail the removal of eight (8) existing utility poles and placing the overhead utility lines and associated equipment underground. SCE has estimated the total cost of this project to be \$800,000. The City's existing Rule 20A allocations will be used towards the cost of this project and SCE will mortgage an additional four (4) years of future Rule 20A allocations to cover the balance of the project cost, and provide for construction contingencies. There is no cost to the City for this project or any of the adjacent property owners.

The proposed District is located within the eastern portion of the City's TOD District. Removal of these existing utility poles and overhead facilities will facilitate the construction of the planned TOD streetscape improvements. Currently, four (4) of these utility poles are located in existing or planned future sidewalks which will impact pedestrian access as well as the installation of new parkway trees and other streetscape amenities. In addition, removal of these overhead utilities will improve the view shed for motorists and pedestrians entering the TOD project area from the east along Crowther Avenue. Notice of this public hearing was mailed to all adjacent property owners in accordance with State and local law.

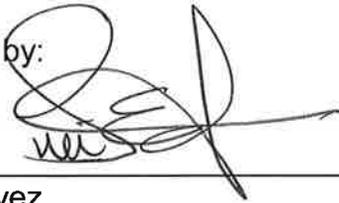
Work will begin on this project once SCE receives a copy of the approved resolution establishing the District. SCE will start the engineering design process and will include all other utility companies that currently have overhead facilities within the District in that process. It can take up to three (3) years for SCE to complete the design and construction phases of Rule 20A projects.

Staff will work closely with SCE and all associated utility companies to move this project forward to completion.

FISCAL IMPACT:

There are no fiscal impacts associated with the recommended actions. The cost of the undergrounding project will be covered under Rule 20A allocations.

Prepared by:



Luis Estevez
Director of Public Works

Reviewed and approved:



Shally Lin
Senior Financial Advisor

Reviewed and approved:



Damien R. Arrula
City Administrator

Attachments:

1. Resolution No. R-2018-XX
2. Project Boundary Map
3. Affidavit of Mailing

RESOLUTION NO. R-2018-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA DECLARING THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. 2018-01 AND ORDERING REMOVAL AND UNDERGROUNDING OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES ALONG CROWTHER AVENUE WITHIN THE CITY'S PLANNED TRANSIT ORIENTED DEVELOPMENT

A. Recitals

(i). On January 23, 2018, the City Council held a public hearing after notice was given to adjacent property owners per State and local law and determined that the formation of an underground utility district for the removal of poles, overhead wires and associated structures and equipment for supplying electric, communication, community antenna television, and similar associated services within the territory described in Exhibit A is a public necessity and improves the health, safety and welfare of the community; and

(ii). The Director of Public Works consulted with the affected electrical utility and submitted a report to the City Council identifying the extent of such utilities' participation and estimates of the total costs to the City under the Rule 20A program, and estimating the time required to complete the underground installation and removal of overhead facilities.

B. Resolution

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. The public necessity, health, safety or welfare requires formation of an underground utility district for the removal of poles, overhead wires and associated overhead structures within the territory described in Exhibit A.

2. The undergrounding of utilities within the territory described in Exhibit A is in the general public interest for the following reason:

The location area qualifies as an arterial or major collector road in the City's General Plan

3. The territory described in Exhibit A is hereby declared to be Underground Utility District No. 2018-01

4. The City Council hereby orders the removal of all existing overhead poles, wires, and associated overhead facilities within Underground Utility District No. 2018-01 for supplying electric, communications or associated service within said district. Such undergrounding installation and said removal of overhead facilities shall be accomplished, and affected property owners shall have underground service available, no later than January 30, 2021.

5. Pursuant to Southern California Edison's Rule 20 Tariff, Rule 20A funds/allocations will be used for the installation of no more than 100 feet of each customer's underground electric service lateral on private property, as well as the conversion of affected property owners meter panels from overhead to underground service. The cost of such meter conversions using Rule 20A funds/allocations shall be limited to existing meters, and shall not include permit fees and any upgrades requested by affected property owners.

6. Property owners shall grant each utility the necessary easements or land rights when it is necessary by the utilities to place their facilities on private property to complete the occasioned undergrounding.

7. Southern California Edison and all other affected utilities are hereby authorized to discontinue overhead service by Underground Utility District No. 2017-01, subject to the provision of underground service as specified in this resolution.

APPROVED and ADOPTED THIS 23RD DAY OF JANUARY 2018.

Chad Wanke, Mayor

ATTEST:

Patrick J. Melia, City Clerk

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Patrick J. Melia, City Clerk of the City Of Placentia do hereby certify that the foregoing Resolution R-2018-04 was adopted at a regular adjourned meeting of the City Council held on the 23rd day of January 2018 by the following vote:

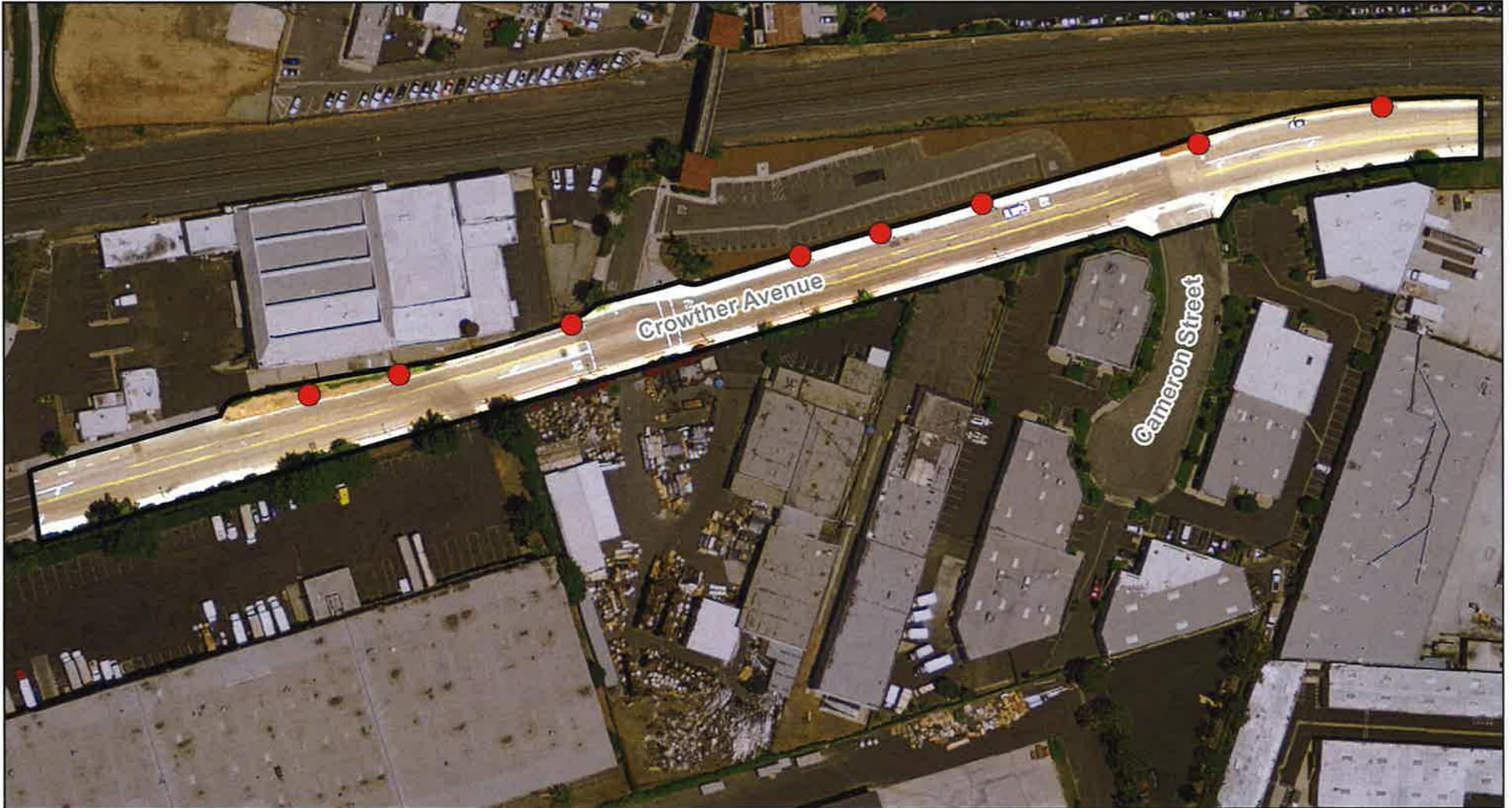
AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Patrick J. Melia, City Clerk

APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney

SCE - Rule 20A - Project Boundary Map



Power poles to be relocated underground
● Power poles



The People are the City

Mayor
CHAD P. WANKE

Mayor Pro Tem
RHONDA SHADER

Councilmembers:
CRAIG S. GREEN
WARD L. SMITH
JEREMY B. YAMAGUCHI



City Clerk:
PATRICK J. MELIA

City Treasurer
KEVIN A. LARSON

City Administrator
DAMIEN R. ARRULA

401 East Chapman Avenue – Placentia, California 92870

AFFIDAVIT OF MAILING

I, **Luis Estevez**, am now and at all times herein mentioned have been over the age of eighteen years, employed in Orange County, California; that my business address is 401 E. Chapman Avenue, Placentia, CA 92870. I am readily familiar with the City's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a COPY OF THE ATTACHED letter of a Notice of Public Hearing by mailing said copy to the addresses show on the attached mailing list. This mailing list has been provided by the most current Orange County Assessor's Department property ownership records and lists the owners of property who are entitled to Notice of Public Hearing.

Each Notice and letter was then taped, with postage fully prepaid thereon, on December 21, 2017, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence was deposited with the United States Postal Service at Placentia, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this affidavit was executed on January 8, 2018, at Placentia, California.

Date: 1/8/18

By: [Signature]

Luis Estevez
Director of Public Works
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

A TIME AND PLACE HAS BEEN SET BY THE PLACENTIA CITY COUNCIL FOR A PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ON CROWTHER AVENUE BETWEEN MELROSE STREET AND EAST OF CAMERON STREET, ON JANUARY 23, 2018, NO EARLIER THAN 7 P.M.

MAILING LIST

1. Christ & Mishell Properties, LLC
521 Cameron Street, Placentia CA 92870
2. Dennis M. Bustam
531 Cameron Street, Placentia, CA 92870
3. Dominick A. Vigna, Jr.
530 Cameron Street, Placentia, CA 92870
4. ICM-JAE Investments, LTD
210 E. Crowther Avenue, Placentia, CA 92870
5. Julie McCluney
510 Cameron Street, Placentia, CA 92870
6. Placentia TOD Project Owner, LLC
132 E. Crowther Avenue, Placentia, CA 92870
7. Placentia TOD Project Owner, LLC
110 E. Crowther Avenue, Placentia, CA 92870
8. Richard D. Fox Trust
516 Cameron Street, Placentia, CA 92870
9. Siegele Raymond H&TR Trust
511 Cameron Street, Placentia, CA 92870
10. Siegele Raymond H&TR Trust
511 Cameron Street, Placentia, CA 92870
11. West L.A. Properties
190 E. Crowther Avenue, Placentia, CA 92870



Placentia City Council

AGENDA REPORT

TO: CITY COUNCIL

VIA: CITY ADMINISTRATOR

FROM: DIRECTOR OF PUBLIC WORKS

DATE: JANUARY 23, 2018

SUBJECT: **STUDY SESSION TO DISCUSS IMPLEMENTATION OF AN URBAN FOREST MANAGEMENT PROGRAM**

FISCAL

IMPACT: There is no fiscal impact associated with the recommended actions.

SUMMARY:

In 2017, the City Council elected to re-assume responsibility for the maintenance of residential parkway trees. As part of that decision, the City Council directed Staff to implement a four-year tree grid pruning cycle and to begin looking into the creation of a larger Urban Forest Management Program. The purpose of this program would establish best practices to manage the City's urban forest as well as update the City's existing ordinances and policies regarding tree maintenance. The purpose of the study session is to provide the City Council an overview of the current status of the City's Urban Forest Management Program and a high-level understanding of the various facets included in an Urban Forest Management Plan. Staff also is seeking Council input and policy direction on the general framework for an urban forestry program that best suits the community's needs as well as specific policy issues Staff should be considering and analyzing.

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Receive and file the Staff report and presentation; and
2. Ask any questions of Staff and solicit public comment; and
3. Provide Staff with further direction relative to the preparation of an Urban Forest Management Program.

DISCUSSION:

Urban forests require careful management to ensure their preservation, restoration, and expansion. Urban forest management programs consist of different policies and programs that vary from one community to another, however these varying elements ultimately form a comprehensive management plan that seeks to preserve, protect, expand and efficiently manage a community's urban forest. Based on previous discussion with and direction provided by the City

3.a.
January 23, 2018

Council, the core of Placentia's Urban Forest Management Program could consist of the following elements:

- Implementation of an Urban Forest Management Plan
- Adoption of an updated and modernized Tree Ordinance
- Seek grant funding opportunities for urban forest preservation and expansion
- Seek and maintain "Tree City USA" designation through the National Arbor Day Foundation
- Implement a resident sponsored "Expand the Forest" Program

Existing Policies and Ordinances

The City's current urban forest management policies and procedures are guided by the following sources:

- Street Tree Policy Booklet; adopted in 1981 and focuses on master planning and planting specifications
- Placentia Municipal Code Chapter 14.12 which focuses on permitting and regulatory oversight of street trees and shrubs by the Public Works Department and Parks and Recreation Commission
- Ordinance No. 132 adopted in 1954 and later incorporated into the above-mentioned municipal code which essentially places the ownership of parkway trees onto the adjacent property owner

While the City's existing municipal code and Street Tree Policy Booklet may have been an effective means to manage the urban forest decades ago, changes in policy direction and clarification of responsibilities, as well as the implementation of modern best management practices and professional standards require a comprehensive update and consolidation of these various policies and codes. None of the City's existing policies or codes outline long-term management objectives including forest expansion, adoption of International Society of Arboriculture (ISA) pruning standards for tree maintenance, infrastructure constraints, environmental and financial resources to maintain the forest, land use, aesthetics and community needs.

Emerging Threats to Urban Forests in Southern California

Environmental factors have had and will continue to have a negative impact on the maintenance and management of urban forests. Southern California is currently experiencing an infestation of the polyphagous shot hole borer beetle that is killing thousands of trees. This beetle transmits a disease called Fusarium Dieback. The beetle breeds by penetrating tree trunks and in the process, emits a lethal fungus that prevents the transport of water and nutrients from roots to leaves.

In May 2016, the U.S. Forest Service conducted a survey and estimated that 27 million trees are at risk of infestation in Los Angeles, Orange, Riverside and San Bernardino Counties. This is roughly 38% of the 71 million trees in the 4,244-square-mile urban region with a population of about 20 million people. The cost for removing and replacing the 27 million trees, should they die,

is approximately \$36.2 billion. The value of ecosystem services forgone each year due to the loss of these trees is \$1.4 billion.

Placentia has already experienced the consequences of this infestation. In July 2017, 14 trees at Koch Park died and required removal as a result of being infected with this beetle. In 2016, The Orange County Board of Supervisors approved an additional \$750,000 to treat infested trees on the County's properties and remove the ones that had died. The borer beetle is one of several pest and disease infestations currently affecting the City's and Southern California's urban forest. As infestations are expected to become more common, the City needs to be ready to address these threats to its urban forest. Through an Urban Forest Management Program the City will be able to prepare for future disease control, implement mitigation measures and forecast expenditures for removals and replanting dead trees.

Summary of an Urban Forest Management Plan and Tree Ordinance

The centerpiece of any Urban Forest Management Program is the Urban Forest Management Plan (Plan). The Plan is a road map providing detailed information, recommendations and quantifying resources to establish consistency and cohesion with the City's long-range planning and budgeting for the management and care of its urban forest. The primary purpose of these Plans are to address long-term tree maintenance objectives including pruning standards, forest expansion, infrastructure maintenance, environmental resources, land use, aesthetics and community objectives. They also enable communities to control the spread of disease, preserve trees in the path of development, and to avoid unnecessary costs associated with damage to public and private infrastructure and tree-related accidents. The core elements of any Plan are typically codified in an updated tree ordinance. Such ordinances codify into law certain elements of a Plan that result in neighborhood beautification, noise abatement, reduction of carbon dioxide, and enhanced property values.

Urban Forest Management Plans typically consist of six (6) core elements:

- 1) Tree inventory data and analysis – already completed
- 2) Tree inventory and mapping data management – already completed
- 3) Tree risk reduction/emergency storm response plan
- 4) Community outreach and education
- 5) Urban forest cost/benefit analysis
- 6) Policies setting forth the criteria used to process the removal of dead, diseased, undesirable and potentially hazardous trees as well as protection of trees and the designation of potential "Heritage Trees" for historical preservation

Plans create a clear vision for the future planning, and expansion of the urban forest with a focus on the following goals and objectives:

Goals:

- 1) Maximize the environmental, economic and social benefits derived from the urban forest.
- 2) Resolve conflicts between City trees and other vital infrastructure while protecting both.
- 3) Increase public awareness of the many social, economic and environmental benefits of urban forestry practices.

- 4) Provide increased opportunities and preference for access for financial support for tree projects and contributing to safer and healthier urban forests.

Objectives:

- 1) Development of community forest standards.
- 2) A multi-year maintenance program for the City's Urban Forest.
- 3) Creation of planting programs to increase tree canopy citywide.
 - a. Identify the areas with the greatest need for improvement.
 - b. Recommend species appropriate for the available planting spaces.
 - c. Discuss specific maintenance plans for newly established trees.
 - d. Provide technical information about proper tree planting techniques.
- 4) A long-term strategy to systematically manage of our tree resources/assets – policy established for how and when trees are removed and under what conditions/protocols.
- 5) Update City ordinances and Plans to provide consistency and reflect the Plans' objectives.
- 6) Educate the public about the importance of trees and its care.

Tree City USA, Urban Forest Grants, and Expand the Forest Program

In addition to protecting and preserving the City's urban forest, a comprehensive Urban Forest Management Program will allow the City to qualify as a Tree City USA community and become eligible for grants to promote local planting programs. The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the U.S. Forest Service, an agency of the U.S. Department of Agriculture and the National Association of State Foresters. This program is administered in California by the Department of Forestry and Fire Protection. The program provides direction, technical assistance, public attention, and national recognition for forestry programs in thousands of Towns and Cities. To qualify as a Tree City USA community, a City must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters:

1. Designating a City department with overall responsibility for the City's Urban Forest Management.
2. Funding the Urban Forestry Management Program at an annual level of at least \$2 per capita.
3. Sponsoring an Arbor Day observance and proclamation.
4. Establishing a community tree ordinance.

A community sponsored "Expand the Forest" Program is another potential means to expand the City's urban forest. Through this program, residents would be able to purchase a new tree to be planted in a City park to commemorate a loved one or a special occasion. Once planted, the City would then assume maintenance responsibilities to care for the tree. This program has proven popular in other communities and provides the public with an opportunity for civic involvement and allows the City to continue to expand its urban forest.

NEXT STEPS:

Based on City Council input and direction, Staff is prepared to proceed with preparing the draft planning documents and programs noted in this report to be reviewed and vetted by the City's Parks and Recreation Commission. The following steps outline the process by which those documents and programs will be created and evaluated:

- 1) Conduct a second study session with the Parks and Recreation Commission to present this information as well as the City Council's direction and input with respect to the proposed establishment of an Urban Forest Management Program.
- 2) Incorporate Parks and Recreation Commission input into draft Urban Forest Management Plan.
- 3) Parks and Recreation Commission review of draft Urban Forest Management Plan and recommendations to the City Council.
- 4) Presentation of draft Urban Forest Management Plan to City Council for review and consideration for adoption.

After adoption of Urban Forest Management Plan, Staff will present to City Council an updated tree ordinance that reflects the Plan's objectives and policy. The presentation of the ordinance will consist of the following steps:

- 1) Prepare a Tree Preservation and Protection Ordinance (Ordinance)
- 2) Presentation of draft Ordinance to Parks and Recreation Commission
- 3) Revised the draft Ordinance to include feedback from Parks & Recreation Commission.
- 4) Presentation of final Ordinance to City Council for adoption.
- 5) Implement policies define under the Plan and Ordinance.

Once the City has a adopted an Urban Forest Management Plan and Tree Preservation and Protection Ordinance, Staff could then commence with the application process to be officially recognized as a Tree City USA community based on Council direction.

Prepared by:



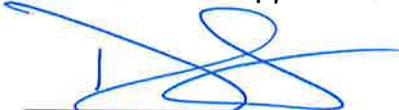
Elsa Villagrana
Management Analyst

Reviewed and approved:



Luis Estevez
Director of Public Works

Reviewed and approved:



Damien R. Arrula
City Administrator