



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

THE CITY OF SIGNAL HILL
WELCOMES YOU TO A REGULAR
PLANNING COMMISSION MEETING

August 15, 2017

The City of Signal Hill appreciates your attendance. Citizen interest provides the Planning Commission with valuable information regarding issues of the community. Meetings are held on the 3rd Tuesday of every month.

Meetings commence at 7:00 p.m. There is a public comment period at the beginning of the regular meeting, as well as the opportunity to comment on each agenda item as it arises. Any meeting may be adjourned to a time and place stated in the order of adjournment.

The agenda is posted 72 hours prior to each meeting on the City's website and outside of City Hall and is available at each meeting. The agenda and related reports are available for review online and at the Community Development office and the Signal Hill Community Center on the Friday afternoon prior to the Commission meeting. Agenda and staff reports are also available at our website at www.cityofsignalhill.org.

During the meeting, the Community Development Director presents agenda items for Commission consideration. The public is allowed to address the Commission on all agenda items. The Chair may take agenda items out of order and will announce when the period for public comment is open on each agenda item. The public may speak to the Commission on items that are not listed on the agenda. This public comment period will be held at the beginning of the public portion of the meeting. You are encouraged (but not required) to complete a speaker card prior to the item being considered, and give the card to a City staff member. The purpose of the card is to ensure speakers are correctly identified in the minutes. However, completion of a speaker card is voluntary, and is not a requirement to address the Commission. The cards are provided at the rear of the Council Chamber. Please direct your comments or questions to the Chair.

Planning Commission Members are compensated \$125.00 per meeting.

(1) CALL TO ORDER – 7:00 P.M.

(2) ROLL CALL

COMMISSIONER BROOKS
COMMISSIONER FALLON
COMMISSIONER WILSON
VICE CHAIR PARKER
CHAIR RICHÁRD

(3) PLEDGE OF ALLEGIANCE

(4) PUBLIC BUSINESS FROM THE FLOOR ON ITEMS NOT LISTED ON THIS AGENDA

(5) PUBLIC HEARINGS

a. Continued Public Hearing – 3347 Brayton Avenue Second and Final Request for a Construction Time Limit Extension

Summary: The applicant, Reginald McNulty, is requesting a second and final 200-day extension to complete construction of the single-family dwelling remodel at 3347 Brayton Avenue. He was not able to complete several items in the first extension due to material supply delays.

Recommendation: Approve the second and final 200-day CTL extension.

b. Public Hearing - Conditional Use Permit 17-01 to Allow the Retail Sale Of Alcoholic Beverages for On-Site Consumption and Site Plan and Design Review 17-04 to Make Facade Improvements to an Existing Retail Market Located at 2475 Cherry Avenue in the CTC, Commercial Town Center, Zoning District

Summary: The applicant, Cherry Gardena LLC, is requesting approval of a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption at Mother's Market and Kitchen, and Site Plan and Design Review to allow improvements to the existing building and a minor reorganization of the parking area at 2475 Cherry Avenue in the CTC, Commercial Town Center, zoning district. The improvements include:

- Addition of a 1,011 square foot, 54 seat, covered outdoor dining area;
- Conversion of approximately 375 square feet of indoor market area to dining area;
- Exterior building façade treatments (including artistic elements);
- Minor reconfiguration of the parking lot to accommodate the outdoor eating area and pedestrian walkway;
- New signage; and

- Landscape and hardscape improvements.

Recommendations: Waive further reading and adopt the following resolutions:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 17-01, A REQUEST TO ALLOW THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AT A MOTHER'S MARKET LOCATED AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN CENTER, ZONING DISTRICT

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING SITE PLAN AND DESIGN REVIEW 17-04, A REQUEST TO MAKE IMPROVEMENTS TO AN EXISTING RETAIL MARKET AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN CENTER, ZONING DISTRICT

c. Public Hearing – Vacant Parcel Ordinance

Summary: As a part of the Lower Los Angeles River and Los Cerritos Channel Water Management Plans, the City is mandated to adopt an ordinance requiring property owners of vacant parcels 1.0 acre or more in size to install sediment control devices. The intent of the mandate is to reduce the amount of pollution that is carried by sediment from these vacant sites by wind and rain into the stormwater system. Key provisions of the Vacant Parcel Ordinance include:

- Property owners are responsible for preparing and submitting compliance plans for City approval.
- The deadline to install soil erosion and sediment control devices (per approved compliance plans) is currently set as April 24, 2018.
- Devices will be inspected on an annual basis prior to each rainy season (or as needed) to ensure that they are effective and properly maintained.

Recommendation: Waive further reading and adopt the following resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING SIGNAL HILL MUNICIPAL CODE CHAPTER 12.16 EXPANDING THE APPLICABILITY OF THE EXISTING STORMWATER AND URBAN RUNOFF POLLUTION CONTROL BY IMPOSING SOIL EROSION AND SEDIMENT CONTROL MEASURES ON UNIMPROVED VACANT PARCELS 1.0 ACRE OR MORE IN SIZE AS MANDATED BY THE CITY'S WATER MANAGEMENT PLANS

(6) CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Items will be acted upon by the Commission at one time without discussion. Any item may be removed by a Commissioner or member of the audience for discussion.

a. Minutes of the Following Meeting

Regular Meeting of July 18, 2017.

Recommendation: Approve.

b. City Council Follow-up

Summary: Attached for review is a brief summary of the City Council's actions from the last two City Council meetings.

Recommendation: Receive and file.

c. Development Status Report

Summary: Attached for your review is the monthly Development Status Report which highlights current projects.

Recommendation: Receive and file.

d. In the News

Summary: Attached for review are articles compiled by staff that may be of interest to the Commission.

Recommendation: Receive and file.

(7) COMMISSION NEW BUSINESS

COMMISSIONER BROOKS
COMMISSIONER FALLON
COMMISSIONER WILSON
VICE CHAIR PARKER
CHAIR RICHÁRD

(8) ADJOURNMENT

Adjourn tonight's meeting to the next regular meeting to be held Tuesday, September 19, 2017 at 7:00 p.m. in the Council Chambers located at City Hall.

CITIZEN PARTICIPATION

If you need special assistance beyond what is normally provided to participate in City meetings, the City will attempt to accommodate you in every reasonable manner. Please call the City Clerk's office at (562) 989-7305 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

August
5a.



The 19th Amendment was ratified in August, 1920.



3347 Brayton Avenue
2nd CTL Extension

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

1. At the request of the Mayor/Chair, the City Clerk/Secretary reports on the Form of Notice given:
 - a. Notice was published in the *Signal Tribune* newspaper in accordance with Signal Hill Municipal Code Section 20.52.110(E) on August 4, 2017.
 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 at City Hall, Discovery Well Park, Reservoir Park and Signal Hill Park Community Center on August 4, 2017.
 - c. Notice was mailed to property owners within a 100' radius on or before August 4, 2017.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
- b. The specific location of the property, and/or use, the surrounding properties;
- c. The criteria of the Code which applies to the pending application; and
- d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.

3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION

FROM: COLLEEN DOAN
SENIOR PLANNER

SUBJECT: CONTINUED PUBLIC HEARING – 3347 BRAYTON AVENUE SECOND
AND FINAL REQUEST FOR A CONSTRUCTION TIME LIMIT
EXTENSION

Summary:

The applicant, Reginald McNulty, is requesting a second and final 200-day extension to complete construction of the single-family dwelling remodel at 3347 Brayton Avenue. He was not able to complete several items in the first extension due to material supply delays.

Recommendation:

Approve the second and final 200-day CTL extension.

Strategic Plan Objectives:

Goal No. 5: Ensure an enhanced quality of life for residents of the City.

Goal No. 6: Promote a transparent and open government.

Background:

On July 12, 2011, the Planning Commission reviewed preliminary plans for the remodel and second unit and found them conforming to all applicable development and design standards.

On August 9, 2011, the Commission conducted a public hearing and approved the plans to enlarge and remodel the front house and garage, and build a second unit over a new garage at the rear of the property.

In 2013, construction of the 3-car garage and second unit was completed, but the applicant requested changes to the plans for the front house to add a second story element and increase the square footage.

On March 10, 2015, at a public workshop, the Planning Commission reviewed revised plans for the front house which now included a second story addition. The Commission recommended that the roofline be revised to integrate the front balcony roofline with the second story and that the project be scheduled for a public hearing.

On April 14, 2015, at a public hearing, the Planning Commission unanimously approved the revised plans for the front house.

On April 15, 2016, the building permit was issued and pursuant to the City's Construction Time Limits Ordinance (CTL) the project was allowed 360 days for completion. The CTL would expire on April 10, 2017.

On March 10, 2017, the applicant submitted a written request for an 80-day CTL extension, based on rain delays (Attachment A). The CTL Ordinance allows the Director of Community Development to approve a 50-day extension following notices being mailed to property owners within a 100' radius and no objections being received.

On March 23, 2017, a public notice of the extension request was mailed to all residents within a 100' radius of the subject property (Attachment B). A ten day comment period was allowed and no objections were received. A staff site visit confirmed that the construction site was safe, and did not pose a nuisance from dust or stormwater runoff.

On April 10, 2017, the Director of Community Development approved the 50-day extension request (Attachment C).

On July 18, 2017, the Planning Commission held a public hearing to consider the CTL extension. At the hearing the applicant requested an additional time frame of 200 days due to delays from the material suppliers for the kitchen cabinets, and exterior stone, as well as the fact that he is doing the finish work himself while working a full time job. The applicant assured the Commission that he would be willing to hire additional help, if necessary to complete the work within the longer extension timeframe. The Commission continued the public hearing and directed staff to re-notice the property owners of the 200-day request.

On July 19, 2017, the applicant provided a written request for the 200-day extension, siting his reasons and providing assurance that he would be willing to hire additional help if necessary to meet the extension expiration.

On July 25, 2017, revised notices were mailed and recipients were given 10 days to comment (Attachment D). No objections to the extension were received.

Analysis:

Project Location

The subject site is located on the west side of Brayton Avenue between 33rd Street and Wardlow Road in the North End neighborhood.

Project Location



Time Frames

Pursuant to Signal Hill Municipal Code (SHMC) Section 20.52.100, "Construction Time Limits – Time to Complete," once a building, grading or demolition permit is issued for a single family residential project greater than 200 square feet in size, the CTL allows 360 days for completion. CTL also allows the possibility of two extensions (Attachment E).

The first extension was reviewed and approved by the Director; however, all second extension requests must be reviewed by the Planning Commission. The Commission has the authority to grant more than 50 days if requested and deemed appropriate.

Final Extension

The applicant is now requesting a second and final extension of 200 days (Attachment

F). He believes this extension will allow time to complete the remaining items which include:

- Exterior stonework;
- Installation of a deck railing;
- Landscaping; and
- Cabinetry, flooring and other interior finish work.

The CTL Ordinance states that if the project's CTL has expired prior to approval of an extension, the time frame of the extension shall start on the date the decision letter is mailed to the applicant. This would mean the final 200-day extension would begin on approximately August 17, 2017, and expire on March 4, 2017.

The Code allows another 30 days after expiration of CTL prior to any additional actions by the City. After that the City could impose fines; however, that would typically only be the case if the project was deemed a nuisance. It is not the intent of CTL to be punitive.

Criteria

The SHMC establishes "good cause" as the criteria for approving a CTL extension request and notes that the approving authority shall consider each of the following criteria which are considered to be beyond the applicant's control:

- Whether substantial progress has been made;
- Whether the condition of the property presents health or safety hazards;
- Whether the site topography has created delays;
- Whether delays are due to material suppliers or labor problems;
- Whether there has been an earthquake, fire, flood, explosion, act of God, or other circumstances beyond the applicant's control; and
- Whether delays are due to City or other government actions, and/or other unusual circumstances.

The applicant has indicated that the current delay is related to the material suppliers for the kitchen cabinets, and stones and the fact that he is doing the finish work himself while working a full time job. Staff inspects the site on a regular basis and can confirm that substantial progress continues to be made and that the site does not pose a health or safety hazard and does not create a nuisance from dust or stormwater runoff.

Approved:

Scott Charney

Wed 03/10/2017 3:22 PM

Colleen,

I would like consideration for a time extension as it relates to the construction at 3347 Brayton Ave. Due to the rain, I would like to extend 80 days to allow the drywall and hard scape to be completed.

Thanks

Reg

Reginald McNulty, Senior Property Manager
United States General Services Administration
Public Building Services (9P3PSLN)
North Los Angeles Field Office
300 N. Los Angeles Street, Suite 4300
Los Angeles, CA 90012
reginald.mcnulty@gsa.gov
(213) 894-8975 office
(213) 2190210 cell
(213) 894-6629 fax

Attachment A



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

NOTICE OF CONSTRUCTION EXTENSION REQUEST

NOTICE IS HEREBY GIVEN that a request to extend construction has been filed. The Director of Community Development may approve the request if public comments are not received. The Planning Commission shall be the approving authority if public comments are received.

CONSTRUCTION TIME LIMIT EXTENSION

**THE PROPERTY OWNER AT 3347 BRAYTON AVENUE
HAS FILED AN EXTENSION TO REQUEST 50
ADDITIONAL DAYS TO COMPLETE CONSTRUCTION
FOR MODIFICATIONS TO THE SINGLE-FAMILY
DWELLING**

THE PUBLIC IS INVITED to submit comments, present information, express their opinions or otherwise present evidence on the above matter during the public comment period from March 24, 2017 to April 3, 2017. Comments should be submitted to the project planner listed below.

COMMENTS MUST BE RECEIVED by April 3, 2017, otherwise the extension will be granted by the Director of Community Development in accordance with Section 20.52.100.B of the Signal Hill Municipal Code.

FURTHER INFORMATION on this item may be obtained at the City of Signal Hill Community Development Department located at 2175 Cherry Avenue, Signal Hill, California, or by emailing Colleen Doan, Senior Planner, at cdoan@cityofsignalhill.org or calling at (562) 989-7344.

***YOU ARE RECEIVING THIS NOTICE BECAUSE YOUR PROPERTY IS
WITHIN 100 FEET OF THE CONSTRUCTION SITE.***

Attachment B



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

April 10, 2017

Reginald McNulty
3347 Brayton Ave.
Signal Hill, CA 90755

Subject: Construction Time Limit - 1st Extension

Mr. McNulty,

This letter is to advise you that your request for a 50-day extension to your building permit has been approved by the Community Development Director following no receipt of objection to the extension from our mailed notice.

Your current permit expires on April 10, 2017. The 50-day extension period will begin on April 11, 2016. The new expiration date will be June 4, 2017 at 5:30 p.m. Please be aware that the project is only eligible for one additional 50-day extension. A second request must be decided upon by the Planning Commission. You must notify us in writing of your intent to request a 2nd extension 30 days prior to your new expiration date.

For questions or to schedule inspections contact our Building Inspector at (562) 989-7348.

Regards,

A handwritten signature in blue ink that reads "Colleen Doan".

Colleen Doan
Senior Planner
cdoan@cityofsignalhill.org
562.989.7344



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

NOTICE OF CONSTRUCTION EXTENSION REQUEST

NOTICE IS HEREBY GIVEN that on Tuesday, August 15, 2017, the Planning Commission of the City of Signal Hill will consider a REVISED final construction extension request at 7:00 p.m. in the City Council Chamber at City Hall, 2175 Cherry Avenue, Signal Hill, California.

REVISED CONSTRUCTION TIME LIMIT EXTENSION

THE PROPERTY OWNER AT 3347 BRAYTON AVENUE HAS FILED A REVISED REQUEST FOR A 200 DAY EXTENSION TO COMPLETE CONSTRUCTION ON THE SINGLE-FAMILY DWELLING.

- THE APPLICANT INITIALLY REQUESTED A 50 DAY EXTENSION, BUT REVISED THE REQUEST TO 200 DAYS AT THE PLANNING COMMISSION HEARING.
- THE PLANNING COMMISSION CONTINUED THE PUBLIC HEARING TO ALLOW A NEW NOTICE OF THE REVISED 200 DAY REQUEST TO BE MAILED.

APPLICANT: Reginald McNulty, Property Owner

RECOMMENDATION: Approve final extension of 200 days.

THE PUBLIC IS ENCOURAGED to submit written comments in advance of the meeting to report any nuisances related to construction activity and to attend the meeting to present information, express their opinion or otherwise provide evidence on the above matter.

COMMENTS MUST BE RECEIVED by August 14, 2017, in order for the Planning Commission to consider them prior to making a determination.

IF YOU WISH TO LEGALLY challenge any action taken by the City on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City prior to or at the public hearing.

FURTHER INFORMATION on this item may be obtained at the City of Signal Hill Community Development Department located at 2175 Cherry Avenue, Signal Hill,

Attachment D

California, or by emailing Colleen Doan, Senior Planner, at cdoan@cityofsignalhill.org or calling at (562) 989-7344.

Published in the Signal Tribune newspaper

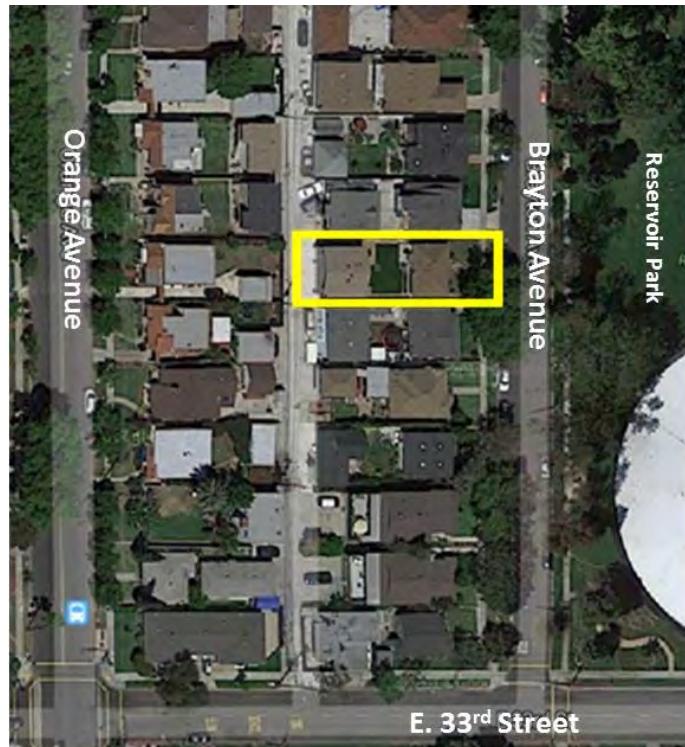
August 4, 2017

Posted in accordance with S.H.M.C. Section 1.08.010 on or before:

August 4, 2017

Mailed to affected property owners within 100' on or before:

August 4, 2017



***YOU ARE RECEIVING THIS NOTICE BECAUSE YOUR PROPERTY IS
WITHIN 100 FEET OF THE CONSTRUCTION SITE.***



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

August 12, 2014

AGENDA ITEM

TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION

FROM: COLLEEN DOAN *CD*
ASSOCIATE PLANNER

SUBJECT: DIRECTOR'S REPORT – CONSTRUCTION TIME LIMIT PROCEDURES

Summary:

On June 18, 2013, the City Council adopted an ordinance establishing construction time limits for development projects. The time limits are based on project size and type and have provisions for time extensions, fees and penalties. Staff will present an update on the status of implementation and review the procedures for extension requests and compliance.

Recommendation:

Receive and file.

Background and Analysis:

The construction time limits (CTL) ordinance was established in response to concerns over construction projects with extended delays in completion and the negative impacts and nuisances associated with long running projects (Attachment A). The purpose of the ordinance is:

1. To encourage project applicants to consider cost, financing and time frames carefully before commencing construction and therefore be prepared to complete the project in a timely manner;
2. To notify neighbors that construction is about to begin, what the project completion deadlines are; and
3. To notify neighbors when extension requests are received and allow the public to comment on the requests.

Attachment E

Attachments to
staff report not attached

Current CTL Projects

Since adoption of the ordinance, the following CTL projects have been tracked on the Development Status Reports and notices to neighbors have been mailed:

- Residential - 8
- Commercial – 11

In addition, three projects have been completed and one request for an extension has been administratively approved since no written comments were received.

As a policy staff has also initiated sending construction notices to neighbors for projects that do not qualify for CTL but are substantial enough to warrant notification such as large covered balconies.

Extension Requests

Extension provisions allow for additional time to complete a project. Decisions to grant or deny the request are based on the applicant's demonstration of good cause. Up to two extensions may be requested by the permit holder of the project. Requests must be submitted in writing at least 30 calendar days prior to expiration and must include a written justification for the extension and documentation of financing. Upon receipt of a written extension request, property owners within a 100-foot-radius of the project must be notified (or a 500' radius if the View Policy applies). The notice includes a ten day public comment period during which time any person may submit written comments to the Director of Community Development.

Approving Authority

If no written comments are received within the comment period, the Director of Community Development will be the approving authority for the first extension, however, if one or more written comments are received, the Planning Commission serves as the approving authority. All second requests are reviewed by the Planning Commission. No second request can be approved if the first request was denied.

Extension Criteria

The established criteria for approving an extension are based on reasons that are beyond the project applicant's control. The request justification must demonstrate good cause and the approving authority must consider each of the following:

- Whether substantial progress has been made;
- Whether the condition of the property presents health or safety hazards;
- Whether the site topography has created delays;
- Whether delays are due to material suppliers or labor problems;

- Whether there has been an earthquake, fire, flood, explosion, act of God, or other circumstances beyond the applicant's control; and
- Whether delays are due to City or other government actions, and/or other unusual circumstances.

The applicant's financing circumstances cannot be a factor in determining good cause.

In the case of unusual circumstances or conditions the Planning Commission may grant an extension of time greater than those listed in the ordinance, but the provision is not intended to be exercised on a regular basis. Decisions to deny may be appealed.

Penalties

The intent of establishing penalties is not to be entirely punitive, but to encourage property owners to complete construction within the set time limits. If a project has not been completed within the time limit, penalties may ensue after a 30 day grace period. A penalty of \$200 per day may be applied to projects that are not completed within the construction time limits and approved time extensions, with the maximum cumulative penalty totaling \$36,000 (\$200/day for 180 days). In addition, continuance of construction may constitute a public nuisance and may be abated. Penalties will be assessed and payment deducted from the developer deposit and/or paid in full prior to reissuance of a voided permit or certificate of occupancy.

Approved:



Scott Charney

attachment

Colleen

Per my verbal request at the commission meeting on July 19th, I would like an additional 200 days. This is due to delays in material lead times and I will be performing the rest of the work myself. I have a full time job but I am committed to finishing the work that is left which includes finished flooring, kitchen cabinets and stone work on the porch. I am also committed to getting help to ensure I meet the dead line if needed.

Reg

Reginald McNulty, Senior Property Manager
United States General Services Administration
Public Building Services (9P3PSLN)
North Los Angeles Field Office
300 N. Los Angeles Street, Suite 4300
Los Angeles, CA 90012
reginald.mcnulty@gsa.gov
[\(213\) 894-8975](tel:(213)894-8975) office
[\(213\) 219-0210](tel:(213)219-0210) cell
[\(213\) 894-6629](tel:(213)894-6629) fax

August
5b.



The 19th Amendment was ratified in August, 1920.



CUP 17-01
SPDR 17-04
Mother's Market
2475 Cherry Avenue

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

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 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 at City Hall, Discovery Well Park, Reservoir Park and Signal Hill Park Community Center on August 4, 2017.
 - c. Notice was mailed to property owners within a 300' radius on August 4, 2017.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
- b. The specific location of the property, and/or use, the surrounding properties;
- c. The criteria of the Code which applies to the pending application; and
- d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.

3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



City of Signal Hill

2175 Cherry Avenue • Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

**SUBJECT: PUBLIC HEARING - CONDITIONAL USE PERMIT 17-01 TO ALLOW
THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE
CONSUMPTION AND SITE PLAN AND DESIGN REVIEW 17-04 TO
MAKE FAÇADE IMPROVEMENTS TO AN EXISTING RETAIL MARKET
LOCATED AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL
TOWN CENTER, ZONING DISTRICT**

Summary:

The applicant, Cherry Gardena LLC, is requesting approval of a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-site consumption at Mother's Market and Kitchen, and Site Plan and Design Review (SPDR) to allow improvements to the existing building and a minor reorganization of the parking area at 2475 Cherry Avenue in the CTC, Commercial Town Center, zoning district. The improvements include:

- Addition of a 1,011 square foot, 54 seat, covered outdoor dining area;
- Conversion of approximately 375 square feet of indoor market area to dining area;
- Exterior building façade treatments (including artistic elements);
- Minor reconfiguration of the parking lot to accommodate the outdoor eating area and pedestrian walkway;
- New signage; and
- Landscape and hardscape improvements.

Recommendations:

- 1) Waive further reading and adopt the following resolution, entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SIGNAL HILL, CALIFORNIA,
RECOMMENDING CITY COUNCIL APPROVAL OF
CONDITIONAL USE PERMIT 17-01, A REQUEST TO
ALLOW THE RETAIL SALE OF ALCOHOLIC
BEVERAGES FOR ON-SITE CONSUMPTION AT A
MOTHER'S MARKET LOCATED AT 2475 CHERRY
AVENUE IN THE CTC, COMMERCIAL TOWN CENTER,
ZONING DISTRICT**

2) Waive further reading and adopt the following resolution, entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING
SITE PLAN AND DESIGN REVIEW 17-04, A REQUEST TO
MAKE IMPROVEMENTS TO AN EXISTING RETAIL
MARKET AT 2475 CHERRY AVENUE IN THE CTC,
COMMERCIAL TOWN CENTER, ZONING DISTRICT**

Strategic Plan Objectives:

Goal No. 3: Promote a strong local economic base.

Objective No. 3.1.2: Attract new sales tax-producing businesses to the City.

Background:

On August 19, 2008, the Planning Commission recommended City Council approval of CUP 08-02, to allow the retail sale of packaged alcoholic beverages intended for off-site consumption, and unanimously approved SPDR 08-10, for construction of a 13,969-sq. ft. building to house a Fresh & Easy market (Attachment A). At the meeting, members of the public expressed the following concerns:

- The height of the 23.5-ft. tall monument sign on Cherry Avenue; and
- The exterior treatment did not incorporate historic elements.

At the time, the Commission recognized that the General Plan Land Use Element had established a vision for this site and the surrounding properties. The area was to be developed as a Central Business District (CBD) mixed-use project that would include residential, specialty retail, and a community gathering place with pedestrian amenities; however, providing an upscale market for the community was considered to be an accomplishment, and there was no conceptual design for the CBD established at that

time. Therefore, it was accepted that the design of the market would not necessarily establish the design theme for the CBD. The Commission determined that the sign height was similar to others in the Cherry Avenue corridor and that, although the building design did not make an obvious attempt to look historic, the architectural treatment was complimentary to the adjacent Town Center shopping centers, as well as the historic character of the dwellings in the Crescent Heights neighborhood to the west.

On September 9, 2008, the City Council unanimously approved CUP 08-02, to allow the retail sale of packaged alcoholic beverages for off-site consumption (Attachment B). The CUP for the site remains valid and can be transferred from one tenant to the next.

In 2015, Fresh & Easy Corporate announced they would be closing all 100 remaining stores in California, Arizona and Nevada. Although the Signal Hill store was reported to have had good sales, it was closed in 2016 and remains vacant.

On February 28, 2017, the City Successor Agency approved an exclusive right to negotiate agreement (ENA) with Signal Hill Petroleum, which is the underlying ownership entity of the LLC for the former Fresh & Easy site, and which also owns several of the adjacent properties. The purpose of the ENA is to negotiate the price and terms to acquire and incorporate the former Redevelopment Agency properties along Gardena Avenue into the CBD development. The conceptual design for the vision of the CBD was included in the ENA (Attachment C).

Analysis:

Market Overview

After the loss of the Fresh & Easy market, the opening of Mother's Market and Kitchen will reinvigorate one of the City's top priorities of providing residents with an upscale grocery store with a dining option. Mother's Market and Kitchen is different than typical grocery stores in that it is smaller, has a focus on natural foods, health products, and organic produce. The market also offers on-site dining and is requesting a CUP for the sale of alcoholic beverages for on-site consumption. The property already has a valid CUP for the sale of packaged alcoholic beverages intended for off-site consumption. The company mailed an introductory outreach letter to the residents of the adjacent Crescent Heights Historic District highlighting the Mother's Market and Kitchen concept (Attachment D).

Site Overview

The market site is 1.87-acres in size and is located at the northeast corner of the entire CBD site, on the southwest corner of Cherry Avenue and Crescent Heights Street and is zoned CTC, Commercial Town Center. Adjacent zoning and uses include:

Direction	Adjacent Use	Zoning Designation
North	Three-story commercial/office	CTC, Commercial Town Center
South	Undeveloped land	CTC, Commercial Town Center
East	Town Center East	SP-1, Town Center Specific Plan
West	Undeveloped land & vacant bldgs.	CTC, Commercial Town Center

VICINITY MAP



Site Plan and Design Review

Now that the vision of the CBD as a mixed-use, residential and specialty retail project with pedestrian amenities includes an accepted conceptual design, the applicant is proposing building façade improvements intended to complement the design; however, since it is an existing building, the improvements are to the extent practicable. The proposed addition of a 1,011 square foot, 54 seat, covered, outdoor dining and pedestrian area with access to Cherry Avenue, lends itself to the pedestrian oriented design concept for the CBD and will allow Mother's Market to become an incorporated part of that comprehensive plan. The dining and pedestrian amenities require a minor reorganization of the parking lot, which in turn requires that nine temporary parking spaces be provided along Gardena Avenue. The concept plan for the CBD anticipates the inclusion of a parking structure and vacation of Gardena Avenue to facilitate the pedestrian oriented concept and provide sufficient parking for the entire development (Attachment E).

The following modifications are proposed for Mother's Market and Kitchen:

Dining and Parking Modifications

- The addition of a 1,011 square foot outdoor dining area featuring dark wood posts, dark metal trim, a green metal trellis cover with waterproof fabric inserts and roll-down exterior walls for weatherproofing, brick accents and perimeter planters;
- An interior 375 square foot dining area;
- A widened, scored, concrete walkway and seating area along the front of the market and outdoor dining area. The treatment adds a pedestrian amenity and pedestrian access to Cherry Avenue;
- To accommodate the widened walkway, the parking in front of the market will be re-oriented to the south approximately 15 feet. The middle landscape area of the parking lot will be re-designed and will accommodate nine 90 degree spaces and four parallel spaces;
- Four additional on-site parking spaces will be provided in the southern parking aisle by closing the dead-end of the two north-south drive aisles at the south end of the site;
- A total of 74 on-site parking spaces will be provided and nine temporary spaces will be provided along Gardena Avenue to meet the 83 total parking spaces required. A condition of approval of the CUP will be that the nine temporary spaces be incorporated and relocated into the future parking structure for the Central Business District/Heritage Square;
- The two active oil wells located in the parking lot landscape areas will be abandoned. A condition of the SPDR will be that, pursuant to Sections 16.23 and

16.24, of the Signal Hill Municipal Code, the abandonment of the two wells shall comply with all City and Division of Oil Gas and Geothermal Resources (DOGGR) regulations; and

- A new landscape plan is proposed; however, most of the existing landscape areas will remain unchanged in size or location. A condition of the CUP will be approval of a final landscape plan that complies with the Water Efficient Landscape Ordinance (WELO).

Building Façade Modifications

- A four-tone color scheme (white stucco, green trim, dark brown wood, redwood brick) with dark bronze aluminum for accents;
- A new roof design with green beams and dark, rustic, reclaimed wood applied to the underside;
- Brick accent treatment for the towers at the entrance of the store at Cherry Avenue;
- All stone veneer will be replaced with the brick accent materials as skirting on the base of the building and as a larger vertical design element on all elevations;
- The screen wall made of metal lattice with attached vines on the north elevation will remain. The stone veneer on the columns will be replaced with the brick accent material;
- The red store name and green logo is proposed as one inch thick, eight foot, two inch tall, acrylic letters mounted on two sides of the entrance tower, and two sides of the Cherry Avenue tower, visible from Cherry Avenue and Crescent Heights Street. All will have hidden, recessed up-lighting;
- Two descriptive phrases in half inch green acrylic letters approximately one foot tall are proposed on the Cherry Avenue elevation and above the front door on the south elevation, with red accent hearts. Up-lighting on the Cherry Avenue elevation will be from ground level lights at the base of the building behind the landscaping and from the underside of the entrance canopy on the south elevation; and
- A "Welcome to Signal Hill" phrase in darker toned white, half inch acrylic letters, five feet, one inch tall is proposed to be mounted on the south elevation above and to the right of the entrance.

Artisanal Treatments

- A Signal Hill circa photo is proposed for the west elevation and will be framed with the same dark rustic reclaimed wood used on the roof design and lighted by three gooseneck light fixtures that match the fixtures over the Cherry Avenue tile artwork;
- A translucent mountain scenery window graphic is proposed to be wrapped on

- the front elevation windows above the dining area; and
- The three lighted panels with ceramic tile artwork on the Cherry Avenue facade will remain.

Monument Signs

- The applicant proposes to replace the façade materials for the two existing monument signs on Cherry Avenue and Crescent Heights Street and utilize the existing sign area. The replacement materials are the dark reclaimed wood used on the building façade and galvanized steel.

Landscaping

- Perimeter landscape areas are proposed to remain the same and planting to be protected. A condition of the SPDR requires a final landscape inspection prior to certificate of occupancy. Any supplemental landscaping necessary due to damage or bare areas will be required at that time;
- New barrel planter and linear planter pots are proposed at the front and back of the outdoor seating area;
- New 4' high fencing and a gate are proposed around the perimeter of the outdoor eating area. The material and color is not noted. A condition of the SPDR will be that the gate and fencing material be of the same, or match the bronze aluminum material as proposed for the trellis; and
- New carrot wood and crepe myrtle trees are proposed in the parking area, but the size is not noted. A condition of the SPDR will be that the final landscape plan identify the tree size and the location of any new shrubs or groundcover.

Oil Well Abandonments

The market site has two previously abandoned oil wells and two active oil wells that will be abandoned as part of this project. A condition of the SPDR will be that the abandonment, development, and methane mitigation measures identified in Chapters 16.23, "Abandonment of Wells" and 16.24, "Development Standards for Properties Containing Abandoned Wells" will be complied with.

Conditional Use Permit

Pursuant to Signal Hill Municipal Code (SHMC), Section 20.20.020 requires restaurants serving alcohol for on-site consumption to obtain a CUP. Under the CUP review process, the Commission makes a recommendation to the City Council with any Conditions of Approval necessary to protect the public health, safety and general welfare.

Recommended CUP conditions include:

- Compliance with all regulatory agencies, including:
 - The State Department of Alcoholic Beverage Control
 - The Division of Oil Gas and Geothermal Resources
- Maintenance of the parking, loading and landscape areas;
- Inclusion and replacement of temporary parking on Gardena Avenue;
- Compliance with sign regulations;
- Continuation and maintenance of artwork; and
- Annual inspections.

Approved:

Scott Charney



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

August 19, 2008

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
PLANNING MANAGER**

**SUBJECT: PUBLIC HEARING — FRESH & EASY MARKET AT 2475 CHERRY
AVENUE**

Summary:

The applicant, Greenberg Farrow for Signal Hill Petroleum, is requesting approval to construct a 13,969-sq. ft. Fresh & Easy market at 2475 Cherry Avenue in the CTC, Commercial Town Center, zoning district. Site Plan and Design Review is required for the building placement, elevations and signage and a Conditional Use Permit (CUP) is required for the sale of packaged alcoholic beverages intended for off-site consumption.

Recommendations:

- 1) Waive further reading and adopt the following resolution, entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SIGNAL HILL, CALIFORNIA, RECOMMENDING CITY COUNCIL
ADOPTION OF NEGATIVE DECLARATION 08/07/08(1), RELATIVE TO
SITE PLAN AND DESIGN REVIEW AND A CONDITIONAL USE
PERMIT FOR THE FRESH & EASY MARKET AT 2475 CHERRY
AVENUE**

Fresh & Easy Market – 2475 Cherry Avenue
August 19, 2008
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2) Waive further reading and adopt the following resolution, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 08-02, A REQUEST TO ALLOW THE RETAIL SALE OF PACKAGED ALCOHOLIC BEVERAGES INTENDED FOR OFF-SITE CONSUMPTION AT THE FRESH & EASY MARKET AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN CENTER, ZONING DISTRICT

3) Waive further reading and adopt the following resolution, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING SITE PLAN AND DESIGN REVIEW 08-10, A REQUEST TO CONSTRUCT A 13,969 SQUARE FOOT FRESH & EASY MARKET WITH EXTERIOR BANK AUTOMATED TELLER MACHINE AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN CENTER, ZONING DISTRICT

Background:

The Commission has not reviewed this project.

Analysis:

Overview

The Fresh & Easy market will occupy a high profile site located south of Crescent Heights Street between Cherry and Gardena Avenues (Attachment A). The project achieves one of the City's top priorities by providing residents with an upscale grocery store. Fresh & Easy markets are different than typical grocery stores in that they are smaller and focus on providing prepared meals and organic food. The company has provided a letter highlighting the Fresh & Easy concept and a recent corporate newsletter (Attachments B & C).

The site is 1.87-acres in size and includes two oil wells that will be abandoned and two that will remain in operation. Instead of the typical suburban site plan with the store behind a large field of parking, the building is boldly placed at the southwest corner of Cherry Avenue and Crescent Heights Street. The parking lots are to the south and west and provide 71 spaces. This is 1 space more than required using the City's parking requirement of 1 space per 200 sq. ft. of floor area.

It is important to note that the site plan lends itself to the future development of the land to the immediate south and west of the site consistent with the Central Business District/Heritage Square plan envisioned as part of the 2001 Update of the Land Use Element. This plan anticipates that Gardena Avenue may be vacated to facilitate commercial development fronting Cherry Avenue with residential development behind (Attachment D).

Design

The building features:

- Four-tone color scheme (green and variations of brown) with stone veneer accent
- Customer entrance on the south elevation distinguished by a tower element, shade canopy and extensive glazing
- 3 panels with ceramic tile artwork on the Cherry Avenue facade (see additional discussion below)
- Second tower element at the northwest corner of the building
- Walk-up bank automated teller machine (ATM) on building exterior adjacent customer entrance
- Loading dock area along the northern building elevation with screen wall consisting of metal lattice with attached vines and stone columns.

Staff believes that the architectural treatment compliments the adjacent Town Center shopping centers and the historic character of the dwellings in the Crescent Heights neighborhood to the west. A sample board of the proposed materials will be available at the public hearing.

Art Work

The applicant has contracted with a local artist, Steve Elicker, to design the ceramic tile artwork for the 3 panels to be integrated onto elevation facing Cherry Avenue. The artist is currently preparing a design concept to share with the Commission at the hearing.

Signs

The site is eligible for a comprehensive sign program. The proposed program includes:

- 3 wall signs including clock logo measuring 8.5-ft. x 14.6-ft. on the south, east and north elevations (individual channel letters projecting 1.5-inches off solid background panel to create halo effect)
- 1 wall sign including clock logo measuring 3ft. x 23.5-ft. on the west elevation (individual channel letters projecting 1.5-inches off wall to create halo effect)
- 1 internally illuminated monument sign measuring 20-ft. x 8-ft. south of the Cherry Avenue driveway (incorporates rock veneer base and includes space for future tenants)
- 1 internally illuminated monument sign measuring 10-ft. x 11.8-ft. east of the Crescent Heights Street driveway (incorporates rock veneer and includes additional text related to hours of operation)
- 1 Wachovia Bank sign integrated into the ATM

There are no specific standards for sign programs in this zoning district. Staff believes that the signs are appropriate for the use in terms of size, function and design.

Landscaping

The City's contract landscape architect reviewed the preliminary landscape plans for consistency with the Cherry/Willow/Spring Landscape Overlay District guidelines. The plans generally comply with the guidelines and are compatible with the existing landscaping at adjacent Town Center shopping centers. A condition of approval requires that 6 trees be provided in the Gardena Avenue setback and that plant sizes meet the minimum called for in the guidelines.

Conditional Use Permit

Pursuant to Signal Hill Municipal Code Section 20.20.020, grocery stores that sell packaged alcoholic beverages intended for off-site consumption must obtain a CUP. Under the CUP process, the Commission shall recommend to the City Council any Conditions of Approval necessary to protect the public health, safety and general welfare. Proposed conditions include:

- Compliance with all regulatory agencies including the State Department of Alcoholic Beverage Control
- Landscape and Trash – The applicant shall be responsible for keeping the area

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around market free of weeds and trash and to provide additional trash receptacles at the ATM based on demand.

- Loading Area – The applicant shall be responsible for keeping the area clean and sanitary
- Artwork maintenance
- Annual inspections

The Police Department reviewed the plans for safety concerns and did not have any specific operational concerns. A condition of approval requires further Police review of ATM security lighting and alarm system plans.

Public Comment

Staff received 2 letters in response to the public hearing notice. One supports the concept (Attachment E). The other raises concerns regarding shopping carts, traffic, street improvements and loitering (Attachment F). In response, staff would note:

- The Public Works Department enforces the City's Abandoned Shopping Cart Ordinance by impounding "stray" shopping carts
- The traffic study found that the traffic associated with the project is not significant and that no mitigations are required (see Attachment to Negative Declaration)
- Public Works conditions require the installation of new curb, gutter and sidewalks at the Crescent Heights Street and Gardena Avenue frontages as well as repaving of these two streets (to the centerline)
- The informal day labor center has been relocated away from the Crescent Heights neighborhood

Approved:

Gary Jones

RESOLUTION NO. 2008-09-5703

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 08-02, A REQUEST TO ALLOW THE RETAIL SALE OF PACKAGED ALCOHOLIC BEVERAGES INTENDED FOR OFF-SITE CONSUMPTION AT THE FRESH & EASY MARKET AT 2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN CENTER, ZONING DISTRICT

WHEREAS, the applicant, Greenberg Farrow for Signal Hill Petroleum, has submitted an application to allow the retail sale of packaged alcoholic beverages intended for off-site consumption at the Fresh & Easy market at 2475 Cherry Avenue in the City of Signal Hill, County of Los Angeles; and

WHEREAS, the property is legally described as Lots 1, 2 and the north 60 feet of Lot 3 in Block "E" of the Resubdivision of Blocks "D" and "E" of Crescent Heights Track in the City of Signal Hill, County of Los Angeles, State of California as per map filed in Book 5, Page 105 of maps, in the office of the County Recorder of said County; and

WHEREAS, pursuant to Municipal Code Section 20.20.020, entitled, "Use Classifications," and Signal Hill Municipal Code Chapter 20.64, entitled "Uses Subject to Conditional Use Permit," the subject application to sell packaged alcoholic beverages intended for off-site consumption is properly a matter for Planning Commission review and recommendation to the City Council for approval; and

WHEREAS, the City Council approved Negative Declaration 08/07/08(1) relative to Conditional Use Permit 08-02, in satisfaction of requirements of the California Environmental Quality Act; and

WHEREAS, on August 19, 2008, after proper notice and public hearing the Planning Commission recommended City Council approval of Conditional Use Permit 08-02; and

WHEREAS, on August 28, 2008, notice of a City Council public hearing was mailed to all property owners within 300 feet of the subject property, was published in The Signal Tribune newspaper and was posted in accordance with S.H.M.C. Section 1.08.010; and

WHEREAS, on September 9, 2008, a public hearing was held before the City Council and all interested parties were given an opportunity to be heard regarding the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Signal Hill, California, does hereby find as follows:

1. The proposed project, subject to the attached conditions, is in conformance with the zoning ordinance, other ordinances and regulations of the City, and the following policies of the General Plan Land Use Element:

Land Use Policy 1.7 "Broaden the City's tax base by attracting commercial and industrial development to the City which will provide economic and employment benefits to the community while ensuring compatibility with other general plan goals and policies."

Land Use Policy 1.8 "Focus major commercial activity into economically viable and attractive centers. Concentrate retail, office and complementary uses in or near the City's Town Center. Support the Spring Street corridor as secondary commercial location."

Land Use Element Policy 3.13: "Reinforce Signal Hill's image and community identity within the greater Long Beach Metropolitan area."

Findings related to Policy 1.7, 1.8 and 3.13: The Fresh & Easy market is located at a high profile location on Cherry Avenue adjacent to the Town Center retail centers and the Crescent Heights Historic District neighborhood. The project achieves one of the City's long-standing economic development goals of attracting an upscale grocery store. The market will increase employment and shopping opportunities and will also increase tax revenues for the City.

Land Use Element Policy 3.12: "Encourage and promote high quality design and physical appearance in all development projects."

Finding related to Policy 3.12: The design theme for the Fresh & Easy market complements that found in the nearby Town Center retail centers and other commercial projects in the City. The design incorporates architectural features that are of higher quality than found at "typical strip commercial development." These include the use of bold colors; a variety of building materials and tower elements. A metal screen lattice with rock veneer-clad columns is provided along the Crescent Heights Street frontage to screen the truck loading dock area from view. In addition, a cart storage enclosure with rock veneer is included adjacent to the customer entry.

2. The site for the proposed use is adequate in size and shape to accommodate operation of a grocery store with the retail sale of alcoholic beverages intended for off-site consumption, in that:

- a) There is adequate vehicle access to the site from Cherry Avenue, Crescent Heights Street and Gardena Avenue; and
- b) There are 71 off-street parking spaces proposed which is more than the minimum required number of 70; and

3. The streets surrounding the site for the proposed use and related to the Streets and Highways Element of the General Plan are adequate or will be improved as a condition of approval to provide adequate width and pavement type to carry the quantity and type of traffic generated by the proposed use in that:

The site is centrally located in the City and has frontage along Cherry Avenue which is a Major Highway and Crescent Heights Street and Gardena Avenue which are designated as local streets.

4. The conditions are deemed necessary to protect the public health, safety, and general welfare.

BE IT FURTHER RESOLVED, that the City Council of the City of Signal Hill, California, does hereby approve of Conditional Use Permit 08-02, subject to the Conditions of Approval attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the City Council of the City of Signal Hill, California, on this 9th day of September 2008.

Michael J. Noll
MICHAEL J. NOLL
MAYOR

ALIEST:

ATTEST:



KATHLEEN L. PACHECO

CITY CLERK
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, KATHLEEN L. PACHECO, City Clerk of the City of Signal Hill, California, do hereby certify that Resolution No. 2008-09-5703 was adopted by the City Council of the City of Signal Hill, California, at a regular meeting held on the 9TH day of September 2008, by the following vote:

AYES: MAYOR MICHAEL J. NOLL, VICE MAYOR ELLEN WARD,
COUNCILMEMBERS LARRY FORESTER, TINA L. HANSEN,
EDWARD H.J. WILSON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


KATHLEEN L. PACHECO
CITY CLERK

Exhibit A

CONDITIONAL USE PERMIT 08-02
Conditions of Approval

Project: **Fresh & Easy Market with retail sale of alcoholic beverages intended for off-site consumption**

Location: **2475 Cherry Avenue**

Applicant: **Greenberg Farrow for Signal Hill Petroleum**

1. The applicant shall agree to defend, indemnify and hold harmless, the City of Signal Hill, its agents, officers and employees from any claim, action or proceeding against the City of Signal Hill or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Signal Hill, its legislative body, advisory agencies, or administrative officers concerning subject approval. The City of Signal Hill will promptly notify the applicant of any such claim, action or proceeding against the City of Signal Hill and the applicant, or owner, will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. If the City of Signal Hill fails to promptly notify the applicant of any such claim, action or proceeding, or fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City of Signal Hill. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgement or failure to appeal, shall not cause a waiver of the indemnification rights herein.
2. Approval shall be null and void if the retail sales of packaged alcoholic beverages associated with the subject Conditional Use Permit is not commenced within six months of issuance of the building's certificate of occupancy unless a request for extension is requested and granted by the Director of Community Development.
3. The Community Development Department shall inspect the subject premises and report to the City Council on an annual basis.
4. No advertising material or signs shall be painted, installed, erected or displayed on the building exterior without first obtaining City approval.
5. No signs are permitted on the roof of the building. This includes temporary banner signs mounted on temporary or permanent supports, aerial signs, animated signs, and rotating signs.
6. Temporary banner signs are permitted on the building for a period not to exceed six weeks in any calendar year with a permit from the Community Development Department subject to standards in Municipal Code Section 20.58.080, Temporary

Signs.

7. The loading dock area shall be kept in a clean and sanitary state, free from trash and debris. No loading activity may occur between the hours of midnight and 6:00 a.m.
8. The area surrounding the market and including the parking and landscaped areas shall be kept free of weeds and trash.
9. The artwork on the facade facing Cherry Avenue shall be permanently maintained in a good, first-class condition consistent with the initial installation.
10. The landscaping and irrigation system, including sprinkler heads, shall be permanently maintained in good, first-class condition, without deterioration and free of waste, weeds and debris.
11. The operator shall take reasonable steps to prevent shopping carts from being taken off the premises as well as to retrieve shopping carts that taken off the premises. The operator is aware that the City regulates off-site shopping carts are subject to enforcement action subject to Municipal Code Chapter 8.54, Abandoned Shopping Carts.
12. The operator shall provide decorative trash receptacles in good, first-class condition at the customer entrance area and adjacent the bank automated teller machine. The number of receptacles shall be sufficient to meet demand and the applicant shall agree to provide additional receptacles if overflow conditions routinely occur.
13. Prior to the installation of any pay phones, vending machines or newspaper racks outside of the building, the applicant shall submit plans for Community Development Department review and approval. Coin-operated arcade-type games shall be prohibited.
14. The business operation shall meet all municipal code requirements of the City of Signal Hill and any applicable requirements of the Los Angeles County Fire Department, State Department of Alcoholic Beverage Control, State Department of Conservation, Division of Oil, Gas and Geothermal Resources and Los Angeles County Health Department.
15. The applicant shall be furnished with this list of conditions and shall sign an acknowledgment of the fact that should they default on the above Conditions, the default shall constitute a violation of the permit and shall be cause for its revocation.
16. This CUP is being approved solely for the operation of a Fresh and Easy grocery store, or other grocery operation of similar quality. No other use shall be permitted without amendment of this conditional use permit.

I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THE AFOREMENTIONED
CONDITIONS OF APPROVAL OF HEREIN STATED.

APPLICANT

DATE

EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT
2435-2461, 2475, 2485 Gardena Avenue, SIGNAL HILL CA 90755

THIS EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT ("Agreement") is made this ____ day of _____, 2017 between the SUCCESSOR AGENCY TO THE SIGNAL HILL REDEVELOPMENT AGENCY ("Successor Agency") and SIGNAL HILL PETROLEUM, INC. ("SHP" or "Developer"). Successor Agency and SHP are individually referred to herein as a "Party" and jointly as the "Parties."

R E C I T A L S

A. Successor Agency and SHP Properties. Successor Agency is the owner of that certain real property encompassing approximately two (2) acres located on Gardena Avenue between Crescent Heights Street and E. Burnett Street located at 2435-2461, 2475, 2485 Gardena Avenue in the City of Signal Hill, County of Los Angeles, State of California (APN: 7214-005-901, 7214-005-902, 7214-005-903, and 7214-005-904) ("SA Property") as more specifically described in the "**Legal Description of Property**" attached hereto and incorporated herein by reference as **Exhibit "A"**. The City of Signal Hill ("City") is owner of a parcel identified for a park and open space and commonly referred to as the "Weingarten" property in the City of Signal Hill, County of Los Angeles, State of California (APN: 7214-005-900). SHP is the owner of that certain real property immediately adjacent to the SA Property and located at 2475 Cherry Avenue in the City of Signal Hill, County of Los Angeles (APN's 7214-006-019, 7214-006-020, 7214-006-021, 7214-006-014, 7214-006-015, 7214-005-010, 7214-005-011) as more particularly described in **Exhibit "A"** ("SHP Property"). Collectively the SA Property, the Weingarten Property and the SHP Property are the "Project Site." The Project Site is depicted on the "**Project Site Map**" attached hereto and incorporated herein as **Exhibit "B"**.

B. History of SA Property. The SA Property was previously owned by the Signal Hill Redevelopment Agency which was a community redevelopment agency existing and formed pursuant to the Community Redevelopment Law (Health & Safety Code §§33400 *et seq.*) ("Agency"). Between September 2010 and April 2011, the Agency purchased the SA Property from the Evelyn B. Sullivan Trust, SHP, Robin Hiestand and RRH Investments, LLC. Pursuant to ABx1 26, the Agency was dissolved and succeeded by the City Council of Signal Hill acting as Successor Agency whose activities are overseen by the Oversight Board ("Oversight Board"). On February 20, 2015, Successor Agency's Long Range Property Management Plan was approved by the California Department of Finance ("DOF") which plan included the retention of the SA Property by Successor Agency for future development (Health and Safety code § 34191.5(c) (2)).

C. Signal Hill Oilfield. Oil was discovered in Signal Hill in 1921 and the Signal Hill Oil Field became one of the largest active oil fields in the world with some 1 billion barrels of oil extracted to date. Over 2,000 wells were drilled of which only some 20% are currently active so most have been abandoned to varying standards over the prior 80 years. The City in 2015 adopted a comprehensive Oil Code in Title 16 Chapter 24 of the SHMC to deal comprehensively with abandoned oil wells on development sites. The Division of Oil, Gas, and Geothermal Resources ("DOGGR") is the State of California agency that oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells. DOGGR is charged with

the authority to order re-abandonment of oil wells to protect against dangers to life, health or property pursuant to Public Resources Code Sections 3208.1 and 3255.

D. *Developer Qualifications.* During its three decades of successful urban oil field operations, SHP has developed a unique expertise in combining ongoing urban oil operations with commercial and residential development. SHP has a solid track record of bringing new and substantial revenue generating projects to the City of Signal Hill. SHP has successfully developed three commercial shopping centers including Town Center West, the Signal Hill Gateway Center and the Fresh and Easy Retail Center which borders the SA Property. SHP also brought major new residential development to the City with the Skyline Estates, Westbluff Estates, Promontory Estates, and Hathaway Ridge projects.

E. *Fresh and Easy Retail Center.* SHP developed a portion of the SHP Property as a commercial retail center. The development included two active oil wells and a 14,000 sq. ft. commercial retail building. SHP leased the building to Fresh and Easy for operation as a specialty grocery store. The Fresh and Easy grocery store chain declared bankruptcy and the lease was terminated in 2015. The former Fresh and Easy building is located on the corner of Crescent Heights Street and Cherry Avenue.

F. *Proposed Project and Project Site.* It is the purpose of this Agreement to give SHP control of the Project Site to allow for master planning the development of these properties. SHP has proposed a mixed-use development including approximately 30,000-60,000 sq. ft. of new commercial development (retail and restaurant) with tenants such as Mother's Market, King's Fish House, Five Guys Burgers, and a multi-family residential component of up to 200 units (collectively the "**Proposed Project**"). The Proposed Project will be evocative of Signal Hill's unique history and complimenting architectural styles existing in the Signal Hill Crescent Heights Historic District (SP-11) including a craftsman-themed design organized around a community gathering place/public space similar in area to the Weingarten Property. The architectural style should encompass the timeframe between 1899-1930 and may be Craftsman or other style including Mission Revival, Spanish Eclectic, Italian Revival, Tudor, or Farmhouse as described in SP-11. The Proposed Project plan would provide a linkage into the approved View Park. The Proposed Project massing should include articulation, different setbacks and a variety of materials and colors. The Proposed Project should include: (i) the SA Property; (ii) the Weingarten Property, (iii) the SHP Property, including the vacant Fresh and Easy building; and (iv) the potential vacation of Gardena Avenue between Crescent Heights Street and Burnett Street ("**Street Vacation**"). The Successor Agency would work with the City to accomplish the vacation and incorporate any City parcels in the Project.

G. *Oilfield Constraints.* There are five previously abandoned oil wells and two active wells on the site and will be referred as the "Wells" hereunder. Other wells, oilfield pipelines, tanks and facilities exist on the SHP Property which, along with the Wells, collectively are referred to as "**Oilfield Constraints**".

H. *Plans for Project Proposal; Compliance with Laws.* SHP shall submit conceptual site plans that are consistent with the Crescent Heights Historic District (SP-11), and a Proposed Project description for City review and approval. SHP's conceptual site plans shall be consistent with all laws, ordinances, regulations, and requirements of the City, including but not limited to,

the City's Zoning Code and General Plan. A Specific Plan will be required for the Proposed Project. This Agreement does not guaranty that the City will issue any entitlements for the Proposed Project and does not in any way limit the City's discretion in approving or disapproving the Proposed Project or any portion thereof. The Successor Agency shall use reasonable good faith efforts to have SHP's application and conceptual site plans processed and approved within one hundred eighty (180) days of their submittal.

I. Project Contingent on Resolution of Multiple Strategic Issues. The completion of the Proposed Project will require: (i) cooperative negotiations and arrangements with the Successor Agency; (ii) the confirmed understanding of potential development setbacks from the Cherry Hill Fault; (iii) City's approval of the Proposed Project, including, as necessary, applicable specific plans, zoning regulations and General Plan designations; (iv) City's approval of the Street Vacation, and (v) resolving all Oilfield Constraints (collectively "**Contingencies**").

J. Negotiations with Goal of a Conveyance Instrument. For the Negotiation Period (as defined in Section 1.D.), Successor Agency and SHP shall negotiate diligently and in good faith to enter into one or more disposition and development agreements, or equivalent agreements, effecting the conveyance of ownership and/or occupancy rights for the Project Site to SHP.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and incorporating the Recitals above, the Parties mutually agree to the following:

SECTION 1. TERM.

A. Initial Term. The initial term of this Agreement shall commence on the date when this Agreement has been executed and delivered by the last Party who must execute it to make it effective (the "**Effective Date**"), and terminate one hundred eighty (180) days thereafter ("**Initial Term**"). During the Initial Term, SHP shall (i) conduct its due diligence with respect to the Project Site and the Proposed Project as described herein, (ii) develop the basic business terms of the transaction, (iii) develop an initial project schedule in cooperation with the Successor Agency, and (iv) develop a project site plan and sample elevations which are evocative of Signal Hill's unique history and complementing architectural styles existing in the Signal Hill Crescent Heights Historic District including a craftsman-themed design.

B. Extended Term. If prior to expiration of the Initial Term the Parties execute a memorandum of understanding encompassing the points in Section A above (the "**MOU**"), then the term of this Agreement shall be automatically extended for an additional one hundred eighty (180) days from the date of execution to obtain any required entitlements and CEQA processing, and negotiate a development agreement, Conveyance Instrument, and other necessary agreements (the "**Extended Term**", together with the Initial Term, is referred to as the "**Term**").

C. Extensions. The Parties acknowledge that the number of days in the Initial Term and Extended Term represent their current estimate of the time required for the activities set forth above, but if notwithstanding their diligent efforts such periods prove inadequate for such activities, the Executive Director may extend such Terms for a cumulative period of up to 180 days in his reasonable discretion.

D. Negotiation Period. The term of this Agreement shall commence on the date this Agreement is executed by Successor Agency and SHP (“Effective Date”) and terminate twelve (12) months thereafter (“**Negotiation Period**”) provided the Agreement shall terminate following the Initial Term if the Parties do not agree to an MOU outlining basic business terms. Notwithstanding anything herein to the contrary, SHP may terminate this Agreement, with or without cause, upon forty five (45) days written notice to Successor Agency. During said period the parties shall meet and in good faith negotiate in an effort to resolve the issues giving rise to the notice of termination.

E. Successor Agency Approval. SHP understands and acknowledges that if negotiations culminate in agreement, that (i) the Conveyance Instruments shall be effective only after, and if, the Conveyance Instruments have been considered and approved by Successor Agency, and (ii) City has given all entitlements necessary for the Proposed Project, and held any public hearing thereon as required by law and subject to Section 5. The Conveyance Instruments shall specify environmental analysis as applicable to satisfy the requirements of CEQA.

SECTION 2. NATURE OF NEGOTIATIONS.

A. Good Faith. During the Negotiation Period, the Successor Agency and SHP agree to negotiate diligently and in good faith to prepare and enter into one or more Conveyance Instruments as described in Subsection 2C below. The development of the Proposed Project will be subject to all rules, regulations, standards, and criteria set forth in the City’s General Plan and other applicable specific plans and zoning regulations (which may necessitate amendment or other modification to accommodate SHP’s proposed use), and this Agreement. During the Term, Successor Agency will not negotiate with any other third party regarding the leasing, conveyance, acquisition or development of the Project Site. During the Term, SHP shall not develop another project which would compete for tenants suitable for the Proposed Project, as agreed to with Executive Director. Nothing in this Agreement shall be deemed a covenant, promise or commitment by Successor Agency with respect to entering into a Conveyance Instrument with SHP or that the City will approve the Proposed Project. This Agreement is merely a commitment to continue negotiations according to the terms hereof, reserving final discretion and approval by Successor Agency.

B. Project Site. The Proposed Project shall be located on the Project Site. Successor Agency represents that it owns the SA Property and SHP represents that it owns the SHP Property. Successor Agency makes no representations concerning the viability of the SA Property for the Proposed Project, and SHP must conduct its own due diligence, at its own expense, and make all necessary Site investigations to assure itself of the suitability of the Project Site for development.

C. Nature of the Project; Required Approvals. Any Conveyance Instrument, as defined herein, shall provide that SHP must (i) develop the Proposed Project consistent with all applicable laws, ordinances, regulations, zoning, the General Plan and the applicable specific plan, as the same may be varied or amended by the City to accommodate the Proposed Project, and (ii) obtain design development review and approval from the City’s Planning Commission and City Council. During the Initial Term, the parties shall use their good faith efforts to reach conceptual agreement on the business terms of the transaction embodied in a memorandum of understanding. The Phases of Negotiation are described as follows:

1. **Initial Term.** The following shall be deemed the goals of the Parties for negotiations during the Initial Term:

(a) ***Conveyance Instrument Terms.*** Conveyance Instrument terms, including a mutually satisfactory designation of (i) a specific schedule for development of the Proposed Project, which may be in phases; (ii) standard use restrictions consistent with the operation of a retail center and a multi-family residential development; (iii) rights and limitations of SHP to assign or transfer its obligations prior to completion of the Proposed Project; (iv) provisions ensuring that SHP has responsibility for the environmental issues at the Project Site; and (v) agreement by SHP to proceed diligently in good faith to perform its obligations and to reimburse Successor Agency for certain out of pocket third-party costs of negotiating the transaction.

(b) ***Financial Provisions.*** Terms relating to: (i) the purchase price payable by SHP to Successor Agency for the conveyance or occupation of the Project Site by SHP; (ii) SHP's sole responsibility for site grading, development, constructing and financing of all Proposed Project improvements; (iii) apportionment of costs, and responsibility for construction, of necessary public improvements, including City fees for processing any necessary additional entitlements for the Proposed Project; and (iv) undertaking all work necessary to modify the Oilfield Constraints as necessary to develop the Proposed Project.

(c) ***Conceptual Site Plan.*** SHP has prepared an initial site plan with (i) an existing 14,000 sq. ft. market, (ii) some 21,000 sq. ft. of restaurant/retail, (iii) a parking structure, (iv) a 198-unit apartment building at a density of 45 du/ac, and (v) a community park/assembly area . attached hereto and incorporated herein by reference as **Exhibit “C.”** During the Initial Term, this plan must be modified substantially (i) to increase the retail component, (ii) to provide tenants that provide services for the residents, as well as uses that accommodate community assembly (e.g., bookstore), and (iii) to refine the community park design to include art, water elements, etc. To accomplish these changes ground floor retail within the parking structure (drug/pharmacy use), additional height, mixed use, site expansion, and other mechanisms are encouraged.

2. **Extended Term.** During the Extended Term, the parties will complete a Development Agreement pursuant to Government Code Section 65864 *et seq.*, as well as Conveyance Instruments, so that SHP obtains title to the Project Site and sufficient additional and modified land use entitlements to be able to proceed with development of the Proposed Project. Among other things, the following shall be completed during this phase:

(a) ***Applications for City Approvals.*** During the Extended Term, SHP shall use reasonable good faith efforts to submit applications for the requisite additional and modified land use entitlements for the Proposed Project from all governmental and/or quasi-governmental entities, (collectively, “**Permits**”), except for actual building permits, which will be obtained after SHP acquires the Project Site. Approval of all of the Permits and the expiration of all applicable appeals periods to such approvals without the filing of any such appeal by a third party shall be a condition precedent to the consummation of the transaction under the Conveyance Instruments, which condition precedent is for the benefit of each of SHP, and Successor Agency.

(b) ***Design Theme.*** The Project Site is in the City's Craftsman-themed Specific Plan. SHP shall follow the design theme and develop a high quality design utilizing materials which will set a high quality model for the rest of the District, and be equal or superior to any Craftsman structure in the greater Long Beach area.

(c) ***Environmental Review.*** Environmental analysis pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA") will occur as the Proposed Project's plans are developed. SHP has sole responsibility to pursue and obtain any necessary environmental approvals for the Proposed Project pursuant to CEQA. SHP will undertake the studies, reports and analyses required, including traffic analysis, environmental impact analysis and financing plans if and to the extent required. SHP has responsibility at its sole cost and expense to pursue and obtain any necessary environmental approvals for the Proposed Project pursuant to CEQA. Successor Agency will assist SHP in preparing any environmental documentation and processing any environmental review necessary. The Successor Agency shall serve as lead agency for purposes of environmental review, and pursuant to Section 2(c), SHP shall provide to Successor Agency all funds necessary to cover the costs of such environmental review. SHP understands that all approvals are subject to the City's discretion in the exercise of its police powers and assumes the risk of not obtaining its entitlements; provided, however, that approval of all such entitlements shall be a condition precedent to the consummation of the transfer under the Conveyance Instruments which condition shall be for the benefit of each of SHP and Successor Agency.

D. *Agreement Deposit.* SHP acknowledges that Successor Agency shall expend substantial resources in the negotiation and performance of this Agreement. The Successor Agency shall follow the City's "Developer's Deposit Policy." Concurrently with the execution of this Agreement by the parties, SHP shall deliver to Successor Agency a deposit of Two Hundred Fifty Thousand Dollars (\$250,000) ("**Agreement Deposit**"). If the Agreement Deposit is not received within ten (10) days of the execution of this Agreement, this Agreement shall be deemed null and void. The purpose of the Agreement Deposit is: (i) to provide security for SHP's commitment to negotiate diligently and in good faith and perform all of SHP's obligations under this Agreement; and (ii) to pay for Successor Agency's actual and reasonable costs and expenses in connection with the negotiation and performance of this Agreement and preparing any additional agreements relating to the Proposed Project. Such costs shall include, but not be limited to, staff costs, fees and expenses of legal counsel, environmental, soils, geotechnical, traffic, landscaping, petroleum engineer, financial and economic consultants and reports, in each case engaged by Successor Agency for services directly related to the Proposed Project (collectively "**Costs**"). Successor Agency shall provide SHP a written report and accounting of expenditures from the Agreement Deposit. Successor Agency has no obligation to invest the Agreement Deposit or otherwise allocate interest thereto. If Successor Agency's Costs exceed the amount of the Agreement Deposit, SHP shall supplement the Agreement Deposit to cover the Costs reasonably incurred by Successor Agency; provided, however, that SHP shall have the right to approve in advance all of such costs in excess of the amount of the Agreement Deposit. If the parties fail to agree on the amount of additional deposit, SHP may either make the deposit or terminate this Agreement upon five (5) days written notice to Successor Agency. Any additional amounts deposited by SHP shall be deemed a part of the Agreement Deposit. At the end of the Negotiation Period and provided SHP is not in breach of this Agreement (after any applicable notice and cure period has elapsed) or upon SHP's election to terminate this Agreement Successor Agency shall return to SHP (i) the

remaining portion of the Agreement Deposit for which Successor Agency has not incurred Costs, (ii) less a deduction for the leasable value of the SA Property and the City Property at (X) times number of months this Agreement was in effect, and (iii) with an accounting of the calculations by Successor Agency of the amount due SHP.

E. *In Lieu Payment.* In lieu of payment of the foregoing Agreement Deposit or any further payments from SHP per Section 2(D), if SHP releases and quitclaims all rights and interests in that certain approximately 3 acre parcel known as the police station property (the “Police Station Property”) as legally described herein in the “Legal Description of Police Station Property” attached herein and incorporated herein as **Exhibit “D”**, prior to the making of such Deposit, then SHP’s only responsibility under the foregoing provision shall be to pay for compliance with the California Environmental Quality Act pursuant to Section 2(c), nor shall SHP have any responsibility to pay for the leasable value of the SA Property.

F. *Developer Due Diligence.* There are many unknowns concerning the Proposed Project at this time. During the Term, SHP will undertake the studies, reports and analysis contemplated in Section 2 to allow it to develop the Proposed Project plan, Proposed Project designs, traffic analysis, environmental impact analysis and financing plans necessary to determine whether to undertake the Proposed Project. The Successor Agency shall deliver to SHP copies of all environmental documents in its possession, as it relates to the Project Site.

G. *Financial Provisions.* The parties agree that the Conveyance Instruments will provide, among other things, that:

1. The purchase price for the Project Site shall be \$____ [To be determined on market value] per square foot to be paid by SHP.
2. SHP shall be solely responsible for financing and constructing the Proposed Project.
3. SHP shall be responsible to pay for all necessary public improvements and all the City’s fees incurred in processing the Proposed Project without financial assistance from Successor Agency.
4. SHP shall be responsible for (i) the release of any surface use rights and (ii) if necessary as part of the Proposed Project, testing and re-abandonment of the Wells and undertaking all other necessary work on the Oilfield Constraints, all at SHP’s sole cost.
5. SHP shall be responsible for demolition of all existing structures, and Project Site preparation.
6. SHP will be responsible for the cost of any required soils remediation and any fault line or other geotechnical studies needed in order to build the Project.
7. SHP will be responsible for payment of City’s costs for processing the Proposed Project, including for compliance with CEQA.

H. Schedule for Development. During the Initial Term, the parties shall agree upon a specific schedule for development of the Proposed Project to be incorporated in the Conveyance Instruments which shall also provide that any extension of specific timeframes by more than six (6) months shall require approval of the Successor Agency, which approval shall not be unreasonably withheld.

I. Access to Site. Successor Agency shall allow SHP and its employees, agents, representatives and contractors reasonable access to the Project Site during normal business hours, upon reasonable notice of not less than two (2) business days and written scope of work to be approved by Successor Agency, for the purpose of due diligence including performing environmental evaluations, engineering studies, surveys, geological work or other studies as reasonably desired by SHP. Prior to entering the SA Property, Successor Agency and SHP will enter into an appropriate indemnification agreement regarding access.

J. Weingarten Property. City owns the Weingarten Property which is within the boundaries of the Project Site. The parcel was dedicated to the City for public park and recreation purposes but the grantor agreed that the parcel could be exchanged for other suitable property. SHP shall endeavor to provide a design which could provide a suitable substitute public park area in the Proposed Project, or alternatively a suitable alternative exchange parcel in the City. Successor Agency shall endeavor to secure City approval to such an exchange.

K. Tenant Approval. Successor Agency shall have the right to approve the initial selection of all tenants and the identity of major tenants for five (5) years. The conveyance instrument may include a list of pre-approved tenants. Approval may not be unreasonably withheld.

SECTION 3. DEVELOPER'S RESPONSIBILITIES DURING NEGOTIATION PERIOD.

During the Negotiation Period, SHP will prepare such studies, reports and analysis as shall be necessary to permit SHP to determine the feasibility of the Project. During the Negotiation Period and as requested by Successor Agency, SHP shall submit the following:

A. Project Plan and Development. SHP shall prepare a site plan ("Site Plan") specifying the conceptual framework to guide the overall development of the Proposed Project. In addition, SHP shall prepare the preliminary design plan for the Proposed Project, including design themes building elevations, as reasonably required by Successor Agency and City, sufficient, to the extent feasible and practicable, to allow evaluation of the architectural design and site layout. SHP shall also order and review a preliminary title report.

B. Pro forma. Within ninety (90) days after the Effective Date, SHP shall provide a detailed *pro forma* showing the estimated budget for the development and construction of the Proposed Project. The *pro forma* shall also show an estimate of the economic return to the Successor Agency and City for at least a ten year period after completion of the Proposed Project, including all taxes and fees, and other economic returns to the City as well as jobs and general community benefits.

C. Confidentiality. Subject to the duty of the public entities to produce documents and analysis publicly to explain the transaction, and until the Conveyance Instruments and related

documents are publicly presented for approval, Successor Agency agrees, to the maximum extent permitted by law including the California Public Records Act, to keep confidential the fact and substance of the ongoing negotiations, the parties' positions, the MOU and all proprietary financial and other information submitted by SHP to Successor Agency in connection with SHP's satisfaction of its obligations under this Agreement, at all times during the Term of this Agreement.

D. *Partners.* In addition to the information publicly available regarding SHP and its personnel, SHP shall provide adequate disclosure of SHP's joint venturers, if any, who are participants or principals of the Proposed Project, and other reasonable and relevant information requested by Successor Agency, concerning the above.

E. *Financial Capability.* SHP shall prepare and deliver to Successor Agency a statement of SHP's financial capabilities, including contemplated or potential sources of equity and construction and permanent loan financing.

F. *Prospective Tenants.* SHP shall diligently contact potential tenants for the Proposed Project and shall keep Successor Agency updated on all contacts and letters of commitment. During the Term, SHP shall, at its sole cost and expense, place signage on the Project Site for purposes of identifying the Proposed Project ("Signage"), and Successor Agency shall grant the necessary easements or similar agreements to do so. All Signage shall be subject to reasonable approval of the Executive Director or his designee, and shall comply with the City's Municipal Code and standard sign requirements. Upon termination of this Agreement, SHP shall (i) promptly remove the Signage at its sole cost and expense, (ii) SHP shall indemnify Successor Agency against any mechanic liens or other claims related to the Signage, and (iii) have no claim or other right against Successor Agency for any contact by third parties as a result of the Signage.

G. *Permits.* After the Initial Term, SHP will be solely responsible for obtaining all permit approvals and entitlements for the Proposed Project and developing the Proposed Project, subject to the terms and conditions of the Conveyance Instrument.

H. *Right to Demolish Improvements.* Currently the Successor Agency Property is occupied by certain dilapidated improvements which have been in disuse for some 5 years. These improvements are having a negative impact on SHP's ability to re-tenant the Fresh and Easy retail center. Successor Agency hereby gives SHP the right but not the obligation to demolish said improvements at its cost pursuant to satisfaction of the following conditions:

1. SHP shall indemnify and hold Successor Agency harmless from any claim or action arising from the work performed by SHP.
2. SHP need not remove underground structures but shall leave the site on a level and safe condition, and shall obtain approval by Successor Agency that the work is complete.
3. The work shall be performed within 30 days of the mutually agreed starting date.
4. SHP shall prepare a budget of projected costs to be approved by Successor Agency (Budget Cap), and shall contract for and pay all costs thereof.

5. SHP shall keep an accounting of all costs and title transfers pursuant to the Conveyance Instrument. SHP shall absorb the demolition costs, but if no Conveyance Instrument is negotiated, Successor Agency shall reimburse 50 percent of the actual cost not exceeding 50 percent of the Budget Cap.

SECTION 4. SUCCESSOR AGENCY'S RESPONSIBILITIES.

A. Successor Agency Assistance. Successor Agency shall cooperate with SHP by providing appropriate information and assistance, but such assistance shall not include financial assistance.

B. Preparation of Conveyance Instrument. After initial discussion between the parties, Successor Agency shall provide SHP with an initial draft of a Conveyance Instrument.

C. Processing Permits. Successor Agency shall use reasonable good faith efforts to have the City expeditiously process SHP's plans and permit applications.

SECTION 5. CITY'S DISCRETION; NON-WAIVER OF POLICE POWERS.

It is anticipated that the City Council acting as Successor Agency and/or the City's Planning Commission will be required to review and hold hearing(s) upon the Proposed Project's necessary entitlements and environmental documentation. The parties understand that Successor Agency reserves the right to exercise its discretion as to all matters which Successor Agency is, by law, entitled or required to exercise, at its discretion and nothing in this Agreement shall be construed as having the effect of waiving or limiting police powers and exercise of discretion by Successor Agency and City. To this end:

A. SHP Actions At Risk. Prior to the execution and delivery of Conveyance Instruments by Successor Agency and approved by the Oversight Board and DOF, any reliance by SHP on any representations or promises by Successor Agency or its staff or consultants, or individual Council members, in taking any actions taken or making investments in anticipation of approval of Conveyance Instruments is undertaken at SHP's sole risk and expense. Successor Agency acknowledges that SHP is under no obligation to enter into any proposed Conveyance Instruments or other agreement, and any action taken or investments made by Successor Agency in anticipation of SHP's approval of a Conveyance Instruments are undertaken at Successor Agency's sole risk and expense.

B. Discretion. The parties understand that Successor Agency has complete and unfettered discretion to reject the Proposed Project and/or any Conveyance Instruments, and other documents related to the development without explanation or cause. The risk of loss of all processing, design and developmental costs incurred by SHP with the Successor Agency prior to Conveyance Instruments approval and execution shall be absorbed entirely by SHP.

C. Conveyance Instruments. The duty of Successor Agency to execute Conveyance Instruments shall be conditioned upon the successful review and approval of all necessary findings and conclusions which City Council is required to make, including all necessary findings and determinations required under CEQA, state and local land use provisions. As to any matter which City may be required to exercise its unfettered discretion in advancing the Proposed Project to

completion, nothing herein, nor to be contained in the Conveyance Instruments, shall obligate City to exercise its discretion in any particular manner, and any exercise of discretion reserved hereunder or required by law, shall not be deemed to constitute a breach of City's duties under this Agreement.

D. No Approval. By its execution of this Agreement, neither Successor Agency nor City is committing itself or agreeing to undertake any activity requiring the subsequent exercise of discretion by Successor Agency or City, or any department thereof including, but not limited to, the approval and execution of Conveyance Instruments, the approval of any development proposal or land use regulation governing the Project Site or any other such act or approval.

E. Agreement to Negotiate. This Agreement does not constitute a disposition of property and, therefore, does not require a public hearing. Successor Agency's execution of this Agreement is merely an agreement to enter into a Negotiation Period pursuant to the terms set forth herein, reserving final discretion and approval by Successor Agency as to any proposed Conveyance Instrument and all proceedings and decisions in connection therewith.

SECTION 6. CONVEYANCE INSTRUMENT DEPOSIT.

If negotiations pursuant to this Agreement result in the execution of Conveyance Instruments by the parties, the Conveyance Instruments will require SHP to submit to City or Successor Agency a deposit in the form of a cash deposit, cashier's check or other form of security reasonable acceptable to City and Successor Agency to insure (i) that SHP will proceed diligently and in good faith to perform all of SHP's obligations under the Conveyance Instrument ("Conveyance Instrument Deposit") and (ii) Successor Agency will recover its costs for the transaction. The amount and terms of the Conveyance Instrument Deposit will be outlined in the Conveyance Instrument.

SECTION 7. DOCUMENTS AND INDEMNITY.

A. Copies of Documents. During the Term, SHP shall provide Successor Agency for its information, and for public reports to be prepared in connection with the Proposed Project, at no cost or expense to Successor Agency, with copies of certain third party consultant, contractor, or subcontractor reports, studies, analysis, site plan layouts, engineering studies, memorandums, or similar documents, excluding legally privileged or confidential items or proprietary financial information, regarding the Project Site. Successor Agency may not sell such plans or drawings and may use them solely for planning purposes relating to the Proposed Project on the Project Site and coordinating the Proposed Project with other projects.

B. Ownership of Documents. If the negotiations contemplated by this Agreement do not result in the execution of Conveyance Instruments, except as a result of a breach of this Agreement by City or Successor Agency, SHP shall provide City and Successor Agency, at no cost or expense to them, with copies of any third party consultant, contractor, or subcontractor reports, studies, analysis, site plan layouts, engineering studies, memorandums, or similar documents, excluding legally privileged or confidential items or proprietary financial information, regarding the proposed development which were prepared during the Negotiation Period, which documents shall become the property of Successor Agency, on a nonexclusive basis with SHP.

SHP shall have no claim for compensation as a result of the exercise by Successor Agency of its rights of nonexclusive ownership of said documents and materials hereunder. Successor Agency may not sell such plans or drawings to other parties, and may only use them conceptually for planning purposes related to the Proposed Project. SHP may retain copies of such documents for its own use and shall have an unrestricted right to use such documents, including without limitation all concepts embodied therein.

C. No Warranty by SHP. Delivery of copies of documents by SHP to Successor Agency shall be made without any representation, warranty, or liability whatsoever by SHP as to the accuracy or sufficiency of the contents of such documents and shall be made subject to the rights of the preparers of such documents including, without limitation, the copyrights (if any) associated with such documents. Successor Agency acknowledges that any use of such documents for other projects and/or use of uncompleted documents without specific written authorization by SHP (and/or the owner of any applicable copyrights therein) will be at Successor Agency's or the applicable third party's sole risk and without liability to SHP, and Successor Agency shall indemnify SHP for all damages concerning, affecting, or relating to Successor Agency and/or the applicable third party's unauthorized use resulting therefrom.

D. No Personal Liability. Nothing in this Agreement shall create any personal obligation or liability of Successor Agency's executive director, staff member, employee, or agent of Successor Agency for any obligation of Successor Agency under this Agreement and, conversely, nothing in this Agreement shall create any personal obligation or liability of any partner, member, principal, shareholder, employee, or agent of SHP for any obligation of SHP under this Agreement. All obligations of SHP under this Agreement shall be the joint and several obligations of SHP and any affiliate of SHP involved in SHP's activities under this Agreement.

E. Indemnification. SHP agrees to indemnify, defend, and hold Successor Agency/City and their respective members, officers, staff and agents (collectively, "City Indemnitees") harmless from any and all third party claims, actions, suits and other liability asserted against Successor Agency or City resulting from SHP's breach of this Agreement. This indemnity shall survive the expiration or termination of this Agreement. In the event that any claim is filed against any City Indemnitees, Successor Agency and City shall notify SHP of such claim in a timely manner to permit SHP, the opportunity to provide adequate representation to City Indemnitees with respect to any such claim. Nothing in this Section shall be construed to mean that SHP shall hold City Indemnitees harmless and/or defend them to the extent of any claims arising from the gross negligence, willful misconduct or illegal acts of any of the City Indemnitees.

F. Obligation to defend/Participation in Litigation: Indemnity. The Parties acknowledge that: (i) In the future there may be challenges to legality, validity and adequacy of the General Plan, the Development Approvals and/or this Agreement; and (ii) If successful, such challenges could delay or prevent the performance of this Agreement and the development of the Site. Neither the Successor Agency nor the City shall have liability under this Agreement for the inability of SHP to develop the SHP Property as contemplated by the Development Plan or this Agreement as the result of a judicial determination that the General Plan, the Land Use Regulations, the Development Approvals, this Agreement, or portions thereof, are invalid or inadequate or not in compliance with law. SHP will defend any action or actions filed in connection with any of said Claims or Liabilities and will pay all costs and expenses including

reasonable legal costs and attorneys' fees incurred in connection therewith. SHP will promptly pay any final judgment (subject to SHP's or Successor Agency's rights to appeal from such final judgment) rendered against the Successor Agency/City, its officers, agents, or employees for any such Claims or Liabilities arising out of or in connection with the indemnity, and SHP agrees to save and hold Successor Agency and City, its officers, agents, and employees harmless therefrom. Notwithstanding the foregoing, the Parties agree that SHP shall have no obligation to defend and shall have no liability for claims arising from the gross negligence, willful misconduct or illegal acts of any of the City Indemnitees.

SECTION 8. TERMINATION AND ENFORCEMENT.

A. Notices. All notices, including without limitation all approvals and consents, required or permitted under this Agreement shall be delivered in person, by messenger, by overnight mail courier, or by registered or certified mail, postage prepaid, return receipt requested, to each party at its address shown below, or to any other notice address designated in writing by such party. Any notice so delivered by messenger shall be deemed delivered upon actual delivery. Any notice so delivered by US mail shall be deemed delivered three (3) days after deposit in the US Mail.

Successor Agency:
Signal Hill Successor Agency
2175 Cherry Avenue
Signal Hill, CA 90755
Attention: Executive Director

With a copy to: Aleshire & Wynder, LLP.
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
Attention: Anne Lanphar, Esq.

City:
City of Signal Hill
2175 Cherry Avenue
Signal Hill, CA 90755
Attention: City Manager

With a copy to: Aleshire & Wynder, LLP.
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
Attention: Anne Lanphar, Esq.

SHP:
Signal Hill Petroleum, Inc.
2633 Cherry Ave.
Signal Hill, CA 90755
Attention: David L. Slater

With a copy to: Schilling Law Group
1100 Newport Center Drive, Suite 250
Newport Beach, CA 92660
Attn: Linda Schilling

B. *Default & Remedies.* Either party may terminate this Agreement if the other party fails to comply with and perform in a timely manner any material obligation to be performed by such other party under this Agreement, provided the party seeking to terminate this Agreement shall provide at least ten (10) days written notice to the other party of such failure or nonperformance and such other party shall have a ten (10) day period within which to cure such failure or nonperformance (or such longer period as may be reasonably necessary to cure such failure or nonperformance if such failure or nonperformance cannot reasonably be cured within such ten (10) day period). Termination shall be the sole remedy for default; provided, however, that, in the event of SHP's default, Successor Agency shall also retain the entire Agreement Deposit or any remaining portion thereof. In no event shall either party be liable for monetary damages, attorneys' fees and costs, or any other cost or expense for the default or termination of this Agreement, and any such right to recover such damages is expressly waived. Notwithstanding the foregoing, in no event shall any cure period hereunder extend the term of this Agreement. Upon termination of this Agreement, (i) neither party shall have any right, remedy or obligation under this Agreement, except that any indemnifications provisions shall survive such termination; and (ii) each party specifically waives and releases any such rights or claims it may otherwise have at law or in equity and expressly waives any rights to consequential damages or specific performance from the other party.

C. *Remedies.* In the event of an uncured default by Successor Agency, SHP's sole remedy shall be to terminate this Agreement, upon which SHP shall be entitled to the return of the remaining balance of the Agreement Deposit. In the event of an uncured default by SHP, Successor Agency's sole remedy shall be to terminate this Agreement. Following such a termination of this Agreement by the non-defaulting party, neither party shall have any right, remedy or obligation under this Agreement, except that the defaulting party's indemnification, hold harmless and assumption of risk obligations pursuant to this Agreement shall survive such termination.

D. *Limitation.* Except as expressly provided in this Agreement, neither party shall have any liability to the other for damages or otherwise for any default, nor shall either party have any other claims with respect to performance under this Agreement. Except as expressly provided in this Agreement, each party specifically waives and releases any such rights or claims it may otherwise have at law or in equity and expressly waives any rights to consequential damages or specific performance from the other party under this Agreement.

E. *Venue.* If any legal action is necessary to enforce this Agreement, a court of competent jurisdiction in Los Angeles County shall be the sole venue and jurisdiction for the bringing of such action.

F. *Attorney's Fees.* In any action between the parties to interpret, enforce, reform, modify, rescind or otherwise in connection with any of the terms or provisions of this Agreement,

the prevailing party in the action or other proceeding shall be entitled to recover its reasonable costs and expenses, including attorneys' fees.

SECTION 9. MISCELLANEOUS.

A. General Provisions. This Agreement and all terms and conditions hereof shall be governed by and construed and enforced in accordance with the laws of the State of California. Any term herein can be waived only by a written waiver signed by the party against whom such waiver is to be asserted. All provisions shall not be construed in favor of or against either party, but rather as if both parties prepared this Agreement. This Agreement may be executed in counterparts, each of which when so executed shall be deemed an original, and all of which, together, shall constitute one and the same instrument. This Agreement integrates and supersedes all prior understandings or agreements on the subject matter hereof.

B. Amendment. This Agreement may only be amended in writing executed by all parties.

C. No Conflicts. Each party ("Representing Party") represents to the other party that the execution and delivery by the Representing Party of this Agreement, the performance of its obligations hereunder, and its fulfillment of the terms and conditions hereof do not conflict with, violate or result in a breach of any applicable law or any term or condition of any document to which Representing Party is subject.

D. Brokerage Commissions. SHP agrees to pay and to hold Successor Agency and City harmless from any claim by any broker, agent, or finder retained by SHP with respect to the Project Site. Neither Agency nor the City shall be liable to pay any real estate commission or any broker's fees which may arise in relation to the Project.

E. Assignment. SHP may not assign this Agreement or any of its rights or obligations hereunder to any third party or entity without the prior written consent of Successor Agency. Transfer of any ownership interest in SHP inconsistent with the foregoing shall be deemed a transfer under this provision.

F. Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) entering into this Agreement does not violate any provision of any other agreement to which said party is bound.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day first above written.

"SHP"

SIGNAL HILL PETROLEUM, INC.

By: _____

Its: _____

"SUCCESSOR AGENCY"

[CITY] OF SIGNAL HILL ACTING AS THE SUCCESSOR AGENCY OF THE SIGNAL HILL REDEVELOPMENT AGENCY, a public entity

By: _____
Lori Woods
Successor Agency Chair

ATTEST:

Charlie Honeycutt
Successor Agency Secretary

APPROVED AS TO FORM:

David J. Aleshire
Successor Agency Counsel
Aleshire & Wynder, LLP

"CITY"

CITY OF SIGNAL HILL, a public entity

By: _____

Lori Woods
Mayor

ATTEST:

Charlie Honeycutt
[City] Manager

APPROVED AS TO FORM:

David J. Aleshire
City Attorney
Aleshire & Wynder, LLP

(ALL SIGNATURES MUST BE NOTARIZED)

Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY

Successor Agency Property

The east 155 feet of Lot 1, together with all of Lot 2 and all of Lot 3 of Block "D" in the City of Signal Hill, County of Los Angeles, State of California, as shown on the Map of the Re-subdivision of Blocks "D" and "E" of the Crescent Heights Tract in the American Colony Tract per Map recorded in Book 5, page 105, of Maps in the Office of the County Recorder of said County.

APN: 7214-005-901, 902, 903, 904

SHP Property

Lot: 3 Block: E Abbreviated Description: LOT:3 BLK:E CITY:REGION/CLUSTER: 26/26816
*TR=RESUB OF BLKS D & E OF THE CRESCENT HTS TR*S 60 FT (EX OF ST) OF LOT 3
BLK E City/Muni/Twp: REGION/CLUSTER: 26/26816
APN: 7214-006-019

Lot: 6 Block: E Abbreviated Description: LOT:6 BLK:E CITY:REGION/CLUSTER: 26/26816
TR=RESUB OF BLKS D & E OF THE CRESCENT HTS TR(EX OF ST) OF LOT 6 BLK E
City/Muni/Twp: REGION/CLUSTER: 26/26816
7214-006-020

Lot: 1,2 Block: E Abbreviated Description: LOT:1,2 BLK:E CITY:REGION/CLUSTER:
26/26610 M B 5-105 EX OF ST LOTS 1 AND 2 AND N 60 FT EX OF ST OF LOT 3 BLK E
City/Muni/Twp: REGION/CLUSTER: 26/26610
7214-006-021

Lot: 5 Block: E Abbreviated Description: LOT:5 BLK:E CITY:REGION/CLUSTER: 26/26816
RESUB OF BLKS D AND E OF THE CRESCENT HTS TR LOT 5 BLK E City/Muni/Twp:
REGION/CLUSTER: 26/26816
7214-006-014

Lot: 4 Block: E Abbreviated Description: LOT:4 BLK:E CITY:REGION/CLUSTER: 26/26816
TR=RESUB OF BLKS D&E OF THE CRESCENT HTS TR(EX OF STS) LOT 4 BLK E
City/Muni/Twp: REGION/CLUSTER: 26/26816
7214-006-015

Lot: 4 Block: D Abbreviated Description: LOT:4 BLK:D CITY:REGION/CLUSTER:
26/26816 RESUB OF BLKS D&E OF THE CRESCENT HTS TRLLOT 4 BLK D
City/Muni/Twp: REGION/CLUSTER: 26/26816
7214-005-010

Lot: 5 Block: D Abbreviated Description: LOT:5 BLK:D CITY:REGION/CLUSTER: 26/26816 RESUB OF BLKS D&E OF THE CRESCENT HTS TRLOT 5 BLK D City/Muni/Twp: REGION/CLUSTER: 26/26816

7214-005-011

Exhibit "B"

PROJECT SITE MAP



Exhibit "C"

PROJECT CONCEPTUAL PLAN

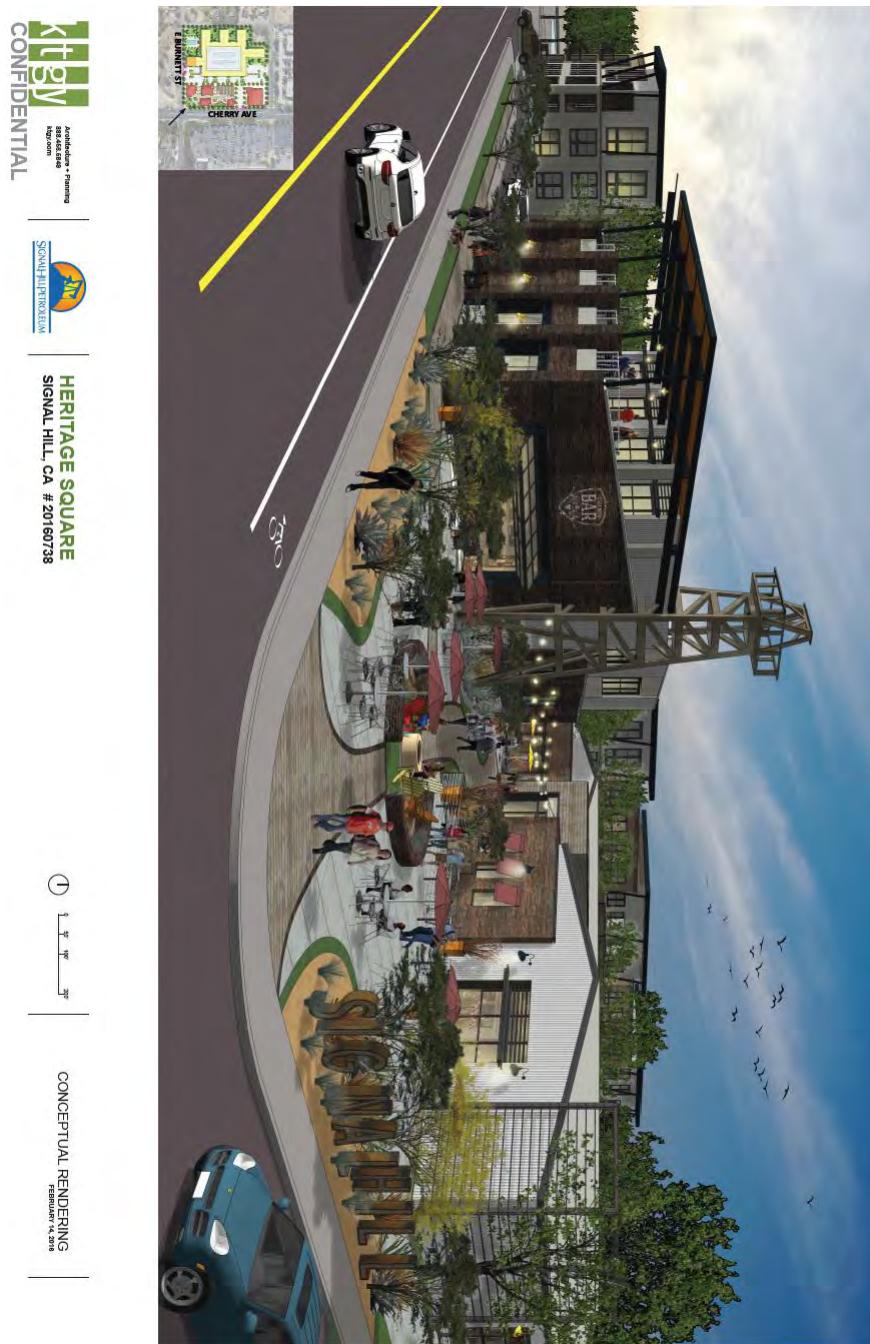


Exhibit "C"

PROJECT CONCEPTUAL PLAN

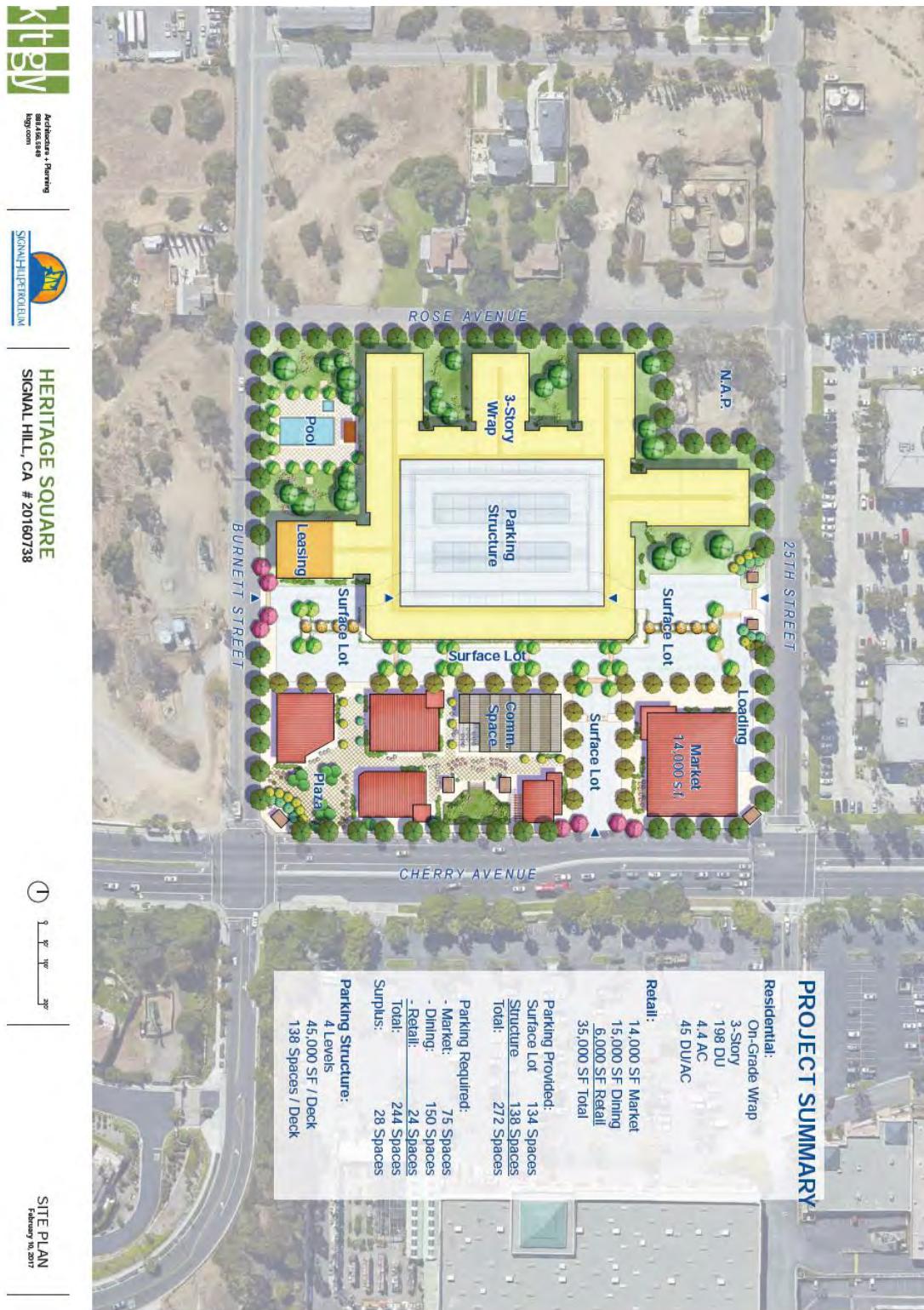


Exhibit "D"

LEGAL DESCRIPTION OF POLICE STATION PROPERTY

The land referred to herein below is situated in the city of signal hill, in the County of Los Angeles, State of California, and is described as follows:

Lots 1 to 6, of Tract No. 4092, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 46, Pages 46 to 88 of Maps, in the Office of the County Recorder of said County.

Excepting therefrom all minerals, gas, oils, petroleum, naptha, hydrocarbon substances and other minerals in or under said land, lying 500 feet or more below the Surface of said land, as excepted and reserved in deeds of record.

APN: 7212-008-913, 7212-008-914, 7212-008-915

Dear neighbor,

We are writing to you to introduce our company, Mother's Market and Kitchen. We are proud and excited to announce that we are currently working with the landlord, Signal Hill Petroleum, and the City to bring our newest store to your community at the corner of Cherry Ave. and Crescent Heights.

Nearly 40 years ago, friends and family that practiced yoga together founded Mother's Market & Kitchen. The 2500 square foot store opened in 1978 in Costa Mesa providing health foods, supplements and lifestyle related products that were not readily available elsewhere. The original store was remodeled and enlarged over the years and Mother's gained a reputation in California and beyond for the best in natural foods. With growing popularity, there were many requests for more Mother's stores. Mother's Market & Kitchen now serves Orange County with 7 locations. With new investors and stakeholders in 2016 to bring experience and financial resources to the team, Mother's is prepared for growth into other communities. Our newest and 8th store is slated for a 2017 opening in Signal Hill. The residents and work community of Signal Hill can expect friendly and caring staff to provide the freshest and best selection of organic fruits and vegetables, an offering of supplements, sports nutrition and natural beauty care that is unparalleled; groceries and foods for special diets with choices in vegan, vegetarian, raw, organic, Non-GMO, low carbohydrate, low sugar, dairy-free, low glycemic and allergen-free; chicken that is certified organic and certified humane, fish and seafood that meets strict sustainability criteria and beef that is humanely raised, rotationally-grazed and grass fed. Additionally, Signal Hill fans will find beer and wine in categories such as organic, biodynamic, vegan, gluten-free and local. Our Signal Hill family will enjoy juices made-to-order from the freshest organic produce, original deli salads and delicious homemade meals along with an organic coffee bar and treats.

Although we still have to go through the city planning process, we welcome the opportunity to get to know each other. Please feel free to contact us at any time with questions. A map of our current stores and addresses follows and we have also provided a link to our website below.

We look forward to serving you!

Deborah Rubino

Chief Integration Officer

(714) 549-6417

DeborahR@mothersmarket.com

www.MothersMarket.com

Attachment D

MOTHER'S MARKET & KITCHEN

ESTD 1978

LOCATIONS 2017



Anaheim Hills

5759 E SANTA ANA CANYON
ANAHEIM, CA 92807
(714) 974-6667

Irvine

2963 MICHELSON DR.
IRVINE, CA 92612
(949) 752-6667

Brea

413 S ASSOCIATED RD.
BREA, CA 92821
(714) 990-6667

Laguna Woods

24165 PASEO DE VALENCIA
LAGUNA WOODS, CA 92653
(949) 768-6667

Costa Mesa

1890 NEWPORT BLVD.
COSTA MESA, CA 92627
(949) 631-4741

Santa Ana

151 E MEMORY LN.
SANTA ANA, CA 92705
(714) 542-6667

Huntington Beach

1970 BEACH BLVD.
HUNTINGTON BEACH, CA 92627
(714) 963-6667

MOTHER'S MARKET

TENANT IMPROVEMENT PLANS FOR

SIGNAL HILL, CALIFORNIA

APN 7214-006-014 / 7214-006-015 / 7214-006-019 / 7214-006-020

OC SD OAK
1195 Red Hill Avenue, La
Costa Mesa, CA 92626
714.754.4600

URBAN
AREA

NOT FOR CONSTRUCTION

RKET
CLIENT
SIGNAL HILL
PETROLEUM

DAT
PRC

7

Attachment E



OC SD OAK
1195 Red Hill Avenue, Lot F
Coyote Mesa, CA 92626
714 754 4500

NOTFORCONSTRUCTION

PETROLEUM
SIGNAL HILL
CLIENT

MOTHER'S MARKET
PROJECT

MOTHE
PROJECT

REVISI観

SHEET TITLE
**GRAPHIC
EXHIBITS**

SHEET NUMBER
ACS



CONCEPTUAL RENDERING 2
MARKET FRONTAGE TO PARKING LOT

2485



CONCEPTUAL RENDERING 4 ADJACENT PARKING LOT FROM AGE WITH NEW SIGNAGE AND GRAPHICS

2405



CONCEPTUAL RENDERING 6
UPDATED GRAPHICS FACING CHERRY AVE

105



CONCEPTUAL RENDERING 1
MAIN ENTRY AND TOWER

445



CONCEPTUAL RENDERING 3 NEW PEDESTRIAN ACCESS AND COVERED OUTDOOR SEATING

2485



CONCEPTUAL RENDERING 5
UPDATED TOWER ELEMENT AT THE CORNER OF CHERYL AVE AND CRESCENT MEADOWS ST

105



OC SD OAK
1195 Red Hill Avenue, Lot F
Costa Mesa, CA 92626
714.751.4500

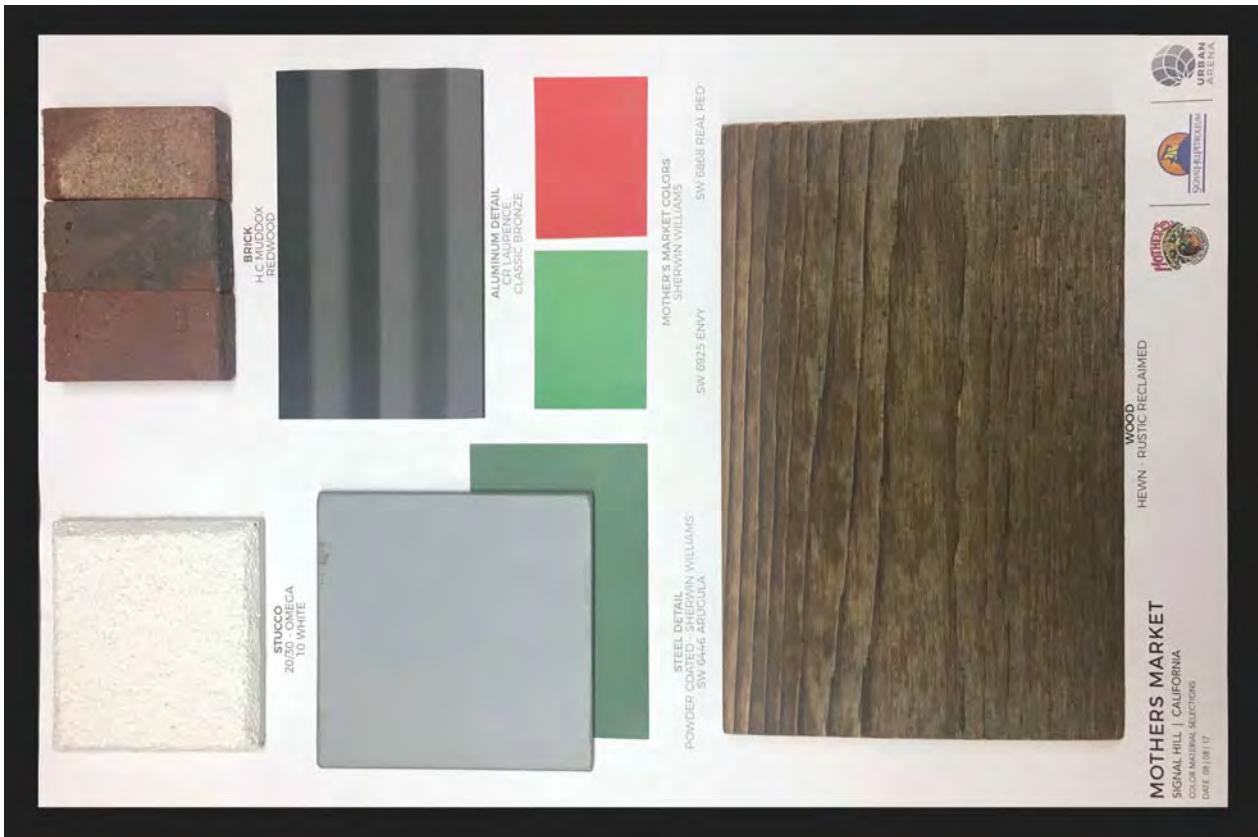
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REVIZIÖNS

SHEET TITLE
ARCHITECTURAL
MATERIALS
BOARD

CONCEPTUAL RENDERINGS ONLY. SEE ARCHITECTURAL ELEVATIONS, SIGNAGE PLANS, INTERIOR PLANS, AND LANDSCAPE PLANS FOR FINAL DIMENSIONS, MATERIALS, QUANTITIES, AND LOCATIONS.

ARCHITECTURAL MATERIALS BOARD
THE STATE OF TEXAS MATERIALS BOARD, EXHIBIT BOARD, FOR ARCHITECTURAL MATERIALS, STANDARDIZED





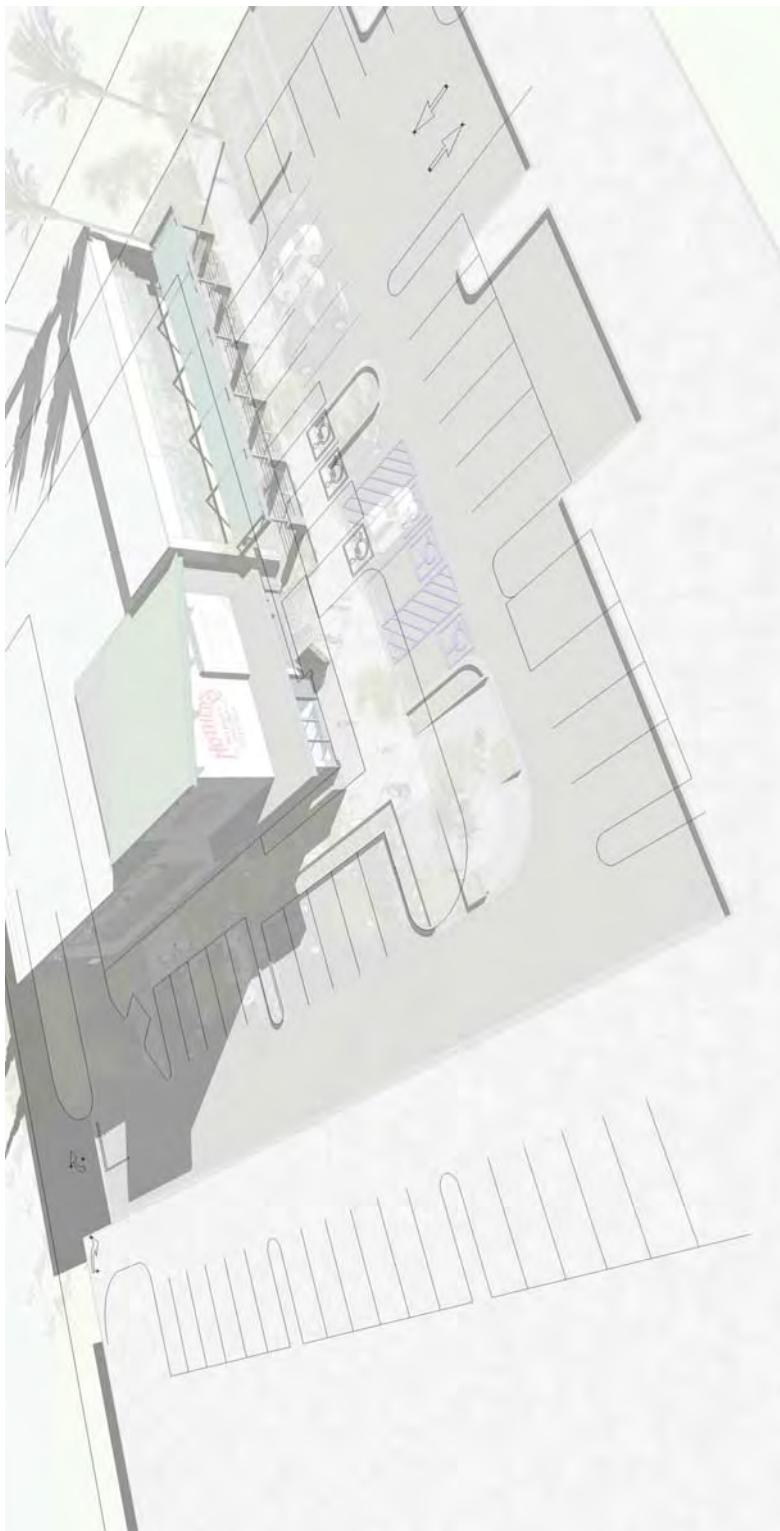
OC SD OAK
195 Red Hill Avenue, Loft F
Casa Mesa, CA 92626
714 754 4600

NOT FOR CONSTRUCTION

34/35

SHEET TITLE
SITE PLAN
GRAPHIC
EXHIBIT

SHEET NUMBER
A02



SITE PLAN PROPOSED CHANGES AT PARKING AND FRONT COVERED PATIO



URBAN
ARENA

OC SD OAK

1998 Recyclable, 100% Recycled Content

SDS 32-200

DATE 8/6/13

PROJECT 7328

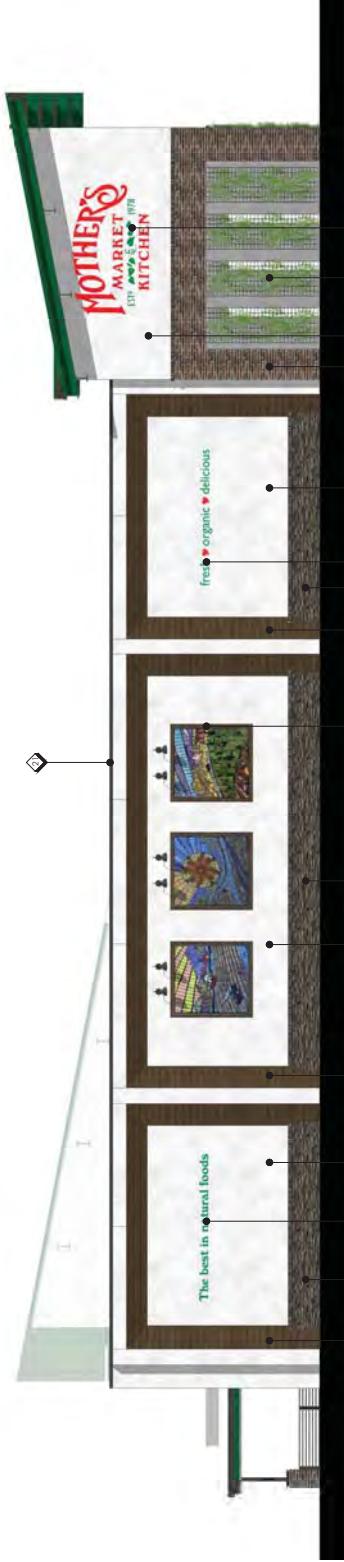
SDS 32-200

ELEVATION KEY NOTES LEGEND

1. DESTROY AFTER ONE YEAR IN DRY COOK
2. DESTROY AFTER ONE YEAR IN DRY COOK
3. INH BRICKWORK
4. DESTROY AFTER ONE YEAR IN DRY METAL TO COOK
5. INH BRICKWORK
6. INH BRICKWORK AT TABLES
7. DESTROY AFTER ONE YEAR IN DRY POLYCHLORINATED ISLAND
8. INH POLYCHLORINATED ISLAND
9. SPONGECAKE IN DRY COOK
10. COOKWARE IN DRY COOK
11. INHOTEL IN DRY COOK
12. INHOTEL IN DRY COOK
13. INHOTEL IN DRY COOK
14. INHOTEL IN DRY COOK
15. INHOTEL IN DRY COOK
16. COVERED DRY COOK
17. INHOTEL IN DRY COOK
18. INHOTEL IN DRY COOK
19. SPONGECAKE IN DRY COOK
20. SPONGECAKE IN DRY COOK
21. INHOTEL IN DRY COOK AT TABLES
22. INHOTEL IN DRY COOK AT TABLES
23. DESTROY STORE TO REUSE
24. LOVING DOG BY COOK
25. GINGER SPICE CREAM IN DRY COOK

PROPOSED ELEVATION

SCALE 1/8
3'0" = 1'-0"

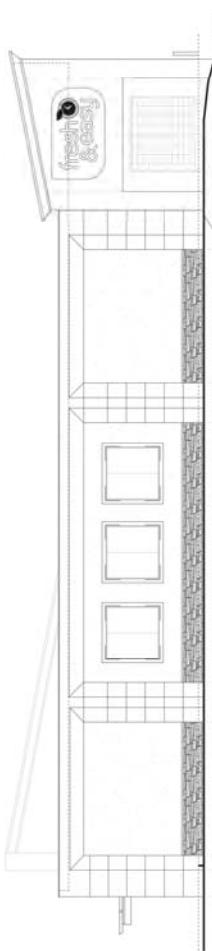


REV:ONS



EXISTING ELEVATION

SCALE 1/8
3'0" = 1'-0"



ELEVATIONS

SHEET TITLE

A2.2

SHEET NUMBER

NORTH

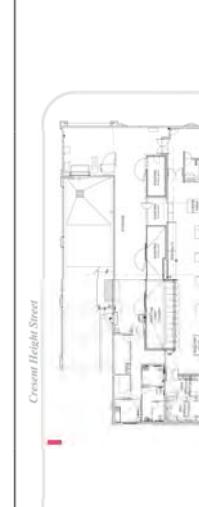
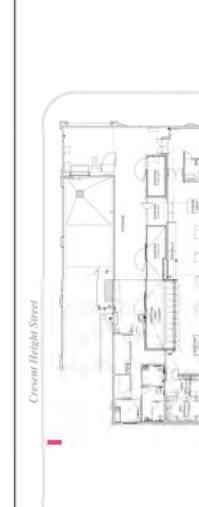
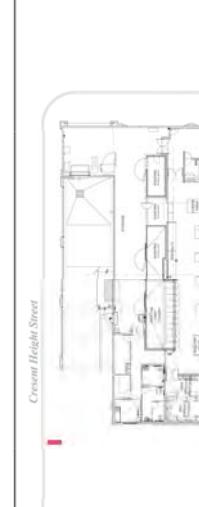
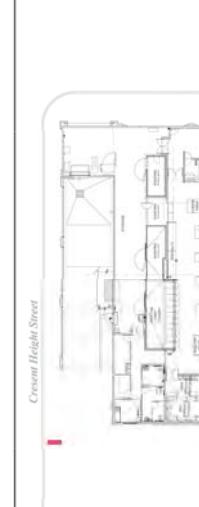
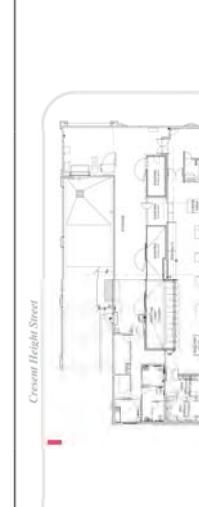
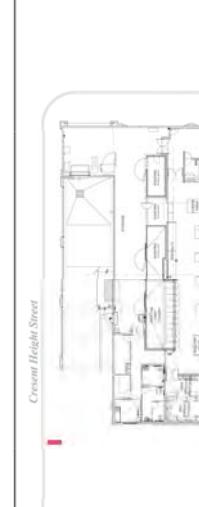
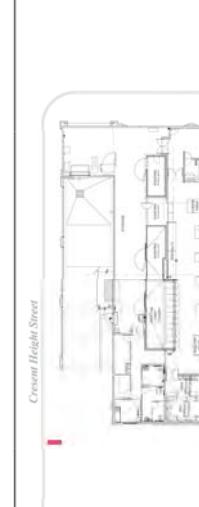
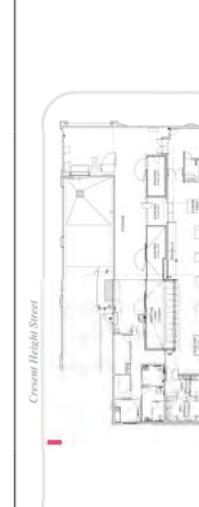
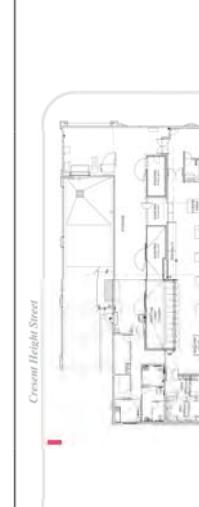
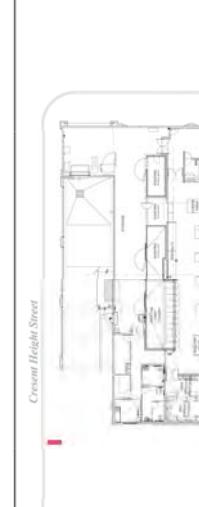
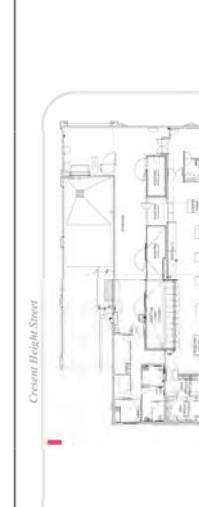
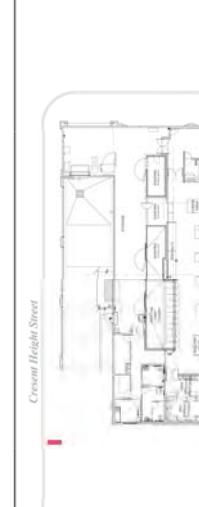
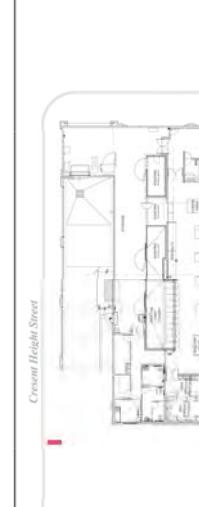
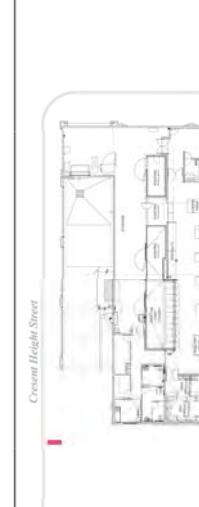
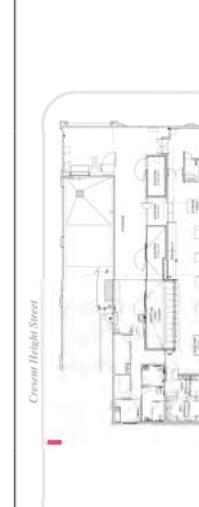
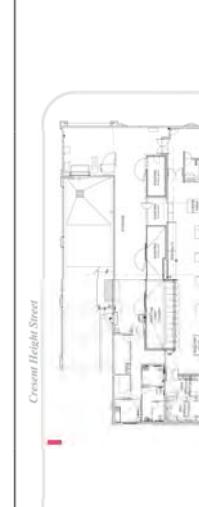
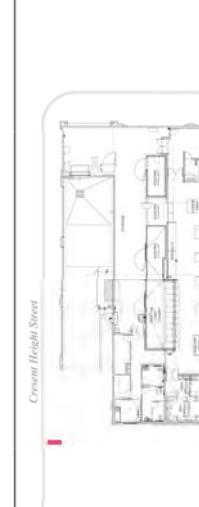
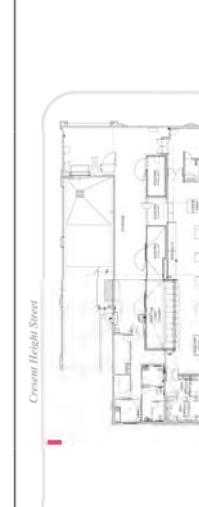
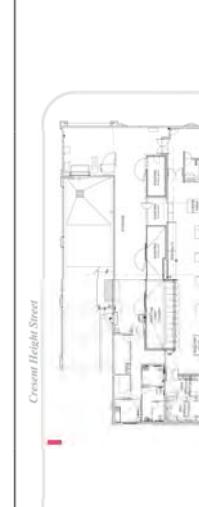
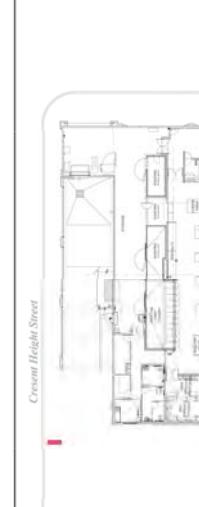
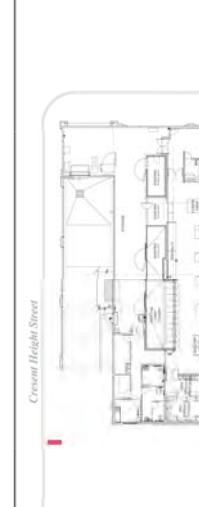
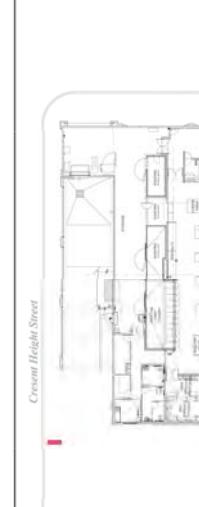
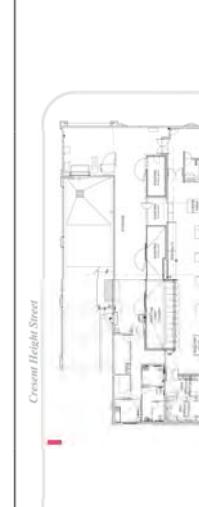
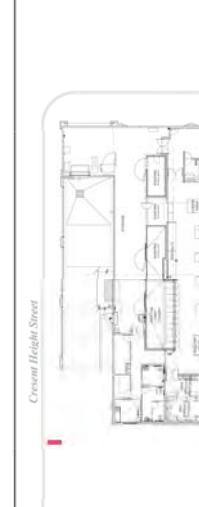
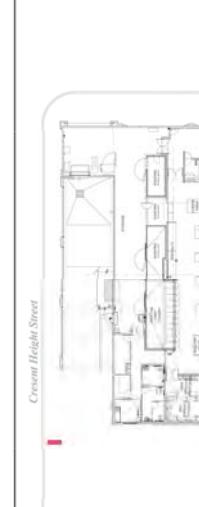
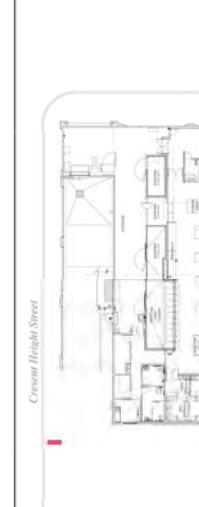
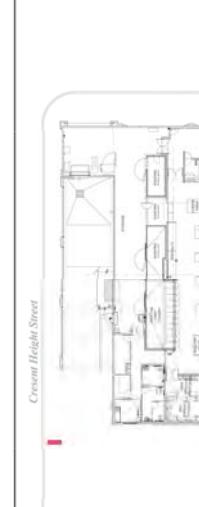
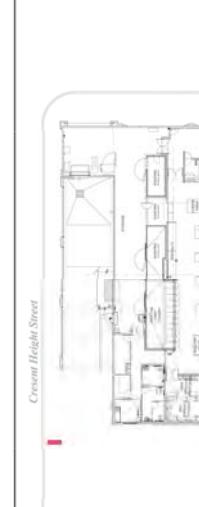
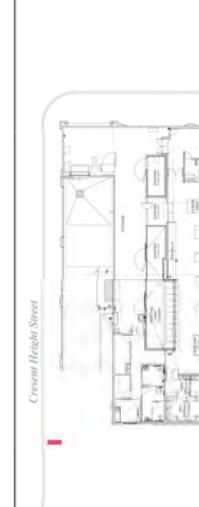
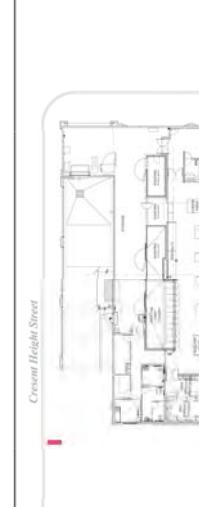
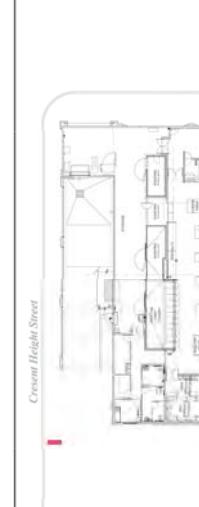
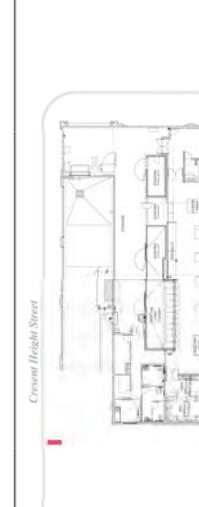
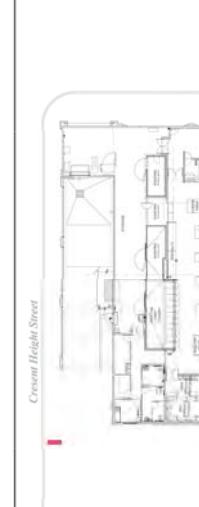
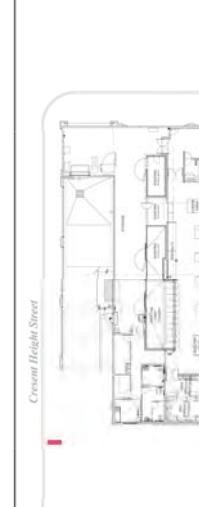
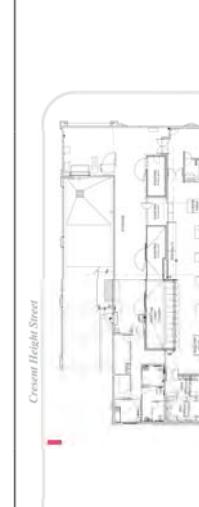
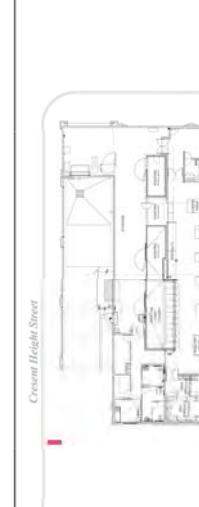
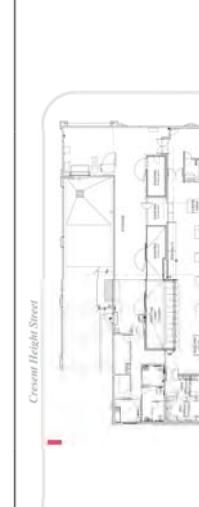
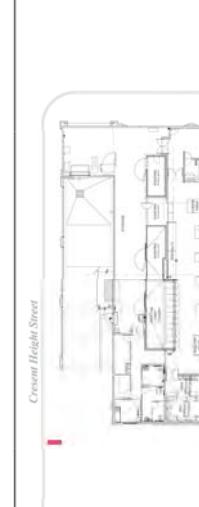
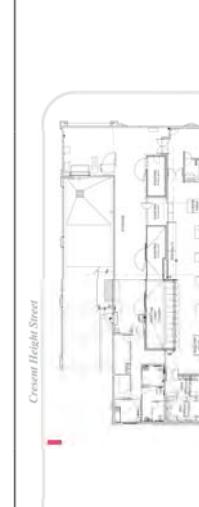
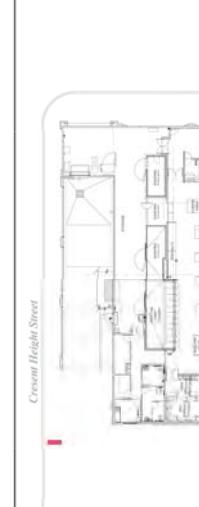
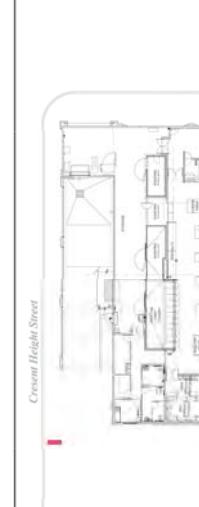
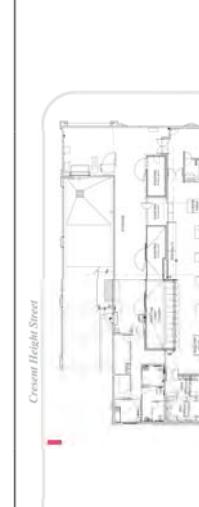
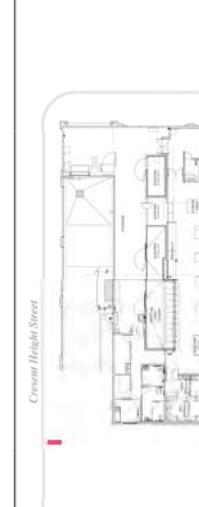
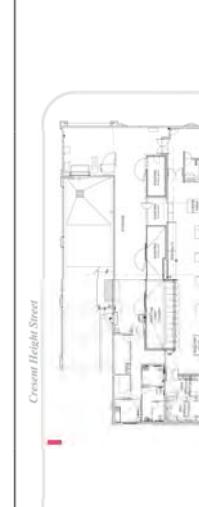
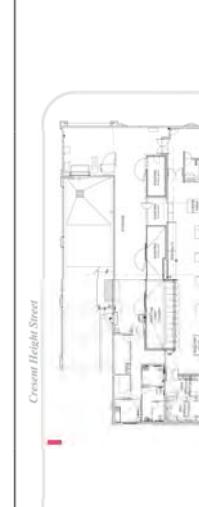
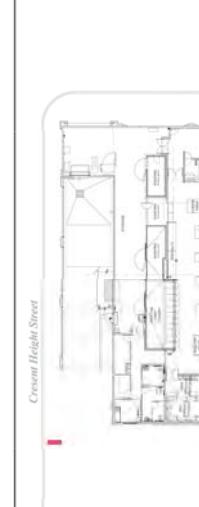
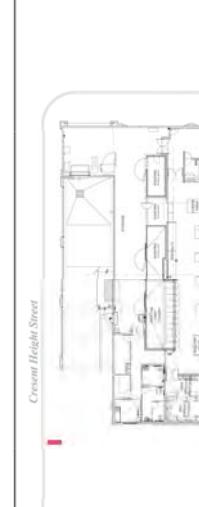
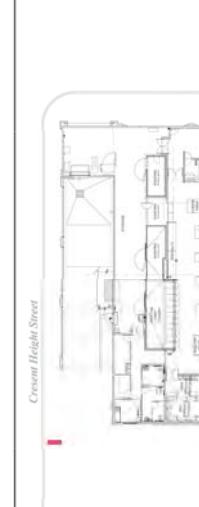
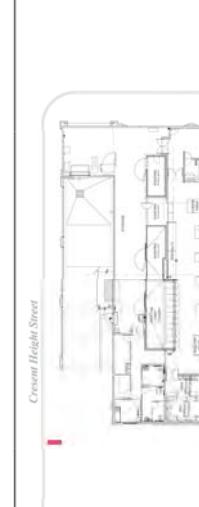
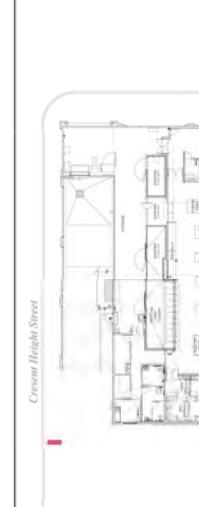
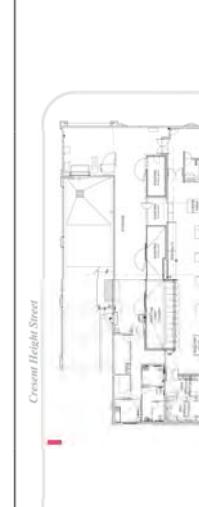
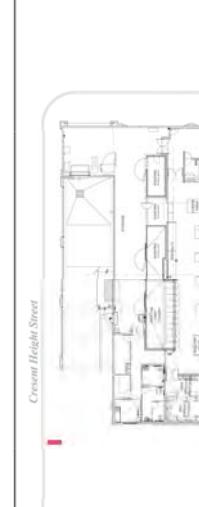
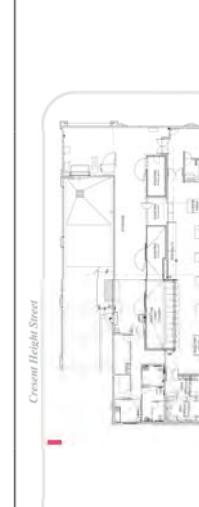
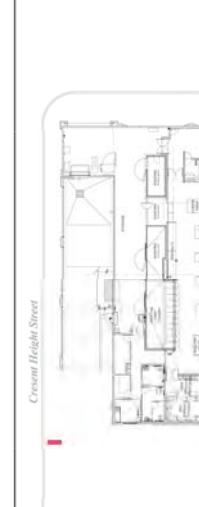
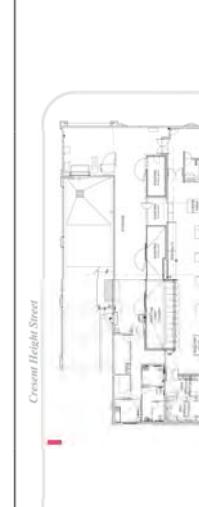
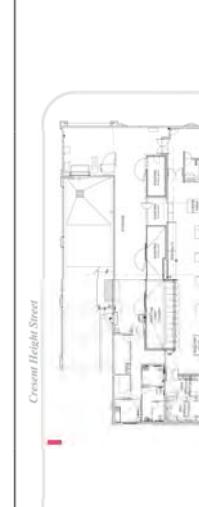
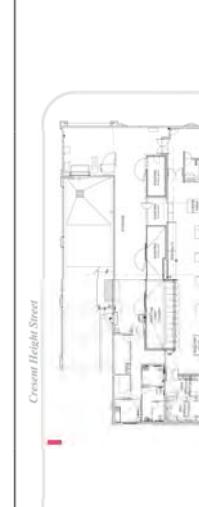
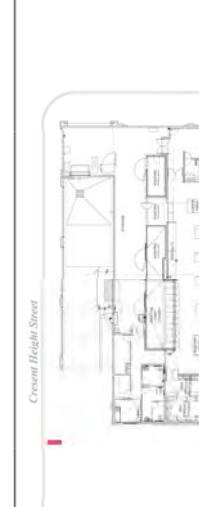
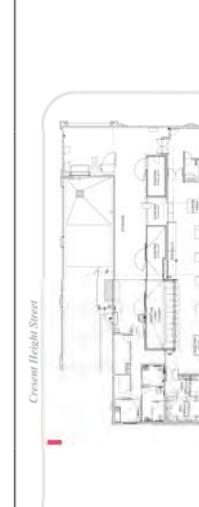
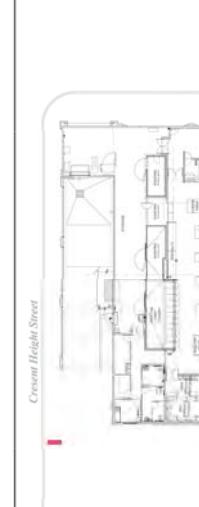
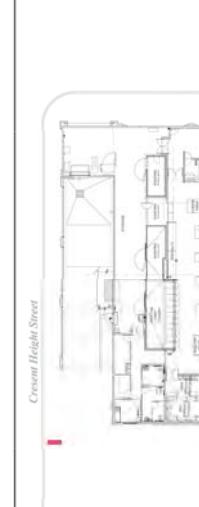
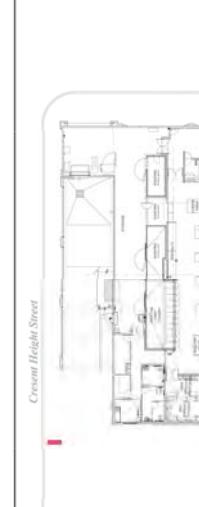
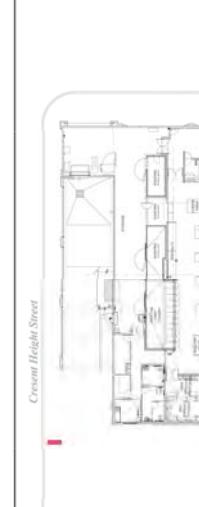
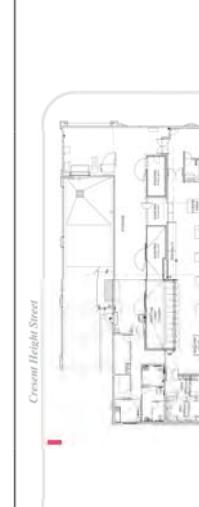
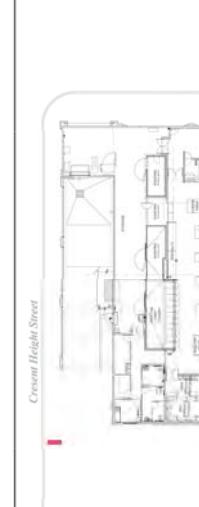
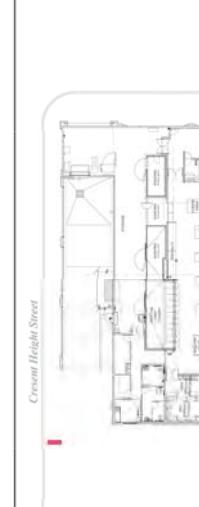
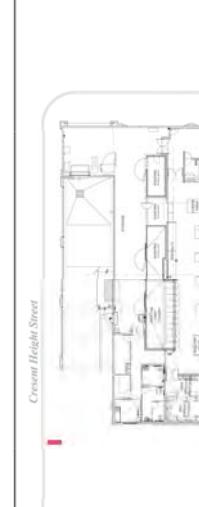
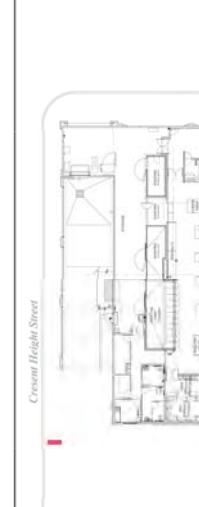
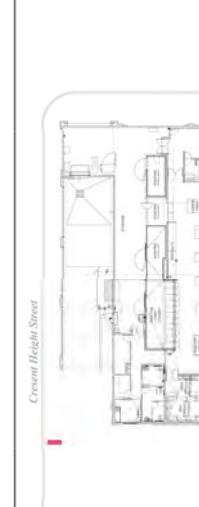
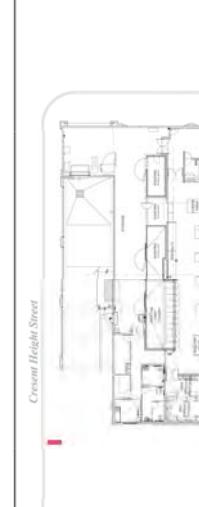
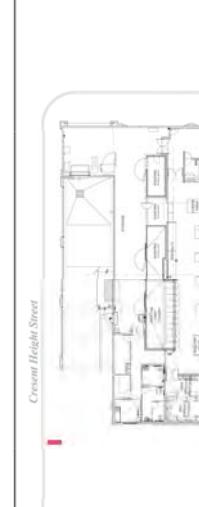
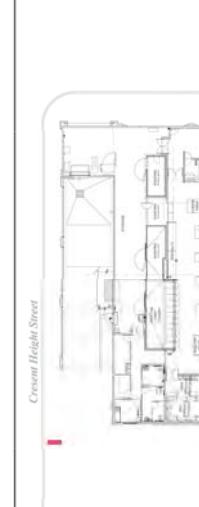
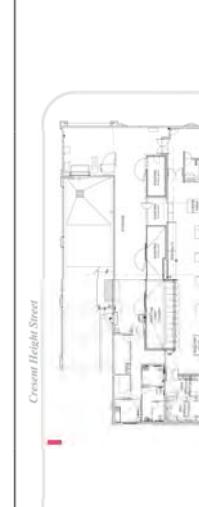
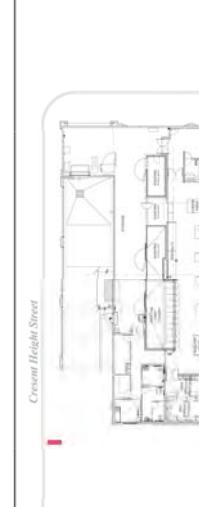
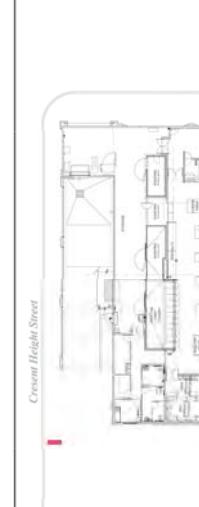
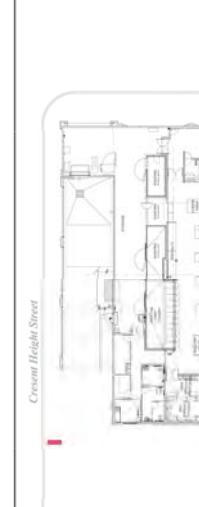
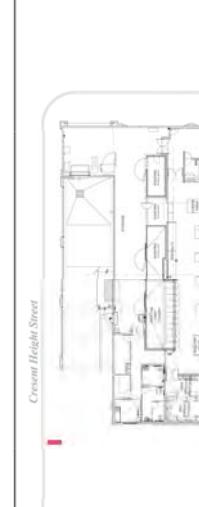
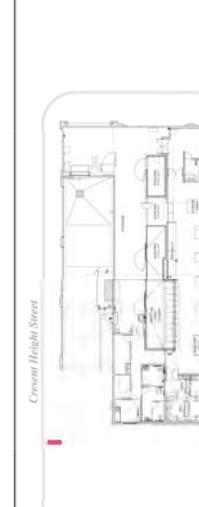
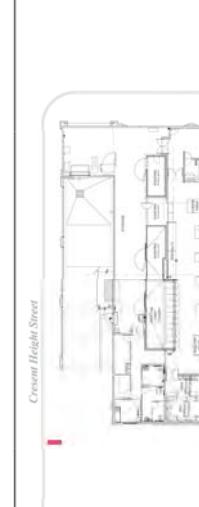


URBAN
ARENA

OC SD OAK
11950 Rock Hill Rd, Suite 100
Charlotte, NC 28260
704.754.4500

NOT FOR CONSTRUCTION

FINAL SIGNAGE LOCATIONS AND SIZING
TO BE CONFIRMED PRIOR TO 8/8/17
SIGNAL HILL SUBMITTAL





PLANT SCHEDULE

BOTANICAL NAME / COMMON NAME
CUPANIASSA ANACARDIODES / CARRI



REFERENCE NOTES SCHEDULE

ITEMS	DESCRIPTIONS
ADHESIVE	ADHESIVE
WHEEL STOP	WHEEL STOP
NATURAL CONCRETE	NATURAL CONCRETE
INFRASTRUCTURE	INFRASTRUCTURE
SCREWS, BOLTS	SCREWS, BOLTS
STANDARDS	STANDARDS
COPPER SNAKE STRUCTURE (12' x 80' with 25' GUTTER)	COPPER SNAKE STRUCTURE (12' x 80' with 25' GUTTER)
4" HOLLOW CORE DUCT (WITH HEAT RECOVERY)	4" HOLLOW CORE DUCT (WITH HEAT RECOVERY)
BUBBLE PLASTER	BUBBLE PLASTER
FURNITURE AND SEATING (SHOW)	FURNITURE AND SEATING (SHOW)
TRANSFER PROJECTS	TRANSFER PROJECTS
ESTIMATING	ESTIMATING
PROJECT MANAGEMENT	PROJECT MANAGEMENT
FIGURE INDUCED PLACEMENT	FIGURE INDUCED PLACEMENT

This architectural site plan illustrates the layout and planting details for the Mothers Market & Kitchen building. The building is a large, dark rectangular structure with a central entrance. To the left, a smaller structure is labeled "EXISTING PLANTING (PROTECT IN PLACE)". To the right, a row of trees is labeled "EXISTING PLANTING PROJECT IN PLACE". The building is situated on a plot bounded by "CHERRY AVENUE" to the north, "GARDENA AVENUE" to the south, "CRESCENT HEIGHTS STREET" to the west, and "CHERRY AVENUE" to the east. The plan shows various planting areas, including a central landscaped area with a grid pattern and several circular planters. Arrows indicate the direction of plant growth. A legend in the bottom right corner provides symbols for "EXISTING PLANTING", "PROTECT IN PLACE", and "PROJECT IN PLACE". A north arrow is located in the bottom right corner. The plan also includes a scale bar and a north arrow.

DATE / TIME OF PLOT (EST): 8-8-2017 2:30 PM
FILE NAME: 8\2017\project17-0922-the village LANDSCAPE_Parnding Subm1\17-0922_Landscape Plan chng

SHEET TITLE
LANDSCAPE
PLAN

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING
CITY COUNCIL APPROVAL OF CONDITIONAL USE
PERMIT 17-01, A REQUEST TO ALLOW THE RETAIL SALE
OF ALCOHOLIC BEVERAGES FOR ON-SITE
CONSUMPTION AT A MOTHER'S MARKET LOCATED AT
2475 CHERRY AVENUE IN THE CTC, COMMERCIAL TOWN
CENTER, ZONING DISTRICT**

WHEREAS, the applicant, Chery Gardena LLC, has submitted an application to allow the retail sale of alcoholic beverages for on-site consumption at a Mother's Market at 2475 Cherry Avenue in the City of Signal Hill; and

WHEREAS, the property is legally described as Lots 1, 2 and the north 60 feet of Lot 3 in Block "E" of the Resubdivision of Blocks "D" and "E" of Crescent Heights Track in the City of Signal Hill, County of Los Angeles, State of California as per the map filed in Book 5, Page 105 of maps, in the office of the County Recorder of said County; and

WHEREAS, pursuant to Municipal Code Section 20.20.020, entitled, "Use Classifications," and Signal Hill Municipal Code Chapter 20.64, entitled "Uses Subject to Conditional Use Permit," the subject application to sell alcoholic beverages intended for on-site consumption is properly a matter for Planning Commission review and recommendation to the City Council for approval; and

WHEREAS, on July 3, 2001, the City Council of the City of Signal Hill approved the Land Use Element of the General Plan which included the vision of a mixed-use Central Business District in the area generally located between Burnett Street on the south, Crescent Heights Street on the north, Rose Avenue on the west, and Cherry Avenue on the east; and

WHEREAS, on August 19, 2008, the Planning Commission of the City of Signal Hill recommended the City Council approval of Conditional Use Permit 08-02, to allow retail sale of packaged alcoholic beverages intended for off-site consumption and approved Site Plan and Design Review (SPDR) 08-10 for a 13,969-sq. ft. Fresh and Easy market at 2475 Cherry Avenue in the CTC, Commercial Town Center, Zoning District; and

WHEREAS, on September 9, 2008, the City Council of the City of Signal Hill approved Conditional Use Permit 08-02, subject to the Conditions of Approval, to allow the retail sale of packaged alcoholic beverages intended for off-site consumption at the Fresh & Easy market at 2475 Cherry Avenue in the City of Signal Hill, and CUP 08-02 remains valid; and

WHEREAS, in 2015, Fresh & Easy Corporate announced they would be closing all 100 remaining stores in California, Arizona and Nevada. Although the Signal Hill store was reported to have had good sales, it was closed in 2016 and remains vacant; and

WHEREAS, on February 28, 2017, the City Successor Agency approved an exclusive right to negotiate agreement (ENA) with Signal Hill Petroleum, which is the underlying ownership entity of the LLC for the former Fresh & Easy site, and which also owns several of the adjacent properties. The purpose of the ENA is to negotiate the price and terms to acquire and incorporate the former Redevelopment Agency properties along Gardena Avenue into the CBD development. The conceptual design for the vision of the CBD was included in the ENA; and

WHEREAS, pursuant to CEQA Guidelines Section 15301 class 1(e)(1), Existing Facilities, the project is categorically exempt; and

WHEREAS, on August 4, 2017, notice of a Planning Commission public hearing regarding the subject project was mailed to all property owners within 300 feet of

the subject property, posted in accordance with S.H.M.C. Section 1.08.010, and was published in the Signal Tribune newspaper; and

WHEREAS, on August 15, 2017, a public hearing was held before the Planning Commission, and all interested parties were given an opportunity to be heard regarding the request, and the City has incorporated all comments and responses thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Signal Hill, California, does hereby find as follows:

1. The proposed project, subject to the attached conditions, is in conformance with the zoning ordinance, other ordinances and regulations of the City, and the following goals and policies of the General Plan:

LAND USE ELEMENT GOAL 1 – Manage growth to achieve a well-balanced land use pattern that accommodates existing and future needs for housing, commercial and industrial land, open space, and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City revenues.

Land Use Policy 1.7 - “Broaden the City's tax base by attracting commercial and industrial development to the City which will provide economic and employment benefits to the community while ensuring compatibility with other general plan goals and policies.”

Finding regarding Policy 1.7 - The Mother's Market with dining will add to the City's tax base. Although alcohol sales represent a small component of the tenant's overall operations, the service of alcohol for the on-site dining will provide additional beverage options for customers. Mother's Market will reinforce Signal Hill's image as a destination for a variety of nationally recognized retail and dining establishments. The project will provide employment opportunities as well as increase tax revenues for the City.

Land Use Policy 1.8 - “Focus major commercial activity into economically viable and attractive centers. Concentrate retail, office and complementary uses in or near

the City's Town Center. Support the Spring Street corridor as a secondary commercial location."

Finding regarding Policy 1.8 - The retail market with indoor and outdoor dining areas will draw in commercial activity to the Commercial Town Center District and will be a base tenant for the Central Business District envisioned in the General Plan District as a unique, pedestrian oriented commercial/residential mixed-use development.

LAND USE ELEMENT GOAL 3 – Assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Land Use Element Policy 3.12 - "Encourage and promote high quality design and physical appearance in all development projects."

Finding related to Policy 3.12 - The design theme for the Mother's Market incorporates many of the previously approved design elements of the Fresh & Easy building such as the artisanal tiles and additional elements that complement the conceptual plans for the Central Business District. These include additional artistic treatments, a revised roof design, brick accents, a covered outdoor seating area and improved pedestrian amenities. The green metal lattice along the Crescent Heights Street frontage that screens the truck dock from view and the four electric charging stations will remain.

Land Use Element Policy 3.13 - "Reinforce Signal Hill's image and community identity within the greater Long Beach Metropolitan area."

Findings related to Policy 3.13 - The Mother's Market location is a high profile location on Cherry Avenue adjacent to the Town Center retail centers and the Crescent Heights Historic District neighborhood. The project achieves one of the City's long-standing economic development goals of attracting an upscale market and will serve as a base tenant for the future Central Business District which is envisioned in the General Plan as a unique, pedestrian oriented commercial/residential mixed-use development.

2. The site for the proposed use relates to the Streets and Highways element of the General Plan, is adequate in size and shape to accommodate operation of

a market with eating area and sale of alcoholic beverages intended for on-site consumption, in that:

CIRCULATION ELEMENT GOAL 1 – Ensure that new development results in the preservation and enhancement of the City's circulation system.

Circulation Policy 1.f. – Ensure that new development provides adequate parking for anticipated uses; however, reductions in parking requirements should be considered where alternative modes for transportation or shared parking exist.

Finding regarding Circulation Policy 1.f. – The development meets the required parking standards, providing 74 parking spaces on-site and nine additional parking spaces on Gardena Avenue. The Gardena Avenue spaces will serve as temporary spaces and shall be included in and relocated to the future parking structure for the Central Business District/Heritage Square mixed-use development project.

The site is located directly off Cherry Avenue, which is a Major Highway at 100 feet wide and as such can accommodate the anticipated traffic for the market. The site is centrally located in the City and has additional vehicle access from Crescent Heights Street and Gardena Avenue.

3. The proposed use will not have an adverse effect on the abutting property or the permitted use thereof, as it is a continuation of a previously permitted market and the addition of indoor and outdoor dining can be accommodated under the current zoning, subject to the attached conditions of approval.

4. The conditions attached hereto are deemed necessary to protect the public health, safety, and general welfare.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Signal Hill, California, hereby approves Conditional Use Permit 17-01, subject to the Conditions of Approval (Attachment A) attached hereto.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Planning Commission on this 15th day of August 2017.

ROSE RICHÁRD
CHAIR

ATTEST:

SCOTT CHARNEY
COMMISSION SECRETARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, SCOTT CHARNEY, Secretary of the Planning Commission of the City of Signal Hill, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Planning Commission of the City of Signal Hill, California, on the 15TH day of August 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SCOTT CHARNEY
COMMISSION SECRETARY

CONDITIONAL USE PERMIT 17-01
Recommended Conditions of Approval

Project: **SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION**

Location: **2475 CHERRY AVENUE - MOTHER'S MARKET**

Applicant: **CHERY GARDENA LLC**

1. The applicant shall agree to defend, indemnify and hold harmless, the City of Signal Hill, its agents, officers and employees from any claim, action or proceeding against the City of Signal Hill or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Signal Hill, its legislative body, advisory agencies, or administrative officers concerning subject application. The City of Signal Hill will promptly notify the applicant of any such claim, action or proceeding against the City of Signal Hill and the applicant, or owner, will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. If the City of Signal Hill fails to promptly notify the applicant of any such claim, action or proceeding, or fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City of Signal Hill. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgement or failure to appeal, shall not cause a waiver of the indemnification rights herein.
2. Approval shall be null and void if the retail sales of alcoholic beverages for on-site consumption, associated with the subject Conditional Use Permit is not commenced within one year of issuance of the date of the City Council approval unless a request for extension is received and granted by the Director of Community Development.
3. The Community Development Department shall inspect the subject premises and report to the City Council on an annual basis regarding the applicant's compliance with these conditions. The City may add additional conditions, if necessary, or if any violations of these conditions have occurred, the Conditional Use Permit can be scheduled for revocation pursuant to Signal Hill Municipal Code 20.64.120 or other appropriate action.
4. The nine temporary parking spaces located on Gardena Avenue shall be incorporated and relocated into the future parking structure for the Central Business District/Heritage Square development.

5. No advertising material or signs shall be painted, installed, erected or displayed on the building exterior without first obtaining City approval.
6. No signs are permitted on the roof of the building. This includes temporary banner signs mounted on temporary or permanent supports, aerial signs, animated signs, and rotating signs.
7. Temporary banner signs are permitted on the building for a period not to exceed six weeks in any calendar year with a permit from the Community Development Department subject to standards in Municipal Code Section 20.58.080, "Temporary Signs".
8. Hours of operation for dining areas, indoor and outdoor, shall be clearly posted at all entries.
9. The outdoor dining area and seating area southwest of the entrance, including planter pots, tables and chairs, trellis and weatherproof material shall be maintained in a clean and first class condition.
10. The loading dock area and the area surrounding the market, including the parking and landscaped areas shall be kept in a clean and sanitary state, free from trash, debris, or weeds and shopping carts. No loading activity may occur between the hours of midnight and 6:00 a.m.
11. The artwork on the building façade, including the tile plates on Cherry Avenue, the Signal Hill Circa photo on the west elevation and the mountain scene digital print on the windows of the south elevation shall be maintained in a first-class condition and shall not be changed without the approval of the Director of Community Development.
12. The parking lot lighting shall be maintained free of trash, debris or shopping carts and in good working order.
13. The landscaping and irrigation system, including sprinkler heads, shall be permanently maintained in good, first-class condition, without deterioration and free of waste, weeds and debris.
14. The operator shall take reasonable steps to prevent shopping carts from being taken off the premises as well as to retrieve shopping carts taken off the premises. The operator is aware that the City regulates off-site shopping carts which are subject to enforcement action pursuant to Municipal Code Chapter 8.54, Abandoned Shopping Carts.

15. The operator shall provide decorative trash receptacles at the customer entrance. The number of receptacles shall be sufficient to meet demand and the applicant shall agree to provide additional receptacles if overflow conditions routinely occur.
16. Prior to the installation of any pay phones, vending machines or newspaper racks outside of the building, the applicant shall submit plans for Community Development Department review and approval. Coin-operated arcade-type games shall be prohibited.
17. The business operation shall meet all municipal code requirements of the City of Signal Hill and any applicable requirements of the Los Angeles County Fire Department, the Los Angeles County Department of Public Health, the State Department of Alcoholic Beverage Control, the State Department of Conservation, Division of Oil, Gas and Geothermal Resources and all other applicable agencies.
18. The applicant shall be furnished with this list of conditions and shall sign an acknowledgment of the fact that should they default on the above Conditions, the default shall constitute a violation of the permit and shall be cause for its revocation.

End of Conditions

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING
SITE PLAN AND DESIGN REVIEW 17-04, A REQUEST TO
MAKE IMPROVEMENTS TO AN EXISTING RETAIL
MARKET AT 2475 CHERRY AVENUE IN THE CTC,
COMMERCIAL TOWN CENTER, ZONING DISTRICT**

WHEREAS, the applicant, Chery Gardena LLC, has submitted an application to make improvements to an existing retail market at 2475 Cherry Avenue that include the addition of a 1,011 square foot, 52 seat covered outdoor dining area, conversion of a 375 square foot indoor market area to an indoor dining area, exterior building façade improvements, a minor reconfiguration of a portion of the parking lot, new art work, landscape and hardscape improvements and new signage; and

WHEREAS, the property is legally described as Lots 1, 2 and the north 60 feet of Lot 3 in Block "E" of the Resubdivision of Blocks "D" and "E" of Crescent Heights Track in the City of Signal Hill, County of Los Angeles, State of California as per the map filed in Book 5, Page 105 of maps, in the office of the County Recorder of said County; and

WHEREAS, pursuant to Signal Hill Municipal Code Chapter 20.52, entitled, "Site Plan and Design Review," the subject project is properly a matter for Planning Commission review and approval; and

WHEREAS, on August 19, 2008, the Planning Commission of the City of Signal Hill recommended the City Council approval of Conditional Use Permit 08-02, to allow the retail sale of packaged alcoholic beverages intended for off-site consumption and approved Site Plan and Design Review (SPDR) 08-10 for a 13,969-sq. ft. Fresh & Easy market at 2475 Cherry Avenue in the CTC, Commercial Town Center, Zoning District; and

WHEREAS, on September 9, 2008, the City Council of the City of Signal Hill approved Conditional Use Permit 08-02, subject to the Conditions of Approval to allow the retail sale of packaged alcoholic beverages intended for off-site consumption at the Fresh & Easy market at 2475 Cherry Avenue in the City of Signal Hill and CUP 08-02 remains valid; and

WHEREAS, in 2015, Fresh & Easy Corporate announced they would be closing all 100 remaining stores in California, Arizona and Nevada. Although the Signal Hill store was reported to have had good sales, it was closed in 2016 and remains vacant; and

WHEREAS, on February 28, 2017, the City Successor Agency approved an exclusive right to negotiate agreement (ENA) with Signal Hill Petroleum, which is the underlying ownership entity of the LLC for the former Fresh & Easy site, and which also owns several of the adjacent properties. The purpose of the ENA is to negotiate the price and terms to acquire and incorporate the former Redevelopment Agency properties along Gardena Avenue into the CBD development. The conceptual design for the vision of the CBD was included in the ENA; and

WHEREAS, pursuant to CEQA Guidelines Section 15301 class 1(e)(1), Existing Facilities, the project is categorically exempt; and

WHEREAS, on August 4, 2017, notice of a Planning Commission public hearing regarding the subject project was mailed to all property owners within 300 feet of the subject property, posted in accordance with S.H.M.C. Section 1.08.010, and was published in the Signal Tribune newspaper; and

WHEREAS, on August 15, 2017, a public hearing was held before the Planning Commission, and all interested parties were given an opportunity to be heard regarding the request, and the City has incorporated all comments and responses thereto.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Signal Hill, California, does hereby find as follows:

1. The proposed project, subject to the attached conditions is in conformance with the zoning ordinance, other ordinances and regulations of the City, and the following goals and policies of the General Plan:

LAND USE ELEMENT GOAL 1 – Manage growth to achieve a well-balanced land use pattern that accommodates existing and future needs for housing, commercial, and industrial land, open space, and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City revenues.

Land Use Policy 1.7 - “Broaden the City's tax base by attracting commercial and industrial development to the City which will provide economic and employment benefits to the community while ensuring compatibility with other general plan goals and policies.”

Finding regarding Policy 1.7 - The Mother's Market with dining will add to the City's tax base. Although alcohol sales represent a small component of the tenant's overall operations, the service of alcohol for the on-site dining will provide additional beverage options for customers. Mother's Market will reinforce Signal Hill's image as a destination for a variety of nationally recognized retail and dining establishments. The project will provide employment opportunities as well as increase tax revenues for the City.

Land Use Policy 1.8 - “Focus major commercial activity into economically viable and attractive centers. Concentrate retail, office and complementary uses in or near the City's Town Center. Support the Spring Street corridor as a secondary commercial location.”

Finding regarding Policy 1.8 - The retail market with indoor and outdoor dining areas will draw in commercial activity to the Commercial Town Center District and will be a base tenant for the Central Business District envisioned in the General Plan District as a unique, pedestrian oriented commercial/residential mixed-use development.

2. The proposed project is in conformance with any redevelopment agency or successor agency, and any executed owner's participation agreement or disposition and development agreement.

3. Subject to the attached conditions, the following will be arranged as to avoid traffic congestion, to ensure the public health and safety and general welfare, and to prevent adverse effects on surrounding properties: facilities and improvements; pedestrian and vehicular ingress, egress and internal circulation; setbacks; height of building and structures; signs; mechanical and utility service equipment; landscaping; grading; lighting; parking; drainage; and intensity of the land use.

4. The topography is suitable for the proposed site plan and the site plan, subject to the attached conditions, is suitable for the use intended.

5. The proposed development provides for appropriate exterior building design and appearance consistent and complementary to present and proposed buildings and structures in the vicinity of the subject project, while still providing for a variety of designs, forms and treatments and the following goals and policies of the General Plan:

LAND USE ELEMENT GOAL 3 – Assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Land Use Element Policy 3.12 - "Encourage and promote high quality design and physical appearance in all development projects."

Finding related to Policy 3.12 - The design theme for the Mother's Market incorporates many of the previously approved design elements of the Fresh & Easy such as the artisanal tiles and provides additional elements that complement the conceptual plans for the Central Business District. These include additional artistic treatments, a revised roof design, brick accents, a covered outdoor seating area and improved pedestrian amenities. The green metal lattice along the Crescent Heights Street frontage that screens the truck dock from view and the four electric charging stations will remain.

Land Use Element Policy 3.13 - "Reinforce Signal Hill's image and community identity within the greater Long Beach Metropolitan area."

Findings related to Policy 3.13 - The Mother's Market location is a high profile location on Cherry Avenue adjacent to the Town Center retail centers and the Crescent Heights Historic District neighborhood. The project achieves one of the City's long-standing economic development goals of attracting an upscale market and will serve as a base tenant for the future Central Business District which is envisioned in the General Plan as a unique, pedestrian oriented commercial/residential mixed-use development.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Signal Hill, California, does hereby approve Site Plan and Design Review 17-04, subject to the Conditions of Approval attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Signal Hill, California held on the 15th day of August, 2017.

ROSE RICHÁRD
CHAIR

ATTEST:

SCOTT CHARNEY
COMMISSION SECRETARY

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, SCOTT CHARNEY, Secretary for the Planning Commission of the City of Signal Hill, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the Planning Commission of the City of Signal Hill, California on the 15th day of August, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SCOTT CHARNEY
COMMISSION SECRETARY

Site Plan and Design Review 17-04
Recommended Conditions of Approval

Project: MOTHER'S MARKET AND KITCHEN

Location: 2475 CHERRY AVENUE

Applicant/Agent: CHERY GARDENA LLC

Property Owner: CHERY GARDENA LLC

1. The applicant shall defend, indemnify and hold harmless the City of Signal Hill, its agents, officers and employees from any claim, action or proceeding against the City of Signal Hill or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Signal Hill, its legislative body, advisory agencies, or administrative officers concerning the subject application. The City of Signal Hill will promptly notify the applicant of any such claim, action or proceeding against the City of Signal Hill and the applicant will either undertake defense of the matter and pay the City's associated legal or other consultant costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Signal Hill fails to promptly notify the applicant of any such claim, action or proceeding, or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City of Signal Hill. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
2. The project shall substantially conform to the site and building plans on file with the Community Development Department, as herein or as modified by the Planning Commission. It shall be the responsibility of the developer, the architect and the contractor to develop the project consistent with the aforementioned plans. Any substantial modification to the approved site and building plans shall be subject to approval of the Planning Commission.
3. The applicant shall pay building plan check and permit fees as estimated in Exhibit A and comply with all Public Works Improvements conditions. Fee amounts are based on the current fee schedule and are subject to change.
4. Pursuant to Section 20.52.060.A of the Signal Hill Municipal Code, construction of the improvements set forth in the approved site plan shall be commenced within one year from the date the approved site plan is signed by the Director of Community Development. Thereafter, the Site Plan and Design Review approval shall expire and become null and void, unless a written request for extension is received by the Director of Community Development at least thirty days prior to

such expiration. Thereafter, the Site Plan and Design Review approval shall be subject to extensions as provided in Signal Hill Municipal Code Section 20.52.060.A.

5. Pursuant to Section 20.52.085 of the Signal Hill Municipal Code, after a building, grading, or demolition permit has been issued authorizing work at any sites, the site shall be secured and screened to the satisfaction of the Building Official and shall comply with stormwater run-off regulations.
6. Pursuant to Section 20.52.100 of the Signal Hill Municipal Code, the Building Official or Director of Community Development may deem any building, grading, or demolition permit to be null and void if a Certificate of Occupancy has not been issued within 540 days, starting from the date of issuance of the first building, grading or demolition permit for the project. Construction time periods may be extended as provided in Section 20.52.110 in accordance with the procedures specified therein.
7. Approval of Site Plan and Design Review 17-04 is subject to City Council approval of Conditional Use Permit 17-01.
8. The gate and fencing material shall be noted on the landscape plans and shall be of the same or matching material as the bronze aluminum material proposed for the trellis.
9. The size of the new carrot wood and crepe myrtle trees proposed in the parking area, shall be noted on the final landscape plans and shall not be less than XX gallon.
10. The final landscape plan shall identify the location of any new shrubs or groundcover.
11. The applicant shall comply with Chapters 16.23 "Abandonment of Wells" and 16.24, "Development Standards for Properties Containing Abandoned Oil Wells", of the Signal Hill Municipal Code.

Prior to issuance of building permits, the applicant shall satisfactorily address all of the following as required by the Planning Department:

12. The following notes shall be included on the final plans:
 - a) All exposed metal flashing or trim shall be anodized or painted to match the building.
 - b) Final adequacy of landscape materials shall be subject to field inspection by the Community Development Department; additional landscaping deemed necessary upon inspection shall be installed by the applicant at his sole expense.

- c) Exterior colors and materials shall be specified on the plans and be consistent with the color boards on file in the Community Development Department.
- d) Street address numbers, shall remain visible from the street.
- e) Exterior lighting shall be shielded and directed so as to not interfere with adjacent properties.
- f) Stamped paving shall be used at the entrance of the market and along the frontage of the outdoor dining area and enhanced paving shall be used inside the outdoor eating area, pursuant to the landscape plan.
- g) Show all easement areas on site plan.
- h) Attach stormwater construction notes (available from City).

13. Submit a landscape plan generally consistent with the conceptual plan distributed to the Planning Commission for the review and approval of the Director of Community Development that complies with the City's Water Conservation in Landscaping Ordinance, Chapter 13.10 of the Signal Hill Municipal Code.

Prior to issuance of building permits, or grading permits for the re-paving of the parking area, the applicant shall satisfactorily address all of the following as required by the Building Department:

- 14. Submit three complete sets of construction plans to the City for review and approval demonstrating compliance with all 2014 California Building Codes including: walls, buildings, and equipment foundations/slabs and pits; all underground utilities including site electrical, sewer and plumbing.
- 15. Submit a soils report prepared by a registered soils engineer and implement the recommendations contained in the report.
- 16. All on-site new and existing utilities must be undergrounded.
- 17. Submit a soils management plan to provide guidance to building contractors in the event that discolored or odiferous soils are discovered during on-site excavation and grading activities.
- 18. Submit to the City a copy of the plans stamped "approved" by the Fire Department. Fire sprinklers and fire flow test may be required, subject to Fire Department review upon plan check submittal. Applicant shall first contact Public Works Department to make arrangements for fire flow tests, then submit plans as required to the Los Angeles County Fire Department for review and approval demonstrating compliance with all 2014 California Building Codes, fire codes and policies.
- 19. Pursuant to Sections 16.23 and 16.24, of the Signal Hill Municipal Code, the abandonment of the two oil wells indicated to be abandoned shall comply with all City and Division of Oil Gas and Geothermal Resources (DOGGR) regulations.
- 20. Pursuant to Section 16.24.080.B of the Signal Hill Municipal Code, a methane site

assessment permit is required on all development sites where construction permits are required. No methane site assessments shall be conducted without a permit and approved work plan issued by the Oil Services Coordinator.

21. Pursuant to Section 16.24.080.C of the Signal Hill Municipal Code, the methane site assessment shall be conducted to the satisfaction of the Oil Services Coordinator and in accordance with the city's "methane assessment minimum requirements standard" on file in the Community Development Department and publicly available. The assessment report shall be signed and stamped by a State of California registered geologist and submitted for review to the Oil Services Coordinator. Methane assessment shall be conducted no less than 30 days following any soils disturbance on the site.
22. Pursuant to Section 16.24.080.D of the Signal Hill Municipal Code, if the methane site assessment requires mitigation, a methane mitigation plan shall be prepared in accordance with the city's "methane mitigation minimum requirements standard" on file in the Community Development Department and publicly available. The methane mitigation plans shall be submitted for review and approval by the Oil Services Coordinator prior to the issuance of a grading or building permit.
23. Pursuant to Section 8.08.055 of the Signal Hill Municipal Code, a plan for review and approval of the Building Official that demonstrates that construction and demolition debris generated by the project are recycled to the greatest extent feasible to comply with the state-mandated waste diversion requirements. A contractor producing construction and demolition debris shall either contract with the City's refuse contractor for the removal of the debris, or self-haul the debris to an approved disposal site. Prior to receiving a permit from the City for construction or demolition, the contractor shall develop and submit a plan to recycle and salvage the projected construction and demolition debris to the greatest extent feasible. The recycling plan may include source-separated recycling, mixed debris recycling, salvaging and disposal of non-recyclables and non-salvageable debris. Include a note on the plans that EDCO disposal service will be used and are required.

Prior to issuance of building permits, or grading permits for the re-paving of the parking area, , the applicant shall satisfactorily address all of the following as required by the Public Works/Engineering Department:

24. Prior to issuance of any permits (grading, excavation, etc.) all improvement plans (street, sewer, water, alley, grading, etc.) must be approved to the satisfaction of the City Engineer.
25. Submit a precise grading plan, paving plan and erosion control plan, and drainage plans for structures and facilities, prepared by a Civil Engineer, on City Title Block Mylar. These plans must be coordinated with the approved site and landscape plans. The precise grading plan shall include an erosion control plan for

construction during the rainy season; details for the construction of all stormwater containment and recycling facilities; all structures and facilities required to demonstrate, to the satisfaction of the City Engineer, that water quality impact mitigation measures will be addressed during the construction phase and during the operation of the completed facility. Additional City Consultant fees may apply for review of the water quality plan.

26. The existing domestic water service(s) currently serving the existing development may potentially be utilized if it is (they are) of adequate size, conforms to current standards, and are in good working condition as determined by the Water Department. If the property owner elects to utilize the existing water service(s), any non-conforming water service(s), meter(s), and backflow protection device(s) shall be upgraded to conform to the current Public Works Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Public Works Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service(s) shall be a minimum of 1-inch in size.

If the existing domestic water service(s) and meter(s) are not to be utilized, they shall be properly abandoned by the developer per Public Works Standard Plan No. 409.

The Developer has two options of installing the water meter connections, hire their own contractor or hire the City Water Department. Please refer to the most current City of Signal Hill Schedule of Fees – Public Works Department, for the cost of hiring the City Water Department.

27. Applicant shall submit a plan check deposit upon first submittal for Construction Plans prepared by developer's Registered Engineer in an amount to be determined at the time of submittal.
28. Prior to the commencement of any work in the Public right-of-way, applicant shall obtain an Excavation Permit and pay an Inspection fee in an amount to be determined at the time of issuance.
29. If the project will result in a soil disturbance of 1 acre or greater. Prior to the issuance of a grading permit, the applicant shall complete and submit an Owners Certification form (OC-1) and a Local Storm Water Pollution Prevention Plan (LSWPPP) form which are both available in the Building and Safety Department. The applicant shall also prepare a Storm Water Pollution Prevention Plan (SWPPP) and provide evidence that a NPDES Notice of Intent (NOI) has been filed with the State Water Quality Control Board. Such evidence shall consist of a copy of the acknowledgement of receipt letter from the State Water Resources Control Board showing the Waste Discharge Identification (WDID) number.
30. Applicant shall submit to the City for review and approval a Low Impact Development (LID) Plan incorporating Best Management Practices (BMP) in

conformance with the requirements of the City's LID manual. Requirements of the LID Plan will include construction of onsite water treatment, and maximization of infiltration except in hillside areas where alternative LIDs must be proposed maximizing vegetation and use of biofiltration with underdrains to limit infiltration.

31. Applicant shall demonstrate that all LID and other structural Best Management Practices (BMPs) described in the LID Plan have been constructed and installed in conformance with approved plans and specifications.
32. Applicant shall properly maintain all LID and other structural Best Management Practices (BMPs) installed in new developments, as listed in the approved Low Impact Development Plan (LID Plan).
33. Applicant shall identify parties responsible for the long-term operation and maintenance of all LID and other structural Best Management Practices (BMPs) for the life of the project and a funding mechanism for operation and maintenance prior to approval of the LID Plan. This shall be identified and recorded with the County Recorder's office by the property owner or any successive owner.

Prior to issuance of certificate of occupancy, the applicant shall satisfactorily address all of the following as required by the Building Department:

31. Submit a separate as-built site plan showing all on-site underground utilities electrical, sewer and plumbing including connection points, manholes and clean-outs.
32. Provide Los Angeles County Fire Department or City approved building access numbers prior to occupancy.
33. Pursuant to Chapters 21.40, 21.44 and 21.48 of the Signal Hill Municipal Code, the project is subject to Development Impact Fees as estimated in the attached worksheet (Exhibit A). Prior to the issuance of a Certificate of Occupancy, the applicant shall pay the following:
 - a) A Parks and Recreation Impact Fee in the amount of \$636.93 -- pursuant to Signal Hill Municipal Code Chapter 21.40, "Parks and Recreation Impact Fees," (the amount is adjusted annually).
 - b) A Water Impact Fee in the amount of \$3,538.50 -- pursuant to Signal Hill Municipal Code Chapter 21.44, "Water System Impact Fee," (the amount is adjusted annually).
 - c) A Traffic Impact Fee in the amount of \$2,972.34 -- pursuant to Signal Hill Municipal Code Chapter 21.48, "Traffic Impact Fees," (the amount is adjusted annually).

Note: Fee amounts are based on the current fee schedule and are subject to change. Additional fees may apply for outside agencies: LA County Sanitation District, LA County Fire Department, Long Beach Unified School District and City consultant's fees for NPDES and Methane Mitigation.

34. Prior to the issuance of the Certificate of Occupancy, contractor/developer shall provide an invoice or other similar documentation from the City's refuse contractor or a State-certified disposal facility that indicates the type of material(s) disposed, the total tonnage of debris disposed and the estimated percentage of recyclable materials for each load of debris removed from the construction site. The name of the disposal facility and their contact information shall be clearly identifiable on the invoice that is submitted to the Public Works Department for review.

Prior to issuance of certificate of occupancy, the applicant shall satisfactorily address all of the following as required by the Planning Department:

35. A site inspection shall be conducted to verify the adequacy of the landscape materials on the sloped portion of the parcel. If any portion of the landscape material on the slope is found to be dead or missing, it shall be replanted with material already in use on the slope or, if such material is determined undesirable, that which is determined by the Director to be complimentary to the existing palate.

End of Conditions.

FEE ESTIMATE

Project	Mothers Market
Address	2475 Cherry
Owner	Same
Phone	
Architect	Urban Arena
Phone	714 754-4500

Zone	CTC
Lot Size	1.23

Building Area	13969	0
		other uses

Stories	One	Units on Lot	One
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Description:	Convert a Fresh and Easy into Mothers Market
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Valuation	\$ 600,000.00 or actual valuation
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Building Plan Check	\$ 2,162.83
T-24 Energy Review	\$ 35.00
Total	\$ 2,197.83

Building Permit Fees		
\$ 2,544.50		Structural
\$ 508.90		Electrical
\$ 381.68		Plumbing
\$ 381.68		Mechanical
\$ 116.38		Field Energy
\$ 168.00		S.M.I.P. cat 2
TBD		Demo
\$ 10.00		Grading
		Issue
		other
\$ 4,111.13		Total Permits
\$ 24.00		BSC Fee
\$ 4,135.13		Total on Permit

Development Impact Fees		
\$ 636.93		Parks
\$ 3,538.50		Water
\$ 2,972.34		Traffic
\$ 7,147.77		Total

Estimates are based on current fee schedules which are subject to change.

Fees not included on this sheet: L.A. County Sanitation, Public Works, Planning
L.A. County Fire Department, LBUSD, NPDES

Long Beach Unified School District fees eff 4/6/17 = \$0.56 per sq.ft.

EXHIBIT A

August

5c.



The 19th Amendment was ratified in August, 1920.



Vacant Parcel Ordinance

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

1. At the request of the Mayor/Chair, the City Clerk/Secretary reports on the Form of Notice given:
 - a. Notice was published in the *Signal Tribune* newspaper in accordance with Gov't Code §65091(a)(4) on August 4, 2017.
 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 at City Hall, Discovery Well Park, Reservoir Park and Signal Hill Park Community Center on August 4, 2017.
 - c. Notice was mailed to affected property owners on August 4, 2017.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
- b. The specific location of the property, and/or use, the surrounding properties;
- c. The criteria of the Code which applies to the pending application; and
- d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.

3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: RYAN AGBAYANI
ASSISTANT PLANNER**

SUBJECT: PUBLIC HEARING – VACANT PARCEL ORDINANCE

Summary:

As a part of the Lower Los Angeles River and Los Cerritos Channel Water Management Plans (WMPs), the City is mandated to adopt an ordinance requiring property owners of vacant parcels 1.0 acre or more in size to install sediment control devices. The intent of the mandate is to reduce the amount of pollution that is carried by sediment from these vacant sites by wind and rain into the stormwater system. Key provisions of the Vacant Parcel Ordinance (VPO) include:

- Property owners are responsible for preparing and submitting compliance plans for City approval.
- The deadline to install soil erosion and sediment control devices (per approved compliance plans) is currently set as April 24, 2018.
- Devices will be inspected on an annual basis prior to each rainy season (or as needed) to ensure that they are effective and properly maintained.

Recommendation:

Waive further reading and adopt the following resolution:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SIGNAL HILL, CALIFORNIA, RECOMMENDING
CITY COUNCIL APPROVAL OF AN ORDINANCE
AMENDING SIGNAL HILL MUNICIPAL CODE CHAPTER**

12.16 EXPANDING THE APPLICABILITY OF THE EXISTING STORMWATER AND URBAN RUNOFF POLLUTION CONTROL BY IMPOSING SOIL EROSION AND SEDIMENT CONTROL MEASURES ON UNIMPROVED VACANT PARCELS 1.0 ACRE OR MORE IN SIZE AS MANDATED BY THE CITY'S WATER MANAGEMENT PLANS

Strategic Plan Objectives:

Objective 5.8.2 – Water quality (National Pollution Discharge Elimination System - NPDES) improvements

Background:

The Federal Clean Water Act (33 United States Code sections 1251 et seq.) authorizes the U.S. Environmental Protection Agency and/or approved states to administer the NPDES program in order to regulate the discharge of materials that affect water quality of surface waters of the United States.

In California, the State Water Resources Control Board and nine Regional Water Quality Control Boards implement many of the Clean Water Act's provisions. The City is a Permittee under Regional Water Board Order No. R4-2012-0175, adopted on November 08, 2012, which establishes Waste Discharge Requirements for MS4 discharges within the Coastal Watersheds of Los Angeles County. The MS4 Permit established strict numerical limits regarding the amount of pollutants that can be discharged by stormwater and urban runoff. These pollutants are often carried by sediment.

The stormwater system serving the City connects to two watersheds – the Lower Los Angeles River and the Los Cerritos Channel. In order to comply with the MS4 Permit, the City has submitted Watershed Management Programs for each of the two watersheds. Both Watershed Management Programs include a commitment to make a good faith effort to reduce the amount of pollutants carried by soil and sediment.

On June 6, 2017, the City's stormwater consultant, John L. Hunter & Associates (JLHA), gave a presentation of the proposed ordinance to the Sustainable City Committee (SCC). Feedback from the SCC focused on clarification of definitions and costs.

On July 18, 2017, staff presented the ordinance to the Planning Commission as a Director's Report for comments and feedback. The Commission commented on the property profiles and enforcement provisions.

On August 7, 2017, a Community Meeting for affected property owners was held at City Hall to introduce the ordinance and provide a summary of the public hearing process. The meeting was well attended with 11 individuals present. Attendees were respectful and asked questions regarding the timeline for submittal of compliance plans and implementation of the approved devices.

Analysis:

As a hilltop city, Signal Hill is susceptible to soil erosion. Within the City, vacant parcels are at high risk. During a rain event, sediment acts as a vehicle for pollutants (such as metals, nutrients, pesticides, and bacteria) which adhere to soil particles. The impacts resulting from erosion of vacant lands include degradation of ecosystems and pollution of receiving waters; however, effective sediment control can be achieved by minimizing the amount of sediment exposed to stormwater which, in turn, reduces the transport of pollutants to receiving waters.

Once adopted, the VPO will require the owners of qualified vacant lots to install City approved sediment control devices to limit exposed soil. In an attempt to limit the number of property owners potentially affected, and to demonstrate the effectiveness of the effort, the VPO will initially apply only to vacant parcels 1.0 acre or more in size. To assist affected property owners, JLHA has prepared a draft Vacant Parcel Erosion and Sediment Control Manual (Attachment A). The Manual provides control practice design guidelines based on site characteristics and various Best Management Practices (BMPs), which can be used as a resource in submitting compliance plans for City review and approval.

The VPO calls for installation of required improvements within 180 days of the effective date of the Ordinance. It also establishes a proactive enforcement policy in which the City's stormwater inspector will inspect each site on an annual basis prior to the rainy season (or as needed) to observe site conditions and BMPs for effectiveness.

Definitions

In Signal Hill, there are many vacant parcels due to our oil field legacy. At the June meeting, SCC members requested clarification on which parcels would be subject to the VPO. In order to establish parameters for qualifying parcels, staff is proposing the following definition:

“Vacant Parcel” shall mean an unimproved parcel without a permitted structure or other associated permanent improvements such as approved paved parking lots and associated landscaping. Oil and gas wells, Auto Center freeway signs, temporary storage sheds, modular buildings, and oil field related equipment are not considered structures for purposes of this section.

Furthermore, there are situations in which the same entity owns contiguous vacant parcels that individually are under the 1.0 acre threshold, but collectively exceed the threshold. Additionally, there are some sites that are partially developed, but whose vacant area totals 1.0 acre or more in size. As a result, staff is proposing the following supplemental definitions:

"Contiguous Vacant Parcel" shall mean an undeveloped area of land consisting of two or more adjoining parcels or units of land with the same ownership, and sharing some common boundary line or point. Parcels shall not be deemed contiguous parcels if their common boundary line or point lies within a public road, street, alley, railroad right-of-way, or other feature deemed to be similar by the Director of Planning and Community Development. For purposes of this ordinance, the contiguous parcels shall collectively be considered a single unimproved vacant parcel.

"Partially Vacant Parcel" shall mean a parcel with a permitted structure, but whose unimproved portion totals 1.0 acre or more in size. The 1.0 acre or more unimproved portion would qualify the entire parcel under the ordinance for purposes of this section.

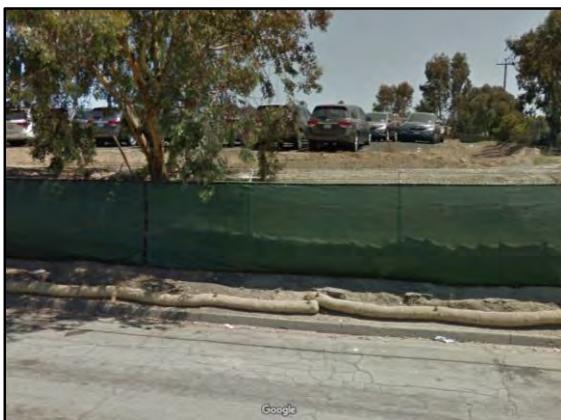
Inventory of Affected Parcels

The initial data received from Los Angeles County quantified a total 958 vacant parcels within Signal Hill. JLHA determined that it would be prudent to focus initial efforts on large parcels and suggested that the qualifying threshold be parcels 1.0 acre or more in size. Furthermore, staff incorporated the aforementioned definitions to capture certain parcels. Given these parameters, 35 vacant parcels qualify for VPO (Attachment B).

The 35 vacant are owned by 17 different entities and span over 119 acres across the City. It is important to note that of the 35 qualifying parcels, eight are owned by either the City of Signal Hill or Long Beach and 10 are owned by Signal Hill Petroleum. The remaining 17 parcels are owned by independent parties.

Required Improvements

As outlined in the Vacant Parcel Erosion and Sediment Control Manual, there are numerous options for erosion and sediment control devices. These options vary based on short-term versus long-term lifespans. Devices with short-term lifespans will need to be replaced periodically, whereas those with long-term lifespans may only need to be installed once. A combination of multiple devices may be incorporated into a site's compliance plan. Some common measures include silt fences, straw wattles, gravel bags, landscaping, hydraulic mulch, gravel mulch, and other permanent control devices.



Straw Wattle and Silt Fence



Gravel Bag and Silt Fence



Landscaping



Hydraulic Mulch



Gravel Mulch



Permanent Sediment Control Device

Compliance Plans

Each compliance plan will be specifically tailored to the site based on its unique size, topography, and condition. The property owner of record is ultimately responsible for demonstrating compliance with the ordinance. However, if a property owner is leasing the property, or another entity has surface rights to the land, the City will accept compliance plans from any of these responsible parties. The City only has access to information of the property owner of record; not of the lessee or oil operator. A compliance plan must be prepared and submitted to the City to demonstrate either that the vacant site is already in compliance through existing control measures or that the proposed improvements will bring it into compliance.

Review and Approval Process

Once the property owner, leaseholder, or other responsible party prepares and submits a plan, the City's stormwater consultant will review it for compliance with the ordinance. When the plan is deemed acceptable, the City will approve the compliance plan. Subsequently, the erosion and sediment control devices will be installed per the City approved compliance plan no later than 180 days from the date of the original notice letter. All sites will be inspected on an annual basis to verify effectiveness, prior to the rainy season or as needed.

Cost

The City is cognizant that the implementation of such devices may be a costly endeavor to the affected property owners. As a result, staff has made a good faith effort to provide a variety of options. During the presentations to both the Planning Commission and the affected property owners, JLHA staff provided cost estimates of the different devices (Attachment C). These figures were derived from multiple sources. It was stressed that these were merely estimates and that other variables may affect the overall cost. Cost of installation is not the only determining factor, as cost of maintenance and additional inspections must also be considered.

Penalties

There are a variety of options for enforcement, such as a fine of up to one thousand dollars for each day in violation. Enforcement for the VPO will defer to the existing provisions contained in SHMC Section 12.16.120(B) (Attachment D).

Conclusion

The VPO is a mandate by the State. The City made a commitment to implementing this program through the adoption of the WMPs. Failure to successfully implement this mandate would put both the property owners and the City at risk of violation by the Water Board. Ultimately, the adoption of this ordinance would be beneficial to the City by further reducing sediment erosion and subsequently improving the quality of receiving waters.

Approved by:

Scott Charney

Director of Community Development

INTRODUCTION

WHY VACANT LOTS?

Vacant lots are one of the primary areas of exposed soil not associated with construction sites. The objectives of this Vacant Parcel Erosion & Sediment Control (VPESC) Manual are to decrease sediment discharges to the local waterbodies and implement controls necessary to achieve water quality goals.

WHAT IS EROSION?

Soil erosion is the removal of soil particles by wind, water, or gravity. In most cases, natural erosion occurs at slow rates; however, the rate of erosion increases when land is cleared and left unprotected. Vacant, barren sites are up to 100 times more susceptible to erosion than a naturally vegetated site.

WHY PREVENT EROSION?

Sediment is a common component of stormwater runoff. The impacts due to erosion and sedimentation include degradation of ecosystems, pollutant transport, erosion of land, and sedimentation within water bodies and stormwater conveyance systems (i.e. storm drains and channels).

Sediment can be detrimental to aquatic life (primary producers, benthic invertebrates, and fish) by interfering with photosynthesis, respiration, growth, reproduction, and oxygen exchange in water bodies. Additionally, sediment can act as a vehicle for other pollutants that attach themselves to the particles. These pollutants include nutrients, trace metals, and hydrocarbons.

WHAT CAN I DO?

If sediment is not generated or released, it will not be available for transport to local waterbodies. In addition, if soils can be stabilized and sediment controlled, the major transportation mechanisms will be eliminated or greatly reduced, and fewer pollutants will reach the local waterbodies.

SITE CONSIDERATIONS FOR VACANT PARCELS

Specific elements which should be given special consideration in the site assessment process include:

- **Slope:** The appropriate control practices for steeper sites are more limited.
- **Access to Water:** All vegetated control practices will require irrigation or access to water at the frequency necessary to achieve vegetative health.
- **Parkways:** All barren, unprotected parkways must be addressed.
- **Neighboring Sites:** If a control practice results in an increased discharge of runoff to an adjacent site, an encroachment permit will be necessary.

All vacant, unprotected parcels are subject to the provisions of the City of Signal Hill's Vacant Parcel Ordinance. This VPESC Manual provides guidance for control practice selection based on site configurations and constraints. In cases where a site is vacant with protection, a waiver may be issued by the Director of Public Works.

CONTROL PRACTICE DESIGN GUIDELINES

Each control practice is expected to have conditions for which the practice works well and conditions for which the practice will not achieve the desired results. Below are three site condition containing tables for the most suitable application and restricted applications for each control practice. The table sections include the descriptions, application, design criteria, and approximate cost for each accepted control measure.

The following pages can be used as a guidance for three common scenarios that may be encountered when complying with this ordinance: Flat Sites, Sloped Sites, and Complex Sites.

FLAT SITES



Figure 1 - Flat Site Before



Figure 2- Flat Site After

Table 1: Acceptable Control Practices for Flat Sites

Control Practice	Suitable Applications	Restricted Application	Maximum Life Span ¹
Landscape	✓ All sites where landscape is anticipated to thrive	– Highly trafficked areas	Permanent
Vegetated Filter Strip	✓ All sites where landscape is anticipated to thrive	– Highly trafficked areas – Slopes greater than 10:1 [H:V]	Permanent
Decomposed Granite (DG)	✓ Areas where vegetation establishment is difficult ✓ Flat surfaces ✓ Trails and pathways ✓ Slight slopes (i.e., 10:1 [H:V]), when used with a stabilizer or tackifier	– Slight slopes without a stabilizer or tackifier – Slopes greater than 10:1 (H:V)	Permanent
Gravel Mulch	✓ Areas where vegetation establishment is difficult ✓ Flat surfaces ✓ Trails and pathways ✓ Slight slopes (i.e., 10:1 [H:V]), when used with a stabilizer or tackifier	– Slight slopes without a stabilizer or tackifier – Slopes greater than 10:1 (H:V)	Permanent
Hydroseeding	✓ Apply permanent stabilization measures ✓ Areas with permanent or temporary irrigation ✓ Areas not subject to heavy wear by equipment or high traffic	– Temporary seeding on slopes steeper than 3:1 (H:V) – Temporary seeding without irrigation	Permanent
Silt Dike	✓ Along the perimeter of unprotected sites ✓ Along the toe of exposed and erodible slopes	– Drainage areas greater than 5 acres	Unknown
Hydraulic Mulch	✓ Slopes with exposed soil between existing vegetation such as trees or shrubs ✓ Slopes planted with live, container-grown vegetation or plugs ✓ Slopes burned by wildfire	– Highly trafficked areas	6-12 Months
Compost Blanket	✓ In combination with temporary and/or permanent seeding ✓ Slopes with exposed soil between existing vegetation ✓ Slopes planted with live, container-grown vegetation ✓ Areas where plants are slow to develop ✓ Slopes of 2:1 (H:V) or gentler	– Areas of concentrated flows – Slopes greater than 2:1 (H:V)	Unknown

Unacceptable Control Practices for Flat Sites include:

- Rock Slope Protection
- Geotextiles and Mats
- Slope Drain
- Sediment Basin

¹ The maximum life span is assuming the most stable application for each control measure. The life span of some control measures may vary significantly depending on the materials and application used.

SLOPE SITES 10:1 (H:V) TO 1:1 (H:V)

Figure 3 - 3:1 Slope Example.

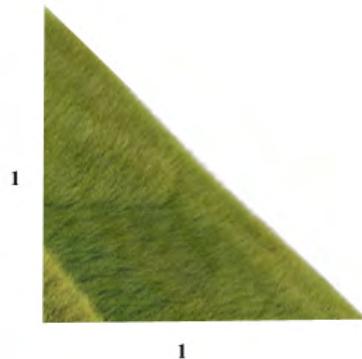


Figure 4 - 1:1 Slope Example.

Table 2: Acceptable Control Practices for Sloped Sites

Control Practice	Suitable Applications	Restricted Application	Maximum Life Span ²
Landscape	✓ All sites where landscape is anticipated to thrive	– Highly trafficked areas	Permanent
Silt Dike	✓ Along the perimeter of unprotected sites ✓ Along the toe of exposed and erodible slopes	– Drainage areas greater than 5 acres	Unknown
Hydraulic Mulch	✓ Slopes with exposed soil between existing vegetation such as trees or shrubs ✓ Slopes planted with live, container-grown vegetation or plugs ✓ Slopes burned by wildfire	– Highly trafficked areas	6-12 Months
Geotextiles and Mats	✓ Highly erodible slopes where vegetation is slow to establish ✓ Areas where seeding cannot occur ✓ Areas with fine grained and potentially erosive soils ✓ Steep slopes ✓ Slopes and disturbed soils where mulch must be anchored ✓ Barren areas where plants are slow to develop ✓ Slopes adjacent to water bodies	– Excessively rocky sites – Areas where the final vegetation will be mowed – Hard or rocky soil – Areas with high foot traffic (tripping hazard)	2 Years
Slope Drains	✓ Areas with concentrated flow of surface runoff over a slope ✓ Drainage for top of slope diversion dikes or swales. ✓ Drainage for top of cut and fill slopes where water can accumulate	– Sites greater than 10 acres	Permanent
Compost Blanket	✓ In combination with temporary and/or permanent seeding ✓ Slopes with exposed soil between existing vegetation ✓ Slopes planted with live, container-grown vegetation ✓ Areas where plants are slow to develop ✓ Slopes of 2:1 (H:V) or gentler	– Areas of concentrated flows – Slopes greater than 2:1 (H:V)	Unknown
Sediment Basin	✓ Drainage areas equal to or greater than 5 acres	– Drainage areas greater than 75 acres	Unknown

Unacceptable Control Practices for Steep Slopes Include:

- Vegetated Filter Strip
- Decomposed Granite (DG)
- Gravel Mulch
- Hydroseeding
- Rock Slope Protection

² The maximum life span is assuming the most stable application for each control measure. The life span of some control measures may vary significantly depending on the materials and application used.

COMPLEX SITES



Figure 5 - Complex Site Example; The site pictured above qualifies as a “complex site” due to the moderate slope, close proximity to the parkway, and site features that include a culvert and a storm drain inlet at the footing of the property.

Table 3: Acceptable Control Practices for Complex Sites

Control Practice	Suitable Applications	Restricted Application	Maximum Life Span ³
A site may fall into multiple categories or have a condition that qualifies it as a complex site In these cases, control practices will need to be identified for all applicable categories.			
Landscape	✓ All sites where landscape is anticipated to thrive	– Highly trafficked areas	Permanent
Silt Dike	✓ Along the perimeter of unprotected sites ✓ Along the toe of exposed and erodible slopes	– Drainage areas greater than 5 acres	Unknown
Compost Blanket	✓ In combination with temporary and/or permanent seeding ✓ Slopes with exposed soil between existing vegetation ✓ Slopes planted with live, container-grown vegetation ✓ Areas where plants are slow to develop ✓ Slopes of 2:1 (H:V) or gentler	– Areas of concentrated flows – Slopes greater than 2:1 (H:V)	Unknown

Unacceptable Control Practices for Complex Sites include:

Any control practices that interferes with the overall function of the site and does not properly account for slope, access to water, proximity to parkways, and encroachment to neighboring sites.

EXCLUSION GUIDELINES

All vacant lots of the City of Signal Hill shall implement controls to prevent erosion from leaving vacant lots. **All** vacant lots are required to maintain a water quality standard for sediment in water runoff of 500 NTU or less. However, for sites less than 5,000 square feet, the exact application of Control Practices may not need to be followed as prescribed in this manual. **Any** exceedance of this water quality standard requires all sites (including those less than 5,000 square feet) to comply with the city’s ordinance.

³ The maximum life span is assuming the most stable application for each control measure. The life span of some control measures may vary significantly depending on the materials and application used.

SUITABLE CONTROL PRACTICE EXAMPLES

LANDSCAPE

Description

Landscaping on a vacant, unprotected site is the most effective control method that can be implemented.

Landscape designs should maximize natural water storage and infiltration opportunities, protect slopes and channels, and utilize drought tolerant vegetation, to the maximum extent possible.

Costs

Varies Significantly

Inspection and Maintenance

Inspect at least twice annually for erosion or damage to vegetation.

Lifespan

Permanent



Figure 6 - Landscape Application.



Figure 7 - Silt Dike Application.

Source: <http://www.tri-siltdike.com>

COMPOST BLANKET

Description

A compost blanket is applied to slopes and unprotected areas to prevent erosion, increase infiltration and/or establish vegetation.

A compost blanket can be successful at vegetation establishment, weed suppression and erosion control.

Costs

An unseeded 1 inch compost blanket: \$5,500-\$8,800 per acre. A seeded 2 inch compost blanket with a nutrient rich tackifier: \$15,750 per acre.

Inspection and Maintenance

Inspect monthly, prior to forecasted rain events, and after the conclusion of rain events.

Lifespan

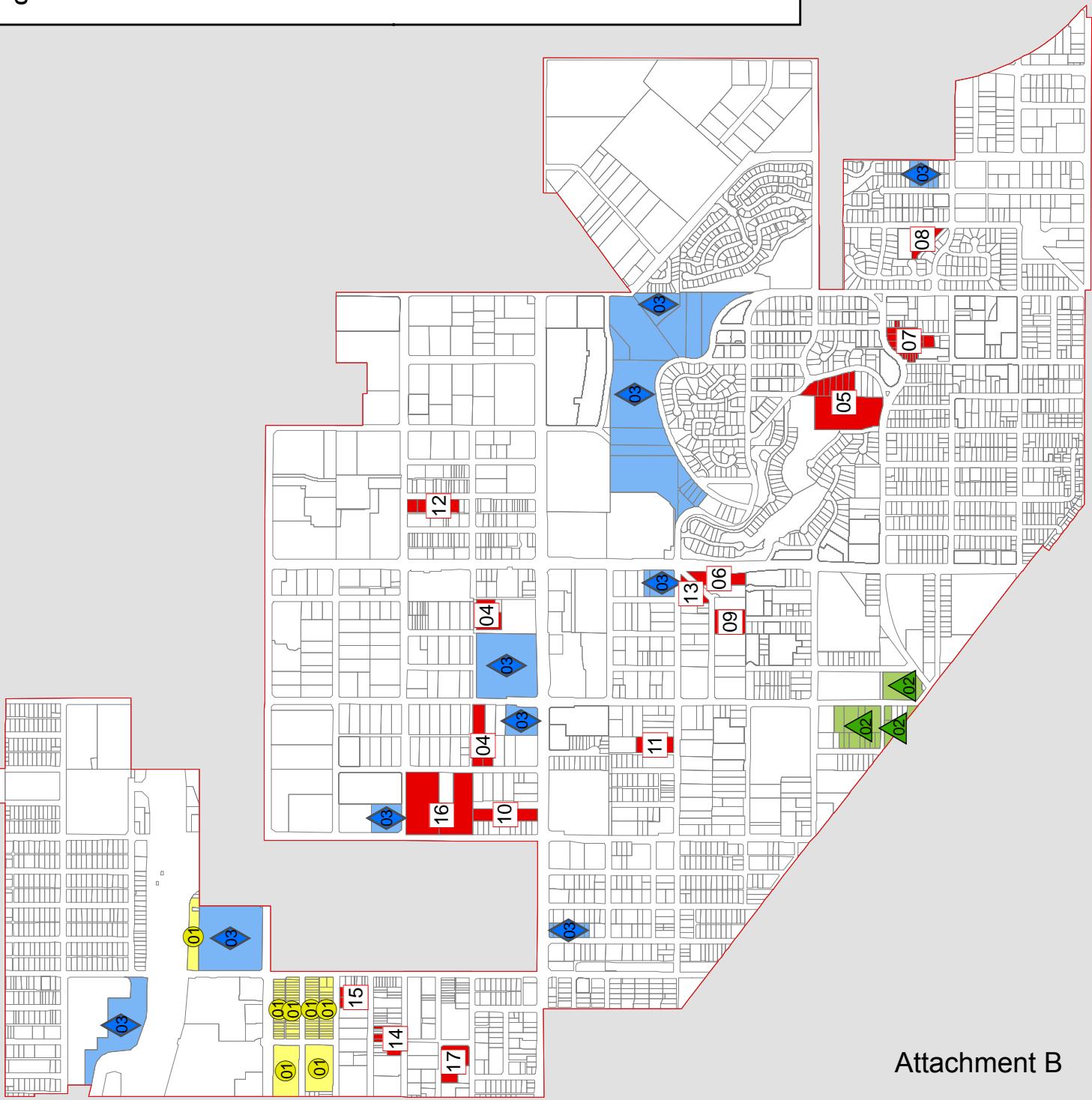
Unknown



Figure 8 - Compost Blanket Application.

Source: CASQA Factsheets, 2011.

Owner	
01	City of Signal Hill
	Signal Hill Holding Corp/ Chemoil Refining
	Signal Hill Petroleum
04	2H Property 3060 LLC
05	Basse SH LLC
06	City of Long Beach
07	Davis Investment Company
08	Kobarg Patricia Et Al
09	Matsukuma Young Kiyomi
10	MCAULEY LCX Corporation
11	McGrath Rentcorp
12	Modern Drilling Company LLC
13	Monroe Kristine R Cotrustee
	Robinson Deceased Trust Et Al
14	P and M Oil Company
15	Rhods Angeline Trust
16	TEXACO PRODUCING INC
17	WRG SFG 27TH Properties LLC



Attachment B

WHAT ABOUT COST?

- The next few slides outlines the costs of various types of control measures
- Cost estimates were derived from the following sources:

Control Measure (or portion)	Source
Drought tolerant landscaping installation and labor cost	Southern California Public Radio (part of American Public Media)
Water demand of drought tolerant landscaping	Home Wizard and Priceonomics
Water and water meter installations	City of Signal Hill
Sprinkle Installation	Homewyse
Sediment Control Device	Signal Hill Petroleum
Other control measures (silt dike, hydroseeding, hydraulic mulch, gravel mulch, and decomposed gravel)	July 2012 California Stormwater Quality Association's (CASQA) BMP Handbook for Construction

WHAT ABOUT COST?

- Compliance with the VPO is **not limited** to these control measures
- In some cases a parcel may require a combination of control measures
- All costs are based on a **one acre square parcel**, thus larger and/or irregularly shaped parcels will likely have higher costs
- **Costs provided are gross estimates.** Actual costs may vary based on: control measure(s), parcel characteristics, topography, materials, labor and maintenance required, and inspection frequency.

OPTION I: LOW COST, HIGH MAINTENANCE

Gravel Bag and Silt Fence



Alternative Silt Fence



Straw Wattle and Silt Fence



Alternative Straw Wattle



Silt Dike



OPTION I: LOW COST, HIGH MAINTENANCE

Control Method	Installation (one acre parcel)	Maintenance Cost (per year)	Routine Inspection (~ 3 times/year)	Total Cost for 5 Years
Silt Dike (perimeter)	\$4,200 - \$5,400 plus labor	Full replacement every year plus labor (\$4,200 - \$5,400)	\$375	\$22,875 - \$28,875 plus labor
Gravel Bags (perimeter)	\$2,087 - \$3,339.20 plus labor to fill and install bags	\$521.75 - \$834.80	\$375	\$6,567 - \$5,214.20 plus labor
Silt Fence (perimeter)	\$2,087 - \$3,339.20 plus labor	\$521.75 - \$834.80	\$375	\$6,567 - \$5,214.20 plus labor
Straw Wattle (perimeter)	\$2,087 - \$3,339.20 plus labor	\$521.75 - \$834.80	\$375	\$6,567 - \$5,214.20 plus labor

Costs provided are gross estimates. Actual costs may vary based on: control measure(s), parcel characteristics, topography, materials, labor and maintenance required, and inspection frequency.

OPTION 2: MODERATE COST AND MAINTENANCE



<https://s-media-cache-ak0.pinimg.com/736x/d6/71/87/d67187a95100d75bbcd459d6ba75e59e8...front-yard-landscaping-low-maintenance-drought-tolerant-low-maintenance-yards.jpg>



<http://www.aslct.com/wordpress/wp-content/uploads/2014/05/hammocks-hydroseed-full-2.png>

OPTION 2: MODERATE COST AND MAINTENANCE

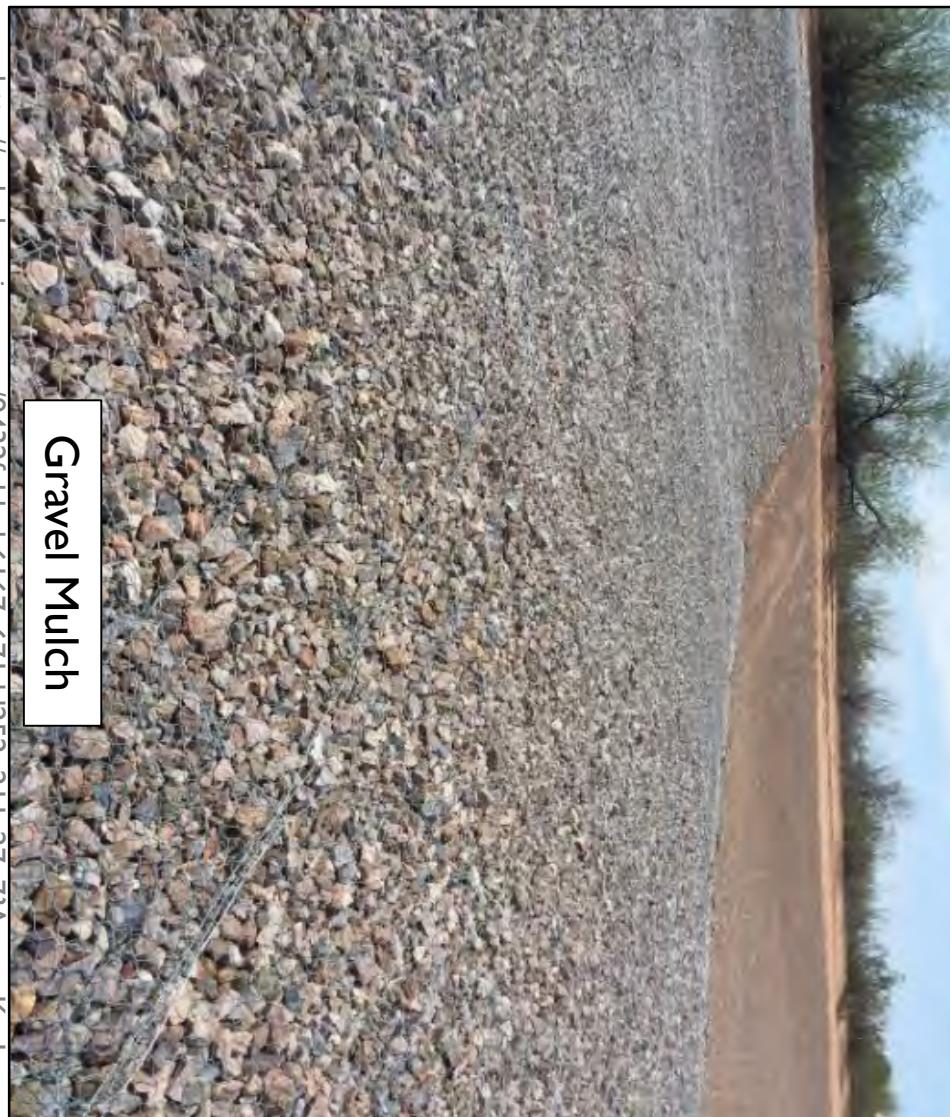
Control Method	Installation (one acre parcel)	Maintenance Cost (per year)	Routine Inspection (~ 2 times/year)	Total Cost for 5 Years
Vegetation (5 foot width around perimeter)	\$40,000 - \$120,000	\$245-\$384 (water)	\$250	\$42,475 - \$123,1700
Hydroseeding (entire parcel - not a standalone control until vegetation is established)	\$29,398 - \$37,872 plus labor	\$245-\$384 (water)	\$250	\$31,873 - \$41,042 plus labor
Hydraulic Mulch (entire parcel)	\$1,938 - \$7,866 plus labor	Full replacement every six months plus labor (\$3,876 - \$15,732)	\$375	\$21,255 - \$158,445 plus labor

Costs provided are gross estimates. Actual costs may vary based on: control measure(s), parcel characteristics, topography, materials, labor and maintenance required, and inspection frequency.

OPTION 3: HIGH COST, LOW MAINTENANCE



Sediment Control Device (Vacant parcel adjacent to Target)



Gravel Mulch

OPTION 3: HIGH COST, LOW MAINTENANCE

Control Method	Installation (one acre parcel)	Maintenance Cost (per year)	Routine Inspection (~ 1 time/year)	Total Cost for 5 Years
Gravel Mulch (must cover entire parcel)	\$48,000 - \$121,000 plus labor	Minimal	\$125	\$48,625+ - \$121,625+ plus labor
Decomposed Granite	\$14,609 (perimeter only) \$152,460 (entire parcel) plus labor	Minimal	\$125	\$15,234+ - \$153,265+ plus labor
Sediment Control Device	\$27,270 - \$83,770 Plus labor	Minimal	\$125	\$27,895+ - \$84,395+

Costs provided are gross estimates. Actual costs may vary based on: control measure(s), parcel characteristics, topography, materials, labor and maintenance required, and inspection frequency.

12.16.120 Inspection and enforcement.

B. Enforcement.

1. Any violation of this chapter is a misdemeanor and shall be punishable by either a fine of up to one thousand dollars or six months in the county jail, or both.
2. Any person who may otherwise be charged with a misdemeanor as a result of a violation of this chapter may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than one hundred dollars for the first violation, two hundred dollars for the second violation, and two hundred fifty dollars for each additional violation thereafter.
3. As a part of any sentence or other penalty imposed or the award of any damage, the court may also order that restitution be paid to the City or any injured person, or, in the case of a violator who is a minor, by the minor's parent or lawfully designated guardian or custodian. Restitution may include the amount of any reward.
4. Any person violating the provisions of this chapter shall reimburse the City for any and all costs incurred by the City in responding to, investigating, assessing, monitoring, treating, cleaning, removing, or remediating any Illicit Discharge or Pollutant from the municipal storm drain system; rectifying any Illicit Connection; or remediating any violation of this chapter.
Such costs to be paid to the City include all administrative expenses and all legal expenses, including costs and attorneys' fees, in obtaining compliance, and in litigation including all costs and attorneys' fees on any appeal. The costs to be recovered in this Section [12.16.120](#) shall be recoverable from any and all persons violating this chapter.
5. In the event any violation of this chapter constitutes an imminent danger to public health, safety, or the environment, the City Manager or Director, or any authorized agent thereof, may enter upon the premises from which the violation emanates, abate the violation and danger created to the public safety or the environment, and restore any premises affected by the alleged violation, without notice to or consent from the owner or occupant of the premises. An imminent danger shall include but is not limited to exigent circumstances created by the Discharge of Pollutants, where such Discharge presents a significant and immediate threat to the public health or safety, or the environment.
6. Violations of this chapter may further be deemed to be a public nuisance which may be abated by administrative or civil or criminal action in accordance with the terms and provisions of this code and state law.
7. All costs and fees incurred by the City as a result of any violation of this chapter which constitute a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Government Code Sections 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Government Code Section 38773.1. The City Attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the premises in accordance with the conditions and requirements of Government Code Section 38773.5.
8. Any person acting in violation of this chapter may also be acting in violation of the Clean Water Act or the California Porter-Cologne Act (California Water Code Section 13000 et seq.) and the regulations thereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The City Attorney is authorized to file a citizen's suit pursuant to the Clean Water Act, seeking penalties, damages and orders compelling compliance and appropriate relief.
9. The City Attorney is authorized to file in a court of competent jurisdiction a civil action seeking an injunction against any violation or threatened or continuing violation of this chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the City for all costs incurred in enforcing this chapter, including costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by or at the expense of the city, and may include all legal expenses and fees and any and all costs incurred relating to the restoration or remediation of the environment.
10. Each separate Discharge in violation of this chapter and each day a violation of this chapter exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

11. Whenever necessary, interagency coordination will be employed to enforce the provisions of this chapter.

12. The City may utilize any and all other remedies as otherwise provided by law.
(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SIGNAL HILL, CALIFORNIA,
RECOMMENDING CITY COUNCIL APPROVAL OF AN
ORDINANCE AMENDING SIGNAL HILL MUNICIPAL CODE
CHAPTER 12.16 EXPANDING THE APPLICABILITY OF
THE EXISTING STORMWATER AND URBAN RUNOFF
POLLUTION CONTROL BY IMPOSING SOIL EROSION
AND SEDIMENT CONTROL MEASURES ON
UNIMPROVED VACANT PARCELS 1.0 ACRE OR MORE IN
SIZE AS MANDATED BY THE CITY'S WATER
MANAGEMENT PLANS**

WHEREAS, the Federal Clean Water Act (33 United States Code [USC] sections 1251 et seq.) authorizes the U.S. Environmental Protection Agency (USEPA) and/or approved states to administer the National Pollution Discharge Elimination System (NPDES) program in order to regulate the discharge of materials that affect water quality of surface waters of the United States; and

WHEREAS, in California, the State Water Resources Control Board and nine Regional Water Quality Control Boards implement many of the Clean Water Act's provisions. The USEPA and the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) have classified the Greater Los Angeles County MS4 as a large municipal separate storm sewer system (MS4) pursuant to 40 CFR section 122.26(b)(4) and a major facility pursuant to 40 CFR section 122.2. The City is a Permittee under Regional Water Board Order No. R4-2012-0175, adopted on November 08, 2012 which establishes Waste Discharge Requirements for MS4 discharges within the Coastal Watersheds of Los Angeles County; and

WHEREAS, the Regional Water Board has adopted Total Maximum Daily Loads (TMDLs) for pollutants which are numerical limits that must be achieved effectively through Best Management Practices defined within the Watershed Management Programs approved on April 28, 2015; and the Regional Water Board mandated implementation of the efforts to improve stormwater pollution conditions by achieving the

numerical limits for pollutants that are on the Clean Water Act 303(d) list and of which a TMDL has been developed; and

WHEREAS, the City, in order to comply with Regional Water Board Order No. R4-2012-0175, submitted two Watershed Management Programs (Lower Los Angeles River and Los Cerritos Channel); and

WHEREAS, the approved Watershed Management Programs include a commitment to develop an ordinance that attempts to reduce the amount of pollutants carried by soil and sediment; and

WHEREAS, the City is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations; and

WHEREAS, the City has the authority under the Regional Water Board Order No. R4-2012-0175 to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity that might degrade surface waters of the State; and

WHEREAS, the highest priority pollutants identified in the Watershed Management Programs include metals, and a significant source of metals is soil and sediment; and

WHEREAS, unimproved vacant parcels are a source of soil and sediment loss due to wind and rain erosion, and human activity; and

WHEREAS, on July 27, 2017, notices of the community meeting with affected property owners were mailed out; and

WHEREAS, on August 4, 2017, a notice of a Planning Commission public hearing regarding the ordinance was mailed to all affected property owners, published in

the Signal Tribune newspaper per Gov't Code §65091(a)(4), and posted in accordance with Signal Hill Municipal Code Section 1.08.010; and

WHEREAS, on August 7, 2017, a community meeting was held at City Hall to introduce the upcoming ordinance to the affected property owners prior to the public hearing process and 11 individuals were in attendance; and

WHEREAS, this project is exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 Class 8, Actions by Regulatory Agencies for Protection of the Environment of the California Environmental Quality Act.

WHEREAS, on August 15, 2017, the Planning Commission held a public hearing and all persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered all comments received and responses thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Signal Hill, California, has reviewed the Vacant Parcel Ordinance and found it to be in the best interest of the community for its health, safety and general welfare in that it is consistent with the following Goals and Policies of the Signal Hill General Plan:

LAND USE GOAL 3 – Assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Land Use Element Policy 3.20 “Minimize to the extent practicable, the amount of storm water directed to impermeable areas and to the municipal separate storm water system. Build storm water pollution prevention systems into all development projects including maximizing landscaped area and providing areas for storm water storage and sedimentation.”

Findings – As a hilltop city, Signal Hill is susceptible to soil erosion. Within the City, vacant parcels are at high risk. During a rain event, sediment acts as a vehicle for pollutants (such as metals, nutrients,

pesticides, and bacteria) to adhere to soil particles. The impacts of erosion of vacant lands include degradation of ecosystems and pollution of receiving waters. However, effective sediment control can be achieved by minimizing the amount of sediment exposed to stormwater which, in turn, reduces the transport of pollutants to receiving waters.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Signal Hill, California, does hereby recommend that the City Council approve the Vacant Parcel Ordinance as follows:

Section 1. That Section 12.16.010 DEFINITIONS of the Signal Hill Municipal Code be amended to add letters YYY, ZZZ, AAAA, BBBB, CCCC, DDDD, EEEE, FFFF, and GGGG to read as follows:

Section 12.16.010

DEFINITIONS

YYY. “Contiguous Vacant Parcel” shall mean an undeveloped area of land consisting of two or more adjoining parcels or units of land with the same ownership, and sharing some common boundary line or point. Parcels shall not be deemed contiguous parcels if their common boundary line or point lies within a public road, street, alley, railroad right-of-way, or other feature deemed to be similar by the Director of Planning and Community Development. For purposes of this ordinance, the contiguous parcels shall collectively be considered a single unimproved vacant parcel.

ZZZ. “Erosion” shall mean the wearing away of land by action of wind, water, ice, gravity, or a combination thereof.

AAAA. “Parcel” shall mean a contiguous quantity of land, in the possession of, owned by, or recorded as the property of the same claimant of person.

BBBB. “Partially Vacant Parcel” shall mean a parcel with a permitted structure, but whose unimproved portion totals 1.0 acre or more in size. The 1.0 acre or more unimproved portion would qualify the entire parcel under the ordinance for purposes of this section.

CCCC. “Regional Stormwater Treatment System” shall mean a treatment system designed to remove sediment and pollutants from stormwater from two or more parcels.

DDDD. "Sediment" shall mean material which may be soil or organic that is displaced from the point of origin by wind, water, gravity or human activities and deposited elsewhere.

EEEE. "Soil Erosion" shall mean the wearing away of soil particles by wind, water, and gravity, or a combination thereof.

FFFF. "Soil Erosion and Sediment Control Measures" shall mean control measures which are installed or constructed to control soil erosion and sedimentation and which are maintained indefinitely.

GGGG. "Vacant Parcel" shall mean an unimproved parcel without a permitted structure or other associated permanent improvements such as approved paved parking lots and associated landscaping. Oil and gas wells, Auto Center freeway signs, temporary storage sheds, modular buildings, and oil field related equipment are not considered structures for purposes of this section.

Section 2. That Section 12.16.119 of the Signal Hill Municipal Code, entitled "Sediment discharge reduction for unimproved vacant parcels" be added to read as follows:

- A. Guidance Manual. The director shall prepare a guidance manual to advise the property owner how to bring the unimproved vacant parcel into compliance. The guidance manual shall be available to the property owner and tenants at City Hall and posted on the City's website. The Guidance Manual is simply a resource to provide information and direction. Property owners have the option to submit an alternative compliance plan, which must be approved by the City.
- B. Notice. The affected property owners will be notified that their property qualifies under the Vacant Parcel Ordinance. The notice shall include the City's Guidance Manual. Furthermore, the notice shall state their obligations, as responsible property owners, to submit a compliance plan, construct the improvements (once approved by the City), and maintain their property in a condition consistent with the approved compliance plan. All actions must be completed by the established deadlines.
- C. Compliance Plan
 1. For unimproved vacant parcels or partially vacant parcels that are equal to 43,560 square-feet (one acre) or greater, the property owner shall submit a compliance plan following the guidance manual for approval.
 - a. All contiguous unimproved vacant parcels with the same owner totaling 43,560 square-feet (one acre) or greater will be considered one unimproved vacant parcel.
 - b. Exemption. The director, at his or her sole discretion, may exempt an unimproved vacant parcel from the requirements of this section upon demonstration of:

- i. Adequately sized and maintained regional stormwater treatment system located downstream and which receives runoff from the parcel being exempted. Contiguous unimproved vacant parcels totaling one acre or more shall not be subject to this exemption.
- ii. The parcel is subject to a Conditional use Permit (CuP), Compliance Plan (CP), and/or a Construction General Permit (CGP).
- iii. The parcel has been improved in a manner which permanent soil erosion and sediment control measures are no longer required by this section.

2. The property owner must submit compliance plans for review and approval by the City stormwater consultant. Compliance plans must meet the intent of the guidance manual. Compliance plans must also include a maintenance section detailing procedures to ensure permanent soil erosion and sediment control measures are in proper working condition indefinitely. The guidance manual contains procedures for proper maintenance of various types of permanent soil erosion and sediment control measures. The director may waive some or all requirements of this section upon adequate documentation of technical, topographical, soil or economic factors that could limit the ability of the property owner to install permanent soil erosion and sediment control measures.

D. Time Frame for Compliance. Regardless of whether the compliance plan is approved or disapproved by the director, the property owner shall bring the parcel into compliance by taking the action provided for in the compliance plan, no later than one hundred eighty (180) days from the date of the original mailing or posting, unless additional time is granted by the director. Any request for additional time shall be made in writing, shall include agreement to comply with the requirements of this section, shall provide justification for the request, shall state an estimated completion date and shall be signed by the property owner(s).

E. Maintenance, Inspections, and Corrections.

- 1. The property owner shall conduct proper maintenance of permanent soil erosion and sediment control measures as defined in the compliance plan and guidance manual. Additionally the property owner shall not create a nuisance as defined in Section 8.12.
- 2. The director shall conduct annual or as necessary inspections of the parcels subject to this section to ensure proper installation and maintenance of the permanent soil erosion and sediment control measures in the approved plans.
- 3. Adequate maintenance of permanent soil erosion and sediment control measures identified in the compliance plan shall be determined by the director following inspections. Unimproved vacant parcels will be determined to be in compliance with this section by inspection of permanent soil erosion and sediment control measures which must be maintained to the standards described in the compliance plan and guidance manual.
- 4. If the unimproved vacant parcel is not in compliance, property owners will be notified in writing that corrective actions are required. The property owner shall be responsible for addressing corrective actions and maintaining permanent soils erosion and sediment control measures and ensure compliance with the provisions of this section.

5. If, subsequent to such notification of corrective actions, the director determines that any unimproved vacant parcel has become non-compliant with this section, improperly operated and maintained, or that the use of the parcel has changed significantly, the director may require a new compliance plan, which shall require the property owner to complete repairs and/or maintenance of damaged or deteriorated permanent soil erosion and sediment control measures.

F. **Penalties**

1. Any property owner failing to submit a compliance plan as required by this chapter shall be considered in violation and is subject to enforcement pursuant to SHMC Section 12.16.120(B).
2. Any property owner failing to construct the improvements contained on an approved compliance plan within the required period shall be considered in violation and is subject to enforcement pursuant to SHMC Section 12.16.120(B).
3. Any property owner failing to maintain both their property and site improvements in a condition consistent with an approved compliance plan, or in a condition that is otherwise in violation of any section of this chapter, shall be considered in violation and is subject to enforcement pursuant to SHMC Section 12.16.120(B).

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission on this 15th day of August, 2017.

ROSE RICHÁRD
CHAIR

ATTEST:

SCOTT CHARNEY
COMMISSION SECRETARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, SCOTT CHARNEY, Secretary of the Planning Commission of the City of Signal Hill, California, do hereby certify that Resolution No. _____ was adopted by the Planning Commission of the City of Signal Hill, California, at a regular meeting held on the 15th day of August, 2017, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: NONE

SCOTT CHARNEY
COMMISSION SECRETARY
CITY OF SIGNAL HILL

August

6a.



The 19th Amendment was ratified in August, 1920.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: MINUTES

Summary:

Attached for your review and approval are the minutes of last month's regular meeting.

Recommendation:

Approve.

**A REGULAR MEETING OF THE CITY OF SIGNAL HILL
PLANNING COMMISSION**
July 18, 2017
7:00 P.M.

CALL TO ORDER

Chair Richárd called the meeting to order at 7:00 p.m.

ROLL CALL

The Commission Secretary conducted roll call.

Present: Chair Rose Richárd
 Vice Chair Victor Parker
 Commissioner Carmen Brooks
 Commissioner Jane Fallon
 Commissioner Chris Wilson

Staff present:

- 1) Community Development Director Scott Charney
- 2) Senior Planner Colleen Doan
- 3) Assistant Planner Ryan Agbayani
- 4) Assistant City Attorney Elena Gerli
- 5) Senior Engineering Technician Anthony Caraveo

In addition, there were 14 people in attendance.

PLEDGE OF ALLEGIANCE

Chair Richárd led the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

PRESENTATION

The Planning Commission presented a Beautification Award to Julie Javier, for Courtyard Care Center, the property owner of 1880 Dawson Avenue.

Julie Javier accepted the Beautification Award on behalf of Courtyard Care Center. She expressed her gratitude to the City for the recognition. Lastly, she introduced the two individuals who will be taking over her duties upon her retirement, Miguel Navarrete and Brent Jesse.

PUBLIC HEARING

- a. Public Hearing – 3347 Brayton Avenue Second Request for a Construction Time Limit Extension

Community Development Director Scott Charney read the form of notice and Senior Planner Colleen Doan gave the staff report.

The homeowner, Reginald McNulty, came to the podium to introduce himself and make himself available for any questions.

The Commission asked him questions regarding where the remaining work is located, if he has the supplies/materials, if 200 days is sufficient time, and if he can hire others to help him if the extension draws near.

Mr. McNulty confirmed that he was confident that he will finish the work within 200 days. Furthermore, he stated that the rainy season undermined his anticipated timeline and that the supplies can be obtained in a timely manner. The only work remaining is within the interior of the residence.

There being no further public testimony, Chair Richárd asked for a motion to continue the public hearing.

It was moved by Commissioner Brooks and seconded by Commissioner Fallon to continue the hearing to a future Planning Commission meeting, so that staff has time to re-notice the affected neighbors regarding the request for the 200-day extension.

The following vote resulted:

AYES:CHAIR RICHÁRD; VICE CHAIR PARKER; COMMISSIONERS BROOKS, FALLON AND WILSON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Motion carried 5/0.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS

- a. Director's Report – Crescent Square Revised Model Home Parking Plan

Senior Planner Colleen Doan gave the staff report.

Jorge Alvarez introduced himself and requested that the Commission approve the revised model home parking plan.

The Commission asked if there was an anticipated date of completion.

Mr. Alvarez noted that they are waiting on resolution of an issue with the Bureau of Real Estate.

Chair Richárd called for a voice vote to approve the revised parking plan. The Commission voted 5/0 to approve.

b. Director's Report – Green Building Policy and Solar Upgrades

Senior Planner Colleen Doan gave the staff report.

Ara Krikorian of Solar Optimum introduced himself and deferred his time to questions. There were no questions.

Chair Richárd called for a voice vote to receive and file the report. The Commission voted 5/0 to approve.

c. Director's Report – Vacant Parcel Ordinance

Community Development Director Scott Charney and Assistant Planner Ryan Agbayani gave the staff report.

Commissioner Wilson asked for the ratio of vacant parcels along the earthquake fault.

Commissioner Parker asked if the 180-day compliance period was mandated by law.

Director Charney clarified the reasoning behind the 180-day time period, emphasizing that the devices would need to be installed by the 2018 rainy season.

Commissioner Brooks then requested that Staff update the map to show street designations and addresses of the vacant parcels.

Commissioner Parker asked what the alternative choices were if the property owner did not want to go by the manual.

Staff clarified to the Commission that John L Hunter & Associates will review the compliance plans and ultimately inspect the devices. The manual is provided as a tool for them to use; however, they are not bound to the devices outlined in the manual. They have the option to submit a compliance plan with an alternative method. During the compliance plan review process, the stormwater consultant

will determine if the alternative proposal meets or exceeds the standard outlined in the manual.

Chair Richárd called for a voice vote to schedule the item for public hearing. The Commission voted 5/0 to approve.

d. Director's Report – Study Session on Site Plan and Design Review (SPDR)

Senior Planner Colleen Doan and Assistant Planner Ryan Agbayani gave the staff report.

Staff led the Commissioners in an interactive exercise to explore their opinions on photos showing a variety of housing design options.

Chair Richárd called for a voice vote to receive and file the report. The Commission voted 5/0 to approve.

e. Director's Report – Planning Commission Business Cards

Community Development Director Scott Charney gave the staff report.

Commissioner Wilson asked how many business cards they would receive.

Staff responded that they would receive 500 business cards each.

Chair Richárd called for a voice vote to receive and file the report. The Commission voted 5/0 to approve.

CONSENT CALENDAR

It was moved by Commissioner Parker and seconded by Commissioner Wilson to receive and file the Consent Calendar.

The motion carried 5/0.

COMMISSION NEW BUSINESS

Chair Richárd brought up weeds near the intersection of 19th Street and Temple Avenue (near the Courtyard Project).

Staff confirmed that they are aware of the weeds and that the property owner has been instructed to take action.

Commissioner Wilson asked if there were height regulations for weeds that are overgrown.

Staff reiterated that our Code Enforcement policy is “reactive” versus “proactive.” Staff is aware of properties that need maintenance, but only take action once a complaint has been received.

Commissioner Brooks suggested that we have an FAQ section on the City website for reporting weeds.

ADJOURNMENT

It was moved by Commissioner Fallon and seconded by Commissioner Parker to adjourn to the next regular meeting of the Planning Commission to be held on Tuesday, August 15, 2017, at 7:00 p.m., in the Council Chamber of City Hall, 2175 Cherry Avenue, Signal Hill, CA, 90755.

The motion carried 5/0.

Chair Richárd adjourned the meeting at 8:43 p.m.

August
6b.



The 19th Amendment was ratified in August, 1920.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: CITY COUNCIL FOLLOW-UP

Summary:

Below for your review is a brief summary of the City Council's actions from the last two Council meetings.

Recommendation:

Receive and file.

Background and Analysis:

1) At the August 8, 2017 City Council Meeting:

- Mayor Wilson presented proclamations to outgoing Planning Commissioners Devon Austin, Tom Benson and Shannon Murphy, and outgoing Parks and Recreation Commissioner Louise Cunningham.
- Representatives from Richard Fisher Associates (RFA) presented their findings from the citywide Community Recreation Needs Assessment. This Needs Assessment will be used to create a Parks and Recreation Master Plan, which will result in an update to the Environment Element of the General Plan.
- The City Council authorized staff to purchase, among other vehicles, one 2017 Toyota Rav4 Hybrid for the use of the City's Building Inspector.
- City Manager Charlie Honeycutt presented an overview of a proposed initiative petition entitled "An Initiative Measure to Allow Medical Marijuana Dispensaries, Cultivation, Manufacturing, Laboratory Facilities, and Deliveries in the City of Signal Hill, Including a Medical Marijuana Dispensary Exclusively for Household Pets." (Attachment A)



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

August 8, 2017

AGENDA ITEM

**TO: HONORABLE MAYOR
AND MEMBERS OF THE CITY COUNCIL**

**FROM: CHARLIE HONEYCUTT
CITY MANAGER**

SUBJECT: MEDICAL MARIJUANA INITIATIVE PETITION

Summary:

Proponent, David Rice, submitted an initiative petition entitled "An Initiative Measure to Allow Medical Marijuana Dispensaries, Cultivation, Manufacturing, Laboratory Facilities, and Deliveries in the City of Signal Hill, Including a Medical Marijuana Dispensary Exclusively for Household Pets." Staff will present an overview of the proposed initiative.

Recommendation:

Receive and file.

Fiscal Impact:

The estimated cost to conduct a special election on the proposed medical marijuana initiative is \$60,000 which would be funded out of the City's General Fund. The proponent is not responsible for election costs.

Strategic Plan Objective:

Goal No. 6: Promote a transparent and open government.

Attachment A
Attachments to staff report
not included

Background:

In 1996, California voters approved Proposition 215, which made it legal under State law for individuals of any age to cultivate and possess marijuana in California for medical purposes only, specifically with a recommendation from a licensed physician. In 2003, the Legislature authorized the formation of medical marijuana cooperatives, which are nonprofit organizations of medical marijuana users that cultivate and distribute marijuana to their members through outlets known as dispensaries. State law also gave cities and counties the discretion to regulate the location and operation of such facilities.

On May 3, 2011, the City Council adopted Zoning Ordinance Amendment 11-02 by unanimous vote that defines 'medical marijuana dispensary' and prohibits the use in all commercial and industrial zoning districts in the City, including commercial and industrial specific plan areas and as a home occupation.

On October 9, 2015, Governor Brown signed the Medical Marijuana Regulation and Safety Act. The law consisted of three bills collectively referred to as the "MMRSA". The law allowed local agencies to maintain local control over land use decisions and does not require local agencies to allow dispensaries, cultivation operations, or delivery services. Additionally, under provisions of the MMRSA, deliveries of medical marijuana would be allowed by State licensed medical marijuana dispensaries in all jurisdictions, except in jurisdictions that explicitly prohibit such deliveries.

After holding Planning Commission and City Council public hearings, on January 26, 2016, the City Council adopted ordinances prohibiting medical marijuana cultivation in all commercial and industrial zoning districts including specific plan areas and as a home occupation. The ordinances also revised the definition of medical marijuana dispensary to include mobile delivery services and prohibited mobile medical marijuana dispensaries and delivery services citywide.

Since the City's actions prohibiting the distribution, cultivation, and delivery of medical marijuana, there have been three attempts by outside groups to get Signal Hill voters to overturn the medical marijuana prohibition by changing the Signal Hill Municipal Code and one attempt to establish a tax on medical marijuana. All four efforts were unsuccessful. The proponents seeking to change the Municipal Code were unable to collect enough signatures to qualify their ballot measures. The tax measure was Measure F, which was defeated by a wide margin during the March 2017 General Municipal election.

Analysis:

On May 30, 2017, proponent David Rice filed a Notice of Intent to Circulate Petition to repeal Signal Hill Municipal Codes related to the moratorium on explicitly disallowing both facilities and delivery services that would make marijuana accessible to Signal Hill residents who have been approved for medical cannabis. Mr. Rice became a registered voter in Signal Hill on June 6, 2017, approximately one week after filing the Notice of

Intent. Signal Hill voters are now being presented a fifth effort to qualify a ballot initiative to change the Municipal Code to allow medical marijuana related operations in Signal Hill. The initiative (Attachment "A") is entitled:

An Initiative Measure to Allow Medical Marijuana Dispensaries, Cultivation, Manufacturing, Laboratory Facilities, and Deliveries in the City of Signal Hill, Including a Medical Marijuana Dispensary Exclusively for Household Pets

The initiative Ballot Title and Summary prepared by the City Attorney's Office is included with this report (Attachment "B"). A summary of the major provisions of the initiative is shown below:

- This initiative measure seeks to rescind the City of Signal Hill's prohibition of medical marijuana dispensaries, which was enacted in 2011 after a two-year moratorium adopted in 2009.
- The initiative seeks to rescind the City's prohibitions on marijuana cultivation and deliveries adopted in 2016. The measure would allow facilities that dispense, cultivate, manufacture, and/or deliver medical marijuana, including medical marijuana laboratories ("Medical Marijuana Facilities") to operate in any zoning district in the City except residential zones.
- The measure allows up to three medical marijuana dispensaries within City limits. There is no limit on the number of cultivation, manufacturing, delivery, or laboratory facilities.
- The measure allows one pet-only marijuana dispensary (in addition to the three medical marijuana dispensaries) which "will sell cannabis infused pet-only products that are designed solely for the medical treatment of specific medical conditions in household pets".
- No Medical Marijuana Facility would be allowed to operate without first obtaining a City permit. A State license is also required once the State begins issuing licenses. Applications for City permits must be submitted to "the Signal Hill Safe Access", which shall review them for completeness and send complete applications to the City Manager, who shall approve applications within five days of confirming their completeness.
- A "Marijuana Task Force", which the initiative does not establish or define, has the sole authority to determine whether a Medical Marijuana Facility has committed a violation of the facility operating rules in the initiative. Five violations within two years are required before a City permit can be revoked, or a violation of any State medical marijuana law.

- No Medical Marijuana Facility would be allowed within 1,000 feet of a public or private school, nor within 600 feet of a public park or public library. Dispensaries and delivery facilities would not be allowed within 500 feet of any other dispensary or delivery facility. Hours of operation are everyday between 8 a.m. and 10 p.m.
- An odor-absorbing ventilation system and security system are required, along with security guards during operating hours. Medical marijuana products would be tested for harmful pesticides and other contaminants. The measure prohibits felons from owning, managing, or serving as employees of Medical Marijuana Facilities. Persons under 18 years of age are not permitted on the premises. Sale of alcohol is prohibited.
- Marijuana cultivation and manufacturing facilities may operate only indoors. Deliveries are permitted only before 9 p.m. and only to the residences of qualified patients or primary caregivers. Deliveries may originate only from locations within City limits.
- Dispensary and delivery facilities would pay an 8% tax on gross receipts. Cultivation facilities would pay a tax of \$10 per square foot of cultivation area. The minimum annual tax on all Medical Marijuana Facilities would be \$1000. No financial analysis has been performed to determine the amount of revenue projected for these uses or of auditing or enforcement costs.

No financial analysis has been performed by the proponent to estimate potential revenues that may be generated from the fees and taxes on medical marijuana operations or whether the revenue will cover the costs to the City to administer and enforce the provisions of the initiative, including any costs related to public safety.

In order to qualify the initiative for the City's next general municipal election scheduled for March 5, 2019, the proponent must obtain signatures of at least 10 percent (690) of the voters of the City according to the last report of registration by the County Elections Official to the Secretary of State. If valid signatures of 15% (1,035) of voters are obtained, the City Council must adopt the measure or call a special election to occur no more than 103 days later. The proponents have until December 11, 2017 to collect signatures. Staff estimates a special election will cost \$60,000, which must be funded by the City. The proponent is not responsible for election costs.

Attachments

August

6c.



The 19th Amendment was ratified in August, 1920.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: DEVELOPMENT STATUS REPORT

Summary:

Attached for your review is the monthly Development Status Report which highlights current projects.

Recommendation:

Receive and file.

City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017

Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.	Status
2351 Walnut Avenue	Proposal for a new warehouse (7,974 sf) and office building (first floor: 1,374 sf) (second floor: 635 sf) with associated landscaping, trash enclosure, and parking lot	Administrative Review Admin Review <input checked="" type="checkbox"/> WELO req.	Required	N/A	N/A	Required						<ul style="list-style-type: none"> Revised preliminary plans submitted for planning review; well discovery completed and survey document received Agent submitted plans for preliminary review (7/17). Planning review comments emailed to agent on (7/11/17). Met with agent on (7/14/17) at public counter to go over design recommendations
2200 E. Willow St.	Amendment to CUP 13-01 to extend the gas station hours of operation from 5 am to 10 pm seven days a week.	Amendment to CUP N/A <input type="checkbox"/> WELO req.	7/15/15	Required								<ul style="list-style-type: none"> Community meeting held (2/15). Planning Commission public hearing on 7/14/15. A permanent plan to address on-site circulation issues is pending (3/17).
SHP Inc.	Applicant: Wholesale Applicant: Costco	Administrator Review <input type="checkbox"/> WELO req.	N/A			N/A						<ul style="list-style-type: none"> Methane leak tests approved. Three Well Abandonment Reports (WARS) approved. Development plans are on hold (6/16).
3201 California Ave.	Abandoned well leak testing and WAR review.	Administrator Review <input type="checkbox"/> WELO req.	N/A			N/A						<ul style="list-style-type: none"> CTD/JH

City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017

Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			Status
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.	
2370 Walnut Avenue	Remodel for office and auto body repair facility.	Admin. SPDR and Lot Merger										• Planning review is approved. Lot merger and plan check are pending (8/17)
Applicant: Beetley Center	Beetley Auto											CTD
2499 PCH	Remodel of commercial laundry.	Admin. SPDR										• Planning and public works review 1 st comments have been provided to the applicant. • Public improvements bond and lot merger are pending. • Applicant has indicated they would like to pursue a CUP amendment to extend hours of operation (8/17).
												CTD
1501 E. 28 th Street	Site paving and LID BMPs for a mobile fueling facility.	Admin. SPDR										• Planning, LID and preliminary grading review is pending (8/17).
												CTD/AC
Applicant: Chuck Bleumel												
2020 Walnut Avenue	Preliminary review of a 110,300 SF industrial park.	ZOA, Parcel Map SPDR										• Preliminary review 1 st comments have been provided to applicant and submittal is pending (8/17)
												CTD
Applicant: Xebec												

City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017

Commercial-Industrial

Address	Project Description	Application	REVIEW		SPDR/CUP		CTL					
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.	Status
2953 Obispo Ave.	A request to allow indoor soccer as a conditionally permitted use in the City.	ZOA CUP <input type="checkbox"/> WELO req.	N/A	Required	Required							<ul style="list-style-type: none"> Deposit submitted to begin coordination of workshops w/HOAs (7/14). Applicant requested to temporarily postpone request (12/14). Applicant submitted ZOA application to allow the indoor soccer use and a CUP to operate at the subject location. A workshop was conducted at the May PC mtg. Staff has conducted two evening site inspections and will schedule neighborhood and Commission visits, research parking standards, and prepare for a second neighborhood meeting in preparation of a zoning ordinance amendment and CUP for the use (8/17).
Futsal Indoor Soccer	Applicant: Mike Biddle											CTD

City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017

Commercial-Industrial

Address	Project Description	Application	REVIEW		SPDR/CUP		CTL			
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	Status
1136 Willow St.	Application for a ZOA to allow brewing and tasting rooms w/allowance for food trucks in industrial zones.	ZOA 16-04 CUP 16-02 <input type="checkbox"/> WELO req.	N/A	6/21/16	7/12/16	Building Permit Issued: 11/28/16	5/22/18			<ul style="list-style-type: none"> Planning workshop held 5/17/16 to discuss the ZOA and CUP. City Council approved on 7/12/16, and the ordinance became effective on 8/25/16. Building permit issued on 11/28/16. Underground plumbing complete, awaiting delivery of equipment for installation (4/17). Equipment arrived. Plumbing installation completed and inspected. (6/17) Anticipated opening to the public in mid-September 2017 (8/17).
Micro-brewery ZOA/CUP	Applicant: Sundstrom Daniel	CUP 16-03 <input type="checkbox"/> WELO req.	N/A	11/15/16	12/13/16					CTD/JH
2750 Rose Avenue	Application for a CUP to allow vehicle body repair and painting as an Auto Center accessory use.	CUP 16-03 <input type="checkbox"/> WELO req.	N/A	11/15/16	12/13/16					<ul style="list-style-type: none"> Planning recommended approval on 11/15/16. City Council approved on 12/13/16. Outdoor storage was removed. The draft parking covenant was submitted for review by legal counsel (6/17).
Collision and auto repair CUP	Accessory Dealership: Mercedes Benz Applicant: Class Auto Center Inc.									CTD

City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017

Commercial-Industrial

Address	Project Description	Application	REVIEW			SPDR/CUP			CTL			
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.	Status
999 Willow Avenue	Remodel of commercial bldg.	Admin SPDR										• Planning comments have been circulated to applicant and reviewed at a mtg. w/ Planning and Public Works and revisions are pending (8/17).
	Applicant: Construction LLC	2H										• Review have been circulated to applicant and reviewed at a mtg. w/ Planning and Public Works and revisions are pending (8/17).
2501 Cherry Avenue 701 E. 28 th Street	Request to install solar panels over parking areas and on roof tops of existing commercial buildings.	Admin SPDR	7/3/17	N/A	N/A							• Admin. Plan check pending (7/17).
	Applicant: Orion Systems Inc.											CTD/JH

**City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017**

Commercial-Industrial

Business Licenses and Permit Summary

- Planning Department staff reviewed and approved 6 business licenses.
- Building Department staff issued 19 permits including 2 residential solar permits. The valuation of the projects is approximately \$161,000 with permit revenues at \$2,750.

Training/Tours/Events

- The SCC summer concerts booth will feature recycling, water conservation and sustainability information and activities. The first concert is July 12, 2017.
- Crescent Square model homes are open and a tour of the homes with City Council and staff was conducted on July 5, 2017.

Ongoing / Upcoming Projects

- Vacant Parcel Ordinance (scheduled for Sept. CC).
- Mother's Market (scheduled for Sept. CC)
- Oil Well Inspections.
- Density Bonus Ordinance Amendment.

- The City Attorney, City Manager, and city staff continue to meet with SHP regarding a master development agreement for future projects citywide.

**City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017**

Auto Center Vehicle Storage/Auction

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	Term I		Term II		<u>Status</u>
			<u>Term</u>	<u>Submit Permanent Improvement Plan</u>	<u>Review/Approve Permanent Improvement Plan</u>	<u>Extension</u>	
1250 28 th Street	Auto Center Vehicle Storage Yard	Permanent Improvement Terms	Expires 8/12/19	Tentatively 4/2017	PC Review of permanent improvements plan is on hold.	Optional year	<ul style="list-style-type: none"> Deposit payment was paid (8/16). Business license was issued (8/16). Compliance Plan approved w/ final edits (9/16). Non-oil field related storage removal is still pending and staff have inquired about the removal time frame (4/17). Following the recent rainfall, a plan to improve stormwater BMP's was developed and installation of improvements is pending (5/17). Storage removal is pending per the Compliance Plan. SHP has indicated that they will likely not be extending the lease for the property beyond the current 3 year term. Therefore they will not be preparing a permanent improvement plan. Unrelated on-site storage removal is ongoing (8/17).
1241 Burnett Street	Dealers Choice Auction.	Auto	Permanent improvements pending				<ul style="list-style-type: none"> Relocated Mercedes Benz auto auction site from auto center at Mercedes to subject location. Permanent improvement plans pending (8/17). <p>CTD</p>

**City of Signal Hill
Community Development Department
Development Status Report
August 15, 2017**

Auto Center Dealership Improvements

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW		SPDR/CUP		CTL		<u>Status</u>
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	
1500 E Spring Street	Honda Revision:	Expansion SPDR 17-02	N/A	3/22/17	N/A				<ul style="list-style-type: none"> Application for a SPDR received on 2/7/17. The previous 2/21/17 approval was rescinded. PC approved a new application with revised plans on 3/22/17. Applicant submitted plans for building plan check on 4/4/17. Both Building and Planning plan checks were completed on 5/9/17. The applicant submitted a modified exterior lighting plan (rectangular fixtures) on 4/20/17 and went to public hearing on 5/16/17. Planning Commission upheld existing standard of rounded light fixtures and denied the Honda's proposed rectangular fixtures. Plans for temporary trailers submitted and approved Project is currently under construction

Applicant: Goree Architects
for Long Beach Honda

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Auto Center Dealership Improvements

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	<u>REVIEW</u>		<u>SPDR/CUP</u>			<u>CTL</u>			<u>Status</u>
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	
1400 Spring St. City of SH Successor Agency	In preparation for a new Mazda dealership. Applicant: City Successor Agency and Glenn E. Thomas	SPDR pending <input type="checkbox"/> WELO req.									<ul style="list-style-type: none"> Methane leak tests completed and approved. Two WARs have been submitted and approved. DDA and Neg. Dec were approved, by Council on 6/13/17. EM

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Wireless Communication Facilities

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.	
2411 Skyline Dr.	A request to add 2 new Tower Dishes and 3 Antennas, to the Cell Tower as allowed by CUP 99-05 (Cal. Internet).	<p>Administrative to add equipment under CUP 99-05</p> <p>A request to add structural modifications was reviewed by City consultants and approval is pending payment of the developer deposit and an estimate of the structural to equipment capacity for the CUP allowed additions (Crown Castle).</p> <p>A request to add 10 Micro Wave dishes is incomplete pending an updated equipment audit and compliance with the Master Operating Agreement (MOA) with Long Beach.</p>	✓	N/A	N/A	Building permit issued 2/5/16						<ul style="list-style-type: none"> Updated equipment/tenant audit was received. Plans approved for Cal Internet equipment as allowed under the CUP. A request to add tower shoring was approved (1/16). Building permit issued for additional equipment on 2/5/16 and structural modification on 2/25/16. Structural work is complete, fence and gate have been painted and landscape repairs. Due to removal of Long Beach tower property fence, site is accessible to the public. A letter was sent to Crown Castle and a site visit with Crown Castle was conducted on 9/14/16. A gate has been installed to secure the area. (9/16). Revised plans for Telepacific equipment approved and bldg. permits issued (6/17).

Applicant:
Crown Castle

CTD/JH

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Wireless Communication Facilities

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL		
			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.
1855 Coronado rooftop facility	Six 6' high panel, 9 RRUS antennas, new hybrid cables and larger screen boxes screen the equipment	Administrative to modify CUP 08-03 Applicant: Core Dev.	✓	N/A	N/A						
2525 Cherry Avenue	Removing and replacing the 3 existing antennas	Administrative to modify CUP 02-01	✓	N/A	N/A						
2201 Orange Avenue	Remove 3 existing antennas and replace them with 3 antennas which are the same size and shape Applicant: Crown Castle for T-Mobile	Administrative to modify 07-04	✓	N/A	N/A						

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Residential

Address	Project Description	Application	REVIEW			SPDR			CTL			Status
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2518 Willow St.	New front entry electronic gate w/stone pilasters, update guard shack	Administrative Review <input checked="" type="checkbox"/> WELO req.	✓	N/A	N/A	Building Permit Issued 6/2/16						<ul style="list-style-type: none"> • Building 6/2/16. • Retaining wall was not constructed per plans. • Contractor was ordered to reconstruct 3 times (9/16). • Guard shack framing completed (10/16). • Work is progressing slowly for the new front entry gate (5/17). • Front gate installed and inspected. • Landscaping being installed (8/17).
2016 E. 19 th St	441 sf addition for a new bedroom, new bathroom and new detached 2-car garage to an existing single-family dwelling	Administrative Review <input checked="" type="checkbox"/> WELO req.	✓	N/A	N/A	Building Permit Issued: 11/21/16	11/21/17					<ul style="list-style-type: none"> • Building (12/16). • Building permit issued 11/21/16. • Foundation and framing complete (5/17). • Stucco and drywall being installed (6/17).

Applicant: Miguel Munoz

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			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>		
3347 Brayton Ave.	Remodel of the front SFD to include a 271 sf addition and new 1-car garage on the first floor and a 731 sf second story addition	SPDR 15-02 <input type="checkbox"/> WELO req.	N/A	4/14/15	N/A	Building Permit Issued 4/15/16	5/31/17	6/04/17	PC review is pending	• Grading and building permits issued 4/15/16. • Footing inspection completed (8/16). Framing completed (9/16). Lath installed (10/16). Stucco completed, Interior work ongoing (2/17). • Applicant requested and was granted a 50 day CTL extension by the Community Development Director due to rain delays (4/17). • School fees paid. Work continuing (5/17). • 1 st CTL extension expired. Applicant has requested a 2 nd extension which requires approval by the PC and was continued from the July PC mtg. due to a revised 200 day request and additional notices being sent. (8/17).			CTD/JH

Applicant: Reginald McNulty

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			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	
2085 Freeman Ave.	New two-story 4,050 sf SFD with attached 3-car garage on a vacant lot	SPDR 16-01 ☒ WELO req.	N/A	Approved 1/19/16	N/A	Building Permit Issued 9/8/16	3/2/18		<ul style="list-style-type: none"> • Grading and building permit issued on 9/8/16. • Grading foundation underway (12/16). • Methane barrier is installed. • Foundation poured. • Framing started (3/17). • Retaining walls have been completed (4/17). • Framing completed (5/17). • Stucco and drywall completed (7/17). • Public improvements (8/17).
1900 Temple Ave.	A new two-story 3,013 sf SFD with attached 3-car garage	SPDR 16-06 ☒ WELO req.	N/A	Require d	N/A				<ul style="list-style-type: none"> • Application submitted 10/7/16. • A view analysis is required and story poles installed 3/2016. • No view requests were received. • Reviewed by PC at 5/16/17 workshop. PC direction was to add design elements to reduce the bulk and mass of the exterior walls. • Staff continues to work with the applicant on design

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Residential

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			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	2 nd Ext.		
		Applicant: Phala Chhean										alternatives (8/17). CTD	
1995 St. Louis Ave.	Demolish existing dwelling and garage and construct a two story 3,072 sf SFD with attached 3-car garage	SPDR 15-04 <input checked="" type="checkbox"/> WELO req.	N/A	8/11/15	N/A	Demo Permit Issued 4/1/16			9/28/16 (Demo finalized) 			<ul style="list-style-type: none"> Demolition permit finalized on 8/31/16. Building plans are pending COAs (1/16). Landscape plans are approved (3/16). Methane assessment approved, no barrier required (12/16). Grading permit issued on 4/27/17. CTL expires on 10/19/18. Notices mailed (5/17). On 5/15/17, applicant inquired about floor plan revision to relocate bedroom #3 to the second floor. Staff informed that change requires Planning Commission review. Staff has not heard further from applicant about the change (6/17). 	RA

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			Director approval	PC approval	CC approval	Expires	1 st Ext.	2 nd Ext.	Expires	1 st Ext.	
2260 Walnut Ave.	A proposal for a new two story 1,894 sf SFD with attached 2-car garage on a vacant lot	SPDR 16-05 <input type="checkbox"/> WELO req.	N/A	Required	N/A						<ul style="list-style-type: none"> Leak test passed, vent cone was not installed (2/15). Well survey and access exhibit approved (9/15). Story poles were installed 1 month late and a letter extending the comment time frame was mailed. The extended comment time frame ended on 8/12/16. One request for a view analysis was made and the report has been prepared. Revisions to the design to improve views have not been submitted; however, new story poles have been installed (8/17).
											CTD

Large Subdivisions (5 or more lots) and Multi-family Developments

Crescent Square	25 three-story detached single-family dwellings at the N/E corner of Walnut and Crescent Streets on a 3.18-acre lot	SPDR 14-04 ZOA 14-03 VTTM 72594 <input checked="" type="checkbox"/> WELO req.	N/A	8/12/14	9/2/14	Grading Permit Issued 8/29/16	8/14/19 		<ul style="list-style-type: none"> 2 Model home permits issued on 12/7/16. Model construction and landscaping complete. Foundations in progress for rest of homes. Revisions to the model home parking plan were approved by PC at the July
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Residential

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Walnut Crescent Heights St.	Applicant: Far West Industries											mtg. (7/17) • Streets, fences and retaining walls are in process (8/17).
Zinnia (formerly Gundry Hill)	72 multiple-family, affordable units, three and four stories in height and a community building, community garden, tot lot and courtyard with on-site management on a 1.61-acre lot	Administrative Review (SPDR 15-01)	Approved 2/18/15	N/A	N/A	Building Permit Issued 11/30/15	11/09/19					CTD/JH <ul style="list-style-type: none"> • Framing for all three buildings are completed, roofing started. Contractor has requested to exchange some exterior materials (1/17). • Staff met with the contractor and made the determination that the new materials are comparable to the previously approved materials and approved the changes (2/17). • Underground utilities installed (3/17). • Exterior finishes being applied (5/17). • Building one completion date is estimated to be the of August (8/17). JH/SC
1500 E Hill St.	Applicant: Meta Housing											

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1939 Temple Avenue	Residential development on a .6-acre lot for 10 condominium units (5 buildings with 2 attached units) two stories and three stories in height.	SPDR 16-02 TTM 74232 ZOA 16-03 (new Specific Plan)	N/A	5/17/16	Required							<ul style="list-style-type: none"> 2 wells discovered, leak tested and vent cones installed (8/15). View Notice mailed 10/26/15. Planning Commission (PC) workshop #1: 12/15/15. View Notice for revised plans mailed 2/17/16. PC workshop #2: 3/15/16. PC public hearing 5/17/16. At the 6/28/16 City Council (CC) meeting, CC continued the ZOA to the 9/13/16 CC meeting. New story poles were installed (10/16). Neighborhood meeting held on 10/10/16. CC held a study session on 12/13/16 and recommended denial without prejudice of ZOA at the next CC meeting. City Council denied the project without prejudice on 1/10/17. New project can be submitted without a 1 year waiting period. As preparation for the new submittal, a neighborhood meeting was conducted to review revised plans. Following the meeting four new view analyses were requested. New plans and application were submitted on 3/16/17 and the view analysis was received 4/10/17. PC workshop was conducted

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1939 Temple Avenue (cont.)	The Courtyard	Applicant: High Rhodes Property Group										on 5/16/17. PC directed the applicant to: • Clean-up and maintain the site, • Revise the story pole ribbons to match the roof pitch and • Revise the view report photos to be more clear, • Deliver and review the view reports with the residents, • Respond to workshop questions from the public per bldg. heights; and • Revise plans per staff direction (6/17). • Revised plans and view reports are pending were received and a neighborhood mtg. was conducted with residents, who requested the additional story poles and ribbons for the northerly bldgs. be installed to accurately reflect roof lines and view impacts (8/17).

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2599 Pacific Coast Highway	Residential SP-10 on a .4-acre lot	N/A	Required	Required							<ul style="list-style-type: none"> • Staff met w/owner who reported an unsuccessful lot consolidation outreach effort (9/12). • A revised design (10 units) more closely meets the intent of SP-10. • Access & guest parking revised (6/14). • PC requested additional design changes. Plan revised to 9 units & met most of the standards. Some buildings still exceed height limit. • Condo map and story pole plan were submitted and view analysis request letter was sent 4/1/16. • Due to delays of story pole installation, viewing period was extended 4/14/16. Story poles were installed and comments received. A view analysis report was prepared & reviewed with residents. • Due to impacts on views, the applicant further reduced bldg. heights however, most still exceed the 30' height limit. • City Engineer completed review of the on-site sewer conditions and will require repair and certification by the County for construction over

Applicant: Mike Afurny

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2599 Pacific Coast Highway (cont)												<ul style="list-style-type: none"> Review of the revised view report completed, story pole cert submitted. Due to a fire on-site a code enforcement case was opened to verify the bldg. is fire safe and not being occupied as a residence and site clean-up items are required. Final inspections (3/17). A neighborhood mtg. was held 2/23/17 and nearby residents and property owners noted that 6/9 of the bldgs. are over the height limit and blocking views. Concerns were voiced about traffic, the density of the project, and parking and traffic impacts on an already impacted neighborhood and alley. The applicant was instructed to meet with the neighbors and develop options to revise the project. The applicant has not revised the project and requested a meeting to discuss how to proceed. Staff prepared a detailed memo following the meeting regarding project deficiencies and past Council direction on a similar project.

Applicant: Mike Afiumy

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2599 Pacific Coast Highway (cont)												<ul style="list-style-type: none"> • Applicant submitted a revised site plan with 1 less unit and reduced bldg. heights on several bldgs. However, 5/8 units still exceed max. bldg. height and may still block views. • Applicant request mtg. and staff reiterated they should not expect recommendation of approval if bldg. hts. exceed regs. and block views. • Applicant indicated they would revise plans. • Staff noted revised plans would have to be reviewed by City Traffic Engineer to address parking and traffic impact concerns (7/17). • Revised plans with a combination of two and three-story units were submitted and installation of story poles is pending. <p>CTD</p>

Applicant: Mike Afiumy

August
6d.



The 19th Amendment was ratified in August, 1920.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

August 15, 2017

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: IN THE NEWS

Summary:

Articles compiled by Staff that may be of interest to the Commission include:

- Beyond Building
- Border Wall Divides Profession
- Housing Law
- Social Housing and Transportation
- Harnessing Public Private Cooperation to Deliver New Urban Age

Recommendation:

Receive and file.



Residents chat on the porch of a home in Mosaic Commons, a cohousing community in Berlin, Massachusetts.

B E Y O N D B U I L D I N G

THERE ARE PLENTY OF WAYS TO PROVIDE FOR AFFORDABLE HOUSING THAT DON'T INVOLVE NEW CONSTRUCTION.

BY
ANNE
WYATT

PLANNERS MAY BE TRYING TO COME TO TERMS with possible deregulation and reduced funding for planning and affordable housing programs under the Trump administration. "I think we can expect decreases in public funds," says Joanna Balsamo-Lilien, a planner specializing in property management at the nonprofit Family Care Network, Inc. in San Luis Obispo, California. (See page 10 for more on the uncertainty surrounding federal affordable housing tax credits.)

On January 12, during Ben Carson's confirmation hearing for secretary of the Department of Housing and Urban Development, Sen. Thom Tillis (R-N.C.) asked, "What is the best thing we can do for people on public assistance?" Carson's response—"Get them off it"—left some wondering what will happen to millions of low-income seniors and disabled persons with limited options.

Still, Balsamo-Lilien adds, there is cause for optimism. "Hopefully, it will encourage affordable housing developers to band together and identify new and innovative ways to fund development."

In many cities, solutions often seem equated exclusively with new construc-



tion. But affordable housing provision is more than just building houses.

Sure, new construction is exciting, but it also brings a multitude of hurdles—from design and permitting, financing, infrastructure, seeking middle ground on density, and reconciling needs for housing with extra air pollution and traffic. It's also expensive and comes with a need to weigh social equity concerns with environmental impacts, all while staying mindful of political and economic realities.

Planners' contributions to affordable housing policy help make a stronger America. Yet, when planners and policy makers frame success on the affordable housing front in terms of number of new housing units built—"bricks and mortar" solutions—we limit our possibilities. Further examination of options, primarily more effective use of existing resources, will enable planners to help communities build more diverse and robust housing solutions using resources within reach.

Fortunately, "There is widespread awareness of the housing crisis and more support for affordable housing policies and projects," suggests Martha Miller, AICP, a zoning specialist at RRM in San Luis Obispo, California, which does planning, architecture, and engineering work. But challenges ahead dictate revisiting how we do things. "We are in such a hole that it will be hard to dig ourselves out without some major changes," she says.

Using a slightly different approach—one that goes beyond new construction—planners can take the lead in making that change. But first, we have to acknowledge new realities and misconceptions.

Hurdles

In addition to the biggest, clearest issue—there isn't enough affordable housing to meet the demand in most places—there are other factors to consider.

DEFINITION OF AFFORDABLE.

"Affordable" is too broad a term. Affordable housing runs the gamut, and depends on the different people it serves and local housing markets. For example, for extremely low-income people making a minimal Social Security income of just under \$900 per month, affordable might mean under \$300 in rent a month (if capped at 30 percent of income for housing costs). Meanwhile, "workforce" families in San Luis Obispo (pop. 46,377), where I live, may earn more than \$10,000 per month, up to 160 percent of county median income. For them, affordable is defined at over 10 times more—\$3,000 per month.

Tenure options factor in, too. While both rental and for-sale housing can be considered affordable for different populations, in many markets, for-sale housing is only available to residents in the moderate category and higher. When focus and resources

are placed on home ownership subsidies for these earners, who could rent homes without subsidy, unassisted lower income persons remain at risk of being locked out, with virtually no housing options.

RENTERS AS SECOND-CLASS CITIZENS.

How many times in public hearings or meetings have you heard speakers proudly announce, "I am a home owner" before launching into their comment? Less often, a renter may say something along the lines of, "I'm a renter, but . . ." as if he needs to excuse himself for being a second-class citizen.

One's home ownership status shouldn't influence what someone else thinks about that person, but sometimes it does. Such prejudicial thinking is a stumbling block and hinders solutions. We call out racial, gender, religious, and other prejudices. Planners should recognize and call out housing tenure prejudice.

Small, efficient, well-designed, well-managed affordable rental units can be assets to tenants and communities at large—and can allow people to get on with other dreams. Why should anyone have to apologize for living in them?

COST OF PRODUCTION VERSUS SALES PRICE.

In public hearings, builders association representatives claim they have to charge more for the homes they sell because of the steep costs of production, including jurisdictional building fees. Curious, I asked the head of the home builders association in my area why, if it costs one of his members \$400,000 (including a modest 12 percent return) to build a typical house, so few sell for that? (Zillow lists the median home in San Luis Obispo as about \$639,000.) He declined to comment.

Homes, of course, are not sold for what they cost to make; they are sold for what the market will pay.

CHANGING DEMOGRAPHICS.

A large factor, often little considered, is shifting population trends. Major changes in household composition, particularly when it comes to the number and age of householders, require planners and policy makers to rethink whom they are serving.

Non-family households make up one in three American households. More than a quarter of households consist of just one person, and one in 10 households is a single senior. Further, Harvard's Joint Center for Housing Studies predicts formation of 13 million new households between 2015 and 2025, with almost all of the household growth in the 65+ age group category.

Single-person households, in particular, are likely to have different housing needs than their family counterparts—including increased flexibility in term of occupancy and less need for space, particu-

AMERICAN SOCIETY ON AGING AND APA SUMMIT ON LIVABLE COMMUNITIES

tinyurl.com/zstc381

As part of the Summit on Livable Communities, AARP is sponsoring Planners & Aging Network Professionals Working Together to Plan Livable Communities for All Ages, an interactive discussion on the intersection of aging and livable communities.

ATTEND

Friday,
March 24, 2017
9 a.m.-1 p.m. CDT
Chicago

CM | 4



larly in bedroom counts. Even if housing preferences remained the same for single-person households as for traditional family households, income and ability to maintain housing are likely to fall short of the costs of traditional housing—especially in the case of the growing number of single senior women, who had only \$1,096 per month in Social Security income, on average, in 2014.

Solutions

Effective, solutions-based thinking means taking advantage of existing resources. Combined with new construction of “demand-targeted” housing, which meets needs of singles and, in particular, single senior women, creative use of current assets can better help us meet the housing needs of our diverse and changing communities. Employing them will require flexible mindsets, as well as new systems, tools, and funding.

So what do we have that we can already work with? More than you might think.

VACANT HOUSES.

Housing units characterized as “vacant other” and “seasonal, recreational and occasional use,” by the 2010 Census comprise over six percent of American housing stock. These more than 8.3 million housing units are opportunities staring us in the face. They are sometimes hard to find, but Morro Bay, California, (pop. 10,461) looked to its water records: Units with low or no water use were deemed likely vacant. The city is considering following up with letters to property owners to gauge interest in an optional program to provide managed rentals of empty units.

COMMERCIAL CONVERSIONS AND LIVE-WORK UNITS.

Churches, offices, malls, cinemas, stores, and motels

all offer opportunities as housing and mixed use or live-work conversions, particularly as worship habits and the business climate change over time. Reintegrating such places as housing wouldn’t be new, as it was once typical for pastors, innkeepers, and shopkeepers to live alongside their workplaces.

TINY HOUSES, JUNIOR ACCESSORY DWELLING UNITS, AND HOME SHARES.

There have been some big wins in the small housing scene lately. In 2015, responding to calls from tiny home advocates, the International Code Council modified the minimum habitable room area in the International Residential Code from 120 square feet to 70. In describing the changes on its website, the ICC states: “Proponents of this change reasoned that consumers make a purposeful and informed decision as to the appropriateness of the housing they choose to live in and that the code should not place arbitrary restrictions on room size that have no demonstrable life-safety benefit.”

With the change, the ICC recognized its own previous arbitrary restriction on size. Such admissions may lead some planners to wonder and more closely examine what other arbitrary and possibly counterproductive limitations remain in their codes.

And then there is the junior accessory dwelling unit, a new housing category just recently permitted by law in California. AB 2406, signed by Gov. Jerry Brown in September 2016, allows jurisdictions the option of creating a new type of unit in single-family residential zones, and in fact, within existing homes.

A junior ADU is basically a tiny house within a larger one. The new law defines them as, among other things: being not more than 500 square feet; using existing walls and an existing bedroom; and having a separate outside entry and an interior entry to the main living area and an efficiency kitchen. Bathing facilities may be shared.

Addressing a common density challenge—parking—the law further states that a local “ordinance shall not require additional parking as a condition to grant a permit.” The junior ADUs do require owner occupancy in either the existing housing unit or the new one.

Formalizing junior ADUs could cause California policy makers to recognize a related solution: home shares. According to the National Shared Housing Resource Center, more than 60 home-share organizations nationwide have been working within this framework—where one home is shared or is separated into two or more separate units—for decades. These groups facilitate matches between housing providers (people who have an extra room) and housing seekers. Depending upon privacy needs of participants and home layouts, home spaces range from all private to all shared.

There is an upfront cost—national statistics from

BERKELEY'S BACKYARD TINY HOUSE ADDS INCOME & AFFORDABLE HOUSING

Planning professor Karen Chapple knew of the benefits of backyard cottages in theory, but then she built her own ADU to bring in additional income. Its footprint is just 250 square feet, and her first tenants were a family with a toddler.

WATCH

youtu.be/VMAAWABynns

VIDEO



The first Cass Community Tiny Home opened in Detroit in September 2016. The local social service agency plans to build a total of 25 homes for low-income people. The houses are being built by professional tradespeople with volunteer teams. Residents will rent the houses at first, but after seven years will have the opportunity to buy the home and property.

Affordable Living for the Aging's *Shared Housing Best Practices, Challenges and Recommendations* suggest it costs between \$660 and \$2,000 to facilitate a home-share match (recruitment, security screening and processing, training and household agreements, ongoing assistance and monitoring). For new organizations, the initial match costs may start higher and are often split between fees for service and government and private funding sources.

In addition to creating needed affordable housing, home-share matches can bring housing providers substantial extra income, with program organized matches lasting, on average, from one-and-a-half to four years. For seniors who want to age in place—or anybody, really—it can also bring security, independence, and community connection.

RV CAMPGROUNDS.

Mobile lifestyles and shared common spaces may not be for everyone. For some, simple living on the move is a dream. For others, long-term camping that is safe and affordable is simply a pragmatic choice. Inexpensive recreational vehicles can come fully equipped with living, plumbing, and cooking facilities for as little as a few thousand dollars. In San Luis Obispo, the nonprofit program RVs for Veterans has given over 60 donated RVs to veterans in need of housing.

Tiny homes, individually designed or factory-built, can roll in similarly outfitted with full amenities. Both RVs (with their own propulsion) and tiny homes (towed by truck) require safe, amenable, legal places to park. While it is possible to outfit either with independent power and water and wastewater systems for off-grid living, called "boondocking," these can prove deficient. Given this, affordable hook-up options make living safer and more pleasant and can minimize potential community impacts, such as unprocessed, improperly dumped sewerage.

Under urgency or certain ordinances, existing public campgrounds, which generally limit long-term stays, could allow extended stays and make use of existing campground infrastructure. And a number of cities, such as Fresno, California, have rewritten ordinances to allow tiny homes and RVs on wheels as second units in residential zones.

MOBILE HOME PARKS.

In my town, where the claim that nobody can afford a house is an exceedingly common one, Zillow lists several mobile homes for sale for not too much more than a 6 Series BMW—between \$74,000 and \$189,000. Although space rents ranging from \$500 to \$1,000 monthly (for the land the home sits on) must be added to the purchase price, the cost of these homes is substantially less than the median. These homes often have common facilities, such as parks and swimming pools.

A stumbling block for lower income residents—who may aspire to purchase these homes—is that acquiring loans can be difficult and possibly expensive. Further, the "trailer trash" stigma means many won't even consider such housing. As a result, mobile homes in many areas are purchased as second homes by persons with cash or sit empty, which only exacerbates the gap in residential opportunities for those in need.

The way forward

With changing populations, other types of housing can take form in existing stock, including residential hotels and boarding houses. Other arrangements, too, also play a role—shared living or co-living residences, as well as supportive housing and group homes and independent and assisted senior living.

Effective, inclusive planning requires planners to better understand changing demographics and diverse housing options—as well as build capacity to inform the public and policy makers about options.

Planners must stretch their comfort zones and call out economic fallacies, changing American household demographics, and the need for housing options to push builders, policy makers, and others to think outside traditional boxes. ■

Anne Wyatt is a housing and housing policy planner, former County of San Luis Obispo planning commissioner, and program coordinator for HomeShareSLO. Contact her at a.reneewyatt@gmail.com.

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Housing options presentation from Homeless Services Oversight Council of San Luis Obispo: homeshareslo.org.

"What is Livable? Community Preferences of Older Adults," AARP: tinyurl.com/grcy5tt.

California Department of Housing and Community Development, Where Foundations Begin, *Accessory Dwelling Unit Memorandum*, December 2016: tinyurl.com/h7qxez5.

TINY HOUSES, BIG QUESTIONS

tinyurl.com/h2xkcr9

Learn how to successfully zone for and regulate tiny houses from planners who have done it.

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ADUs IN THE SAN FRANCISCO BAY AREA

tinyurl.com/jajhhpc

Learn from successes and challenges in the Bay Area as communities struggle to meet housing demand.

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EQUITY AND AFFORDABILITY WITH HOUSING COOPERATIVES

tinyurl.com/hrslxyp

Cooperatives are an important resource to meet housing needs. Learn how good planning can help them work in urban and rural areas.

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DENSITY BONUSES FOR AFFORDABLE HOUSING

tinyurl.com/zax826b

Hear about the diversity of density bonus programs and the challenges of developing and implementing these programs in Boston, Chicago, and San Francisco.

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GO TO the URLs above and add the session to your NPC17 schedule. More info at: planning.org/npc



Border Wall Divides Profession

BY FRED A. BERNSTEIN

WHEN PRESIDENT Trump announced his plans to build a border wall, "it felt a little like divine intervention for me," says Brian Johnson, the principal of Collaborative Design Architects, a small firm in Billings, Montana. Johnson had already been sketching ideas for a border wall that resembled a series of hydroelectric dams, with curved concrete surfaces to foil climbers and a roadway on top for border-patrol vehicles. After Trump's announcement, Johnson began refining the idea in anticipation of an RFP. He says, "I knew I had developed something capable of being more than just a wall."

But where Johnson saw opportunity, many other architects felt outrage. "A border wall is just the wrong thing to do," says Larry Strain of Siegel & Strain Architects in Emeryville, California. "It doesn't make us safer, it doesn't protect our jobs, and it is divisive rather than inclusive." In early March, he and the members of his firm signed a pledge not to participate in the project, although, he says, they'd be happy to design a seat or a gate with the word *bienvenidos*.

The pledge was written by an advocacy group called the Architecture Lobby, which asked architects to walk off the job on Friday, March 10, to protest the RFP. Among the firms that complied was makeArchitecture of Chicago. According to its director, William Huchting, the six members of the firm stepped outside to discuss their problems with the wall, including its cost and the possible effect on immigrant communities, such as Chicago's Little Village. "Hardworking immigrants have transformed 26th Street into the most vibrant shopping district outside of Michigan Avenue," said



Huchting. "We fear that this and other thriving neighborhoods will suffer if the wall is built."

The border wall has been arousing controversy among architects since Trump first proposed it while running for President. After he was elected, an AIA statement that architects were eager to work with the new administration—though it did not mention the wall—elicited angry responses from AIA members. Anger surged again February 24, when the government announced a presolicitation "for the design and build of several prototype wall structures in the vicinity of the U.S. border with Mexico." The Department of Homeland Security, according to the announcement, anticipates "procuring concrete wall structures, nominally 30 feet tall, that will meet requirements for aesthetics, anti-climbing, and resistance to tampering or damage." Full details would be included in an RFP, which, at press

time, was expected to be released in March. (The timetable has been extended twice; DHS did not respond to e-mails seeking comment on the reason for the delays.) Initial proposals would be winnowed, with those on the short list asked to submit full proposals as early as May.

By mid-March, some 650 firms or individuals had registered on the government website as potential vendors. Most were engineering and

construction companies. But there were also dozens of architecture firms.

Firms on the list have various motives for registering. Nicholas Gillock of Los Angeles-based Mertzel & Gillock Architects says, "We're not advocates of the wall; we're advocates of using this as a platform for discussion. We're looking into organizing a counter-competition as social commentary."

John Sanford, who runs a small firm in Tulsa, says, "I'm a supporter of the wall, but I'd like to see it benefit people on both sides." He believes that could happen by using the wall as a base for a high-speed train from San Diego to Houston, or as a way of researching new construction techniques. But he adds that the wall could negatively impact his firm's projects. "We have a lot of Mexican subs," he said. "We have a really good relationship with many of them. It's hard to find people who will work that hard."

Wyly Brown, a partner in the Norwell, Massachusetts, firm Leupold Brown Goldbach Architects, said, "I put my name on the list to stay informed. I am against the wall." Brown said that his firm is a subsidiary of a German company, "and we know what walls mean."

Brown said that, because he is on the list of potential vendors, he has received phone calls and e-mails from subcontractors interested in working with him. Many are women- and minority-owned firms, aware of government set-aside rules that generally require "primes" to work with qualifying "subs." Brown said he tells firms that contact him that he has no plans to actually build the wall. But he doesn't judge them. "There's a lot of money involved," he says. "It's hard to say no to that." ■



The employees of Emeryville, California-based firm Siegel & Strain Architects protested the border wall as part of a call to action on March 10.

[f](#) [t](#)

California lawmakers have tried for 50 years to fix the state's housing crisis. Here's why they've failed

By LIAM DILLON (<HTTP://WWW.LATIMES.COM/LA-BIO-LIAM-DILLON-STAFF.HTML>)

JUNE 29, 2017, 3 A.M.



Azucena Gutierrez, 38, stands outside her apartment in Boyle Heights before leaving for her job in Torrance last fall. (Mark Boster / Los Angeles Times)

After an hour of debate, Herb Perez had had enough. Perez, a councilman in the Bay Area suburb of Foster City, was tired of planning for the construction of new homes to comply with a 50-year-old state law designed to help all Californians live affordably.

Everyone knows, Perez told the crowd at a 2015 City Council meeting, that the law is a failure. It requires cities and counties to develop plans every eight years for new home building in their communities. After more than a year of work and spending nearly \$50,000, Foster City had an 87-page housing plan that proposed hundreds of new homes, mapped where they would go and detailed the many ways the city could help make the

construction happen. But a crucial element was missing: Foster City was never going to approve all the building called for in the voluminous proposal, Perez said.

“What I’m seeing here is an elaborate shell game,” Perez said. “Because we’re kind of lying. It’s the only word I can come up with. We have no intention of actually building the units.”

“We’re kind of lying”: Foster City city councilman says his city won’t approve the homebuilding it’s planning for



Perez’s prediction came true. Despite soaring demand for housing in the Bay Area, the city hasn’t approved any new development projects in more than five years.

Foster City’s experience is shared by governments across California: The law requires cities and counties to produce prodigious reports to plan for housing — but it doesn’t hold them accountable for any resulting home building.

The law, passed in 1967, is the state’s primary tool to encourage housing development and address a statewide shortage of homes that drives California’s affordability problems.

Now, a bill from Sen. Scott Wiener (D-San Francisco) would, for the first time, force cities and counties that have fallen behind on their housing goals to take steps to (<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-california-cities-will-have-to-make-it-1485196277-htmlstory.html>) eliminate some of the hurdles they put in front of development (<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-california-cities-will-have-to-make-it-1485196277-htmlstory.html>), such as multiple planning reviews for individual projects. Wiener’s legislation passed the state Senate this month (<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-california-senate-passes-package-of-1496339298-htmlstory.html>) and is awaiting a vote in the Assembly as part of a package of bills aimed at addressing the state’s housing problems.

The law has been completely ineffective at addressing the issue of housing affordability.

”

—Paavo Monkkonen, UCLA professor

 ▾ SHARE

“The system is so broken,” Wiener said. “It gives the public a false sense that a step has been taken toward having more housing when in fact it’s just an illusion.”

One of the main criticisms of the law is that it hasn’t spurred enough new home building. Fewer than half of the 1.5 million new homes the law said developers would need to build over eight years leading up to 2014 — the law’s most recent reporting period — were built.

In addition, state officials don’t know if cities and counties have met their housing goals. Local governments are supposed to give the state information on home building each year, but many don’t. As a result, there is no reliable measure of how many houses are being built in California for low-, middle- and upper-income residents.

State lawmakers have known about the law’s weaknesses for decades but haven’t fixed them. They have added dozens of new planning requirements to the process but have not provided any incentive, such as a greater share of tax dollars, for local governments to meet their housing goals.

“The law has been completely ineffective at addressing the issue of housing affordability,” said Paavo Monkkonen, an associate professor of urban planning at UCLA. “If anything, it’s a waste of people’s time.”

Prison beds and student dormitories count as low-income housing?

California’s housing affordability troubles have contributed to the state’s poverty rate, which is the highest in the nation (<https://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-258.pdf>). It also has burdened millions with high rents (<http://www.hcd.ca.gov/policy-research/plans-reports/docs/California's-Housing-Future-Full-Public-Draft.pdf>) and, according to a recent study by the McKinsey Global Institute, created a more than \$100-billion annual drag on the state economy (<http://www.mckinsey.com/global-themes/urbanization/closing-californias-housing-gap>) by lowering disposable incomes and limiting construction jobs.

Ben Metcalf, the state’s top housing official, has said the affordability problems are as bad as they’ve ever been in California’s history (<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-california-housing-affordability-1483490282-htmlstory.html>). And the state is expected to add an additional 6.5 million people (http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P_PressRelease.pdf) over the next two decades.

The primary driver of the affordability problem is a lack of home building. Developers in California need to roughly double the 100,000 homes they build each year to stabilize housing costs, according to the McKinsey study (<http://www.mckinsey.com/global-themes/urbanization/closing-californias-housing-gap>) and reports from the state Department of Housing and Community Development (<http://www.hcd.ca.gov/policy-research/plans-reports/docs/California's-Housing-Future-Full-Public-Draft.pdf>) and nonpartisan Legislative Analyst's Office (<http://www.lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>).



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Home construction depends on complex factors including the cost of land, materials and labor, the availability of financing for developers and interest rates on mortgages for homeowners. But decisions made by California's cities and counties are important, too, and many of those local governments have made it even more difficult to build new housing.

More than two-thirds of California's coastal communities have adopted measures — such as caps on population or housing growth, or building height limits — aimed at limiting residential development, according to the Legislative Analyst's Office (<http://www.lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>). A UC Berkeley study of California's local land-use regulations found that every growth-control policy a city puts in place raises housing costs by as much as 5% there (<http://socrates.berkeley.edu/~raphael/QR%20Regulation%20110804.pdf>).

The housing supply law, known formally as the "housing element," is supposed to help knock down local barriers to development by requiring cities to plan for new housing that would accommodate children born in California and people expected to relocate to the state. Over an eight-year period, state officials send estimates of housing needed to meet projected population growth to 19 regional agencies, including the Southern California Assn. of Governments in the Los Angeles area.

These agencies outline how many new homes are needed across four income levels: very low, low, moderate and above-moderate. So, in theory, all cities and counties would receive their fair share of growth. Local

governments must show they've zoned enough land for the new housing — and the state must sign off on those plans. But the state doesn't hold cities accountable for the goals they set, and the plans are often ignored.

Even so, city and county officials resent the law, arguing it unfairly takes away their power over development in their communities. To avoid complying, local governments have over the years asked state lawmakers to, among other things, count prison beds and student dormitories as low-income housing and allow cities that place foster children in their communities to reduce the number of low-income homes they need to plan for.

In one case, La Habra Heights, in Los Angeles County, asked that it be exempted from the law because the city was too hilly for apartment complexes.

'People want to be with people who are like them'

At the base of the San Gabriel Mountains, the affluent bedroom community of La Cañada Flintridge has few apartment or condominium complexes — and many of the city's 20,000 residents and public officials want to keep it that way.

Four years ago, city leaders wrote a plan to make room for multifamily housing in several sections of the city. But, to discourage developers, they chose areas already occupied by single-family homes and, in one case, a big-box retailer. As a result, developers would have needed to buy up the homes one by one or, in the case of the retailer, purchase the commercial real estate and force the store out. In devising the plan, city officials assured concerned residents that it would be prohibitively expensive for developers.

“

People like people of their own tribe. I think the attempt to change it is ludicrous.

”

—Herand Der Sarkissian, a former La Cañada Flintridge planning commissioner

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"Everybody on this dais and that's here is on the same page," Planning Commission Chairman Rick Gunter told the audience at a November 2013 hearing on the housing plan. "We like living here. We like the way it is now."

Herand Der Sarkissian, a former La Cañada Flintridge planning commissioner who approved the city's housing plan, said in an interview it didn't make sense for the state to try to force low-income housing into La Cañada Flintridge because the city's high land costs made it fiscally irresponsible. He added that any state efforts to integrate housing of all income levels into wealthy communities are doomed.

“People like people of their own tribe,” Der Sarkissian said. “I think the attempt to change it is ludicrous. Be it black, be it white. People want to be with people who are like them. To force people through legislation to change in that way is impractical.”

None of the multifamily housing called for in the La Cañada Flintridge housing plan has been built.

In Redondo Beach, officials told the state in 2014 they would work toward the city’s housing goal by supporting a proposed commercial and residential development with 180 apartments — nine of them reserved for very poor families — to replace a run-down strip mall and parking lot along the Pacific Coast Highway. The city zoned the land for that amount of housing.

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But in numerous hearings over the next two years, planning commissioners and council members argued the development was too big, and the city ultimately approved 115 apartments with none set aside for low-income residents. The developer has since sued Redondo Beach and the project remains in limbo (<http://www.dailybreeze.com/government-and-politics/20170208/bring-on-the-lawyers-redondo-beach-rejects-deal-with-legado-for-115-units-on-pch>).

La Cañada Flintridge and Redondo Beach did not report housing construction data to the state from 2006 to ‘14. Some new homes were built in both cities, according to permit information, but far fewer than were outlined in the cities’ plans over that period.

These and similar examples across California show that the housing law is a “complete farce,” Wiener said. His legislation would do away with some planning reviews that are often levied on projects in cities that haven’t kept pace with their housing goals.

“Many local communities basically run a scam where they spend all sorts of time — lots of public hearings, lots of public discussion — and then it’s over and you have this collection of paper sitting on a shelf,” Wiener said. “It doesn’t result in any additional housing.”

‘With this living situation, I can’t even think of having children right now’

Sandwiched between wealthier communities to the north and south and more industrial areas to the east, the coastal Los Angeles County city of Torrance has swaths of single-family neighborhoods and lots of land for

commercial and industrial business.

“At some point, a city should be allowed to say we’re full,” Bill Sutherland, then a Torrance city council man, grumbled before



voting for the city’s most recent housing plan in 2013. “I think we are actually at that point.”

Torrance’s growth has slowed. Less than half of 1,828 houses called for in the city’s previous housing plan were built, according to construction permit data.

The lack of home building has had consequences.

Nearly 40% of Torrance’s 147,000 residents now pay more than 30% of their incomes on housing, according to federal data. In 2014, Toyota Motor Corp. decided to relocate its North American headquarters — and 3,000 jobs — from Torrance to Plano, Texas, citing as one factor the Lone Star State’s lower cost of living (<http://www.latimes.com/business/autos/la-fi-toyota-move-20140429-story.html>).

High costs have left housing in Torrance out of reach for Azucena Gutierrez and other workers in the city.

Every weekday, Gutierrez goes into Torrance homes to teach prenatal and infant care to new and expectant parents. Gutierrez, 38, earns less than \$15 an hour.

She lives in Los Angeles’ Boyle Heights neighborhood, crowding into a two-bedroom apartment with her husband, who is a substitute teacher, their 14-year-old son and 5-year-old daughter. Steep housing costs have forced Gutierrez’s older sister to move in with them too.

Gutierrez would like to live near her job and for her children to attend Torrance’s better rated schools. But the \$1,600-a-month rent she saw advertised for a one-bedroom apartment in Torrance was more than the

\$1,500 she pays now for more room across town.



Azucena Gutierrez, 38, leaves her home before sunrise in Boyle Heights and heads to her job in Torrance. Gutierrez lives with her husband, children and sister and pays \$1,500 a month for her two-bedroom apartment. A one-bedroom in Torrance would cost her \$1,600 per month. (Mark Boster / Los Angeles Times)

"I waste a lot of time in traffic," Gutierrez said. "Time, I can't get it back. I'm spending close to two hours driving every day. That's 10 hours [a week] I could be spending with my family."

Gutierrez's colleagues share her struggles. Georgina Romero, 28, makes \$13.50 an hour teaching toddlers and pays \$600 a month to live with her boyfriend, mother, two younger siblings and her sister's boyfriend in a three-bedroom house in Watts.

She moved there in March to help her mother with her housing costs. Before that, Romero paid \$300 a month to live with her boyfriend in a 400-square-foot garage behind his parents' house in Lawndale.

"I would love to have children," Romero said. "But with this living situation, I can't even think of having children right now. I don't feel like I'm stable enough."



Georgina Romero, 28, used to live with her boyfriend in a garage behind his parents' home in Lawndale. (Mark Boster / Los Angeles Times)

Romero works at a head start office in Torrance and said she wants children but doesn't feel stable enough in her living situation. (Mark Boster / Los Angeles Times)

Torrance Mayor Patrick Furey said he's sympathetic to those who can't afford to live in his city. But, he added, Torrance shouldn't have to make changes to the character of its neighborhoods to accommodate new housing.

Instead of Torrance, he said, nearby cities should take on the needed growth.

"You won't have the ZIP Code you want," Furey said, "but it's close enough."

'No intention of facing up to housing responsibilities'

The state's housing law faced problems from the start.

In 1967, Gov. Ronald Reagan signed the law, which had a simple goal: Cities and counties would have to plan "for the housing needs of all economic segments of the community." But just five months after the first plans were due in July 1969, state officials realized local governments were ignoring the law, with a report warning about "discouraging indications" that a number of communities had "no intention of facing up to housing responsibilities."

Over the years, legislators passed numerous bills adding detailed rules to local government housing plans. But things only got worse.

Torrance workers struggle to find nearby housing



By 1993, the law's increased paperwork requirements turned it into "an energy- and money-guzzling bureaucratic maze," said Timothy Coyle, then-director of the Department of Housing and Community Development, at a legislative oversight hearing that year. He called the law "broken" because it did nothing to encourage cities to permit more homes.

Coyle said in a recent interview that the law "was destined to fail."

Today, the state lacks basic information on the law's effectiveness. More than a quarter of California's 539 cities and counties failed to tell the state how many homes were built within their boundaries over the eight-year period leading up to 2014, according to a Times review of housing department data.

Wiener's legislation would require all cities and counties to turn in home-building data and remove some of their ability to review and block new development if they fall behind their housing goals.

Gov. Jerry Brown has also said he'd also support tying state financial aid to whether local governments met their housing goals (<http://www.ebudget.ca.gov/2017-18/pdf/BudgetSummary/HousingandLocalGovernment.pdf>). Still, if the state plans to hold cities and counties accountable for meeting those targets, the targets themselves might require reevaluation.

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Bay Area counties are on track to meet their overall home-building goals for the eight-year reporting period ending in 2023, the Legislative Analyst's Office found recently (<http://www.lao.ca.gov/LAOEconTax/Article/Detail/226>).

But developers aren't building nearly enough homes to affect affordability, the analyst's office also said. The Bay Area has added half a million more jobs than houses since 2011, and other fast-growing parts of the country — around Austin, Texas; Portland, Ore.; and Raleigh, N.C. — are building homes at more than twice the rate of the Bay Area.

Perez, the Foster City councilman, believes the state is ignoring the housing law's problems.

Developers have built more than 500 homes in Foster City since the council approved its housing plan in 2015, a number that already exceeds the new houses called for under the plan through 2023.

But all those new homes came from projects approved before 2012 that home builders are just now putting on the market. And the city has turned away other developers interested in building housing where the city's plan said they could, Perez said.

Since early 2015, Foster City's median home value has increased 13% to a record \$1.5 million, more than seven times the national average.

Perez believes state politicians should hold cities accountable for approving new housing projects by providing money to local governments that do, and penalizing those that don't. Otherwise, he said, cities will continue to act as he said Foster City did — signing off on plans to appease state regulators but blocking housing from being built.

"I think the most important part of this is that there's complicity on the part of the state," Perez said. "They created this fake thing that they know no one has any intention of doing, and then they say they've done something about housing."

How many homes were built in your city?

Less than half the new homes called for in California's most recent eight-year housing plan, which ended in 2014, were built, according to permit data from the construction industry. See how building stacked up compared to state targets, and whether cities and counties reported their homebuilding to state regulators.

Filter

Alameda County

Alameda

Reported



Units needed

259/2,046

Percent built

13%

Alameda County

Albany

Reported



Units needed

123/276

Percent built

45%

Alameda County

Berkeley

Reported



Units needed

2,097/2,431

Percent built

86%

Alameda County

Dublin

Reported



Units needed

3,666/3,330

Percent built

>100%

Alameda County

Emeryville

Reported

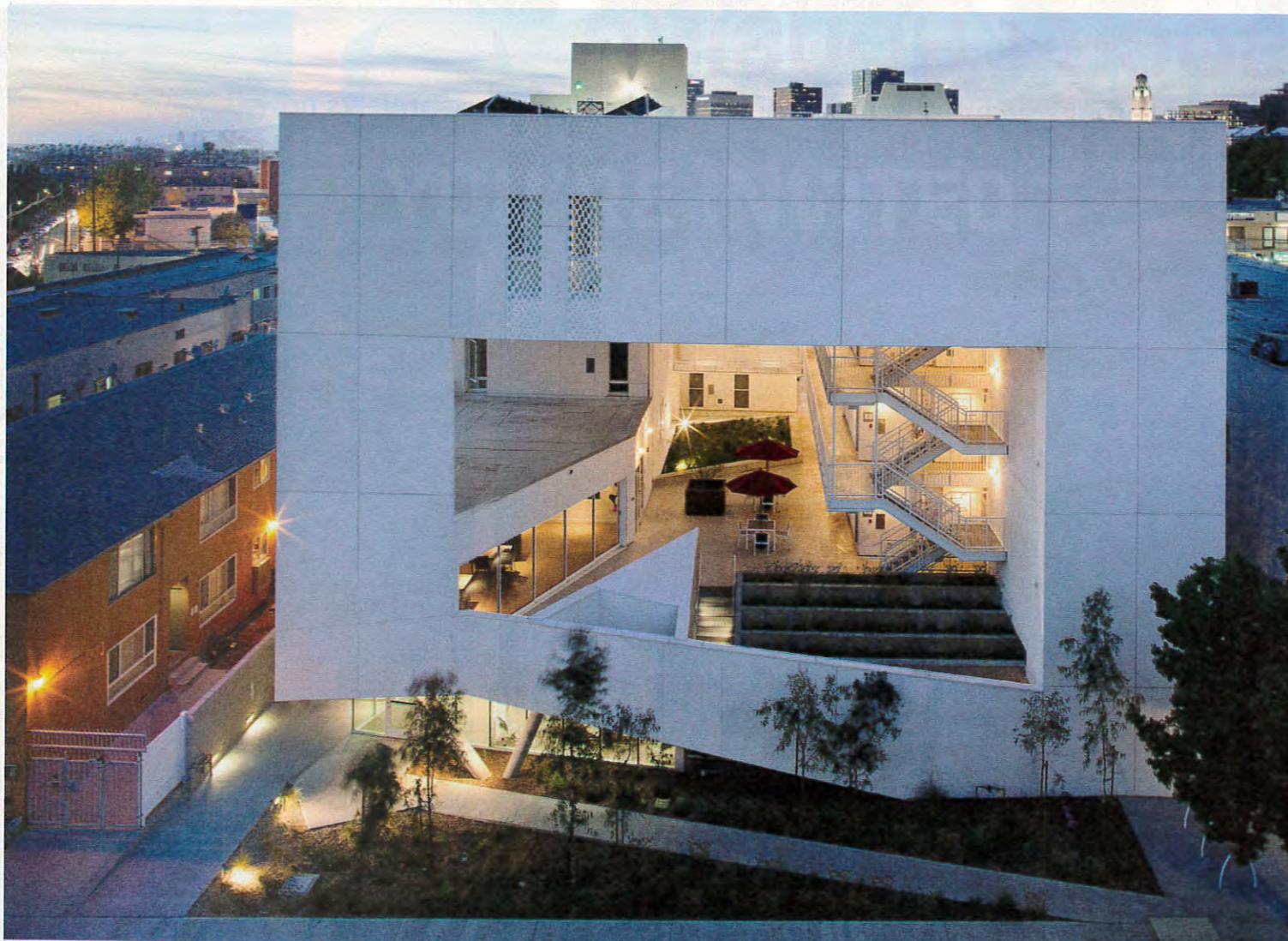


Units needed

1,277/1,137

Percent built

>100%



THE SIX Los Angeles

Brooks + Scarpa

FOR VETERANS, more than 3,000 of whom are homeless in Los Angeles County, the struggle to return to civilian life is both physical and mental. "They often carry with them the trauma of war, and so integrating them back into society is one of the main goals of Skid Row Housing Trust," says Lawrence Scarpa of the L.A.-based practice Brooks + Scarpa. Funded by a combination of public and private grants, the firm completed the local nonprofit's newest, \$10 million housing project, THE SIX, in mid-2016.

Located in the city's MacArthur Park neighborhood, the 40,000-square-foot, 52-unit community was designed specifically for the rehabilitation of disabled veterans. All floors are wheelchair accessible, and additional features, including

braille signs and light-equipped alarm systems, add access for the visually and hearing impaired. The central feature is the elevated courtyard on the second floor, which is seen through a large opening on the front-facing facade. Because the courtyard is raised, it doesn't open to street level—a detail that, along with the open corridors and staircases that line the perimeter of this atrium, aims to strike a balance between a sense of openness and security.

To combat reclusiveness, says Scarpa, "We tried to create spaces where residents can take part if they like, or they can sit on the sidelines and feel comfortable." The firm also minimized energy use by orienting the building so that prevailing winds provide natural ventilation, designing windows for maximum daylighting, and implementing a stormwater-management system in which runoff flows down through the planters on the bottom level.

Janelle Zara





MLK1101

Los Angeles

Lorcan O'Herlihy Architects

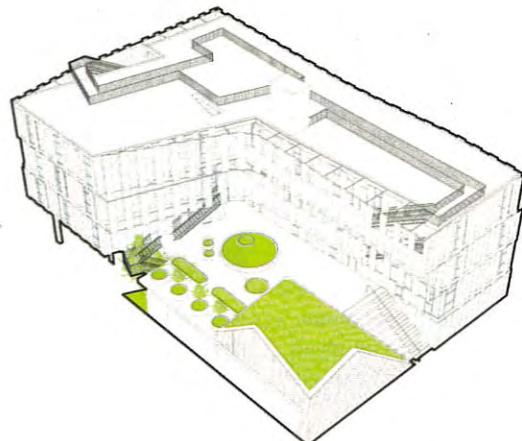
NOT FAR from THE SIX, a 34,000-square-foot South L.A. veteran's-housing complex called MLK1101 is slated for completion within the next 18 months.

Designed by local firm Lorcan O'Herlihy Architects (LOHA), the 26-unit building, estimated to come in at \$11 million funded by grants through affordable housing developer Clifford Beers Housing, shares THE SIX's goals of reintegrating veterans into normal life. Both projects involved veterans and veteran-support groups to conceptualize their designs; consequently, the two share many of the same amenities: an all-white color scheme ("because of its optimistic qualities," according to LOHA's Patricia Bacalao, elevator

access to every floor, a rooftop patio, exterior walkways, and community vegetable gardens.

In contrast to THE SIX, however, MLK1101 is designed to be more outward-facing: light flows through the facade's perforated panels of corrugated aluminum, and nonresidents are welcome in the retail space on the ground floor. And while the courtyard is also elevated, it connects directly to the street via a grand staircase, which can also function as a social gathering space.

"The idea was social and civic connections," says O'Herlihy. "How can these projects engage with the sidewalk, the street, and the community? Our approach is always that architecture is for everybody; you can't let the budget lessen the impact of the building, but you can bring inventiveness to the solution." J.Z.





Sixth Street Viaduct Los Angeles

Michael Maltzan
Architecture/HNTB

YOU MAY not know its name, but you've definitely seen Los Angeles' original Sixth Street Viaduct. Built in 1932 to span the L.A. River, railroad tracks, and local roads, the 3,500-foot-long Art Deco structure—the longest of 14 historic bridges that cross the river—has appeared in dozens of films, TV shows, and commercials. After a seismic study in 2004, engineers concluded that it had to be torn down because its concrete supports were deteriorating from within. Preservationists fought to maintain the icon, but in 2016, it was demolished. Nevertheless, thanks

in large part to their efforts, in 2012 the city's Bureau of Engineering held its first-ever international design competition to replace it. The selected scheme, "The Ribbon of Light," will be the largest bridge project in L.A.'s history at nearly \$500 million, which will be funded primarily by federal and state transportation sources. Local architect Michael Maltzan, who won the competition with engineering and architecture firm HNTB, hopes the new bridge will transform the city and the idea of infrastructure itself.

The new span will feature 10 pairs of ribbonlike concrete arches, a nod to the old one's twin pairs of steel arches. When finished in 2020, it will reconnect two neighborhoods vastly differ-

ent from each other: Boyle Heights to the east, once a Jewish enclave and now largely a working-class Mexican-American neighborhood, and the Arts District to the west, a former industrial zone that's rapidly morphing into a mixed-use community of lofts, condos, and creative businesses.

Though it will still carry cars, of course, the new viaduct will also feature pedestrian and bike lanes, linked via staircases and ramps to new parks and public spaces below the road deck. These amenities are still taking shape, but there's been unease about potential gentrification, particularly among Boyle Heights residents. The city and design team have been holding regular community meetings throughout

the project.

"The concerns of these residents also exist in other parts of L.A. as the pressure to build more housing and reduce traffic ripples through areas that had been relatively unchanged for years," says Maltzan. Nonetheless, he believes the viaduct will—and should—improve life. "From the very beginning, there was broad stakeholder consensus that this bridge should do more than move vehicles," he says. "L.A. is changing. The river is becoming accessible. People want to walk and bike instead of driving. They want green spaces. So the viaduct must enable this future and connect these neighborhoods in a deeper, more meaningful way."

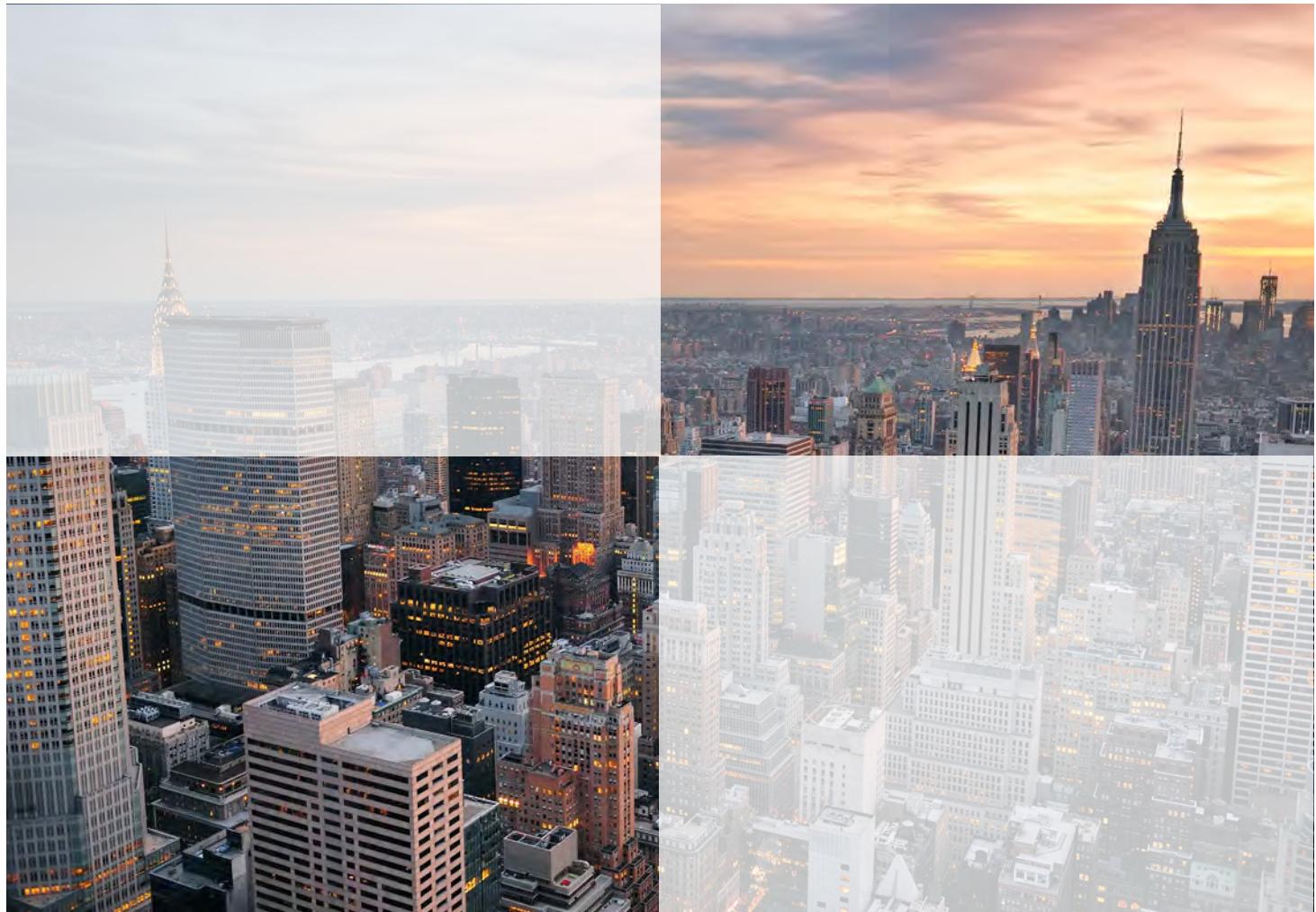
Deborah Snoonian Glenn

Industry Agenda

Harnessing Public-Private Cooperation to Deliver the New Urban Agenda Executive Summary

In collaboration with PricewaterhouseCoopers

October 2016



1. Background

Cities are evolving faster than ever, putting them on the cusp of major transformation which, if managed well, could either lead to unprecedented economic growth and prosperity for all or drive them to social decline, economic collapse and environmental damage. Urbanization, the fundamental driver for this evolution, is rapid, posing major challenges to cities in advanced and emerging economies, with the greatest impact being on the latter. Cities are faced with numerous, and often elusive, challenges, such as a demand-and-supply gap in basic urban infrastructure and services, increasing social polarization, crime, climate change, pollution, traffic congestion, informal dwellings, unemployment, poor governance and lack of trust in government, unplanned development, budgetary restriction and administrative limits.

Regardless of the impact of these challenges, cities are expected to provide a better standard of living, increase community cohesion, wellness and happiness while progressing towards sustainable development. Cities must develop urban strategies that are people-centric and provide platform where they can “thrive” rather than just “survive”. It is important that fundamental principles such as equality, integrity, trust, inclusion, affordability, accessibility, social cohesion, a sense of belonging and resilience are further strengthened while promoting innovation and entrepreneurship to build long-term economic progress and social and environmental sustainability.

Sustainable urban development agreements are launched regularly to guide cities in addressing the challenges and opportunities and the mega trends requiring transformation. It is evident that agreements such as Habitat I & II, the Millennium Development Goals, Rio+20, COP and the Hyogo Framework for Action have led to some transformation. However, as per the UN-Habitat World Cities Report 2016, implementation and monitoring have been uneven across regions and holistic development could not be achieved.

2. New Urban Agenda

In recognition of the new challenges facing cities and the need to reinvigorate the global commitment to sustainable urbanization, the United Nations General Assembly has decided to convene Habitat III, the third in the series of United Nations Conferences on Housing and Sustainable Urban Development, to take place in Quito, Ecuador, in October 2016. Member states of the General Assembly have decided that the conference objectives should be to:

- Secure renewed political commitment for sustainable urban development
- Assess the 1996 Habitat Agenda (Habitat II) accomplishments to date

- Address poverty, and identify and address new and emerging challenges

The conference will result in a concise, focused, forward-looking and action-oriented document, the **New Urban Agenda**, that will set a new global strategy on urbanization for the next two decades. The New Urban Agenda embodies three **key guiding principles**:

Leave no one behind, ensure urban equity and eradicate poverty	Achieve sustainable and inclusive urban prosperity and opportunities for all	Foster ecological and resilient cities and human settlements
<ul style="list-style-type: none">– Providing equitable access for all to physical and social infrastructure<ul style="list-style-type: none">– Adequate housing and shelter at the centre of the agenda– Public spaces as an enabler of the city's socio-economic function– Recognizing and leveraging culture, diversity and safety in cities– Strengthening participation and enhancing liveability and quality of life	<ul style="list-style-type: none">– Enhancing agglomeration benefits of urbanization and avoiding land speculation– Fair and equitable employment creation, productivity, competitiveness, diversification– Innovation through a sustainable economic development	<ul style="list-style-type: none">– Driving sustainable patterns of consumption and production– Protecting and valuing ecosystems and biodiversity– Adapting to and mitigating the impact of climate change while increasing urban systems' resilience to physical, economic and social shocks and stresses

Source: Agreed draft of the New Urban Agenda

The **key components** of the New Urban Agenda that will provide strategic direction for transformation success are:

- **Urban Rules and Regulations:** The outcomes in terms of quality of urban settlement depend on the set of rules and regulations that are framed and made effective; strengthening urban legislation, providing predictability and directive to the urban development plans to enable social and economic progression
- **Urban Planning and Design:** Strengthening urban and territorial planning to best utilize the spatial dimension of the urban form and deliver the urban advantage

- **Municipal Finance:** Establishing effective financing frameworks, enabling strengthened municipal finance and local fiscal systems to create, sustain and share the value generated by sustainable urban development

3. Ensuring success: Recognizing the Private-Sector Role and Capabilities

To respond to the challenges of urbanization and implement urban development and housing solutions over the next 20 years, the New Urban Agenda must recognize the role of the private sector in the delivery of urban infrastructure and services. It is no longer merely the province of national, regional and city governments to deliver urban infrastructure and services. Working in isolation and with a “business as usual” approach is no longer viable. The private-sector contribution is increasingly required for all aspects of the urban value chain, including policy-making, planning, design, implementation, operation and maintenance, and monitoring, as well as the financing of urban service delivery.

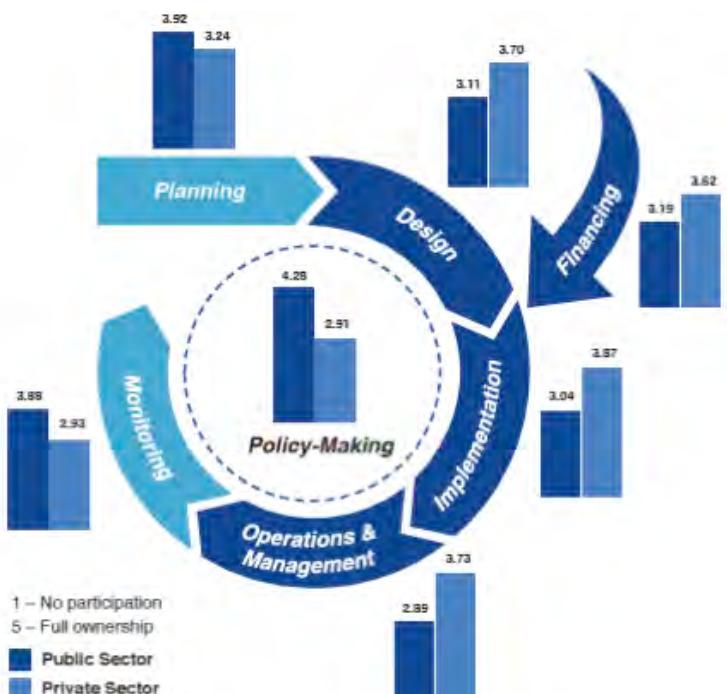
According to a Global Survey on Urban Services by the World Economic Forum’s, Shaping the Future of Urban Development & Services Initiative, the respondents suggested greater private-sector participation in the urban value chain due to better preparedness of the private sector to drive urban transformation (See Figure 1).

The involvement of the private sector has been pivotal for the success of many urban service delivery projects, not only in advanced but also in emerging economies. The public-private partnerships that enable the development and management of infrastructure and the provision of public services are the strategic way to meet the growing infrastructure needs of the urbanized world.

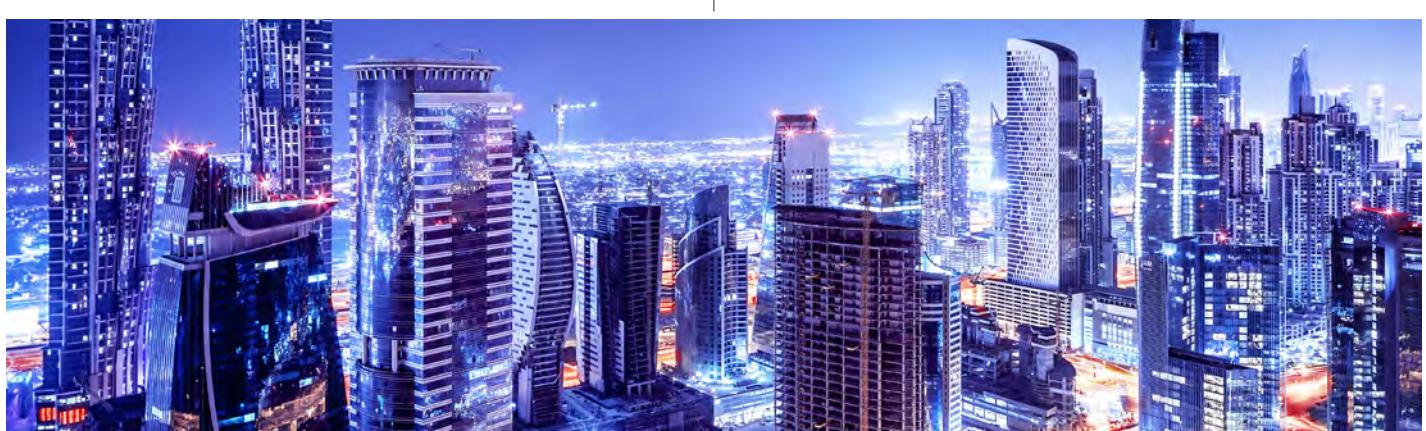
Private-sector cooperation offers multiple benefits in the implementation of transformation strategies by helping the public sector overcome municipal budget deficits, maintaining a pipeline of much needed projects, providing additional investment in the form of private-sector capital and accelerating economic development. The private sector brings innovative approaches in spatial planning and human-centred urban design while ensuring greater efficiency, better cost and time commitments and budgetary certainty in the implementation and

management of long-term urban service delivery projects leading to improved outcomes of the city-planning process. In order to better guarantee sustainable outcomes from public-private cooperation, it is imperative to adopt a multistakeholder approach that also engages civil society, academia and community at all stages of the urban value chain.

Figure 1: Participation across Urban Value Chain



Source: World Economic Forum, Shaping the Future of Urban Development & Services Initiative, Global Survey on Urban Services (October-December 2015)



4. Setting the Right Ecosystem

Public-private cooperation is required to build sustainable urban transformation agendas. This involves dialogue and cooperation between multistakeholders including business, government and civil society. The public and private sectors must create a structured process to engage relevant stakeholders either through informal consultation or formal agreements to drive cities towards social, environmental and economic sustainability while enhancing urban equity, quality of life, social services, resiliency, trust, integrity, innovation, cohesion and inclusiveness. Another dimension that needs dedicated focus is addressing the challenges of affordability in housing and urban services. As per the World Cities Report 2016, housing accounts for 70% of land use in most cities and, by 2025, additional affordable housing will be required to accommodate 1.5 billion people. To meet this demand, public-private cooperation must address the cost of construction and retrofit by unlocking the land potential, leveraging technologies, leading approaches and emerging business models.

4.1 Public-Sector Action

– Engaging the private sector early in the planning and design process

Urban infrastructure and service delivery will be more effective and improve outcomes if they include private sector perspective during the planning and design stage. Private sector experience and critical knowledge of the potential economic scenarios and risks involved will help the public sector to understand key concerns and elicit suggestions for improvement.

– Adopting a life-cycle approach

Adopting a life-cycle approach that takes into consideration the reinvestments, total costs and expected returns throughout the life of an asset, from acquisition to disposal, provides clearer visibility on the required capital investments and operational expenses. It also gives a better understanding of when and how to engage the private sector during the life cycle.

– Building on circular and sharing economy concepts

Resource constraints driven by rising global consumption and underutilization of assets is threatening economic and environmental stability. The concept of the circular and the sharing economy offers new models for growth by decoupling consumption from resource constraints and optimizing the utilization of assets. While the circular economy focuses on the end life and the restorative value of asset in mind, the sharing economy focuses on doing more with less while utilizing the idle value of the asset. The circular

and sharing economy concepts complement each other and carry the potential of spurring massive innovation, creating new marketplaces and redefining the asset utilization and disposal.

– Articulating clear policies for public-private cooperation

Clear policies need to be established that form synergistic connections between the urbanization trends, overall growth vision for the nation and the relevant stakeholders involved in making it happen. The biggest motivation for the private sector is the transparency and trust the public sector demonstrates in terms of its strategic ambition, engagement rationale, transformation approach, responsibilities of key stakeholders, implementation, management, monitoring, evaluation and effective and fair dispute-resolution mechanisms.

– Demonstrating a strong, stable and visible political commitment

Urban infrastructure and service delivery projects can span several political administrations. Given the significant and long-term commitments involved, attracting private-sector interest requires a high degree of certainty that projects will go ahead and receive political support. Many infrastructure contracts often have a long tenure and, given political cycles, investors desire general stability in the legal and regulatory frameworks and in the way decisions are reached under the governance mechanism. While the sector-specific regulations may change during the contract's tenure, investors need reassurance that such changes will be predictable and that flexibility will be built into the contract to address them. Infrastructure laws and regulations should be transparent and based on broad societal support to ensure predictable outcomes of regulatory decisions, even in unstable, long-term economic and political conditions.

– Developing the appropriate legal and regulatory framework

Legal impediments and uncertainties regarding the public-private partnership model affect both the public and the private sectors. The focus must be on establishing legal framework and regulations that are characterized by simplicity, integrity, accountability and certainty, while providing guidance, predictability, security and enforcement during the implementation of transformation strategies. Moreover, developing a mechanism to involve relevant stakeholders across urban domains in the regulation formulation process will help the move towards a practical design of legal and regulatory frameworks.

- **Empowering city leadership**
Given the population growth trends and the expansion of city boundaries, it is best to decentralize urban development responsibilities and devolve resources to cities consistently applying the Subsidiarity Principle. In doing so, the emphasis should be on disseminating responsibilities among various levels of government – national, regional and city – with clear roles and responsibilities. Giving city leadership more revenue-raising powers, financial responsibilities, complete ownership of city administrative boundaries and spending flexibility with clear accountability will further enhance the contributions of cities to the national economy.
- **Strengthening institutional frameworks**
The public sector has to assess gaps and strengthen the institutional framework to meet the scale, scope and complexity of urban infrastructure and service delivery while achieving anticipated outcome, quality levels and best value for money.
- **Using transparent and flexible procurement frameworks**
Some public-sector organizations have very regimented procurement practices, requiring a one-size fits-all approach. Although this approach helps to keep contract administration simple, if the public sector stipulates that only one procurement methodology can be used, not only are opportunities for innovation removed but also costs tend to be higher.
- **Establishing a reliable dispute-resolution mechanism**
Public-private cooperation can result in dispute due to long-term contractual relationships and varied interests. An effective arbitration and judicial system that can hear and resolve disputes on a timely basis is obligatory, while ensuring impartiality from government and having adequate resources and training. The system must be predictable, clear, well-reasoned and, most importantly, capable of being implemented and enforced. The World Economic Forum report, *Mitigation of Political & Regulatory Risk in Infrastructure Projects*, recommends settling disputes using a set of options that includes mediators, non-binding expert panels, binding expert panels, national regulators and international jurisdiction or arbitration.
- **Building institutional capacity**
Urban infrastructure and services delivered through public-private cooperation either through informal or formal engagement are complex undertakings and require a wide range of skills at each phase of the urban service delivery life cycle: assessment, detailed preparation, procurement and implementation. Investments must be made in skilled teams, and innovative ways to develop capacities, such as establishing a centre of excellence to serve as a platform for knowledge-sharing, collaboration and research on topical issues, can help to deliver urban services that demonstrate clear value for the public budget and the public good.

4.2 Private-Sector Action

- **Adopting a proactive approach**
Cities bring people and markets together in a single dense space leading to economies of scale and an increase in economic activities that equally benefit the public and the private sector. The private sector must come forth and complement the efforts of the public sector in developing innovative solutions that can enhance the opportunity presented by cities, while simultaneously addressing its immediate and long-term priorities. The private sector must establish dialogues with the public sector and support urban infrastructure and services pipeline development with a compelling business case based on prior experiences.
- **Approaching urban service delivery projects with a realistic view**
While the public partner is establishing clear-cut goals and projects, the private partner must evaluate project attractiveness, opportunity and feasibility. The key points to be evaluated are: requirement and urgency of the project; project complexity; revenue source throughout the project life cycle; and similar project implementation for reference and learning.
- **Engaging with local communities for long-term support**
Engaging with the community early in the planning phase increases mutual confidence between communities, business and local government and improves the urban service delivery design towards sustainable human-centric solutions. Transparent and truthful communication about the project's impact, interdependencies and payoffs, whether positive or negative, and the outcomes build community trust and buy-in and provide necessary endurance to the project.
- **Building public-private cooperation that withstands testing times**
Partnerships between governments and business with the support of civil society and community endure when there is trust in each partner's commitment to the project and its objectives. Given the complex public-private cooperation process and structure, timely constructive dialogues must be facilitated to share points of view and build trust. Moreover, trustworthy cooperation can limit certain aspects of unforeseen volatile market dynamics on a project's finances.
- **Extending partnerships beyond the obvious**
A project can benefit from extending partnerships beyond conventional expertise and the obvious list of partners. For example, conducting research and education in collaboration with academic institutions, funding by NGOs/foundations, leveraging social media to survey and test policies with local communities.

4.3 Integrated Action

– **Building mutual trust and integrity**

Trust is the main determinant of how citizens and the private sector react to the mission and initiatives of the public sector. Building trust between the public and private sectors as well as demonstrating ethical behaviour are paramount for success. Unethical behaviour is not only unacceptable in a partnership but also presents a substantial risk to both the public and private sectors alike. Governmental entities must adhere to the highest standards of ethics and transparency and avoid conflicts of interest. The private sector must establish internal procedures to guard against unethical practices and have policies and procedures for taking legal action against any violations. When engaging with a third party, rules must be in place to perform due diligence. The World Economic Forum report on *Building Foundations for Transparency* suggests that the public sector and the private sector should take steps, together with the community, to ensure a transparent and trusted environment is in place.

– **Embracing civil society**

Civil society adds significant value to public-private cooperation, whether as an official partner, through informal collaborations or through “spillover” effects. Civil society actors demonstrate their value as facilitators, educators, conveners and innovators as well as service providers and advocates. By involving civil society as an implementation partner, interventions are more likely to be effective, while ensuring that outcomes are socially and environmentally responsible.

– **Leveraging technology**

Disruptive technologies present a significant opportunity to better shape urban development by building actionable intelligence on data originating within the city. The World Economic Forum report on *A Breakthrough in Mindset and Technology* suggests that technology enables inclusion, collaboration, digital integration of the various city sectors to deliver seamless services to citizens while giving the private sector opportunities to design and deliver services that enhance economies of scale, achieve sustainable outcomes and are based on innovative business models. Digital technologies may realize their full potential only if they are widely adopted across all aspects of the urban value chain as depicted in Figure 1 and are provided with a fertile environment that encourages prototyping and experimentation.

– **Promoting Urban Innovations**

The changes in urban dynamics, combined with rising citizen expectations, have intense implications on urban services delivery and structure. The World Economic Forum report on *Top Ten Urban Innovations* recommends that public-private cooperation has to invest in developing innovative solutions that are scalable, replicable and people-centred, whether involving simple solutions or high tech, with a broad range of transformational power to change the way cities and its inhabitants interact.

5. Conclusion

Public-private cooperation will enable the delivery of sustainable and affordable urban development and housing and drive economic growth. It is important that the New Urban Agenda takes into account the value created by the private sector and provides an enabling and trusted environment to motivate the private sector to commit to long-term partnerships and investment.

The recommended actions appear simple to adopt but are substantially challenging to implement. Every nation is different, with varying requirements, scenarios, political structures, government capabilities and readiness. Not all the identified actions can be addressed simultaneously or applied equally and it is advisable to focus attention on prioritizing according to a nation’s unique context and values. Complementing the prioritization, nations must initiate test runs to check the feasibility of recommended actions to validate response, while gaining experience to better shape outcomes and further scaling up. Prioritizing the recommendations that are most relevant and feasible, governments can do much to attract private-sector investment and build confidence, setting the foundations for long-term successful public-private cooperation for sustainable urban development.

The Steering and Advisory Boards of the World Economic Forum’s Shaping the Future of Urban Development and Services initiative trusts that the guidance offered in this Executive Summary is supportive both to governments and the private sector when implementing the New Urban Agenda and will enable the delivery of sustainable urban development and housing in cities over the next 20 years.

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