

CITY OF ARCADIA

City Council Regular Meeting Agenda



Tuesday, April 4, 2023, 6:00 p.m.

Location: City Council Conference Room, 240 W. Huntington Drive, Arcadia

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》，需要调整或提供便利设施才能参加会议的残障人士（包括辅助器材或服务）可与市书记官办公室联系（电话：(626) 574-5455）。请在会前 48 小时通知市书记官办公室，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：(626) 574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

How to Submit Public Comment:

Members of the Public who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a Speaker Card, indicating the agenda item number and submit it to the City Clerk prior to the meeting, or simply come to the podium when the Mayor asks for those who wish to speak. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.

Electronic submission of Public Comment is also available via the City's website or by email as noted below. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

1. **Website:** Please submit your comments using our online public comment form at ArcadiaCA.gov/comment. Your comments must be received at least 30 minutes prior to the posted meeting time.
2. **Email:** Please submit your comments via email to CityClerk@ArcadiaCA.gov. Your comments must be received at least 30 minutes prior to the posted meeting time.

如何提交公众评论意见：

公众成员可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见。

1. **亲自出席：**填写一张发言人卡片，注明议程项目编号，然后在会议开始前提交给市书记官，或者在市长询问公众发言时，直接到讲台上发言。每位发言人的发言时间不得超过五（5）分钟。市长可自行决定缩短发言限制时间，以便允许所有发言人向市议会表达自己的意见。

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录，但会在会议开始前转交给市议会，供市议会考虑。

1. **网站：**请使用以下网站中刊载的在线公众评论意见表提交您的评论意见：ArcadiaCA.gov/comment。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
2. **电子邮件：**请将您的评论意见通过电子邮件发送至：CityClerk@ArcadiaCA.gov。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS

Paul P. Cheng, Mayor
April A. Verlato, Mayor Pro Tem
Michael Cao, Council Member
Sharon Kwan, Council Member
Eileen Wang, Council Member

PUBLIC COMMENTS (5-minute time limit each speaker)

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

CLOSED SESSION

- a. Pursuant to Government Code Section 54956.9 (d)(1) to confer with legal counsel regarding the matter of Arcadians for Environmental Preservation v. City of Arcadia, Los Angeles County Superior Court (Case No. 20STCP02902).
- b. Pursuant to Government Code Section 54956.9 (d)(1) to confer with legal counsel regarding the potential settlement agreements with opioid distributors, Walgreens Co., Walmart, Inc., and CVS Health Corporation/ CVS Pharmacy, Inc., and opioid manufacturers Teva Pharmaceutical Industries Ltd. and Allergan Finance, LLC/Allergan Limited.

**Regular Meeting
City Council Chambers, 7:00 p.m.**

1. CALL TO ORDER

2. INVOCATION

Reverend Darwin Ng, Arcadia Police Department Chaplain

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL OF CITY COUNCIL MEMBERS

Paul P. Cheng, Mayor
April A. Verlato, Mayor Pro Tem
Michael Cao, Council Member
Sharon Kwan, Council Member
Eileen Wang, Council Member

5. REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS

6. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS

7. PRESENTATIONS

- a. Presentation of adoptable dog by the Pasadena Humane Society.

8. PUBLIC HEARING

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card noting the agenda item number and provide it to the City Clerk prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council) each speaker is limited to five (5) minutes per person unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or acting on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, in the discretion of the City Council.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- a. Resolution No. 7477 approving Appeal No. 22-06, and the revised project for a new two-story, traditional single-family house at 1225 Oaklawn Road.
CEQA: Exempt
Recommended Action: Adopt

9. PUBLIC COMMENTS (5-minute time limit each speaker)

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

10. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).

11. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that a specific item be removed from the Consent Calendar for separate discussion and action.

- a. Regular Meeting Minutes of March 21, 2023.
CEQA: Not a Project
Recommended Action: Approve

- b. Resolution No. 7488 amending the Fiscal Year 2022-23 General Fund Budget and authorizing a supplemental budget appropriation for the purchase of paramedic supplies in the amount of \$25,000, offset by a \$5,000 reduction in the National Opioid Settlement/California Janssen Agreement Fund and a \$20,000 reduction in the American Rescue Plan Act ("ARPA") Fund; and approving a Change Order to the Purchase Order with Life-Assist, Inc.
CEQA: Exempt
Recommended Action: Adopt and Approve

- c. Resolution No. 7491 opting into settlement agreements with distributors of opioids, Walgreens Co., Walmart, Inc., and CVS Health Corporation/CVS Pharmacy, Inc., and opioid manufacturers Teva Pharmaceutical Industries LTD. and Allergan Finance, LLC/Allergan Limited.
CEQA: Exempt
Recommended Action: Adopt

- d. Contract with General Pump Company, Inc. for the inspection and rehabilitation of the Orange Grove Well 5 Project in the amount of \$289,400.
CEQA: Exempt
Recommended Action: Approve

- e. Purchase Order with South Coast Lighting & Design for the purchase of 6.6 Series Streetlight Transformers in the amount of \$87,600.24.
CEQA: Exempt
Recommended Action: Approve

- f. Purchase Order with Core & Main for payment of purchased AMI Radio-Read Water Meters for the City's Annual Meter Replacement Program in the amount of \$298,390.54.
CEQA: Exempt
Recommended Action: Approve

12. ADJOURNMENT

The City Council will adjourn this meeting to April 18, 2023, 6:00 p.m. in the City Council Conference Room.

Welcome to the Arcadia City Council Meeting!

The City Council encourages public participation, and invites you to share your views on City business.

MEETINGS: Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall, the Arcadia Library, and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (CityClerk@ArcadiaCa.gov). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please submit a **Speaker Card** to the City Clerk prior to your comments, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record. Please provide the City Clerk with a copy of any written materials used in your address to the City Council as well as 10 copies of any printed materials you would like distributed to the City Council. The use of City equipment for presentations is not permitted.

MATTERS NOT ON THE AGENDA should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given five (5) minutes to address the City Council; however, the Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the City Council. **By State law, the City Council may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response or will be placed on the agenda of a future meeting.**

MATTERS ON THE AGENDA should be addressed when the City Council considers that item. Please indicate the Agenda Item Numbers(s) on the **Speaker Card**. Your name will be called at the appropriate time and you may proceed with your presentation within the five (5) minute time frame. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council.

PUBLIC HEARINGS AND APPEALS are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), speakers shall be limited to five (5) minutes per person. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council. The applicant may additionally submit rebuttal comments.

AGENDA ITEMS: The Agenda contains the regular order of business of the City Council. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the City Council can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine by the City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

DECORUM: While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, shall serve as the Sergeant-at-Arms of the City Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

欢迎参加阿凯迪亚市议会会议！

市议会鼓励公众参与，并邀请您分享对城市管理的看法。

会议：市议会定期会议于每个月第一个和第三个星期二下午七时在市议会会议厅举行。在市政厅、阿凯迪亚图书馆和市政府网站（www.ArcadiaCa.gov）可以找到包含所有相关信息的完整市议会议程。单独的议程报告可应请求通过电子邮件索取（CityClerk@ArcadiaCa.gov）。至于在发布该议程后向市议会多数成员分发的文件，公众可在阿凯迪亚市书记官办公室查阅，地址：240 W. Huntington Drive, Arcadia, California。市议会会议实况将通过有线电视进行现场直播和回放。如在以往的通知中所提示，如果您参加这次公开会议，您的图像和/或声音可能被录下并播出。

公众参与：市议会欢迎并邀请您参加市议会的所有会议。在每次定期会议上都为那些希望在会上发言的市民留出时间。市政府要求在市议会发言的人杜绝个人攻击、诽谤、亵渎或破坏性言论。如有可能，请在发表意见之前向市书记官提交一张**发言卡**，亦可在市长宣布自由发言时直接上台发言，并说出您的姓名和地址（如果您愿意），以便制作会议记录。请向市书记官提供一份您在发言中使用的任何书面材料，以及 10 份您希望分发给市议会的任何印刷材料。不允许把市政府设备用于准备发言内容。

议程之外的事项应当在指定的“公众评议”时间提出。在一般情况下，每位发言者将有五（5）分钟时间向市议会陈述意见，但市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。**根据州法，市议会不得讨论或表决未列入议程的事项。此类事项将自动转给工作人员采取适当行动或作出回应，或将其列入未来会议的议程。**

列入议程的事项应当在市议会审议该事项时讨论。请在**发言卡**上标明事项的议程编号。在适当的时间会叫到您的名字，您可以在五（5）分钟时限内发言。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。

公开听证和上诉是为需要或希望征求公众意见的事项安排的日程。除申请人外（市议会可酌情决定延长申请人的发言时间），每位发言人的发言不得超过五（5）分钟。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。申请人还可以另外提交反驳意见。

议程事项：议程包含市议会的例行议题。一般而言，由市政府工作人员在会议前对议程中的事项进行审查和调查，以便市议会在作出决定之前能够充分了解情况。

同意日历：在同意日历上列出的事项被市议会视为例行公事，并将通过一项动议采取行动。除非市议员、工作人员或公众提出请求，否则不会对这些事项进行单独讨论。如果有人提出请求，该事项将从同意日历中删除，单独进行审议和采取行动。

行为规范：尽管市民可对市政府的政策和市议会或其成员的行动或拟议行动自由地提出批评，但不得出现干扰会议正常秩序的行为，包括但不限于在别人的发言时间内阻止别人发言，或妨碍公众听到发言内容或看到议程进展状况。市民亦不得威胁进行身体伤害或以可能被合理理解为作出身体伤害紧迫威胁的方式行事。所有出席会议的人都必须遵守市政府的反骚扰政策，禁止基于个人种族、宗教信仰、肤色、原国籍、祖籍、身体残障、疾病、婚姻状况、性别、性取向或年龄骚扰他人。警察局长或警察局其他成员将担任维持市议会会议秩序的保安官。保安官将执行会议主持人的一切命令和指示，以维持会议秩序和行为规范。对任何违反会议秩序和行为规范的人可执行拘捕，并可能根据《刑法典》第 403 条或《阿凯迪亚市政法典》相关条款提出起诉。



STAFF REPORT

Development Services Department

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Lisa Flores, Deputy Development Services Director
Prepared By: Fiona Graham, Planning Services Manager

SUBJECT: RESOLUTION NO. 7477 APPROVING APPEAL NO. 22-06 AND THE REVISED PROJECT FOR A NEW TWO-STORY, TRADITIONAL SINGLE-FAMILY HOUSE AT 1225 OAKLAWN ROAD
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Appellant, Alex Hou (Agent for the Property Owner – 800 Hampton, LLC), appealed the Planning Commission’s denial of a new 6,138 square foot, two-story, Cape Cod residence with an attached four-car garage, and several covered porches totaling 1,075 square feet, located at 1225 Oaklawn Road (“Project”). At the February 21, 2023, City Council hearing, the City Council voted unanimously to continue the public hearing for 42 days to allow the property owner time to work with the Architectural Review Board (“ARB”) and neighboring property owners, and to bring this item back to the April 4, 2023, meeting.

The Appellant has since met with the neighbors and ARB Chair, revised the plans, changed the architectural style from Cape Cod to Traditional, reduced the overall size of the second floor and resituated it toward the rear of the house, and lowered the roof pitches. The revised project now consists of a new 6,090 square foot, two-story Traditional residence with an attached four-car garage, and several porches totaling 957 square feet. The neighbors and the ARB Chair all found the proposed changes to be acceptable. Therefore, it recommended that the City Council adopt Resolution No. 7477 (refer to Attachment No. 1), thereby approving the appeal and the revised project.

BACKGROUND

The Project was originally approved by the Santa Anita Oaks Architectural Review Board (“ARB”) on a 3-2 vote on September 13, 2022. On September 26, 2022, the first appeal was originally filed by seven of the nearby property owners requesting that the Planning Commission overturn the ARB approval of the new house. The appeal was heard before the Planning Commission on November 22, 2022. After the public hearing, several Planning Commissioners determined that they could not make some of the required findings because they found the house not to be harmonious with the neighborhood; that the mass and scale of the house were inconsistent with the neighborhood; that the house was much larger than the average home along the street, and that the second story was not sufficiently pushed back per the City’s Single-Family Design Guidelines. Therefore, the Planning Commission voted 3-2 to approve the appeal and deny the home – refer to Exhibit No. 3 of Attachment No. 5 for the Planning Commission Minutes and Exhibit No. 4 of Attachment No. 5 for the Planning Commission Staff Report.

On December 22, 2022, within the 10-day appeal period, the Appellant, Alex Hou on behalf of the property owner, filed an appeal of the Planning Commission’s decision to deny the new two-story home (refer to Exhibit No. 2 of Attachment No. 5). The Appellant objected to the Planning Commission’s decision and stated that the findings made were incorrect. The Appellant stated that the project is consistent with the Single-Family Residential Design Guidelines including form, mass, architectural style, height, articulation, and façade details. The Appellant also stated that the home is compatible with the surrounding neighborhood as there are larger homes along the street, including a newly-approved home at 1311 Oaklawn Road with a similar Floor Area Ratio (“FAR”), and 10 other two-story homes in the vicinity. Furthermore, the Appellant has stated that the home has been designed to minimize the appearance of it being a two-story house, hiding the visibility of the mass from the street.

On February 21, 2023, the City Council considered the appeal and discussed the merits and issues regarding the design of the house and the surrounding neighborhood. Two Council Members were in support of the home as designed, while two other Council Members expressed concerns regarding the mass and scale of the home and a lack of neighborhood compatibility. Following the public hearing, the City Council voted unanimously to continue the public hearing for 42 days to allow the property owner time to work with the ARB and the neighboring property owners, and to bring this item back to the April 4, 2023, meeting - refer to Attachment No. 3 for an excerpt of the City Council Minutes from the February 21, 2023, meeting. Additionally, for the original Staff Report and attachments, please see Attachment No. 5.

DISCUSSION

The Appellant and the Project Architect met three times with neighboring property owner Shirley Chi and ARB Chair Tom Walker -- March 9, 2023, March 21, 2023, and March 27, 2023 -- to discuss the Project and potential changes to the design (refer to Attachment

No. 2 for the Appellant’s meeting notes). Neighboring property owner Jill Hisey also attended the March 9 and 27 meetings. All neighbors who expressed their opposition to the project were invited to the discussions. As a result of those meetings, the Appellant agreed to make the following changes to the Project:

- Change the architectural style from Cape Cod to Traditional.
- Modify the roof pitch of the house’s front facade and front porches from 10:12 to 7:12, thereby lowering the height of the front of the house from 26’-6” to 21’-6”, and the front covered porches from approximately 16’-6” to approximately 15’-3”.
- Move the second floor further back from the front of the house, which was originally set back 63’-8” from the front property line. With these changes, the second floor will be set back 85’-1”, which is approximately 22’-0” further to the rear.
- Reduce the second floor from 2,091 square feet to 1,875 square feet; a 216 square foot reduction.
- Lower the maximum building height for the house from 26’-6” to 25’-6”.

The table below provides a comparison between the original design and the revised design:

	Development Standards	Original Design	Revised Design
Floor Area Ratio	6,798 square feet maximum (32%)	6,470 square feet	6,526 square feet*
Lot Coverage	7,435 square feet(35%)	6,078 square feet	6,276 square feet
<u>Setbacks:</u>			
Front	50’ minimum (average of adjacent lots)	55’-5” 63’-8” (2 nd floor)	55’-5” 85’-1” (2 nd floor)
Side	10’-3” (1 st floor) 20’-7” (2 nd floor)	11’ (north) 10’-4” (south)	10’-3” (north) 10’-3” (south)
Rear	35’ (1 st floor) 35’ (2 nd floor)	22’-1” (north) 26’-6” (south)	21’-3” (north) 35’-5” (south)
Height	30’ maximum	26’-6”	25’-6”

**The actual square footage of the revised home is 6,090 square feet, but the Floor Area Ratio (FAR) exceeds this number due to high ceiling areas and a portion of the garage area which are counted in FAR.*

Some of other changes that were made to house include:

- The four-car garage was rearranged to a three-car garage and a one-car garage.
- The first-floor square footage increased from 4,047 square feet to 4,215 square feet.
- The overall Floor Area Ratio of the house increased from 6,470 square feet (30.5%) to 6,526 square feet (30.7%). The proposed FAR of 30.7% remains below the maximum allowed of 6,798 square feet (32%). As noted in the table above, the actual square footage of the home is less than this, but additional high ceiling areas and garage area leads to a higher FAR number.
- Lot coverage increased from 6,078 square feet (28.6%) to 6,267 square feet (29.5%), (maximum lot coverage is 7,435 square feet – 35%).

Figures 1 and 2, below provide a comparison between the original and updated front elevations. Refer to Attachment No. 2 for the full set of updated architectural plans.

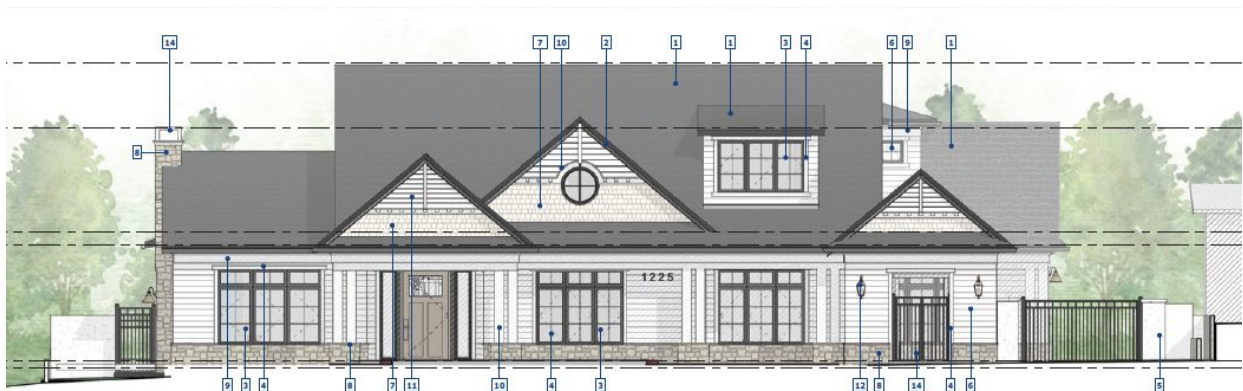


Figure 1: Previous front façade design

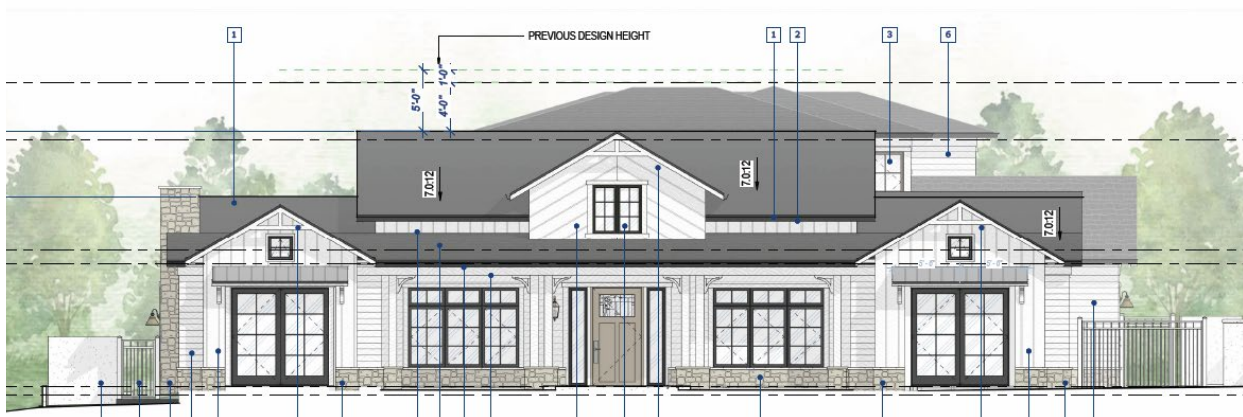


Figure 2: Updated front façade design

The revised architectural style (Traditional) has a more modest front façade, which is in keeping with nearby Ranch style houses. The house now has a more horizontal rather than vertical appearance, better reflecting the dominant form of neighboring single-story Ranch houses. The revised design also has features that are shared with many of the neighboring homes, including siding, wainscoting, and use of concrete roof tiles, which will help the home blend into the neighborhood. With respect to the massing of the proposed house, the second story has been stepped back from the front and sides of the proposed first story and is not visually dominant. The visual massing of the home is minimized by setting the second floor back 29'-8" from the front of the first floor and incorporating a 35'-5" side setback on the second story's southern facade. The home also contains significant articulation, particularly on the second story, which reduces the massing of the home and preserves the privacy of neighboring properties.

As for the building height, the proposed home will be 25'-6" high, which is less than the maximum allowed of 30'. Oaklawn Road slopes from north-to-south, creating a change in grade between properties of around four feet. This change in grade emphasizes the height difference between the proposed two-story home and the existing one-story homes, particularly to the south; however, the visibility of the height difference is lessened by the significant second story setback of 35'-5" along the southern facade. The proposed height is consistent with other two-story houses along the street. The most significant difference is the visible roof slope that is 7:12. Ranch house roofs typically have a shallow pitch with a 3:12 or 4:12 slope, which emphasizes the low-horizontal nature of that architectural style. Notwithstanding the 7:12 visible roof slope, the home has a strong horizontal appearance, and the second story is similar in scale to other two-story homes in the immediate vicinity.

The proposed front yard landscaping, which has not changed from the previous design, will include a new circular driveway and a paved walkway. The three existing mature oak trees will remain, while the new turf, mulch, and plants will be installed underneath and around the driplines of those oak trees. New plantings are proposed along both sides and the rear property boundary. None of the protected trees will be removed and a Protected Tree Encroachment Permit will be required for the three oak trees in the front yard.

Additionally, the Appellant has provided an updated Arborist's report for the subject site that considers all the changes to the revised building's footprint and the second floor, and the current health of the three affected oak trees in the front yard. Based on the Certified Arborist's review, the health of those trees remains the same and no additional protection measures are proposed - refer to Attachment No. 4 for the updated Arborist's report.

It is recommended that the City Council approve the Appeal and the revised project, subject to the following conditions:

1. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted for a new, two-story single-

family residence at 1225 Oaklawn Road, subject to the satisfaction of the Deputy Development Services Director or designee.

2. The front yard pilasters shall not have lights incorporated on or within them. The Applicant/Property Owner shall provide a detail of the pilasters, which has been approved by the ARB, as part of the building plan check submission.
3. Any pool on the subject property will not include a spillway or any water feature. Pool equipment is to be setback no less than 13 feet from the rear property line.
4. No landscaping within the vehicle visibility area shall exceed three feet in height.
5. The project shall comply with the City's Water Efficient Landscaping Ordinance ("WELO"). The Property Owner/Applicant shall submit landscaping plans and all WELO documentation with the building plans for plan check in Building Services.
6. Prior to issuance of a Certificate of Occupancy, the Property Owner/Applicant shall plant tall, mature hedges along the perimeter of the property along the north and south side yard areas. The species and box size shall be indicated on the landscape plan submitted for building plan check and shall be to the satisfaction of the Deputy Development Services Director or designee. The hedges shall be at least eight feet tall prior to the issuance of a Certificate of Occupancy.
7. The Property Owner/Applicant shall file a Protected Tree Permit application with the City within 45 days of this approval and the Property Owner/Applicant shall comply with all the recommended measures and conditions of approval imposed by the Certified Arborist that prepared the report and the City to ensure no portion of the proposed development will harm the healthy protected trees. If any of the protected trees do not survive as a result of this development, the City may require a large mature oak tree(s) to replace any failed existing tree, prior to issuance of a Certificate of Occupancy. The size and location shall be determined by the Deputy Development Services Director, or designee, and the City's Certified Arborist.
8. To the maximum extent permitted by law, the Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with the new Cape Cod house ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the project. This indemnity

provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, the Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within five business days of each and every notice from the City that the deposit has fallen below the initial amount, the Applicant shall replenish the deposit each and every time in order for the City's legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the project, this condition shall remain in effect if the entitlement(s) related to this project is rescinded or revoked whether at the request of the Applicant, or not.

9. Approval of the house shall not be of effect unless the Property Owner/Applicant has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has denied the appeal. The Acceptance Form is to indicate awareness and acceptance of the conditions of approval.

FINDINGS

Section 9107.19.050 of the Development Code requires that the Review Authority may approve a Site Plan and Design Review application, only if it first makes all the following findings:

- 1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.**

Facts to Support This Finding: The subject site is zoned R-0, Very-Low Density Residential Zone, which allows for the development of a single-family residence. The new two-story house will not change the use or density allowed in this zone and meets all the development standards and required regulations, including but not limited to setbacks, height, and floor area ratio. Therefore, the new development will be in compliance with all the applicable standards and regulations in the Development Code.

2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.

Facts to Support This Finding: The proposed two-story house will be consistent with the objectives and standards of the City’s Single-Family Residential Design Guidelines. The overall mass and scale of the Project will be compatible with the other homes in neighborhood, which is comprised of one and two-story homes, and the Traditional style residence will blend with the immediate homes that consists of Ranch style homes. The placement of the second floor was re-designed to be set further back from the front of the house to help mitigate the mass, and the three very large existing oak trees in the front yard will help screen and soften the mass of the house from the street. Therefore, the proposed development meets the intent of this finding.

3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.

Facts to Support This Finding: The new two-story house will be compatible with the character of the neighborhood in terms of the architectural design, since the subject site is in a residential neighborhood that is comprised of Ranch and various other architectural styles including French, Traditional/Colonial, and Tudor. The Traditional-style house is consistent with the City’s Design Guidelines in terms of form, roof, articulation, and design features and details. The architectural design, overall articulation, extensive front yard landscaping including retention of three large existing oak trees, and large second story setbacks help minimize the scale, soften the appearance of the home, and allow for consistency with the neighborhood. Therefore, the proposed project meets the intent of this finding.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

Facts to Support This Finding: The circular driveway will provide adequate access to the garages along the northern side of the home. Parking will be easily accessible from the new driveway and vehicles will be able to maneuver adequately. The proposed landscaping will not encroach into the visibility area at the street and driveway since the hedges can be maintained at a height of three feet or less, in compliance with the Municipal Code.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

Facts to Support This Finding: The proposed project will be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code, and the City’s Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the other homes in the immediate vicinity. The site layout and design are harmonious with the neighborhood as the proposed home meets or exceeds all required setbacks. The visual mass of the home is softened by pushing the second story back 29’-8” from the ground floor. Large second story setbacks on the southern façade and use of clerestory windows will limit any overlooking, or privacy issues with the adjacent property to the south. Extensive new landscaping throughout will complement the home and provide additional screening along both side and rear property lines. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on- or off-site are expected from this project. Therefore, the proposed house meets the intent of this finding.

For the reasons stated above, it is recommended that the City Council approve the project and thereby overturn the decision of the Planning Commission to deny the proposed two-story home at 1225 Oaklawn Road.

ENVIRONMENTAL ANALYSIS

The proposed project qualifies as a Class 3 Categorical Exemption per the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a new single-family home - refer to Attachment No. 6 for the Preliminary Exemption Assessment.

PUBLIC NOTICE/COMMENTS

Public hearing notices for this item were mailed on February 9, 2023, to the property owners located within 300 feet of the subject property. The public hearing notice was published in the Arcadia Weekly on February 9, 2023. At the February 21, 2023, City Council Meeting, the City Council continued the public hearing to April 4, 2023. No additional noticing was required. Staff received three written comments and a petition prior to the February 21, 2023, public hearing. No additional public comments have been received as of Thursday, March 30, 2023.

FISCAL IMPACT

Any decision on the appeal would have no significant fiscal impact.

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 7477 approving Appeal No. 22-06 and the revised project for a new two-story, single-family house with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) at 1225 Oaklawn Road, subject to the conditions of approval listed above.

Approved:



Dominic Lazzaretto
City Manager

- Attachment No. 1 Resolution No. 7477
- Attachment No. 2 Revised Architectural Plans and Appellant notes from March 9, 2023, and March 21, 2023, meetings
- Attachment No. 3 Excerpt of City Council Minutes from the February 21, 2023 Meeting
- Attachment No. 4 Updated Arborist report, dated March 27, 2023
- Attachment No. 5 City Council Staff Report, dated February 21, 2023, and late public comments.
 - Exhibit No. 1 Resolution No. 7477 (updated for April 4, 2023, City Council Meeting)
 - Exhibit No. 2 Appeal Application and Letter, dated December 22, 2022
 - Exhibit No. 3 Planning Commission Minutes for the November 22, 2022, Meeting
 - Exhibit No. 4 Planning Commission Staff Report, dated November 22, 2022, can be found in the hyperlink below:
<https://cms9files.revize.com/arcadia/11-22-22%20PC%20Agenda%20Packet.pdf>
 - Exhibit No. 5 Architectural Plans that were approved by the Santa Anita Oaks Architectural Review Board
 - Exhibit No. 6 Public comment
 - Exhibit No. 7 Preliminary Exemption Assessment (original project)
- Attachment No. 6 Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 7477

RESOLUTION NO. 7477

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING APPEAL NO. 22-06 AND THE REVISED PROJECT FOR A NEW TWO-STORY, TRADITIONAL SINGLE-FAMILY HOUSE AT 1225 OAKLAWN ROAD

WHEREAS, on January 10, 2022, a Regular Review Application was filed with the Santa Anita Oaks Architectural Review Board (“ARB”) by Philip Chan on behalf of the property owner, 800 Hampton LLC, for the Project; and

WHEREAS, on July 21, 2022, the Santa Anita Oaks ARB held a duly noticed public hearing on the Project. Four (4) neighbors attended the meeting, expressing concerns that the mass, scale and architectural style of the house were inconsistent with the neighborhood, that the house would create privacy issues for the adjacent property to the south – 1215 Oaklawn Road, and that the Findings could not be made. The ARB continued the hearing to allow the architect to make the necessary changes to the project; and

WHEREAS, on September 13, 2022, the Santa Anita Oaks ARB held a second hearing and after reviewing the revised plans and the neighbors’ concerns, the ARB conditionally approved the new home with a 3-2 vote on the basis that the proposed project is consistent with the City’s Single Family Residential Design Guidelines and that the project complies with all the regulations; and

WHEREAS, on September 26, within the 10-day appeal period, the Project was appealed by Shirly Chi (owner of 1215 Oaklawn Road), Jill and Steve Hisey (owners of 515 Arbolada Drive), Feizhi Chen and Angela P. Lin (owners of 521 Arbolada Drive), Dr. Gary and Karen Jacobsen (owners of 1201 Oaklawn Road), Maurice and Beverly Stewart (owners of 1212 Oaklawn Road), Drs. Hymavathi and Narandranath Reddy (owners of

1220 Oaklawn Road), and Dr. David and Keppie Sullivan (owners of 1320 Oaklawn Road) appealing the ARB approval of the Project; and

WHEREAS, on November 9, 2022, Planning Services completed an environmental assessment for the proposed project in accordance with the California Environmental Quality Act (“CEQA”) and recommended that the Planning Commission determine that the proposed project qualifies as a Class 3 Categorical Exemption under CEQA pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a single-family home; and

WHEREAS, on November 22, 2022, a duly noticed public hearing was held before the Planning Commission on said appeal, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, following consideration of all testimony and evidence including staff reports and attachments, the Planning Commission overturned the Homeowners’ Association approval and approved Homeowners’ Association Appeal No. HOA 22-05 with a 3-2 vote on the basis that the Project was not consistent with the Single-Family Residential Design Guidelines in terms of mass, scale, and overall design and that they could not make three of the five required findings. The Planning Commission directed Staff to prepare a Resolution incorporating the Planning Commission’s findings for the Project; and

WHEREAS, on December 13, 2022, the Planning Commission approved Planning Commission Resolution No. 2111, which incorporated the Planning Commission’s findings for the Project; and

WHEREAS, on December 22, 2022, within the 10-day appeal period, the denial of the Project was appealed by Alex Hou (“Appellant”) on behalf of the property owner, 800 Hampton LLC, appealing the Planning Commission’s decision; and

WHEREAS, on February 21, 2023, a duly noticed public hearing was held by the City Council, to consider the appeal, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the City Council considered the ARB Findings and Action Report, Planning Commission staff report, the City Council staff report, attachments, and all evidence and testimony presented at the public hearing and voted unanimously to continue the item to April 4, 2023; and

WHEREAS, on April 4, 2024, the City Council continued discussion on the Project and considered the updated architectural plans and all evidence and testimony presented.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated February 21, 2023 and April 4, 2023, are true and correct.

SECTION 2. The City Council finds, based upon the entire record, pursuant to Section 9107.19.050 of the Arcadia Development Code, all of the following findings can be made.

1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.

FACT: The subject site is zoned R-0, Very-Low Density Residential Zone, which allows for the development of a single-family residence. The new two-story house will not change the use or density allowed in this zone and meets all the development standards and required regulations, including but not limited to setbacks, height, and floor area ratio. Therefore, the new development will be in compliance with all the applicable standards and regulations in the Development Code.

2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.

FACT: The proposed two-story house will be consistent with the objectives and standards of the City's Single-Family Residential Design Guidelines. The overall mass and scale of the Project will be compatible with the other homes in neighborhood, which is comprised of one and two-story homes, and the Traditional style residence will blend with the immediate homes that consists of Ranch style homes. The placement of the second floor was re-designed to be set further back from the front of the house to help mitigate the mass, and the three very large existing oak trees in the front yard will help screen and soften the mass of the house from the street. Therefore, the proposed development meets the intent of this finding.

3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.

FACT: The new two-story house will be compatible with the character of the neighborhood in terms of the architectural design, since the subject site is in a residential neighborhood that is comprised of Ranch and various other architectural styles including French, Traditional/Colonial, and Tudor. The Traditional-style house is consistent with the

City's Design Guidelines in terms of form, roof, articulation, and design features and details. The architectural design, overall articulation, extensive front yard landscaping including retention of three large existing oak trees, and large second story setbacks help minimize the scale, soften the appearance of the home, and allow for consistency with the neighborhood. Therefore, the proposed project meets the intent of this finding.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

FACT: The circular driveway will provide adequate access to the garages along the northern side of the home. Parking will be easily accessible from the new driveway and vehicles will be able to maneuver adequately. The proposed landscaping will not encroach into the visibility area at the street and driveway since the hedges can be maintained at a height of three feet or less, in compliance with the Municipal Code.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

FACT: The proposed project will be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code, and the City's Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the other homes in the immediate vicinity. The site layout and design are harmonious with the neighborhood as the proposed home meets or exceeds all required setbacks. The visual mass of the home is softened by pushing the second story back 29'-8" from the ground floor. Large second story setbacks on the southern façade and use of clerestory windows

will limit any overlooking, or privacy issues with the adjacent property to the south. Extensive new landscaping throughout will complement the home and provide additional screening along both side and rear property lines. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on- or off-site are expected from this project. Therefore, the proposed house meets the intent of this finding.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), this Project is a Class 3 Categorical Exemption for the construction of a new single-family home per Section 15303(a) of the CEQA Guidelines.

SECTION 4. For the foregoing reasons, the City Council determines that the Project is Categorically Exempt under the California Environmental Quality Act (“CEQA”) Section 15303(a), Class 3, and approves the appeal, and the revised project for a new, two-story, traditional style residence at 1225 Oaklawn Road, subject to the conditions of approval attached hereto.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON NEXT PAGE]


Passed, approved and adopted this 4th day of April, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 7477

Conditions of Approval

1. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted for a new, two-story single-family residence at 1225 Oaklawn Road, subject to the satisfaction of the Deputy Development Services Director or designee.
2. The front yard pilasters shall not have lights incorporated on or within them. The Applicant/Property Owner shall provide a detail of the pilasters which has been approved by the ARB as part of the building plan check submission.
3. Any pool on the subject property will not include a spillway or any water feature. Pool equipment is to be setback no less than 13 feet from the rear property line.
4. No landscaping in the vehicle visibility area shall exceed 3 feet in height.
5. The project shall comply with the City's Water Efficient Landscaping Ordinance ("WELO"). The Property Owner/Applicant shall submit landscaping plans and all WELO documentation with the building plans for plan check in Building Services.
6. Prior to issuance of a Certificate of Occupancy, the Property Owner/Applicant shall plant tall, mature hedges along the perimeter of the property along the north and south side yard areas. The species and box size shall be indicated on the landscape plan submitted for building plan check and shall be to the satisfaction of the Deputy Development Services Director or designee. The hedges shall be at least 8 feet tall prior to the issuance of a Certificate of Occupancy.
7. The Property Owner/Applicant shall file a Protected Tree Permit application with the City within 45 days of this approval and the Property Owner/Applicant shall comply with all the recommended measures and conditions of approval imposed by the Certified Arborist that prepared the report and the City to ensure no portion of the proposed development will harm the healthy protected trees. If any of the protected trees do not survive as a result of this development, the City has the ability to require a large mature oak tree or trees to replace any failed existing tree prior to issuance of a Certificate of Occupancy. The size and location shall be determined by the Deputy Development Services Director, or designee, and the City's Certified Arborist.
8. To the maximum extent permitted by law, the Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged

to have been caused by reason of the Applicant's activities in connection with the new Cape Cod house ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from the City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for the City's legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the project, this condition shall remain in effect if the entitlement(s) related to this project is rescinded or revoked whether at the request of the Applicant, or not.

9. Approval of the house shall not be of effect unless the Property Owner/Applicant has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has denied the appeal. The Acceptance Form is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

Revised Architectural Plans and Appellant
notes from March 9, 2023, & March 21,
2023 meetings



NEW SINGLE FAMILY HOME | 1225 OAKLAWN ROAD, ARCADIA



751 S. 9900 AVE.
ARCADIA, CA 91006
TEL: 626-294-9402
WWW.PDS-STUDIO.COM

ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

**1225 OAKLAWN RD
ARCADIA, CA 91006**

PLLOT DATE: 3/28/2023
9/21/20
REV. NO. 1
REVISION DATE

TITLE:

GENERAL NOTES

- ALL NEW CONSTRUCTION REQUIRES RESIDENTIAL FIRE SPRINKLERS. FIRE SPRINKLER DESIGN AND INSTALLATION SHALL BE ACCORDING TO THE STANDARDS APPROVED BY THE FIRE DEPARTMENT. PLANS SHALL BE SUBMITTED DIRECTLY TO THE FIRE DEPARTMENT FOR REVIEW AND FOR THE REQUIRED PERMITS PRIOR TO CONSTRUCTION OR INSPECTION.
- UNLESS OTHERWISE NOTED, ALL CONCRETE BLOCK WALL FENCE SHALL BE SUBMITTED UNDER SEPARATE PERMIT.
- PEDESTRIANS SHALL BE PROTECTED DURING CONSTRUCTION, REMEDIATION AND DEMOLITION ACTIVITIES. SIGNS SHALL BE PROVIDED TO DIRECT PEDESTRIAN TRAFFIC. BARRIERS SHALL BE CONSTRUCTED FOR CALIF. 3206.6. COVERED WALKWAYS SHALL COMPLY WITH CBC 3206.2.
- TREE PROTECTION NOTES:** FOR EXISTING TREES TO REMAIN ON SITE, PROTECTIVE FENCING IS REQUIRED, AND TREES ARE TO BE DEEP WATERED 4-5 TIMES PER MONTH OR AS REQUIRED TO KEEP FROM HEALTHY UNTIL IRRIGATION IS INSTALLED.
- LANDSCAPING REQUIRED:** LANDSCAPING MUST BE PROVIDED AND MAINTAINED THROUGHOUT REQUIRED SETBACKS, IN UNIMPROVED CITY RIGHT-OF-WAY ADJACENT TO THE PROPERTY AND OTHER AREAS VISIBLE FROM A PUBLIC RIGHT-OF-WAY WHERE NOT USED FOR ACCESS. LANDSCAPING MUST CONSIST OF AN EFFECTIVE COMBINATION OF TREES, GRASS COVER AND PERENNIALS. ALL LANDSCAPE AREAS MUST HAVE A PERMANENT AUTOMATED UNDERGROUND FULL COVERAGE IRRIGATION SYSTEM.
- ALL "C" SEPARATE PERMIT IS REQUIRED FOR FIRE SPRINKLER, GRADING, DRAINAGE, AND LANDSCAPE. WILL BE ON SEPARATE PERMITS.
- CURBS AND GUTTERS SHALL BE REPLACED PER CITY STANDARDS.**
- ONE TREE PRESENT ON SITE, REFER TO ARBORIST REPORT FOR PROTECTION NOTES AND METHODS**

AREA CALCULATION

TOTAL LIVING AREA	
AREA	5229.25 SF
1st FLR LIVING AREA	4,215.25 SF
2nd FLR LIVING AREA	1,014.00 SF
TOTAL LIVING AREA	6,099.50 SF

RATIO OF 2nd FLR TO 1st FLR: 44.38%

F.A.R. CALCULATION	
AREA NAME	AREA (SF)
1st FLR LIVING AREA	4,215.25
2nd FLR LIVING AREA	1,014.00
GARAGE (W/ BDRP EXEMPTED)	213.50
POPPLES AREA	119.75
SIGNAGE AREA	43.50
POOL	9.50
SMOKE	45.50
SCREEN	10.50
TOTAL F.A.R. AREA	6,536.50 SF

MAX F.A.R. ALLOWED: 6,798.6 SF

LOT COVERAGE

AREA	5428.12 SF
1st FLR LIVING AREA	4,215.25 SF
SCREEN	9.50 SF
1st WINDOW	22.50 SF
2nd WINDOW	484.00 SF
1st CAR GARAGE	1,053.00 SF
2nd WINDOW	158.00 SF
2nd PORCH	38.50 SF
1st PORCH	148.50 SF
2nd PORCH	23.50 SF
1st PORCH	50.50 SF
TOTAL LOT COVERAGE AREA:	6,267.50 SF

MAX ALLOWABLE LOT COVERAGE (25%) = 7,435 SF

PROJECT DESCRIPTION

PROJECT DESCRIPTION: SINGLE FAMILY HOME
PROJECT ADDRESS: 1225 OAKLAWN RD, ARCADIA CA 91006
LOT SIZE: 21,243 SF
ZONING: R-10
NUMBER OF STORIES: 2
DEMOLITION: ALL EXISTING STRUCTURE
OCCUPANCY GROUP: R-10
CONSTRUCTION TYPE: V-B
HON AREA: SANTA ANITA DASH

SCOPE OF WORK

CONSTRUCT NEW 2-STORY SINGLE FAMILY HOME W/ ATTACHED 4-CAR GARAGE

PROJECT DATA

LOT SIZE: 21,243 SF
MAX F.A.R.: 6,798.6 SF

SHEET INDEX

- 0 COVER SHEET
- 1 SITE PLAN
- 1.1 TOPOGRAPHIC SURVEY
- 1.2 SITE ANALYSIS
- 1.3 DESIGN COMPARISON - STREET ELEVATION
- 1.4 DESIGN COMPARISON - FRONT ELEVATION
- 1.5 DESIGN COMPARISON - FRONT ELEVATION
- 1.6 DESIGN COMPARISON - 2ND FLOOR SETBACKS
- 2 1ST FLOOR PLAN
- 2.1 2ND FLOOR PLAN
- 2.2 ROOF PLAN
- 3 ELEVATIONS
- 4 ELEVATIONS
- 5 DETAILS
- 6 DETAILS
- 1-1 LANDSCAPE PLAN
- C-1 CONCEPTUAL GRADING PLAN

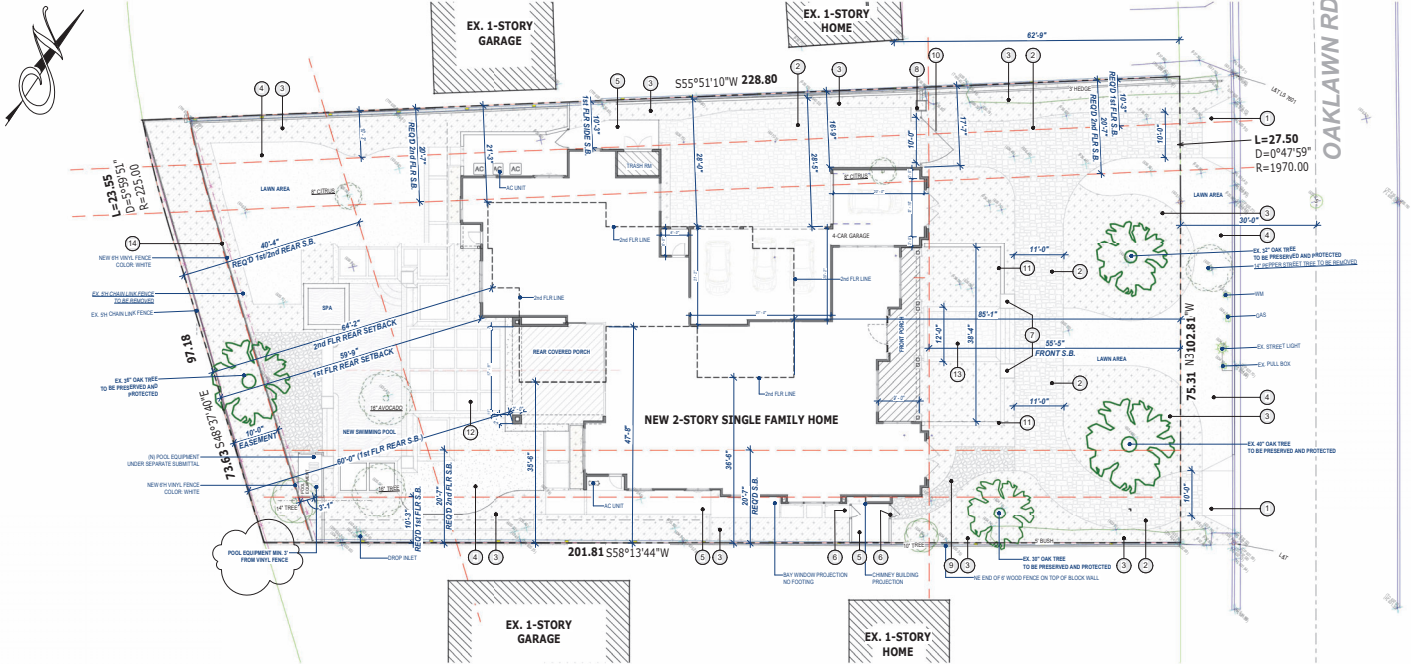
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SCALE: As indicated

COVER SHEET

SHEET NO:

0

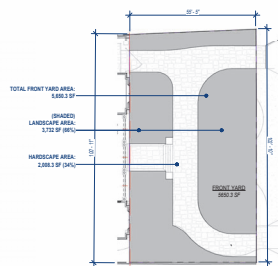


SITE PLAN
SCALE: 1" = 10'-0"

SETBACK CALCULATION:

- REQUIRED FRONT YARD SETBACK: 55'-0"
- AVERAGE OF TWO ADJ. HOMES: $100'-0" + 60'-10" / 2 = 110'-10" / 2 = 55'-0"$
- REQUIRED 1st FLOOR SIDE YARD SETBACK: 10'-3"
- 10% OF LOT WIDTH (AT FRONT PL) = $0.10 \times 102.81 = 10.28' \approx 10'-3"$
- REQUIRED 2nd FLOOR SIDE YARD SETBACK: 20'-7"
- 20% OF LOT WIDTH (AT FRONT PL) = $0.20 \times 102.81 = 20.56' \approx 20'-7"$
- REQUIRED 1st/2nd REAR YARD SETBACK: 40'-4"
- $35'-0" + (LOT DEPTH - 150') / 10 = 35 + (228.81 - 150) / 10 = 40.28' \approx 40'-4"$

LANDSCAPE CALCULATION



NOTES:

- A. ALL NEW CONSTRUCTION REQUIRES RESIDENTIAL FIRE SPRINKLERS. FIRE SPRINKLER DESIGN AND INSTALLATION SHALL BE ACCORDING TO THE STANDARDS APPROVED BY THE FIRE DEPARTMENT. PLANS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND FOR THE REQUIRED PERMITS PRIOR TO CONSTRUCTION.
- B. ALL CONCRETE BLOCK WALL FENCE SHALL BE SUBMITTED UNDER SEPARATE PERMIT.
- C. RECTANGULAR SHALL BE PROTECTED USING CONSTRUCTION, REMOVAL AND DISMANTLING ACTIVITIES. SIGN SHALL BE PROVIDED TO DIRECT PEDESTRIAN TRAFFIC. BARRIERS SHALL BE CONSTRUCTED FOR CIRCULAR CORNERS. WALKWAYS SHALL COMPLY WITH CBC 338.2.7.
- D. **TREE PROTECTION NOTES:** FOR EXISTING TREES TO REMAIN ON SITE, NO DAMAGE ALLOWED TO CANOPY OR ROOT SYSTEMS. PROTECTIVE FENCING AS NECESSARY, AND TREES ARE TO BE DEEP-WATERED 1-2 TIMES PER MONTH OR AS PER REQUIRED TO KEEP THEM HEALTHY OR BE REPLANTED BY THE OWNER.
- E. **LANDSCAPING REQUIRED:** LANDSCAPING MUST BE PROVIDED AND MAINTAINED THROUGHOUT REQUIRED SETBACKS. UNIMPROVED CITY RIGHT-OF-WAY VISIBLE FROM A PUBLIC RIGHT-OF-WAY WHERE NOT USED FOR ACCESS. LANDSCAPING MUST CONSIST OF AN EFFECTIVE COMBINATION OF TREES, GROUND COVER AND SHRUBBERY. ALL LANDSCAPED AREAS MUST HAVE A PERMANENT AUTOMATED UNDERGROUND FULL COVERAGE IRRIGATION SYSTEM.
- F. **SCREENING:** FENCE AND GUTTER SHALL BE REJECTED BEHIND SETBACKS.

SITE PLAN KEYNOTE

1	CONSTRUCT NEW DRIVEWAY APPROACH PER CITY STANDARD
2	INTERLOCKING PAVERS: ANGELUS ESTATE II COBBLE, COLOR: CHARCOAL GRAY
3	LANDSCAPE AREA
4	LAWN AREA
5	CONCRETE WALKWAY
6	NEW DRIVEWAY GATE
7	20'x20' 24" PT. PLASTER, STUCCOED TAN TO MATCH BLDG
8	24'x20' 24" PT. PLASTER
9	BRASS/STAINLESS WALKWAY
10	10'x10' 1/2" DRIVEWAY GATE, W/L
11	LOW GARDEN WALL
12	STONE PAVEMENT WITH 6" WIDE SYNTHETIC STRIPS
13	STONE PAVEMENT
14	6" VINYL WALL

PDS STUDIO
ARCHITECTURE+DESIGN

731 S. 198TH AVE.
ARCADIA, CA 91706
TEL: 626-294-9402
WWW.PDS-STUDIO.COM

PROJECT: SINGLE FAMILY HOME

1323 OAKLAWN RD
ARCADIA, CA 91706

PLLOT DATE: 3/28/2023
9/21/22
AM

PROJECT NO: 1
DATE: 2

REVISION: 1
DATE: 2

DATE: 2

CHECKED BY: Checker
SCALE: As indicated

SITE PLAN

SHEET NO: 1



SITE SETBACK ANALYSIS
SCALE: 1" = 20'-0"



731 S. 9800 AVE.
ARCADIA, CA 91709
TEL: 626-294-9402
WWW.PDS-STUDIO.COM



PROJECT:
SINGLE FAMILY HOME

1225 OAKLAWN RD.
ARCADIA, CA 91706

PROJECT NO. _____
REVISION DATE _____

NO.	DATE	DESCRIPTION

DESIGNED BY: **Checker**
SCALE: 1" = 20'-0"

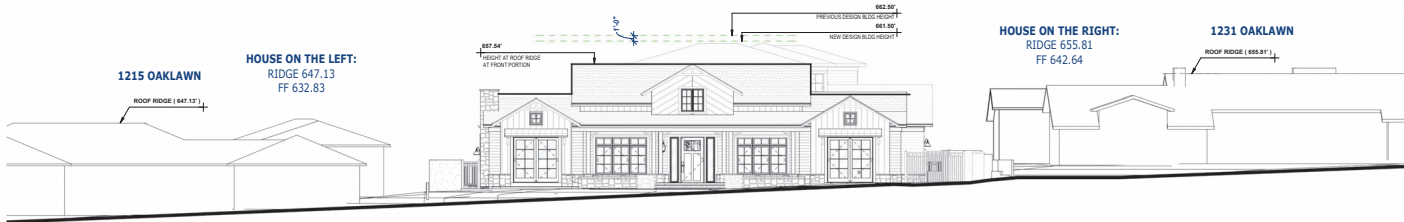
DATE: 3/28/2023 9:21:26 AM
SITE ANALYSIS

SHEET NO.
1.2

PREVIOUS DESIGN



NEW DESIGN



NEIGHBOR COMPARISON / STREET ELEVATION

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

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ARCHITECTURE+DESIGN

751 S. WEBB AVE.
ARCADIA, CA 91709
TEL: 626-294-9402
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REGISTERED SEAL
C-38915

PROJECT:
SINGLE FAMILY HOME

1231 OAKLAWN RD.
ARCADIA, CA 91709

PLLOT DATE:
3/28/2023 9:21:37 AM

PROJECT NO.
REVISION DATE

NOTES:

ORDERED BY: **Checker**

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

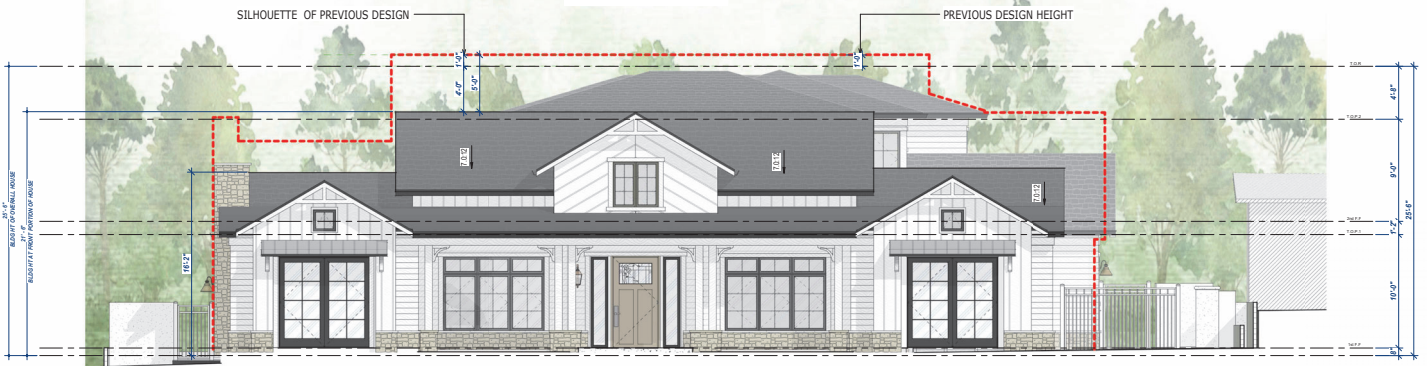
DESIGN
COMPARISON -
STREET ELEVATION

SHEET NO:
1.3

PREVIOUS DESIGN



NEW DESIGN



FRONT ELEVATION COMPARISON

SCALE: 1/4" = 1'-0"



PDS STUDIO
ARCHITECTURE+DESIGN

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ARCADIA, CA 91006
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PROJECT: SINGLE FAMILY HOME

1225 SHILAWN RD.
ARCADIA, CA 91006

PROJECT NO.:
REVISION NO.:
REVISION DATE:

NOTES:

CHECKED BY: Checker

SCALE: 1/4" = 1'-0"

SHEET NAME:

DESIGN COMPARISON - FRONT ELEVATION

SHEET NO.:

1.4



PDS STUDIO
ARCHITECTURE+DESIGN

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ARCADIA, CA 91006
TEL: 626-294-9402
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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1323 DALYAWN RD
ARCADIA, CA 91006

PLAT DATE: 3/28/2023
9/21/23

PROJECT NO.
REVISION DATE

NOTES:

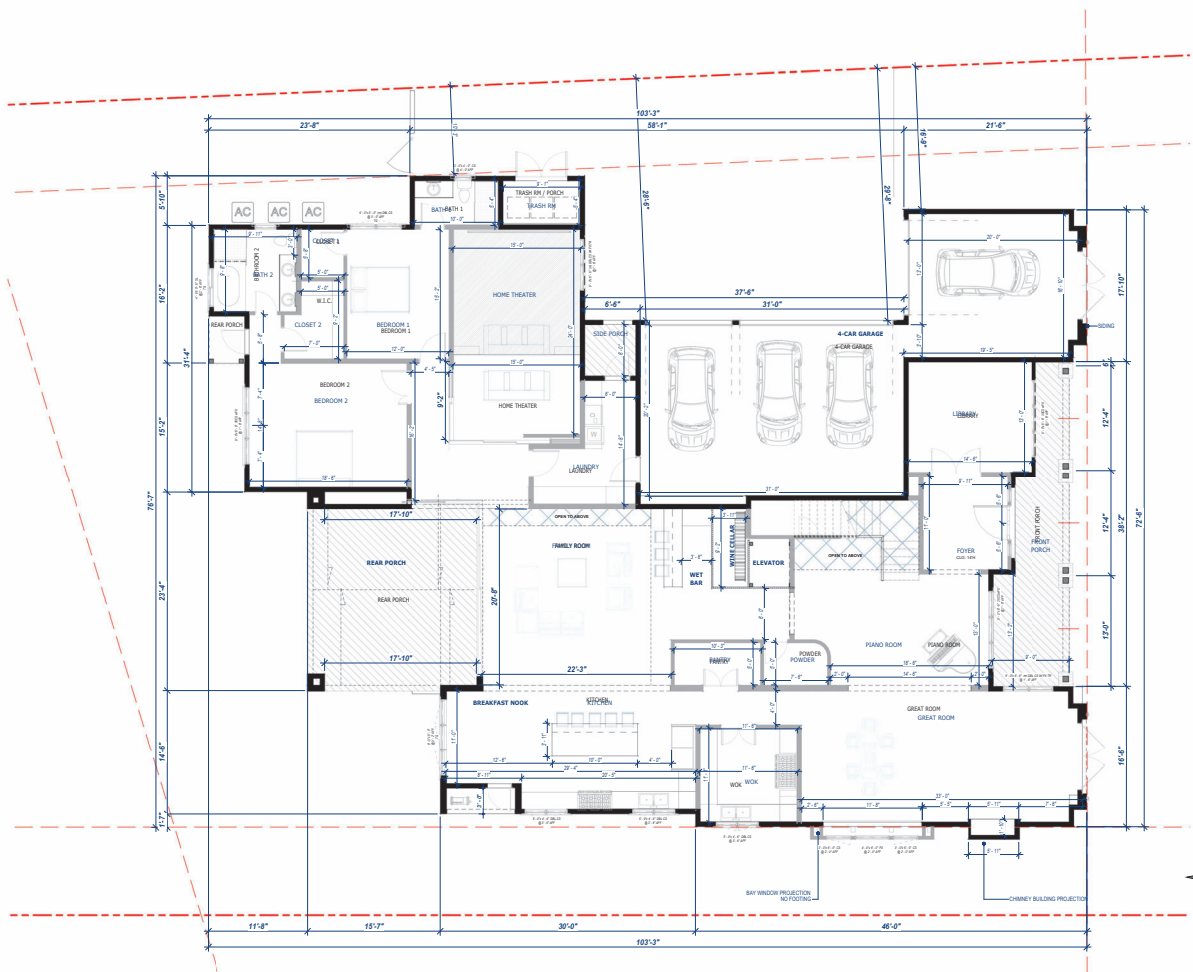
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SCALE: 3/16" = 1'-0"

1st FLOOR PLAN

SHEET NO.

2.1



1st FLR PLAN
SCALE: 3/16" = 1'-0"



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ARCHITECT SEAL:

PROJECT:

SINGLE FAMILY HOME

1325 DALWAY RD
ARCADIA, CA 91006

PLAT DATE: 3/28/2023
9/21/25
AM

PROJECT NO.
REVISION DATE

NOTES:

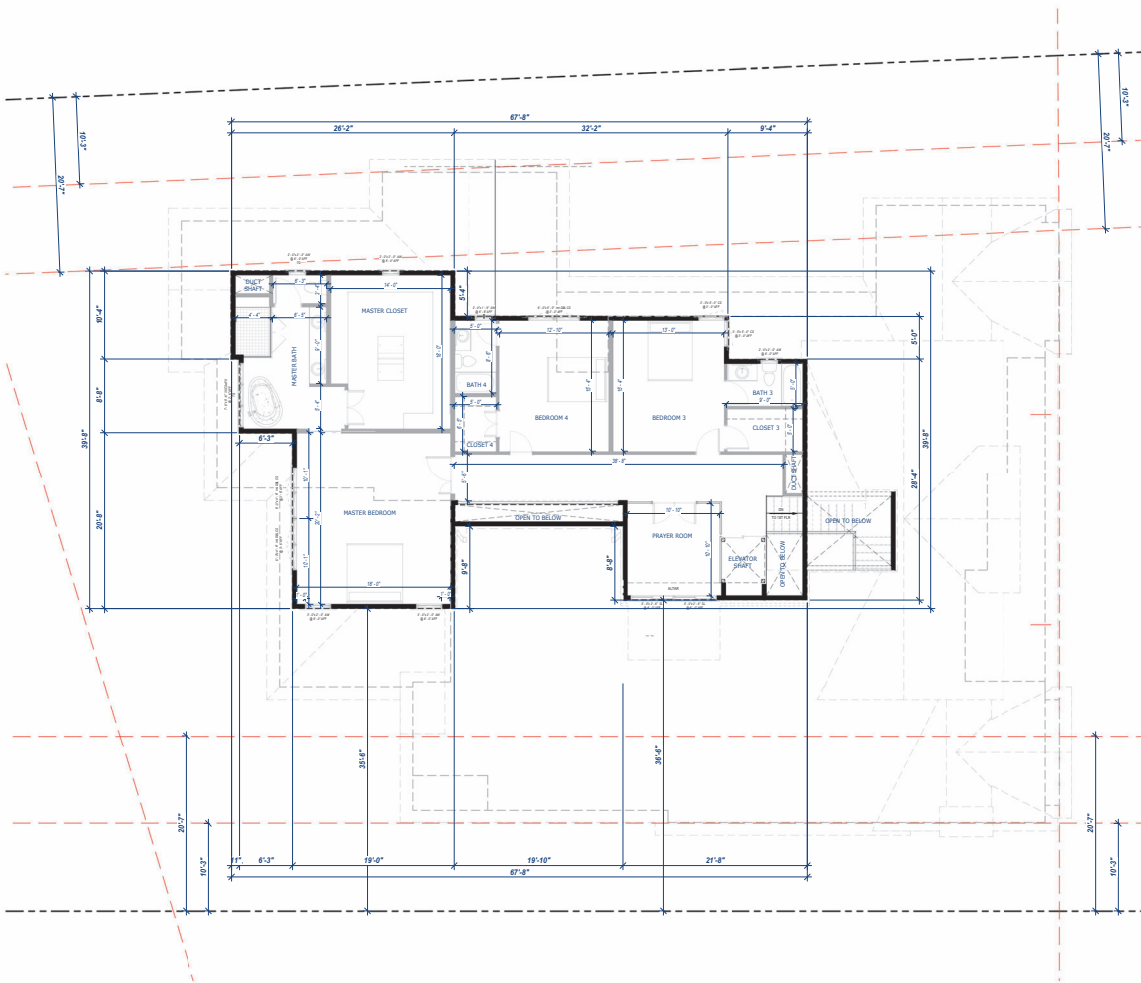
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SCALE: 3/16" = 1'-0"

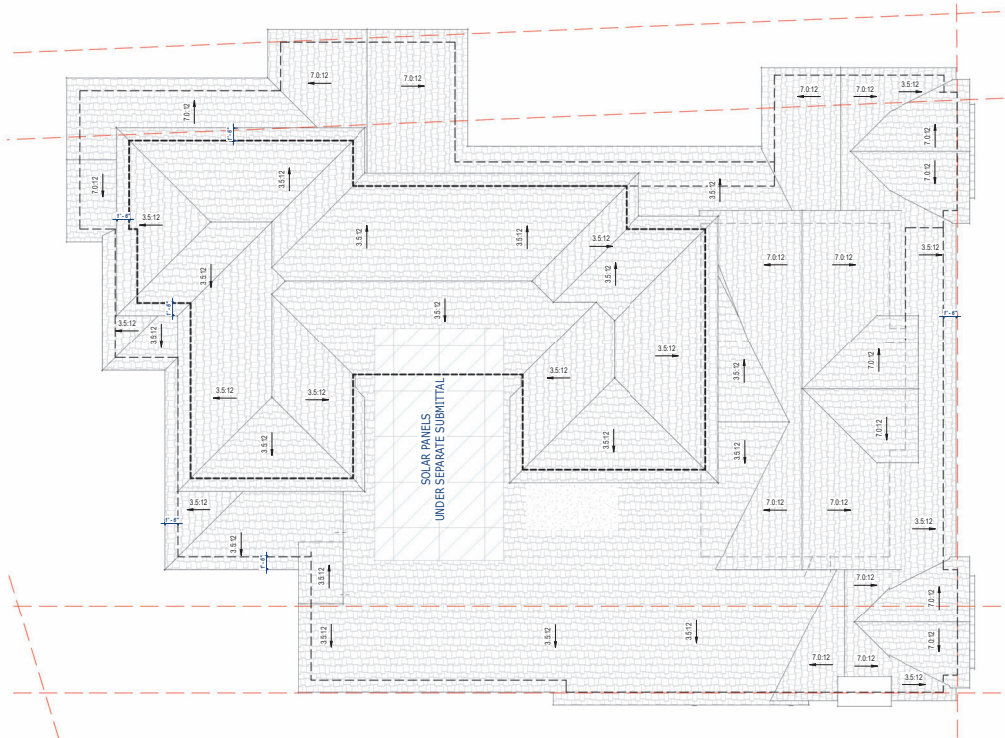
2nd FLOOR PLAN

SHEET NO.

2.2



2nd FLR PLAN
SCALE: 3/16" = 1'-0"



 **ROOF PLAN**
SCALE: 3/16" = 1'-0"



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ARCADIA, CA 91006
TEL: 626-294-9402
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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1325 DALWAY RD
ARCADIA, CA 91006

PLOT DATE: 3/28/2023
9:21:25 AM

PROJECT NO.
REVISION DATE

NOTES:

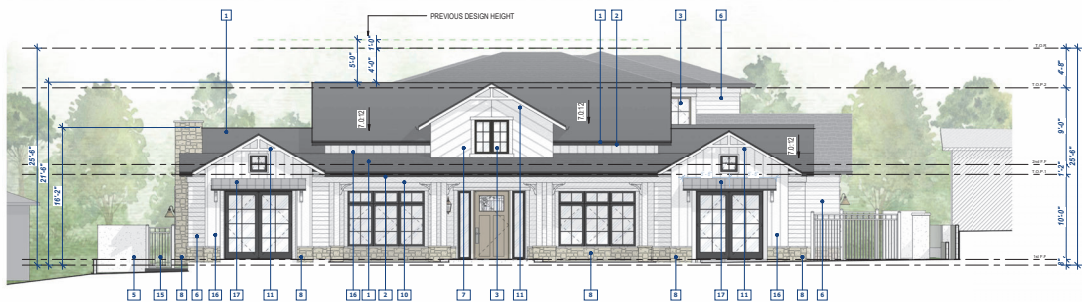
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SCALE: 3/16" = 1'-0"

SHEET NAME: **ROOF PLAN**

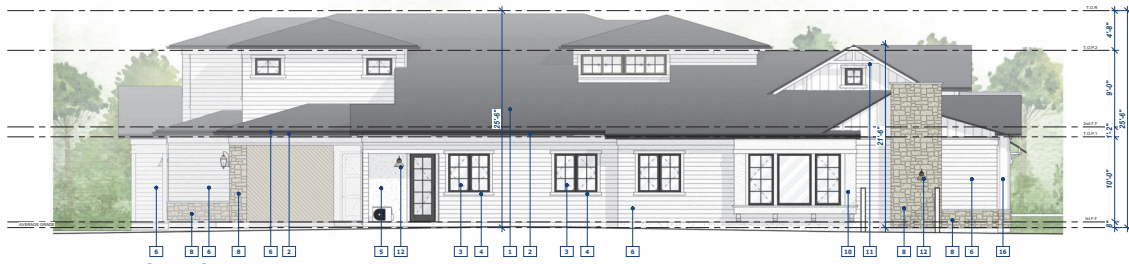
SHEET NO.

3



ELEVATION 1 (FRONT)

SCALE: 3/16" = 1'-0"



ELEVATION 2 (SIDE)

SCALE: 3/16" = 1'-0"

ELEVATION FINISH SCHEDULE

- | | |
|--|--|
| 1. WESTLAKE NEWPOINT CONCRETE ROOF TILE MADERA 900 VINTAGEWOOD | 10. WOODWORK WOODWORK BY OTHERS PAINTED WHITE |
| 2. 4" FASCIA DUNN EDWARDS BLACK | 11. GABLE TRIM WOODWORK BY OTHERS PAINTED WHITE |
| 3. WINDOWS JELD WEN SITELINE EX WOOD CLAD BLACK 7/8" WIDE MUNTIN GRID | 12. EXTERIOR LIGHTING QUOIZEL LIGHTING TUDOR COLLECTION MYSTIC BLACK |
| 4. WOOD TRIM DUNN EDWARDS PAINTED WHITE | 13. GARAGE DOOR CARRIAGE STYLE GARAGE DOOR WHITE |
| 5. CEMENT PLASTER MERLEX STUCCO GATMICAL | 14. CHIMNEY SHROUD COLOR COATED ALUMINUM WHITE |
| 6. SIDING JAMES HARDIE SIDING 4" LAP SIDING PAINTED WHITE | 15. WROUGHT IRON IRONWORK BY OTHERS WHITE COLOR |
| 7. SIDING AT DORMER CEDAR SIDING ANGLED PARALLEL TO THE ROOF PITCH PAINTED WHITE | 16. BATTEN AND BOARD SIDING CERTAINTED SMOOTH FINISH PAINTED WHITE |
| 8. STONE VENEER COUGAR STONE COASTAL BLUFF | 17. METAL AWNING BLACK COLOR |
| 9. CROWN MOULDING 3" COLONIAL CROWN (WINDSOR ONE) OVER 2X8 WOOD PAINTED WHITE | |



PDS STUDIO
ARCHITECTURE+DESIGN

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ARCADIA, CA 91006
TEL: 626-294-0402
WWW.PDS-STUDIO.COM

ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1321 GALAXY RD
ARCADIA, CA 91006

PLLOT DATE: 3/28/2023

PROJECT NO. 9-23-00

REVISION DATE

REVISION DATE

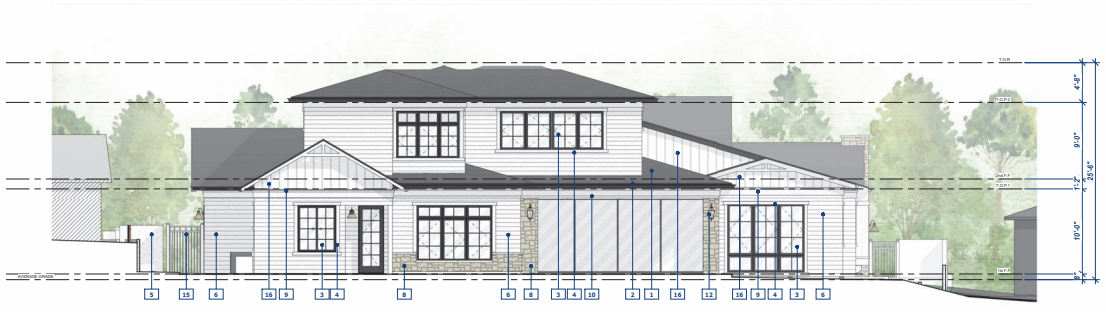
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CHECKED BY: Checker

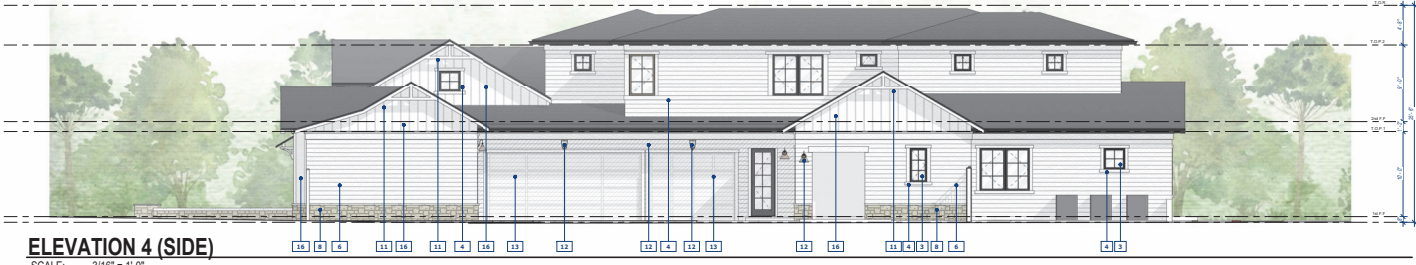
SCALE: 3/16" = 1'-0"

SHEET NAME: ELEVATIONS

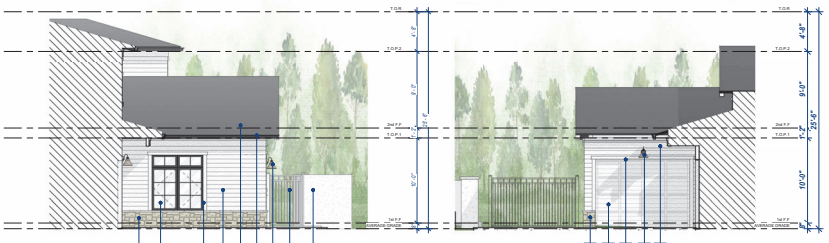
SHEET NO. 4



ELEVATION 3 (REAR)
SCALE: 3/16" = 1'-0"



ELEVATION 4 (SIDE)
SCALE: 3/16" = 1'-0"



ELEVATION 6
SCALE: 3/16" = 1'-0"

ELEVATION 5
SCALE: 3/16" = 1'-0"

ELEVATION FINISH SCHEDULE

- | | |
|---|--|
| 1. WESTLAKE NEWPOINT CONCRETE ROOF TILE (MADERA 900) VINTAGEWOOD | 10. WOODWORK WOODWORK BY OTHERS PAINTED WHITE |
| 2. 4" FASCIA (DUNN EDWARDS) BLACK | 11. GABLE TRIM WOODWORK BY OTHERS PAINTED WHITE |
| 3. WINDOWS (JELD WEN) (SITELINE EX WOOD CLAD) (BLACK) 7/8" WIDE MUNTIN GRID | 12. EXTERIOR LIGHTING (QUOIZEL LIGHTING) (TUDOR COLLECTION) (MISTIG) (BLACK) |
| 4. WOOD TRIM (DUNN EDWARDS) (PAINTED) (WHITE) | 13. GARAGE DOOR (CARRIAGE STYLE GARAGE DOOR) (WHITE) |
| 5. CEMENT PLASTER (MERLEX STUCCO) (GATMICAL SIDING) (JAMES HARDIE SIDING) (4" LAP SIDING) (PAINTED WHITE) | 14. CHIMNEY SHROUD (COLOR COATED ALUMINUM) (WHITE) |
| 6. SIDING AT DORMER (CEDAR SIDING) (ANGLED PARALLEL TO THE ROOF PITCH) (PAINTED WHITE) | 15. WROUGHT IRON (IRONWORK BY OTHERS) (WHITE COLOR) |
| 7. STONE VENEER (COUGAR STONE) (COASTAL BLUFF OVER 2X8 WOOD) (PAINTED WHITE) | 16. BATTEN AND BOARD SIDING (CERTAINTED) (SMOOTH FINISH) (PAINTED WHITE) |
| | 17. METAL AWNING (BLACK COLOR) |



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ARCADIA, CA 91709
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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1323 DALRYMPH RD
ARCADIA, CA 91709

PLLOT DATE: 3/28/2023
PROJECT NO: 9/23/44
REVISION DATE:

NOTES:

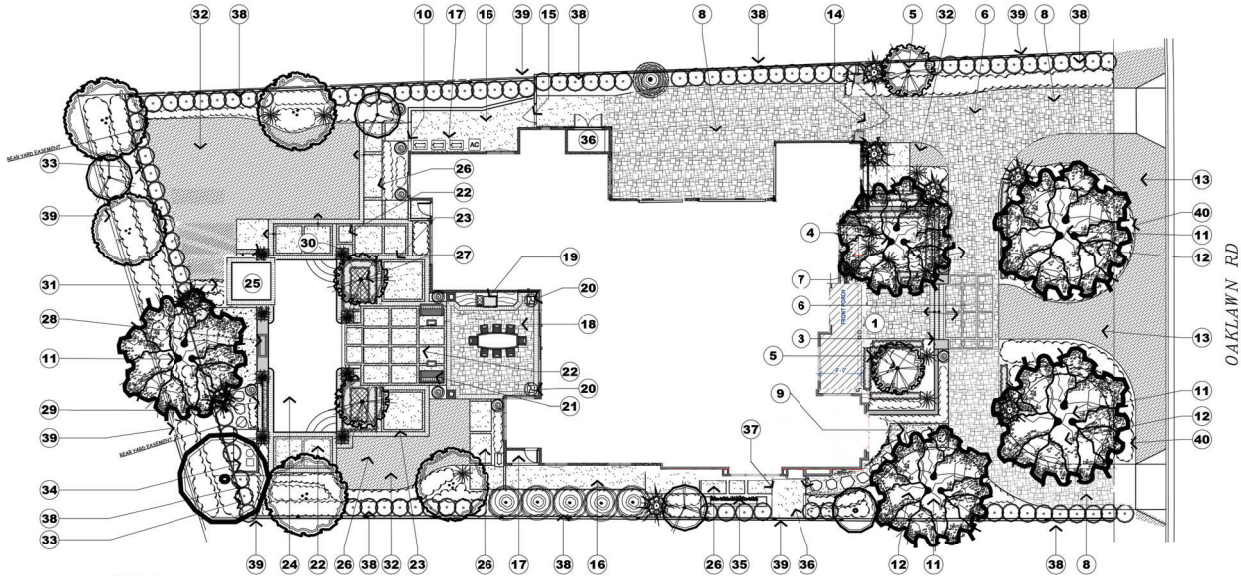
CHECKED BY: Checker

SCALE: 3/16" = 1'-0"

SHEET NAME: ELEVATIONS

SHEET NO:

5



LEGEND:

- | | | | |
|--|---|--|--|
| <p>1. ENTRY w/ CONCRETE or STONE PAVERS, OWNER'S CHOICE.</p> <p>2. SIDE ACCESS GATE PER ARCHITECT.</p> <p>3. 24" X 36" X 24" HIGH STUCCO PEDESTAL w/ CONCRETE CAP.</p> <p>4. NEW OAK TREE TO MATCH EXISTING SPECIES.</p> <p>5. SMALL ACCENT PATIO TREE PER OWNER'S CHOICE.</p> <p>6. DROP-OFF AREA WITH CONCRETE OR STONE PAVER PADS AS SHOWN.</p> <p>7. DROP-OFF AREA WITH CONCRETE OR STONE PAVER PADS AS SHOWN.</p> <p>8. STONE PAVER DRIVEWAY, SCORED AS SHOWN.</p> <p>9. GRAVEL ACCESS PATH TO SIDE GATE, WITH FLAGSTONE STEP STONES.</p> <p>10. 6' HIGH WOOD FENCE w/ LOCKABLE POOL SAFE GATE.</p> | <p>11. EXISTING OAK TREE. PROTECT IN PLACE.</p> <p>12. 3" THICK MULCH AREA BENEATH OAK TREES.</p> <p>13. SODDED FESCUE LAWN TURF.</p> <p>14. WROUGHT IRON DRIVEWAY VEHICLE ACCESS GATE.</p> <p>15. PAIR OF WROUGHT IRON PEDESTRIAN GATES.</p> <p>16. WASH FINISHED COLORED CONCRETE, SCORED AS SHOWN.</p> <p>17. A.C. UNIT(S)</p> <p>18. REAR COVERED PATIO w/ CONCRETE OR STONE PAVERS, OWNER'S CHOICE, WITH 12" WIDE BRICK BANDS, AND OUT DOOR DINING TABLE & CHAIRS OF OWNER'S CHOICE.</p> <p>19. 38" HIGH GRANITE BBQ COOK COUNTER WITH BBQ GRILL & SIDE BURNERS UNDER VENT HOOD.</p> <p>20. DECORATIVE POTTED PLANT.</p> <p>21. OUTDOOR BENCH & COFFEE TABLE (2 LOCATIONS)</p> | <p>22. 3" THICK WASH FINISHED COLORED CONCRETE PADS w/ 6" SYNTHETIC TURF STRIPS IN BETWEEN.</p> <p>23. 12" WIDE BRICK BAND, TYPICAL.</p> <p>24. NEW 14'x38' CUSTOM POOL w/ 12" WIDE BRICK COPING.</p> <p>25. NEW 6' RAISED 10'x10' CUSTOM SPA w/ 10' SPILLWAY INTO POOL, BRICK DECKING.</p> <p>26. 3" THICK WASH FINISHED COLORED CONCRETE PADS w/ 12" SYNTHETIC TURF STRIPS IN BETWEEN.</p> <p>27. ACCENT PATIO TREE w/ SEASONAL COLOR PLANTED BENEATH, AND LOW HEDGE SURROUND. (2 LOCATIONS)</p> <p>28. 18" HIGH STUCCO WALL w/ CONCRETE CAP AND GARDEN ART ATOP PER OWNER'S CHOICE.</p> <p>29. 12" HIGH STUCCO PLANTER WALL w/ BRICK CAP.</p> <p>30. 30" SQ. x 24" HIGH STUCCO PEDESTAL w/ CONCRETE CAP & POTTED PLANT ATOP. (8 LOCATIONS)</p> <p>31. LOW SCREEN HEDGE.</p> | <p>32. SYNTHETIC TURF PER OWNER'S CHOICE.</p> <p>33. NEW 6' HIGH WHITE VINYL FENCE ON EASEMENT LINE.</p> <p>34. POOL EQUIPMENT AREA w/ 6' WOOD SCREEN FENCE & GATE.</p> <p>35. LIVING GREEN WALL w/ ONRMENTALS OR HERBS, OWNER'S CHOICE.</p> <p>36. TRASH CAN AREA w/ WASH FINISHED COLORED CONCRETE, SCORED AS SHOWN.</p> <p>37. 6'-0" HIGH VINYL FENCE & GATE.</p> <p>38. SIDE YARD / PROPERTY LINE SCREEN PLANTING.</p> <p>39. EXISTING PROPERTY LINE WALL / FENCE.</p> <p>40. LOW-WATER USE PLANTINGS.</p> |
|--|---|--|--|

PROJECT

HOU RESIDENCE

1225 OAKLAWN RD. ARCADIA, CA 91006

SITE

LANDSHAPE INC.

1000 N. GARDEN ST. SUITE 100
COTUITO DE CAZA, CA 90701

LANDSCAPE ARCHITECTURE

MARVA A. GEMARDO LICENSE #0735
TEL: (714) 915-0096

SHEET TITLE		JOB NO.	
CONCEPT PLAN		2123	
SCALE: 1/4" = 1'-0"		DATE: _____	
DESIGNED BY: _____	CHECKED BY: _____	DATE: _____	DATE: _____
DATE: _____		DATE: _____	

SHEET

L1

NORTH

3/9/2023 1st zoom meeting: Attendance: Tom Walker (HOA chair), Shirley Chi (neighbor), Jill Hisey (neighbor) Philip Chan and Jack Ng (applicant)

- We went over some of the concerns from the neighbors.
- We went over how we can revise the plan to address some of the concerns.
- We explained to Jill that all her concerns have already been address:
 - No pool equipment within the 10' of rear property.
 - No Planting within the 10' of rear property
 - Add a fence along the rear, offset 10' from rear property line
 - No waterfall features for the swimming pool

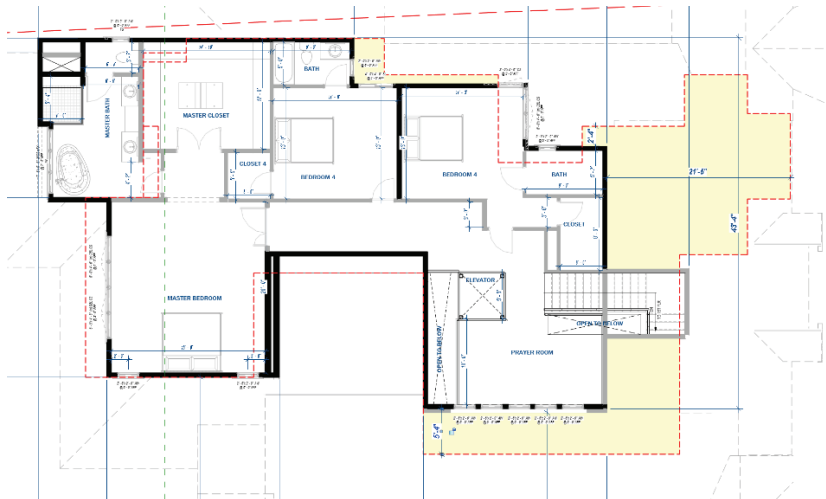
3/21/2023-

Attendance: Tom Walker (HOA chair), Shirley Chi (neighbor), Philip Chan and Jack Ng (applicant)

Summary: 2nd zoom meeting- went over the changes we made. It seems like the neighbor welcomed some of the changes made. However, Tom and Shirley made additional requests/ comments.

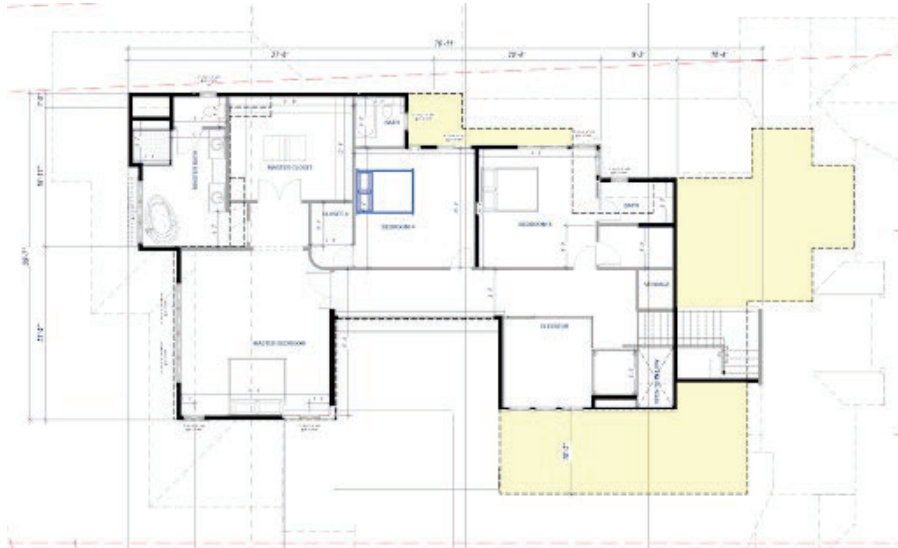
- The southeast corner of the building is setback approx 5'. A 2nd change made after the zoom meeting to set the building back an additional 5' (total of 10' pushback)

Change #1- 5' setback:

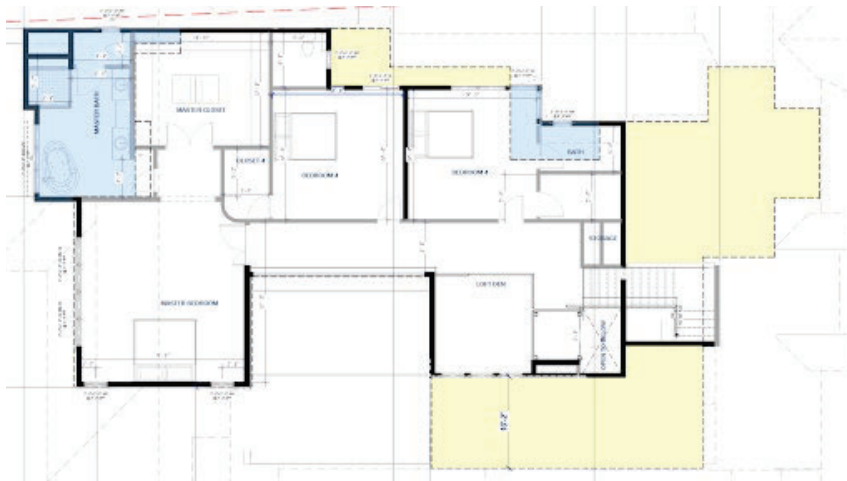


Change #2 10'-2" setback:

Request: Shirley requested if we could push an additional 5' on the south east corner of the 2nd floor, totaling 10'. Changes made.



- Approximately 675sf of massing has been removed at the front and southeast corner. See yellow area.
The blue area is where the massing has been relocated. Approximately 283sf.



- 2nd floor living area reduced approximately 220 sf

- Elevation change

Change #1:

- building height at the front portion reduced by 4'
- Width of the 2nd flr roofing has been shortened, made narrower.
- Roof pitch has been reduced from 10:12 to 8:12
- Large gable has been removed to reduce massing. Gable made smaller.
- Styling revised from cape cod to traditional.



Change #2:

- Tom asked if we could lower the pitch even more. We revised roof pitched from 10:12 to 8:12 and then to 7:12
- As a result, the over height reduced by another 1'.....totaling a 5' reduction of building height
- Shirley asked if we could relocate the chimney. We reduced the height of the chimney instead.
- The main building reduced by 6"..... from 26'-6" to 25'-6"
- Massing along the south and front has been reduced to minimize the impact.



Attachment No. 3

Excerpt of City Council Minutes for the
February 21, 2023 Meeting

7. PRESENTATIONS

Helen Romero-Shaw, Public Affairs Manager with the Southern California Gas Company, appeared and provided information regarding the current increase in natural gas bills; she indicated that rates are coming down and the California Public Utilities Commission approved the Accelerated Public Climate Credit that will be applied to upcoming bills; she provided options to aid in lowering heating cost during these cold months and shared assistance programs for income qualified customers, bill assistance and forgiveness, home improvement assistance, and level paying options, all available on the Southern California Gas Company website.

- a. Presentation of Mayor's Certificates to the Arcadia High School Constitution Team for placing first at the Southern California regional competition.

This item was moved to the March 7, 2023, City Council Meeting.

8. PUBLIC HEARING

- a. Direct the Los Angeles County Agricultural Commissioner to abate nuisances upon those properties located in the City of Arcadia and approve the annual Weed Abatement Property List.

CEQA: Not a Project

Recommended Action: Approve

City Manager Lazzaretto presented the Staff Report.

Mayor Cheng opened the public hearing.

No one appeared.

Mayor Cheng closed the public hearing.

It was moved by Mayor Pro Tem Verlato, seconded by Council Member Cao, and carried on a roll call vote to confirm the Los Angeles County Agricultural Commissioner's Weed Abatement Charges and order the County Auditor to enter the amounts of the assessment against the subject properties as they appear on the current assessment roll.

AYES: Verlato, Cao, Kwan, Wang and Cheng

NOES: None

ABSENT: None

- b. Resolution No. 7477 approving Appeal No. 22-06, overturning the Planning Commission's denial of a new, two-story, cape cod style single-family home with a categorical exemption under the California Environmental Quality Act ("CEQA") at 1225 Oaklawn Road.

CEQA: Exempt

Recommended Action: Adopt

Planning Services Manager Graham presented the Staff Report.

Mayor Cheng opened the public hearing and requested that any speakers in opposition state what could be changed about the project to alleviate their concerns.

Susan Hou, the Appellant and owner of 1225 Oaklawn, appeared and shared that she has been living in Arcadia for 30 years and would like to enjoy her new home.

Johnny Hou, the Appellant's son, appeared and indicated that his parents migrated from Taiwan and worked hard for their home, and he would like his parents to have a larger home that they may enjoy with their grandchildren.

Philip Chan, the project architect for the Appellant, appeared and made a presentation on the project. He commented on similar styled homes that have been approved on the same street; he indicated that they have changed the style and layout of the home to meet the requests of the Santa Anita Oaks Architectural Review Board (ARB) and came up with the traditional Cape Cod style that has been presented.

In response to Mayor Pro Tem Verlato's question about the Appellant's desire for a two-story home, Mr. Hou explained that his parents wanted to maintain a large back yard space and chose a two-story design over a larger one-story layout.

Sara Etemadi, legal counsel for the Appellant, indicated that her clients have exceeded the design requirements and requests from the ARB in terms of the home's setback, visually reducing the dominance of the second story, and shrinking the maximum allowable floor area ratio by changing the design of the project.

Dr. Shirley Chi, an Arcadia resident, appeared and noted that the appellant's home is owned by 800 Hampton LLC., which is an investment entity; she indicated that she would be in support of the project if the second story was set back more.

Jill Hisey, an Arcadia resident, appeared and noted that the subject project has started encroaching on the easement behind the property. She indicated her concerns that the second story will overlook her property and reduce her privacy and enjoyment of her backyard.

In response to Mayor Cheng's inquiry, Ms. Hisey stated that she would like the Appellant to reinstall the fence around the easement area and not encroach on their property. She also noted that the subject property has been vacant for 2 years.

Karen Jacobson, an Arcadia resident, appeared and indicated that she would be in support of the project if the second story was set back further.

Kevin Lai, Managing Director of CaliLand Engineering, Inc. and retained by Dr. Chi, appeared and stated that the two-story proposed project is not compatible with the neighborhood. He asked the City Council to vote in opposition of the project and proposed the Appellant build a single-story dwelling.

Pete Olsen, an Arcadia resident and former president of the Homeowners Association and member on the ARB, appeared and explained he is in support of the Planning Commission's decision to deny the project.

David Sullivan, an Arcadia resident, appeared and shared his opposition to the project. Mr. Sullivan indicated that the proposed home is not harmonious with neighboring homes and urged the City Council to concur with the decision of the Planning Commission.

Tom Walker, an Arcadia resident and member of the Santa Anita Oaks ARB, appeared and noted his opposition to the project due to the incompatibility of the project and the existing neighborhood.

In response to an inquiry from City Manager Lazzaretto regarding the ARB's discussion of the project, Mr. Walker indicated that there was a split on the ARB, but the Board ultimately approved the project with stipulated conditions.

Annette Wheat, an Arcadia resident and current President of the Santa Anita Oaks Homeowners Association, appeared and explained her opposition to the project.

Public comment concluded and Mayor Cheng invited the Appellant to respond to any of the questions or concerns raised by the various speakers.

In response to Mayor Cheng, Philip Chan noted that the homeowner has been willing to make changes to the design and remains such with any additional feedback from the City Council.

In response to Mayor Pro Tem Verlato's comments, Mr. Chan explained that he has repeatedly redesigned this project to meet guidelines and the requested changes from the ARB; and he indicated that he hopes to find a happy medium for the property owners and the neighborhood.

In response to Council Member Kwan, Ms. Hou explained that she would prefer a 2-story home rather than a larger single story. She also noted that the property is owned by an LLC as they had a previous home under an LLC, and when they decided to sell that home they had to do a 1031 Exchange; therefore the home was put under the LLC.

Mayor Cheng closed the public hearing.

After City Council discussion, a motion was made by Council Member Cao and seconded by Council Member Kwan to table the public hearing for 42 days to allow the property owner time to work with the ARB on finding acceptable compromises and to bring back the item on the first City Council meeting in April. The motion passed on the following roll call vote:

AYES: Cao, Verlato, Kwan, Wang, and Cheng
NOES: None
ABSENT: None

City Attorney Maurer noted that with City Council's action on this item tonight, it serves as a continuation of the item. He noted that since the Public Hearing was closed at this meeting, the Mayor can choose to reopen the Public Hearing at the April 4, 2023, City Council Meeting, if desired, or not.

- c. Resolution No. 7479 updating the City's Business License fees to reflect the changes in the Consumer Price Index ("CPI") for 2023.
CEQA: Not a Project
Recommended Action Adopt

Acting Business License Officer Smith presented the Staff Report.

Mayor Cheng opened the public hearing.

No one appeared.

Mayor Cheng closed the public hearing.

Attachment No. 4

Updated Arborist Report, dated March 27,
2023

1225 Oaklawn Rd Arcadia, CA 91006

Prepared for:

**Philip Chan c/o PDS Studio
711 First Ave Arcadia, CA 91006
Arcadia, CA 91006**

Original report October 12, 2021
Inspection & revised report March 27, 2023

Prepared by:

Javier Cabral Consulting Arborist
International Society of Arborists # WE- 8116A

1390 El Sereno Ave
Pasadena, California 91103
(626)818-8704
jtcabral@sbcglobal.net



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Summary

Mr. Chan,

You have retained my consulting arborist services to provide a tree inventory and protection plan for the property described as 1225 Oaklawn Rd. Arcadia, CA 91006. You are in the planning and permitting process of demolishing the existing single-family home and redeveloping the property with a new two-story single-family home.

The proposed demolition and construction is expected to have minimal impact to the protected trees that will remain due to the distance of excavations, trenches, and footings to the tree trunks. A complete tree protection plan will be included to protect above and below ground tree parts from physical damage, soil compaction, and chemical damage.

Background and assignment

Mr. Chan has requested that I provide the following arboricultural services.

- 1) Identify all significant trees and protected trees on the property and label them on the architectural drawings as provided to the arborist by Mr. Philip Chan.
- 2) Evaluate the current health of the trees and possible impacts of the proposed construction based on the provided site plan and make recommendations.
- 3) Provide a tree protection plan that will help ensure the short and long term health of the protected trees that will remain during and after construction activities are completed.

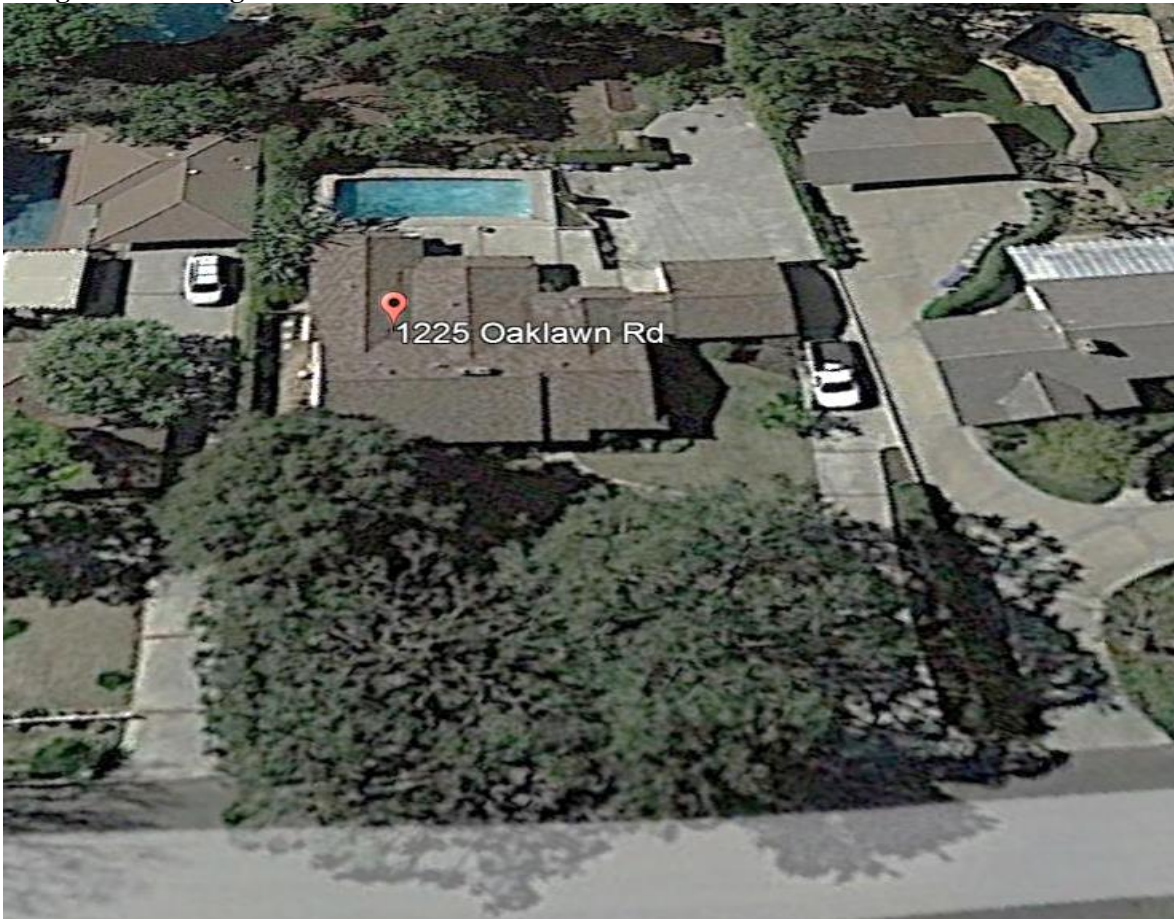
The following report is based on my site visit on February 23, 2020 and my analysis of the trees, site plan, and surrounding landscape. For the purpose of this report I will address these trees as **Trees # 1 thru 12.**

Site conditions

A one-story single-family home currently exists on this property located 1225 Oaklawn Rd. Arcadia, CA 91006.

- 1) There are **(12)** total trees on the subject property of which 5 trees are protected by the City of Arcadia Tree Protection Ordinance due to their location and species.
- 2) There are no protected trees proposed to be removed.

Google Earth Image



General Tree Condition Rating Guidelines (one or more of the below mentioned defects may not be present but one or more may be so extensive that it may downgrade a tree that would otherwise qualify for example, a (C) grade to a (D) grade due to the severity of the defect. As the consulting arborist I will make any annotation when the aforementioned conditions are the case so that the grade is better understood. Each tree will be rated as an individual tree with its structure, canopy, and root system.

- A) - Healthy, vigorous tree, reasonably free of disease, with good structure and form typical of the species.
- B) - A tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
- C) - A tree with moderate vigor, moderate twig and small branch dieback, thinning crown, poor leaf color, moderate structural defects that might be mitigated.
- D) – A tree in decline, epicormics growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
- F) – A tree in severe decline, dieback of scaffold branches and or trunk, mostly epicormics growth, extensive structural defects that cannot be abated.

List Inventory pg. 1

Tree #	Common Name	Botanical Name	Diameter at 4.5 feet (dbh) In inches	Height (in feet)	Spread (in feet)	Health condition rating	Protection status	REMOVE or Preserve	Comments
1	Holly Oak	Quercus ilex	13	40	30	B	YES	preserve	Unbalanced canopy
2	Coast live oak	Quercus agrifolia	11+39	70	51	B	YES	preserve	
3	Coast live oak	Quercus agrifolia	16+55	60	36	D	YES	preserve	Severe trunk decay, fungal conks, sparse canopy, & severe deadwood.
4	Coast live oak	Quercus agrifolia	20+24	80	40	B	YES	preserve	
5	Carolina cherry	Prunus caroliniana	8	15	8	D	NO	REMOVE	Large decayed surface root
6	Lemon	Citrus limon	1+1+1+1+ 2+2+2+3	8	8	C	NO	REMOVE	
7	Orange	Citrus paradisi	1+1+1+2+2 +2+3+3+3	12	12	C	NO	REMOVE	
8	Shamel ash	Fraxinus uhdei	4+10	30	24	B	NO	REMOVE	Topped for line clearance
9	Coast live oak	Quercus agrifolia	29	85	36	C	YES	preserve	
10	Pecan	Carya illinoensis	13	45	22	C	NO	REMOVE	Covered in Ivy
11	Crape myrtle	Lagerstroemia indica	2+2+3+4+ 5+5+6+7	25	15	B	NO	REMOVE	Moderately topped
12	Avocado	Persea americana	8+9+15	30	27	C	NO	REMOVE	Moderately topped & modereaye dead

Trees # 1 thru 3 (facing southwest)



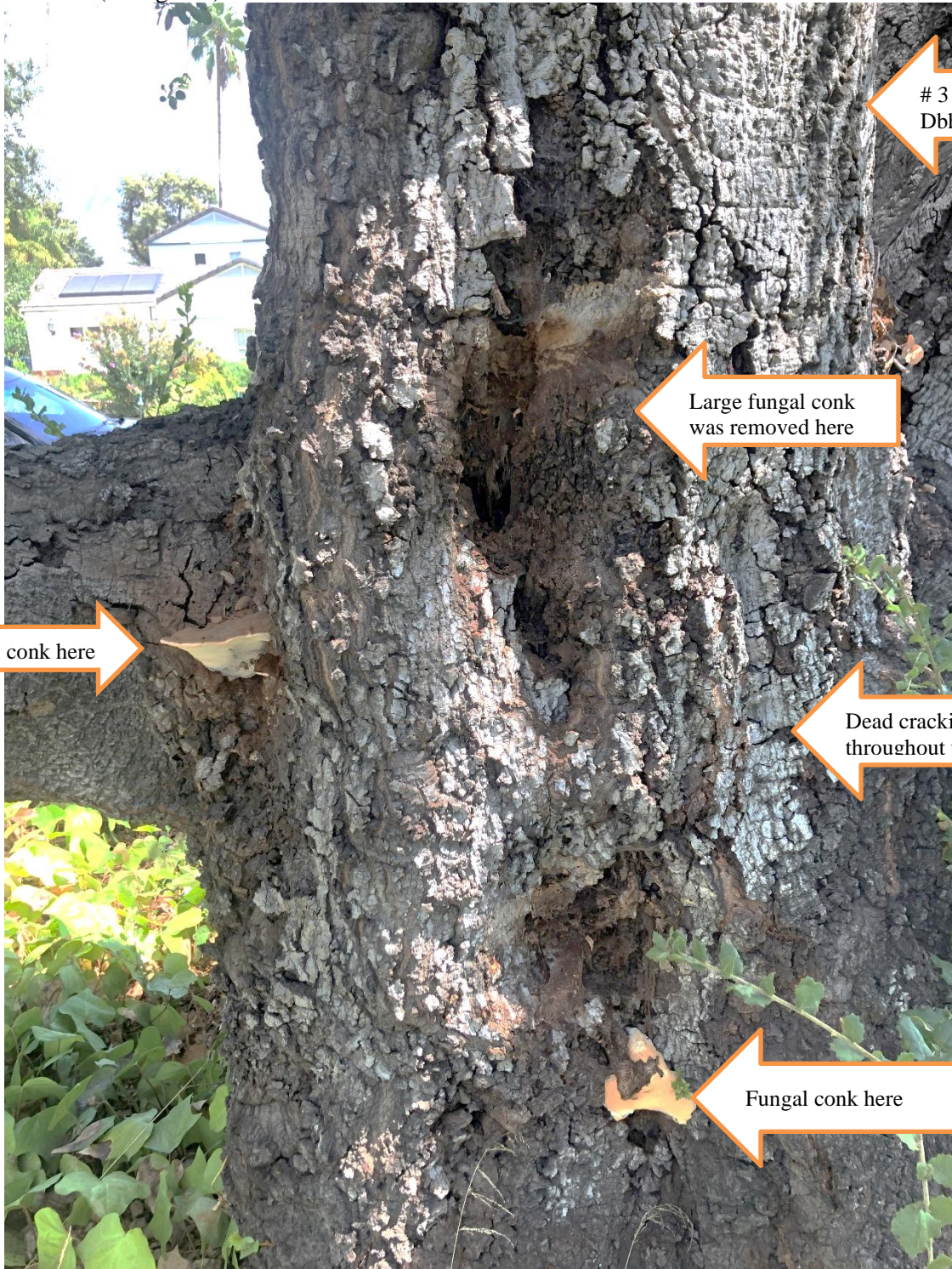
Tree # 3 (facing south)



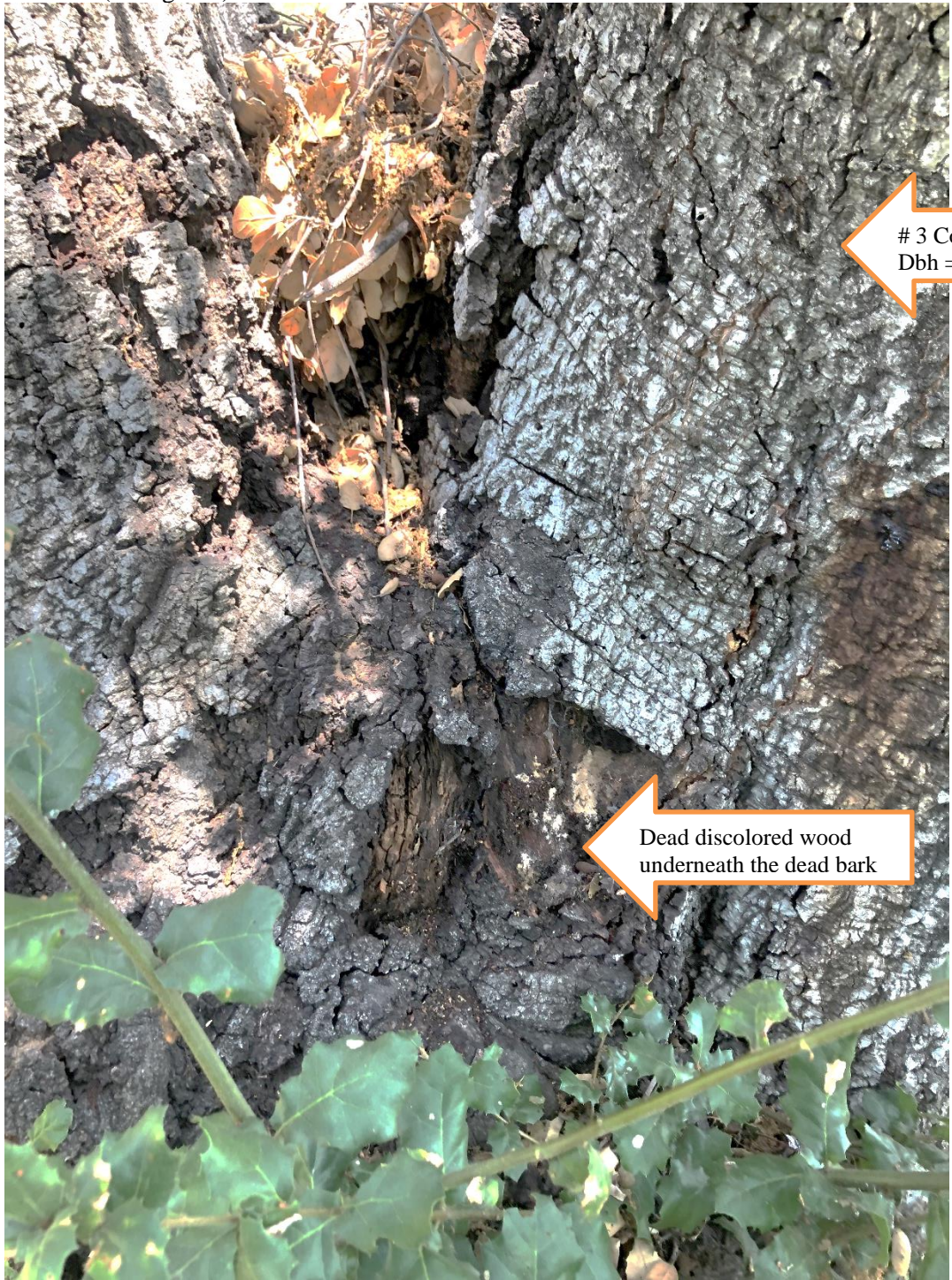
Sparse canopy

3 Coast live oak
Dbh = 16+55 in.

Tree # 3 (facing east)



Tree # 3 (facing east)



3 Coast live oak
Dbh = 16+55 in.

Dead discolored wood
underneath the dead bark

Tree # 4 (facing west)



Tree # 5 (facing southwest)



Tree # 6 (facing west)



6 Lemon
Dbh = 1+1+1+1+2+2+3 in.

Tree # 7 (facing north)



7 Orange
Dbh 1+1+1+2+2+2+3+3+3 in.

Tree # 8 (facing west)



8 Shamel ash
Dbh = 4+10 in.

Tree 9 (facing south)



Tree # 10 (facing southwest)



Tree # 11 (facing east)



11 Crape myrtle
Dbh = 2+2+3+4+5+5+6+7 in.

Tree 12 (facing east)



General Tree Protection Plan

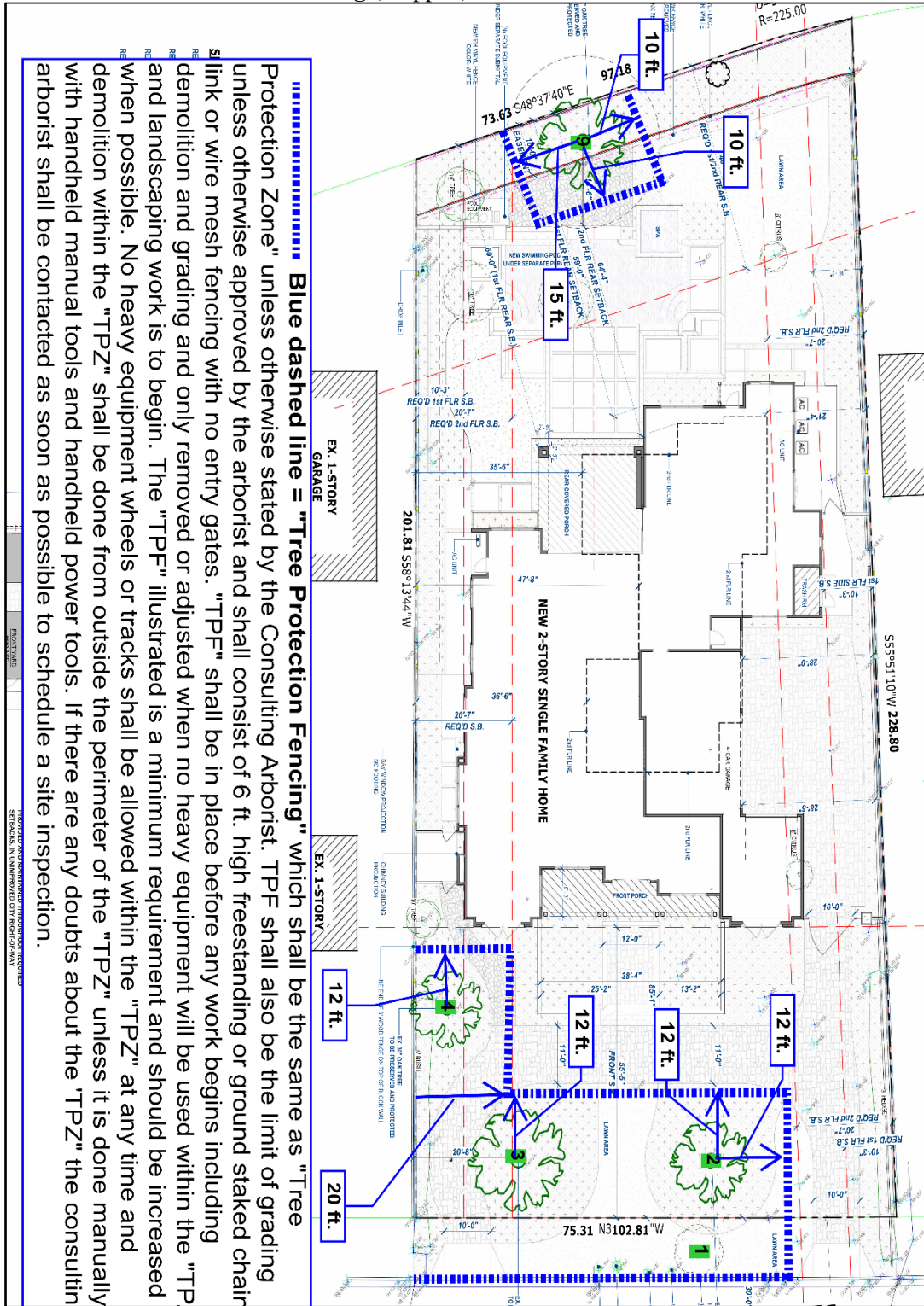
- 1) **Avoid damaging the roots, stem, and branches** with mechanical and manual equipment. No roots shall be severed within the Tree Protection Zone “TPZ” which is the same as the area within the Tree Protection Fencing “TPF.” Roots greater than two inches in diameter outside of the TPZ shall be cleanly severed with a sharp tool such as a hand saw or manual pruners.
- 2) **Avoid soil compaction** by prohibiting the use of heavy equipment such as backhoes and bobcats under the tree drip line. If access within the TPZ is required during the construction process, the route shall be covered in a 6 inch layer of mulch in the TPZ and the area shall be aerated and fertilized at the conclusion of construction.
- 3) **Do not store or park tools**, equipment, vehicles, or chemicals under the tree drip line. No equipment or debris of any kind shall be placed within the TPZ. No fuel, paint, solvent oil, thinner, asphalt, cement, grout, or any other construction chemical shall be stored or allowed in any manner to enter within the TPZ.
- 4) **Avoid washing of equipment** and tools such as wheel barrels, shovels, and mechanical motors under the tree drip line.
- 5) **Prevent flooding and pooling** of service water under the drip line. Grade changes that will flood the TPZ are prohibited unless a drainage plan is implemented. No grade changes within the TPZ shall be allowed.
- 6) **Avoid cutting tree roots whenever possible**. This can sometimes be accomplished by bridging roots, tunneling, or radial trenching. If roots must be cut use a sharp tool that will make a clean flush cut and not tear the roots. If possible all digging under the tree drip line should be done manually to avoid tearing out of roots. Roots outside of the TPZ may be cleanly severed vertically with a sharp garden tool.
- 7) **Do not raise or lower the grade** within the tree protection zone of any protected trees unless approved by the project arborist. Roots greater than 1 inch in diameter that are exposed or damaged shall be cut with a sharp tool such as a hand saw, pruners, or loppers and covered with soil in conformance to industry standards as soon as possible. If any work is required within the TPZ the Arborist shall be consulted previous to beginning. The Arborist shall be contacted as soon as possible to arrange for a timely inspection and prevent delays.

- 8) Protection fencing shall be 5 to 6 ft. high chain link freestanding panels or secured to posts driven into the ground. There shall be no entry gates into the protected zones. **The protection fencing shall be in place before demolition begins and shall only be removed or reduced when all heavy equipment such as back-hoes, bobcats, loaders, and other heavy equipment with tires and tracks will not be required.** Fencing can be adjusted or sections reduced or removed as the project advances into the landscaping phases of the project. The consulting arborist shall be contacted if there are doubts about the placement or removal of fencing.

- 9) **Landscape preparation & excavation within the TPZ** shall be limited to the use of hand tools and small hand-held power tools and shall not be of a depth that could cause root damage. No attachments or wires other than those of a protective or non-damaging method shall be attached to a protected tree.

- 10) **Construction personnel should be briefed** on the importance of the guidelines before construction begins and reminded of it during tailgate meetings and as necessary. A printed copy should be posted where employees can be reminded of it.

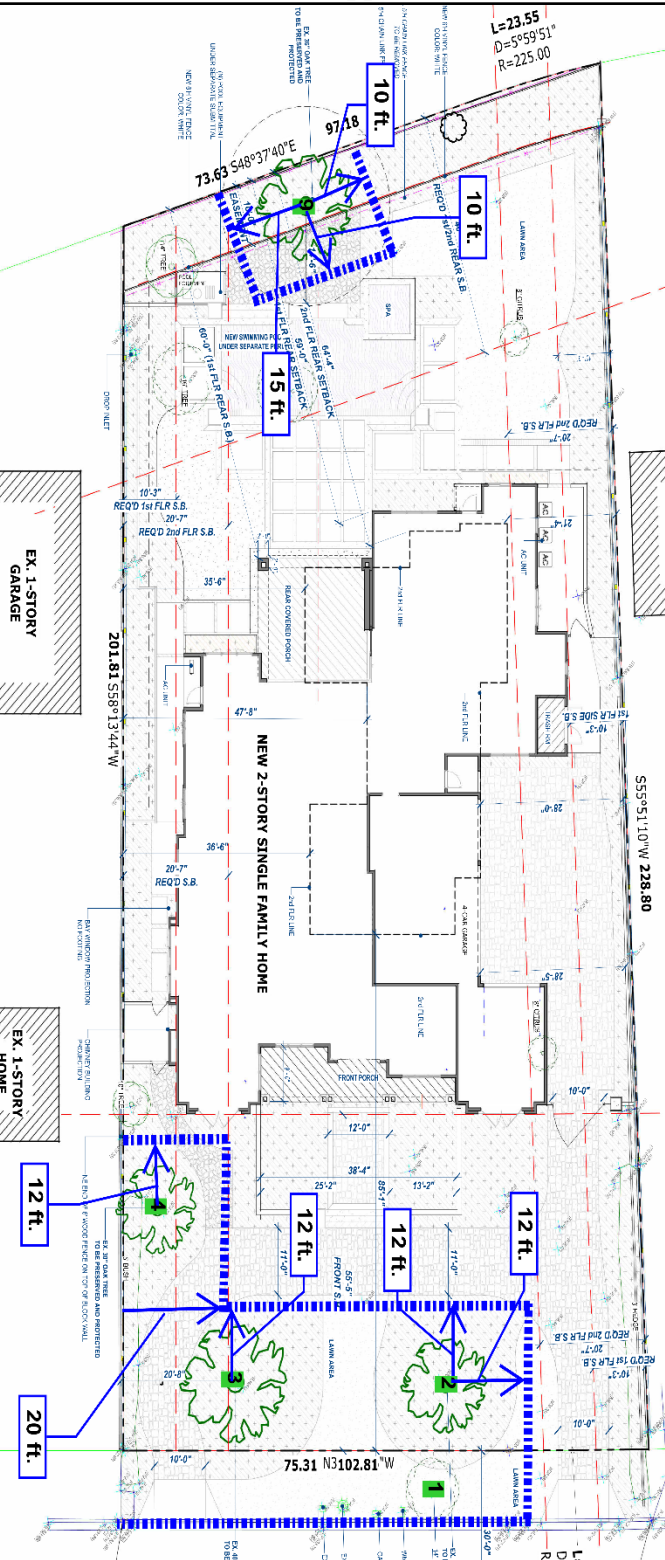
Site Plan With Protection Fencing (cropped)



Blue dashed line = "Tree Protection Fencing" which shall be the same as "Tree Protection Zone" unless otherwise stated by the Consulting Arborist. TPF shall also be the limit of grading unless otherwise approved by the arborist and shall consist of 6 ft. high freestanding or ground staked chain link or wire mesh fencing with no entry gates. "TPF" shall be in place before any work begins including demolition and grading and only removed or adjusted when no heavy equipment will be used within the "TPZ" and landscaping work is to begin. The "TPF" illustrated is a minimum requirement and should be increased when possible. No heavy equipment wheels or tracks shall be allowed within the "TPZ" at any time and demolition within the "TPZ" shall be done from outside the perimeter of the "TPZ" unless it is done manually with hand held manual tools and hand held power tools. If there are any doubts about the "TPZ" the consulting arborist shall be contacted as soon as possible to schedule a site inspection.

Site Plan With Demolition & Excavation Notes (Cropped)

Blue dashed line = Demolition of footings and grading along the perimeter of the "TPF" shall done with a combination of manual tools, and handheld power tools. The goal is to remove the existing structure and footings very carefully so that roots are not pulled out of the ground or damaged and to excavate a trench a minimum of 24 inches deep along the perimeter of the "TPF" as required while carefully exposing major roots greater than 2 inches and severing them with a sharp tool such as hand pruners, loppers, axes, and power reciprocating saws. After the aforementioned trenches have been excavated and all major roots cleanly severed the rest of the excavations and grading can be done with large mechanical equipment outside of the "TPF" area.



Tree # 1 Holly oak Protection Details

- a) **Structural excavation and over-excavation:** Tree # 1 is a very long distance from structural excavations and no work is proposed anywhere near the drip line. Impact is expected to be zero.
- b) **New driveway:** The new section of driveway adjacent to this tree is proposed in the footprint of the existing driveway and the impact to this Oak tree from the new driveway is expected to be minimal to zero.
- c) **New Landscaping:** The removal of the existing plants and ground cover under the drip line of this tree shall be done manually with manual tools only to prevent severe root disturbance and damage.
- d) **New Sprinklers:** No broadcast trenching for sprinklers shall be performed within 12 ft. of the edge of the tree trunk on all sides of this tree. The sprinkler water shall not wet the trunk of this tree to prevent fungal infection from persistent trunk moisture.
- e) **Canopy pruning:** No pruning of this tree will be required to complete the proposed construction project.
- f) **Root pruning:** Roots within 12 ft. from the trunk that are encountered for the proposed driveway and sprinkler excavations shall be cleanly severed in a vertical position.
- g) **Protection Fencing:** shall consist of 6 ft. high chain link free standing panels and shall be in place before any works begins including demolition. All protection fencing may be removed or reduced when all heavy equipment and major construction is completed and landscaping is ready to be installed.
- h) **Maintenance:** During the hot summer months this tree shall be watered as needed until the sprinkler system is installed and working.
- i) **Encroachment impacts:** *This project is expected to have a minimal to zero impact* on the short- or long-term health of this tree and it is expected to survive in good health if the protection recommendations are followed and adhered to. **minimal impact means** that no roots greater than two inches are expected to be impacted and no interruption to water uptake or nutrient production, transportation, or storage. Tree stability and anchorage, trunk, branch, and leaves are not expected to be impacted.

Trees # 2 thru 4 Coast live oak trees Protection Details

- a) **Structural excavation and over-excavation:** Structural excavations do not encroach into the drip line of the canopy of Trees # 2 & 3. The structural excavations for the front of the house encroach slightly into the drip line of Tree # 4 but the impact is expected to be minimal because the foundations are very close to the existing foundations where roots disturbance is expected to be minimal.
- b) **New driveway:** The new section of driveway adjacent to these trees is at a distance that is acceptable and the impact to these Oak trees from the new driveway is expected to be minimal to moderate.
- c) **New Landscaping:** The removal of the existing plants and ground cover under the drip line of this tree shall be done manually with manual tools only to prevent severe root disturbance and damage.
- d) **New Sprinklers:** No broadcast trenching for sprinklers shall be performed within 12 ft. of the edge of the tree trunk on all sides of these trees. The sprinkler water shall not wet the trunk of this tree to prevent fungal infection from persistent trunk moisture.
- e) **Canopy pruning:** No pruning of these trees will be required to complete the proposed construction project.
- f) **Root pruning:** Roots encountered during the excavation for the new circular driveway shall be cleanly severed with a sharp tool and cut in a vertical position.
- g) **Protection Fencing:** shall consist of 6 ft. high chain-link free-standing panels and shall be in place before any works begins including demolition. All protection fencing may be removed or reduced when all heavy equipment and major construction is completed, and landscaping is ready to be installed.
- h) **Maintenance:** During the hot summer months these trees shall be watered as needed until the sprinkler system is installed and working.
- i) **Encroachment impacts:** *This project is expected to have a minimal to moderate impact* on the short- or long-term health of this tree and it expected to survive in their existing health if the protection recommendations are followed and adhered to. **Moderate impact means** that roots greater than two inches are expected to be impacted but no interruption to water uptake or nutrient production, transportation, or storage. Tree stability and anchorage, trunk, branch, and leaves are not expected to be impacted.

Tree # 9 Coast live oak trees Protection Details

- a) **Structural excavation and over-excavation:** The proposed new house encroaches slightly into the drip line of this Oak tree. Impact is expected to be minimal.
- b) **New Concrete Patio & Swimming Pool:** The edge of the excavation for the proposed concrete patio and proposed swimming pool on the side of the tree trunk shall be manually excavated as described on **pg. # 25**.
- c) **New Landscaping:** The removal of the existing plants and ground cover under the drip line of this tree shall be done manually with manual tools only to prevent severe root disturbance and damage.
- d) **New Sprinklers:** No broadcast trenching for sprinklers shall be performed within 12 ft. of the edge of the tree trunk on all sides of these trees. The sprinkler water shall not wet the trunk of this tree to prevent fungal infection from persistent trunk moisture.
- e) **Canopy pruning:** No pruning of this tree beyond the removal of dead wood will be required to complete the proposed construction project.
- f) **Root pruning:** Roots encountered during the excavation for the new concrete patio and swimming pool shall be exposed and cleanly severed with a sharp vertical cut.
- g) **Protection Fencing:** shall consist of 6 ft. high chain-link free-standing panels and shall be in place before any works begins including demolition. All protection fencing may be removed or reduced when all heavy equipment and major construction is completed, and landscaping is ready to be installed.
- h) **Maintenance:** During the hot summer months this tree shall be watered as needed until the sprinkler system is installed and working.
- i) **Encroachment impacts:** *This project is expected to have a minimal impact* on the short- or long-term health of this tree and it expected to survive in good health if the protection recommendations are followed and adhered to. **minimal impact means** that no roots greater than two inches are expected to be impacted and no interruption to water uptake or nutrient production, transportation, or storage. Tree stability and anchorage, trunk, branch, and leaves are not expected to be impacted.

Arborist Inspection March 27, 2023

On March 27, 2023 I Javier Cabral Consulting Arborist inspected all of the protected trees on this property and found that they are all in the same condition as my previous inspection on February 23, 2020. In regard to Tree # 3 Coast live oak it is also in the same condition. Although this tree is rated a condition rating of D in my report due to a column of decay on one side of the tree it still has a lot of sound roots and major trunks that are either unaffected or the impact is minor. Long term the cavity is expected to have major impact to the tree health but short to medium term is expected to be minor. It is my recommendation that this tree should be evaluated by a certified arborist every 5 years. No mitigation measures are recommended at this time.

Certificate of Performance & Limiting Conditions

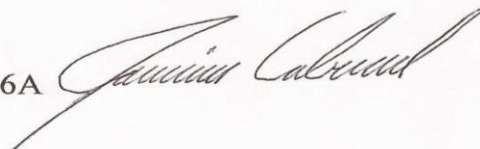
I Javier Cabral certify the following:

- No warranty is made, expressed or implied, that problems or deficiencies of the trees or the property will not occur in the future, from any cause. The Arborist shall not be responsible for damages or injuries caused by any tree defects, and assume no responsibility for the correction of defects or tree related problems.
- The owner and client of the trees may choose to accept or disregard the recommendations of the Arborist or seek additional advice if the owner decides not to accept the Arborists findings or recommendations.
- The Arborist has no past, present or future interest in the removal or preservation of any tree. The opinions contained in the Arborist report are independent and objective judgements of the Arborist.
- The findings, opinions, and recommendations of the Arborist are based on based on the physical inspection of said property. The opinions are based on knowledge, experience, and education.
- The Arborist shall not be required to provide testimony, provide site monitoring, provide further documentation for changes beyond the control of the Arborist, be deposed, or to attend any meeting without contractual arrangements for additional fees to the Arborist.
- The Arborist assumes no responsibility for verification of ownership or location of property lines, or for any recommendations based on inaccurate information.
- This Arborist report may not be reproduced without the expressed written permission or the Arborist and the client to whom the report was provided to. Any changes or alteration of this report invalidates the entire report.
- Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, make recommendations to prevent or minimize damage to trees during and after construction projects, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.
- Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.
- Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.
- Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Thank you and feel free to contact me if you have any questions or concerns.

Yours truly,

Javier Cabral / Consulting arborist
1390 El Sereno Ave Pasadena, Ca 91103
International Society of Arboriculture # WE 8116A

A handwritten signature in black ink that reads "Javier Cabral". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Attachment No. 5

City Council Staff Report dated February 21, 2023 and late public comments



STAFF REPORT

Development Services Department

DATE: February 21, 2023

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Lisa Flores, Deputy Development Services Director
Prepared By: Fiona Graham, Planning Services Manager

SUBJECT: RESOLUTION NO. 7477 APPROVING APPEAL NO. 22-06,
OVERTURNING THE PLANNING COMMISSION'S DENIAL OF A NEW,
A NEW TWO-STORY, CAPE COD STYLE SINGLE-FAMILY HOME AT
1225 OAKLAWN ROAD
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Appellant, Alex Hou (Agent for the Property Owner – 800 Hampton, LLC), is appealing the Planning Commission's denial of a new 6,138 square foot, two-story, Cape Cod style residence with an attached four-car garage, and several covered porches totaling 1,075 square feet, at 1225 Oaklawn Road. The project was originally approved by the Santa Anita Oaks Architectural Review Board ("ARB"). The Planning Commission voted 3-2 to approve Appeal No. HOA 22-05, overturning the ARB approval of the proposed new home. The Planning Commission determined that the project was inconsistent with the City's Single-Family Residential Design Guidelines. The Appellant filed an appeal of the Planning Commission's decision on December 22, 2022.

It is recommended that the City Council find that the proposal adheres to the City's Single-Family Residential Design Guidelines and adopt Resolution No. 7477 approving the appeal, thus overturning the Planning Commission's decision.

BACKGROUND

The subject property is a 21,243 square foot interior lot that is located in the Santa Anita Oaks Homeowner's Association area. The property is zoned R-0, Very Low Density Residential, and the General Plan land use designation is Residential. Surrounding properties are zoned R-0 and consist of one and two-story homes on this street. The property currently has an existing 2,595 square foot, one-story house built in 1951.

Architectural Review Board (“ARB”)

The development of a new home in a Homeowners’ Association area is subject to review by the ARB at a noticed public hearing. On January 10, 2022, the Applicant’s Architect, Philip Chan, filed a regular review application with the ARB for a new, two-story, Cape Cod style home on behalf of the property owner. The project is described in the next section.

Prior to the ARB public hearings, the Applicant revised the plans in response to several requests from the ARB Chair. These revisions included changing the architectural style from Tudor to Cape Cod, reducing the second-floor area by 50% and increasing side setbacks, reducing the size of the south facing, second story windows, and shifting the second story mass more toward the rear of the home.

The ARB discussed the item at two meetings on July 21, 2022, and September 13, 2022 (Refer to Attachment No. 4 of Exhibit No. 4 for the ARB Findings and Meeting Minutes). Multiple residents attended both meetings and expressed concerns about having a two-story residence in their neighborhood, that the proposed architectural style was still too massive, that the home is out of scale with the other homes in the neighborhood, and that there may be potential privacy issues for the house located next door to the south at 1215 Oaklawn Road.

After several rounds of comments and two public hearings, the ARB conditionally approved the new residence with a 3-2 vote at their September 13, 2022, hearing. A total of six conditions of approval were placed on the project by the ARB, and they were:

1. Reduce size of pilasters in the front yard and remove the lights.
2. Provide detail on the landscape plan of the proposed plantings.
3. Remove the spillway to the pool.
4. Replace demolished fence with a vinyl fence at the easement line, located at rear of property.
5. Remove the rear deck.
6. Remove the balcony for privacy reasons.

The most recent version of the plans, which can be seen in Exhibit No. 5, reflect all the changes per the ARB’s conditions of approval.

ARB Findings

The ARB Findings and Action Report stated that several of the findings could not be made, despite the ARB approving the Project. The findings were written by the ARB Chair and reflected the position of the dissenting Board Members and not the findings of the majority, who voted in favor of the Project. While this is unusual, the record clearly shows that a majority of the ARB – three members – voted to approve the Project and, therefore, could make all the necessary findings. Notwithstanding the ARB’s decision or

findings, the Planning Commission heard the item de novo, making any inconsistency between the ARB's written findings and decision moot.

Planning Commission

On September 26, 2022, within the 10-day appeal period, the Appellants filed an appeal of the ARB's approval of the new house. Refer to Attachment No. 3 of Exhibit No. 4 (The Planning Commission Staff Report packet) for the original Appellants Appeal letter. The Appellants consisted of seven nearby property owners.

On November 22, 2022, the appeal was heard by the Planning Commission. Four of the seven Appellants and a civil engineer hired by Shirley Chi, an Appellant, spoke at the public hearing against the project. The Appellants stated that the proposed home was too massive and was inconsistent with the streetscape, that it would tower over the adjacent properties, and that the second story was not sufficiently small or pushed back from the front of the home. The project applicant and a representative for the property owner spoke in favor of the project, stating that the design had been substantially changed in response to multiple requests from the ARB, including reducing the size of the second story, increasing side setbacks, removing or reducing windows, and changing the architectural style from Tudor to Cape Cod.

Following consideration of all the facts, details, and public comments, the Planning Commission found the project incompatible with the neighborhood and inconsistent with the City's Residential Design Guidelines (refer to the Planning Commission Minutes – Exhibit No. 3; For the Planning Commission Staff Report and all the relevant attachments, please see Exhibit No. 4). The Planning Commission voted 3-2 to approve the appeal and thereby deny approval of the new home at 1225 Oaklawn Road with Vice Chair Tsoi and Commissioner Hui dissenting.

The Planning Division had recommended that the Planning Commission deny the appeal and approve the new home at 1225 Oaklawn Road. As such, this recommendation was reflected in draft Resolution No. 2106, which was attached to the November 22, 2022, Staff Report. In addition to approving the appeal, the Planning Commission directed staff to prepare a new resolution incorporating the Commission's findings and decision. In response to this direction, staff prepared Resolution No. 2111, which was approved by the Planning Commission with a vote of 5-0 at the December 13, 2022, meeting. Refer to Attachment No. 1 of Exhibit No. 4 for Resolution No. 2111 and the findings made to deny the appeal.

On December 22, 2022, within the 10-day appeal period, the Appellant, Alex Hou, filed an appeal of the Planning Commission's decision to deny the new two-story home (refer to Exhibit No. 2). The Appellant objects to the Planning Commission's decision and states that the findings made were incorrect. The Appellant states that the project is consistent with the Single-Family Residential Design Guidelines including form, mass, architectural style, height, articulation, and façade details. The Appellant also states that

the home is compatible with the surrounding neighborhood as there are larger homes along the street, a newly approved home at 1311 Oaklawn Road with a similar Floor Area Ratio (“FAR”), and 10 other two-story homes in the vicinity. Furthermore, the Appellant has stated that the home has been designed to minimize the appearance of it being a two-story house, hiding the visibility of the mass from the street.

DISCUSSION

The Project considered by the Planning Commission consists of a two-story, 6,138 square foot, Cape Cod style single family residence. The residence will have five bedrooms, five-and-one-half bathrooms, and a 926 square foot attached four-car garage. See Figure 1 below for an architectural rendering of the proposed house. Refer to Exhibit No. 5 for the architectural plans.



Figure 1: Architectural rendering of the proposed house as seen from Oaklawn Road

The first floor will be approximately 4,047 square feet (excluding the garage) and consists of a foyer, library, great room, kitchen with a pantry and wok kitchen, family room with a wet bar and wine cellar, elevator shaft and staircase providing access to the second story, a guest powder room, two bedrooms each with a closet and bathroom, home theater, and a laundry room. The second story will be 2,091 square feet and consists of two bedrooms that each contain a closet and bathroom, a master suite with walk-in-closet and bathroom, an open den/loft, elevator, and high-ceiling areas open to the first story below. Overall, the proposal does not exceed the maximum allowable Floor Area Ratio (“FAR”) of 6,798 square feet or the maximum lot coverage.

The proposed front yard landscaping will include a new circular driveway and a paved pedestrian path. Three existing mature oak trees will remain, while the new turf, mulch, and plants will be installed underneath and around the driplines of the oak trees. New plantings are proposed along both sides and the rear property boundary. None of the

protected trees will be removed and a Protected Tree Encroachment Permit will be required for the three oak trees in the front yard.

In his appeal letter, the Appellant states that the Planning Commission findings are not accurate and contradict the Single-Family Residential Design Guidelines.

Below is a listing of the Appellant's comments, shown in italics, along with an analysis of each issue raised.

- 1. The proposed project is consistent with the applicable standards of the Single-Family Residential Design Guidelines. The design is based on some of the key elements written in the Design Guidelines such as site planning principles and neighborhood context, form and mass, architectural style, height, bulk, and scale, rooflines, entries, articulation, and façade details.*

The proposed home is consistent with the Single-Family Residential Design Guidelines. The project is located in a neighborhood with homes of varying architectural styles and sizes even though the neighborhood does contain a majority of older, single-story ranch-style homes. Newer homes in the neighborhood are typically two-stories, not ranch-style, and are larger than the original ranch houses.

In terms of architectural style, the two-story Cape Cod-style home is generally architecturally consistent within the neighborhood context. Similar design features are shared with neighboring homes and include horizontal siding, tall windows, wainscotting, and use of faux-wood shake shingles. These features help the home blend in with the existing streetscape. The most significant difference is the visible roof slope which is 10:12. Ranch house roofs typically have a shallow pitch with a 3:12 or 4:12 slope, which emphasize the low-horizontal nature of that style of architecture. However, use of a steeper roof pitch allows for the second story to be incorporated into the roof, visually reducing the dominance of the second floor.

With respect to the massing of the proposed house, the second story has been adequately stepped back from the front and sides of the proposed first story and is not visually dominant. The visual massing of the home is minimized by setting the second floor back 8'-3" from the first floor and by placing the second story within the roof along the front of the home, while the majority of the second story is setback at least 76 feet from the front property line and is "hidden" behind the front roof. The home also contains significant articulation, particularly on the second story, which reduces the massing of the home and preserves the privacy of neighboring properties.

Regarding building height, the proposed home will be 26'-6" high, which is less than the maximum allowed 30'. Adjacent properties are single-story Ranch houses, which have heights of approximately 14'. Oaklawn Road slopes from north-to-south, creating a change in grade between properties of around four feet. This change in grade emphasizes the height difference between the proposed two-story home and the

A new, two-story home was approved by the ARB at 1311 Oaklawn Road on October 20, 2021. The proposed size of that new home is 6,340 square feet, which is 302 square feet less than the maximum allowable of 6,742 square feet for that property, and its height is 27'-6". The street contains 10, two-story homes (29% of homes) – existing and approved – of varying ages, sizes and architectural styles.

The proposed home includes a second story that has been stepped back from the front of the home and which is hidden within the roof form along the front of the building. The use of a steeply pitched roof to “hide” the second story helps to de-emphasize the two-story appearance of the home. In addition, most of the second story mass is setback at least 20' from the front of the ground floor, further reducing the second story's visibility from the street. The second story setbacks significantly exceed the minimum required, specifically on the southern side of the home, which faces the downslope property. The minimum allowed second story setback is 20'-7". The minimum second story setbacks provided are 22'-1" on the northern side and 26'-6" on the south side; however, the majority of second story setbacks exceed 28'. The large setbacks not only provide articulation and reduce massing but also help maintain the privacy of neighboring properties. Figure 3 below shows the footprints of the levels of the home.



Figure 3: Footprint of the proposed house shown with reference to the location of adjacent properties. First floor shown in blue. Second story outlined in red.

To further reduce the visibility of the home from neighboring properties, at least an 8 foot hedge is to be planted along the northern and southern property lines (refer to Condition of Approval No. 4). Three large, existing oak trees in the front yard will be retained and protected to reduce the visibility of the home from the street.



Figure 4: View from the street. The existing large oak trees will help screen the new house.

PLANNING COMMISSION HEARING

On November 22, 2022, the Planning Commission considered Appeal No. HOA 22-05 of the Santa Anita Oaks Architectural Review Board's approval of a new two-story home at 1225 Oaklawn Road. The Planning Commission carefully considered all the facts, points of appeal, the neighborhood characteristics, the public comments, and the Single-Family Residential Design Guidelines, and ultimately found, on a divided vote, the Project to be inconsistent with the objectives of the Design Guidelines and incompatible with the neighborhood. They determined that the overall mass and scale was inappropriate for the neighborhood.

Specifically, Chair Thompson felt that, although some of the findings could be made, the home was not harmonious with the neighborhood. He felt that the mass and scale of the house were inconsistent with the neighborhood, the home was much larger than the average home along the street, and that the second story was not sufficiently pushed back, per the Single-Family Design Guidelines. Commissioner Tallerico and Commissioner Wilander agreed with the comments made by Chair Thompson. In addition, Commissioner Wilander said that although there were two-story homes, most were single-story, and that six out of ten adjacent neighbors expressed their opposition to the Project, which should be taken into consideration by the Planning Commission.

Vice Chair Tsoi said that the home has successfully concealed much of the mass within the design, and that the home did not appear out of scale from view of the street. In addition, the change in grade along the street makes it difficult to have a consistent building height, but that the designer had made many changes to reduce its mass.

Commissioner Hui concurred with Vice Chair Tsoi and also stated that the neighborhood contains various, existing two-story homes where the second story is not set back substantially.

Chair Thompson made a motion to approve the appeal and overturn the ARB approval of a new, two-story, Cape Cod-style house at 1225 Oaklawn Road. The motion was seconded by Commissioner Tallerico. The Planning Commission voted 3-2 to approve the appeal, with Vice Chair Tsoi and Commissioner Hui dissenting – refer to Exhibit No. 3 and 4 for the Planning Commission Minutes and Staff Report for the November 22, 2022, Planning Commission Meeting.

The original Staff Report to the Planning Commission recommended approval of the project and concurrence with the ARB decision. The Staff Recommendation remains the same: to approve the project subject to the conditions of approval listed below and based on the findings provided in the subsequent section. For the findings made by the Planning Commission to support their recommendation to deny the project, please see Attachment No. 1 of Exhibit No. 4.

1. The Property Owner/Applicant shall comply with the Santa Anita Oaks ARB conditions of approval that were listed in their ARB Findings and Actions Report, dated September 13, 2022.
2. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved by the ARB for a new, two-story single-family residence at 1225 Oaklawn Road, subject to the satisfaction of the Deputy Development Services Director or designee.
3. The project shall comply with the City's Water Efficient Landscaping Ordinance ("WELO"). The Property Owner/Applicant shall submit landscaping plans and all WELO documentation with the building plans for plan check in Building Services.
4. Prior to issuance of a Certificate of Occupancy, the Property Owner/Applicant shall plant tall, mature hedges along the perimeter of the property along the north and south side yard areas. The species and box size shall be indicated on the landscape plan submitted for building plan check and shall be to the satisfaction of the Deputy Development Services Director or designee. The hedges shall be at least 8 feet tall prior to the issuance of a Certificate of Occupancy.
5. The Property Owner/Applicant shall file a Protected Tree Permit application with the City within 45 days of this approval and the Property Owner/Applicant shall comply with all the recommended measures and conditions of approval imposed by the Certified Arborist that prepared the report and the City to ensure no portion of the proposed development will harm the healthy protected trees. If any of the protected trees do not survive as a result of this development, the City has

the ability to require a large mature oak tree or trees to replace any failed existing tree prior to issuance of a Certificate of Occupancy. The size and location shall be determined by the Deputy Development Services Director, or designee, and the City's Certified Arborist.

6. To the maximum extent permitted by law, the Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with the new Cape Cod house ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from the City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for the City's legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the project, this

condition shall remain in effect if the entitlement(s) related to this project is rescinded or revoked whether at the request of the Applicant, or not. Approval of the house shall not be of effect unless the Property Owner/Applicant has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has denied the appeal. The Acceptance Form is to indicate awareness and acceptance of the conditions of approval.

FINDINGS

Section 9107.19.050 of the Development Code requires that the Review Authority may approve a Site Plan and Design Review application, only if it first makes all the following findings:

- 1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.**

Facts to Support This Finding: The subject site is zoned R-0, Very-Low Density Residential Zone, which allows for the development of a single-family residence. The new two-story house will not change the use or density allowed in this zone and meets all of the development standards and regulations required, including but not limited to setbacks, height, and floor area ratio. Therefore, the new development will be in compliance with all the applicable standards and regulations in the Development Code.

- 2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.**

Facts to Support This Finding: The Santa Anita Oaks ARB and the City's Planning Division determined that the new two-story house as well as the overall mass and scale of the home, are consistent with the City's Single-Family Residential Design Guidelines. The new house will be compatible with the other homes on the street, as the street is comprised of one and two-story homes and reflects a variety of architectural styles and forms. The architectural style on this house, Cape Cod, was chosen and approved by the ARB since the style hides a large portion of the second story at the front of the home, and the large side setbacks and extensive articulation serve to further reduce the visual mass of the home. The existing three very large mature oak trees in the front yard will help further mitigate the mass and scale from the street. Therefore, the proposed development will be consistent with the objectives and standards of the Single-Family Design Guidelines.

- 3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.**

Facts to Support This Finding: The new two-story home would be compatible with the character of the neighborhood in terms of the architectural design since the subject site is in a residential neighborhood that is comprised of ranch and various other architectural styles including French, Traditional/Colonial, and Tudor. The Cape Cod-style house is consistent with the City's design guidelines in terms of form, roof, articulations, and design features and details. The architectural design, overall articulation, extensive front yard landscaping including retention of three large, existing oak trees, and large second story setbacks help minimize the scale, soften the appearance of the home, and allow for consistency with the neighborhood. The Santa Anita Oaks ARB and the City's Planning Division found that the Cape Cod architectural style is appropriate for the neighborhood; that the home had sufficient articulation; and that the façade detailing, windows, doors, colors and materials are suitable for the home.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

Facts to Support This Finding: The circular driveway will provide efficient access to the four-car garage at the northern side of the home. Parking is easily accessible from the new driveway and will allow for easy vehicular ingress and egress to the site. The proposed landscaping will complement the architectural design, provide screening along the side and rear property lines, and is consistent with landscaping in the neighborhood.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

Facts to Support This Finding: The proposed project would be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code. The project is in compliance with the City's Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the other homes in the immediate vicinity. The site layout and design are harmonious with the neighborhood as the proposed home meets or exceeds all required setbacks. The visual mass of the home is softened by "hiding" the second story within the roof at the front of the house. Large second story setbacks on the southern façade and use of clerestory windows will limit any overlooking or privacy issues with the adjacent property to the south. Extensive new landscaping throughout will complement the home and provide additional screening along both side and rear property lines. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on- or off-site are expected from this project. Therefore, the proposed home will be consistent with the City's Single-Family Residential Design Guidelines and General Plan.

For the reasons stated in this report, it is recommended that the City Council approve the project and thereby overturn the decision of the Planning Commission to deny the proposed two-story home at 1225 Oaklawn Road.

ENVIRONMENTAL ANALYSIS

The proposed project qualifies as a Class 3 Categorical Exemption per the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a new single-family home. Refer to Exhibit No. 7 for the Preliminary Exemption Assessment.

PUBLIC NOTICE/COMMENTS

Public hearing notices for this item were mailed on February 9, 2023, to the property owners located within 300 feet of the subject property. Pursuant to the provisions of CEQA, the public hearing notice was published in the Arcadia Weekly on February 9, 2023. As of February 16, 2023, staff has received one comment from the public (Refer to Exhibit No. 6).

FISCAL IMPACT

Any decision on the appeal would have no significant fiscal impact.

RECOMMENDATION

It is recommended that the City Council make the required findings and adopt Resolution No. 7477 approving Appeal No. 22-06, overturning the Planning Commission’s denial of a proposed two-story, Cape Cod-style single-family home with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) at 1225 Oaklawn Road, subject to the Conditions of Approval listed above.

Approved:



Dominic Lazzaretto
City Manager

Exhibit No. 1	Resolution No. 7477
Exhibit No. 2	Appeal Application and Letter, dated December 22, 2022
Exhibit No. 3	Planning Commission Minutes for the November 22, 2022, Meeting
Exhibit No. 4	Staff Report for the November 22, 2022, Planning Commission Meeting, including the following attachments:

- No. 1 Resolution No. 2111 (Approved December 13, 2022)
- No. 2 Aerial Photo with Zoning Information & Photos of Subject Property and Vicinity
- No. 3 Appeal Letter from Appellants, dated September 19, 2022
- No. 4 ARB Findings and Action Report and ARB Meeting Minutes for July 21, 2022, and September 13, 2022
- No. 6 Preliminary Arborist's report
- No. 7 Preliminary Exemption Assessment
- Exhibit No. 5 Architectural Plans approved by the Santa Anita Oaks Architectural Review Board
- Exhibit No. 6 Public comment
- Exhibit No. 7 Preliminary Exemption Assessment

Exhibit No. 1

Resolution No. 7477

RESOLUTION NO. 7477

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING APPEAL NO. 22-06, OVERTURNING THE PLANNING COMMISSION'S DENIAL OF A NEW, TWO-STORY, CAPE COD STYLE SINGLE-FAMILY HOME WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AT 1225 OAKLAWN ROAD

WHEREAS, on January 10, 2022, a Regular Review Application was filed with the Santa Anita Oaks Architectural Review Board ("ARB") by Philip Chan on behalf of the property owner, 800 Hampton LLC, for the Project; and

WHEREAS, on July 21, 2022, the Santa Anita Oaks ARB held a duly noticed public hearing on the Project. Four (4) neighbors attended the meeting, expressing concerns that the mass, scale and architectural style of the house were inconsistent with the neighborhood, that the house would create privacy issues for the adjacent property to the south – 1215 Oaklawn Road, and that the Findings could not be made. The ARB continued the hearing to allow the architect to make the necessary changes to the project; and

WHEREAS, on September 13, 2022, the Santa Anita Oaks ARB held a second hearing and after reviewing the revised plans and the neighbors' concerns, the ARB conditionally approved the new home with a 3-2 vote on the basis that the proposed project is consistent with the City's Single Family Residential Design Guidelines and that the project complies with all the regulations; and

WHEREAS, on September 26, within the 10-day appeal period, the Project was appealed by Shirly Chi (owner of 1215 Oaklawn Road), Jill and Steve Hisey (owners of 515 Arbolada Drive), Feizhi Chen and Angela P. Lin (owner of 521 Arbolada Drive), Dr. Gary and Karen Jacobsen (owners of 1201 Oaklawn Road), Maurice and Beverly Stewart

(owners of 1212 Oaklawn Road), Drs. Hymavathi and Narandranath Reddy (owners of 1220 Oaklawn Road), and Dr. David and Keppie Sullivan (owners of 1320 Oaklawn Road) appealing the ARB approval of the Project; and

WHEREAS, on November 9, 2022, Planning Services completed an environmental assessment for the proposed project in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the proposed project qualifies as a Class 3 Categorical Exemption under CEQA pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a single-family home; and

WHEREAS, on November 22, 2022, a duly noticed public hearing was held before the Planning Commission on said appeal, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, following consideration of all testimony and evidence including staff reports and attachments, the Planning Commission overturned the Homeowners’ Association approval and approved Homeowners’ Association Appeal No. HOA 22-05 with a 3-2 vote on the basis that the Project was not consistent with the Single-Family Residential Design Guidelines in terms of mass, scale, and overall design and that they could not make three of the five required findings. The Planning Commission directed Staff to prepare a Resolution incorporating the Planning Commission’s findings for the Project; and

WHEREAS, on December 13, 2022, the Planning Commission approved Planning Commission Resolution No. 2111, which incorporated the Planning Commission’s findings for the Project; and

WHEREAS, on December 22, 2022, within the 10-day appeal period, the denial of the Project was appealed by Alex Hou (“Appellant”) on behalf of the property owner, 800 Hampton LLC, appealing the Planning Commission’s decision; and

WHEREAS, on February 21, 2023, a duly noticed public hearing was held by the City Council, to consider the appeal, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the City Council considered the ARB Findings and Action Report, Planning Commission staff report, the City Council staff report, attachments, and all evidence and testimony presented at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated February 21, 2023, are true and correct.

SECTION 2. The City Council finds, based upon the entire record, pursuant to Section 9107.19.050 of the Arcadia Development Code, all of the following findings can be made.

1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.

FACT: The subject site is zoned R-0, Very-Low Density Residential Zone, which allows for the development of a single-family residence. The new two-story house will not change the use or density allowed in this zone and meets all of the development standards and regulations required, including but not limited to setbacks, height, and floor

area ratio. Therefore, the new development will be in compliance with all the applicable standards and regulations in the Development Code.

2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.

FACT: The Santa Anita Oaks ARB and the City's Planning Division determined that the new two-story house, as well as the overall mass and scale of the home, are consistent with the City's Single-Family Residential Design Guidelines. The new house will be compatible with the other homes on the street, as the street is comprised of one and two-story homes, and reflects a variety of architectural styles and forms. The architectural style on this house, Cape Cod, was chosen and approved by the ARB since the style hides a large portion of the second story at the front of the home, and the large side setbacks and extensive articulation serve to further reduce the visual mass of the home. The existing three very large mature oak trees in the front yard will help further mitigate the mass and scale from the street. Therefore, the proposed development will be consistent with the objectives and standards of the Single-Family Design Guidelines.

3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.

FACT: The new two-story home would be compatible with the character of the neighborhood in terms of the architectural design since the subject site is in a residential neighborhood that is comprised of Ranch and various other architectural styles including French, Traditional/Colonial, and Tudor. The Cape Cod style house is consistent with the City's design guidelines in terms of form, roof, articulations, and design features and details. The architectural design, overall articulation, extensive front yard landscaping

including retention of three large, existing oak trees, and large second story setbacks help minimize the scale, soften the appearance of the home, and allow for consistency with the neighborhood. The Santa Anita Oaks ARB and the City's Planning Division found that the Cape Cod architectural style is appropriate for the neighborhood, that the home had sufficient articulation, and that the façade detailing, windows and doors, and colors and materials are suitable for the home.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

FACT: The circular driveway will provide efficient access to the four-car garage at the northern side of the home. Parking is easily accessible from the new driveway and will allow for easy vehicular ingress and egress to the site. The proposed landscaping will complement the architectural design, provide screening along the side and rear property lines, and is consistent with landscaping in the neighborhood.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

FACT: The proposed project would be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code. The project is in compliance with the City's Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the other homes in the immediate vicinity. The site layout and design are harmonious with the neighborhood as the proposed home meets or exceeds all required setbacks. The visual mass of the home is softened by "hiding" the second story within the

roof at the front of the house. Large second-story setbacks on the southern façade and use of clerestory windows will limit any overlooking or privacy issues with the adjacent property to the south. Extensive new landscaping throughout will complement the home and provide additional screening along both side and the rear property lines. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on or off-site are expected from this project. Therefore, the proposed home will be consistent with the City's Single-Family Residential Design Guidelines and General Plan.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project is a Class 3 Categorical Exemption for the construction of a new single-family home per Section 15303(a) of the CEQA Guidelines.

SECTION 4. For the foregoing reasons, the City Council determines that the Project is Categorically Exempt under the California Environmental Quality Act ("CEQA") Section 15303(a), Class 3, and approves the appeal, overturning the Planning Commission's decision to deny the new 6,138 square foot, two-story Cape Cod style residence with an attached four-car garage, and several covered porches totaling 1,075 square feet at 1225 Oaklawn Road, subject to the conditions of approval attached hereto.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON NEXT PAGE]

Passed, approved and adopted this 21st day of February, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 7477

Conditions of Approval

1. The Property Owner/Applicant shall comply with the Santa Anita Oaks ARB conditions of approval that were listed in their ARB Findings and Actions Report, dated September 13, 2022.
2. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved by the ARB for a new, two-story single family residence at 1225 Oaklawn Road, subject to the satisfaction of the Deputy Development Services Director or designee.
3. The project shall comply with the City's Water Efficient Landscaping Ordinance ("WELO"). The Property Owner/Applicant shall submit landscaping plans and all WELO documentation with the building plans for plan check in Building Services.
4. Prior to issuance of a Certificate of Occupancy, the Property Owner/Applicant shall plant tall, mature hedges along the perimeter of the property along the north and side yard areas. The species and box size shall be indicated on the landscape plan submitted for building plan check and shall be to the satisfaction of the Deputy Development Services Director or designee. The hedges shall be at least 8 feet tall prior to the issuance of a Certificate of Occupancy.
5. The Property Owner/Applicant shall file a Protected Tree Permit application with the City within 45-days of this approval, and the Property Owner/Applicant shall comply with all the recommended measures and conditions of approval imposed by the Certified Arborist that prepared the report and the City to ensure no portion of the proposed development will harm the healthy protected trees. If any of the protected trees do not survive as a result of this development, the City has the ability to require a large mature oak tree(s) to replace the existing tree(s) prior to issuance of a Certificate of Occupancy. The size and location shall be determined by the Deputy Development Services Director, or designee and the City's Certified Arborist.
6. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with the new Cape Cod house ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf,

which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant. Approval of the house shall not be of effect unless the Property Owner/Applicant has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has denied the appeal. The Acceptance Form is to indicate awareness and acceptance of the conditions of approval.

Exhibit No. 2

Appeal Application and Letter, dated
December 22, 2022



CITY OF
ARCADIA

APPEAL NO. 22-06

APPEAL APPLICATION

SUBJECT OF APPEAL

APPLICATION TYPE AND NUMBER(S): Appeal of resolution 2111

PROJECT ADDRESS: 1225 Oaklawn Rd, Arcadia

DATE THE DECISION BEING APPEALED WAS RENDERED: Resolution adopted on Dec 13th 2022

APPELLANT INFORMATION

NAME Alex Hou
(Appellant First & Last Name)

MAILING ADDRESS 1165 Altura Terrace

CITY Arcadia STATE CA ZIP 91007

PHONE 626-665-0120

E-MAIL alexh@ibuypower.com

OWNER INFORMATION

NAME 800 Hampton LLC
(Owner First & Last Name)

MAILING ADDRESS 1165 Altura Terrace

CITY Arcadia STATE CA ZIP 91007

PHONE _____

E-MAIL _____

APPEAL INFORMATION:

In accordance with the procedures set forth in the Municipal Code of the City of Arcadia, I hereby appeal the decision of the following review authority:

- Director or Designee's Decision Planning Commission
 Modification Committee Homeowner's Association (please specify):

PLEASE ANSWER THE FOLLOWING:

On a separate sheet, explain specifically **what** action(s) you are appealing and the **reason** for the appeal.

SIGNATURES

The appellant hereby declares under penalty of perjury that all the information submitted for this appeal is true and correct.

Appellant Signature _____

Date 12/22/22

Property Owner Signature _____

Date 12/22/22

FOR OFFICE USE ONLY

Date Filed 12/22/22 Receipt No. 13376-22 Amount \$ 676- Received By 8

CITY OF ARCADIA APPEAL APPLICATION

INSTRUCTIONS AND FILING REQUIREMENTS WORKSHEET

REASON FOR APPEAL

- Is the entire decision or only parts of it being appealed? Entire Part
- Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet(s) providing your reasons for the appeal and specifically state the point(s) at issue.

FILING REQUIREMENTS/ADDITIONAL INFORMATION

In order for an appeal to be processed without delay, the appeal application must include the following materials. To ensure that the appeal application is complete, please check-off the boxes next to the following required materials:

- Completed appeal application form
- An Ownership Disclosure is required if the property is owned by a corporation, partnership, trust, or non-profit. The disclosure must reveal the agent for service of process or an officer of the ownership entity. The disclosure must list the names and addresses of all the owners and you must attach a copy of the current corporate articles, partnership agreement, trust, or non-profit document, as applicable.
- Filing fee
- Reason for Appeal
- A Radius Map and Property Owner's List and Labels (If the appeal is by the applicant and/or property owner)
- The radius map accompanying the application must show each lot within the required radius of the property involved. Each lot must be consecutively numbered to correspond to the property owners list as explained below.
 - Property owners list and labels of the subject property as well as all properties within the radius.
 - The property owners list and labels should be typewritten and must include each owner's name, mailing address, and property assessment identification numbers (AIN).
 - Each property owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid radius map.
- HOA Appeals: ARB Findings and Action form is required when the applicant and/or property owner is filing the appeal.
- Architectural Plans

Please note that a Planner may contact you if additional information is necessary prior to the hearing.

OWNERSHIP DISCLOSURE

for

800 Hampton, LLC

Agent of Service of Process:

Name: Alex Hou

Address: 1165 Altura Terrace, Arcadia CA 91007

Owner(s):

Name: Alex Hou

Address: _____

Name: Susan Hou

Address: 1165 Altura Terrace, CA Arcadia CA 91007

Managing Member:

Name: Susan Hou or Alex Hou

Reasons for Appeal of Resolution 2111 and Planning Commission's decision for the proposed home at 1225 Oaklawn Rd Arcadia

Some of the facts in the resolution are not accurate and contradicts with the Single-Family Residential Design Guidelines. The homeowner and applicant has been working diligently with the HOA for over a year to get the project approved. However, the Planning commission denied the project without giving us an opportunity to work together to address their concerns.

- **Item 2 of section 1**

The proposed project is consistent with the applicable standards of the Single-Family Residential Design Guidelines. The design is based on some of the key elements written in the Design Guidelines such as: Site planning principles and neighborhood context, form and mass, architectural styles, high, bulk, and scale, rooflines, entries, articulations, and façade details.

- **Item 3 and 5 of section 1**

The proposed project is compatible w the surrounding neighborhood properties and developments. The largest homes on the block are over 10,000sf in living area, and a recent approved project on 1311 Oaklawn Rd is 6,742sf FAR. Furthermore, there are 10 properties with 2-story homes on the block of Oaklawn Rd. The proposed design is a one and a half story structure, which provides visual harmony to nearby properties. The stepped back of the 2nd floor in the proposed design also minimize the appearance of a two-story home. Some of these examples are also illustrated on page 15 of the design guidelines. The mass of the 2nd floor is hidden inside the roof of the design, hiding the visibility of the mass from the street.

Exhibit No. 3

Planning Commission Minutes for the
November 22, 2022, Meeting



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 22, 2022**

CALL TO ORDER Chair Thompson called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Chair Thompson, Vice Chair Tsoi, Hui, Tallerico, and Wilander

ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There were none.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2105** – Approving Conditional Use Permit No. CUP 22-08 for a new tattoo shop at 1010 S. Baldwin Avenue #203
Recommendation: Adopt
CEQA: Determine to be Exempt

Applicant: Everett Lara

MOTION- PUBLIC HEARING

Chair Thompson introduced the item and Associate Planner Edwin Arreola presented the staff report.

The Commissioners had no questions for staff.

Everett Lara, Applicant, introduced himself and provided some background on his experience in the tattoo industry and his interest in opening his own shop in Arcadia.

It was moved by Commissioner Wilander, seconded by Commissioner Tallerico, to close the public hearing. Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico had no issues with the project.

Commissioner Wilander appreciated the Applicant's enthusiasm for opening a business in the city and positive experience working in another city. She had no concerns with the project.

Vice Chair Tsoi agreed with the other Commissioners.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the City's Planning Services Office located at 240 W. Huntington Drive, Arcadia, California, during normal business hours.

Commissioner Hui had no questions and added that she was pleased to hear the Applicant has fifteen years of experience in the industry.

Chair Thompson agreed with the rest of the Commission and was in support of the item, adding that there have been no outstanding issues with the business in other cities, and that there is sufficient parking for the use.

MOTION

It was moved by Commissioner Wilander, seconded by Chair Tsoi to adopt Resolution No. 2105, thereby approving Conditional Use Permit No. CUP 22-08 for a new tattoo shop at 1010 S. Baldwin Avenue #203, and that the proposal satisfies the requisite findings.

ROLL CALL

AYES: Chair Thompson, Vice Chair Tsoi, Hui, Tallerico, Wilander
NOES: None
ABSENT: None

There is a 10 day appeal period after the adoption of the Resolution. Appeals are to be filed by 5:30 p.m. on Monday, December 5, 2022.

- Resolution No. 2106** – Homeowner's Association Appeal No. 22-05 appealing the Santa Anita Oaks Homeowners' Association Architectural Review Board's approval of a new two-story, Cape Cod style home with an attached four-car garage at 1225 Oaklawn Road
Recommendation: Adopt and Deny the Appeal
CEQA: Determine to be Exempt

Appellants: Shirly Chi, Jill and Steve Hisey, Feizhi Chen and Angela P Lin, Dr. Gary and Karen Jacobsen, Maurice and Beverly Stewart, Drs. Hymavathi and Narandranath Reddy, and Dr. David and Keppie Sullivan

MOTION- PUBLIC HEARING

Chair Thompson introduced the item and Planning Manager Fiona Graham presented the staff report.

Commissioner Tallerico asked for details on the findings for the project that the Homeowners Association Architectural Review Board (ARB) was not able to support. Ms. Graham replied that while some of the findings were not supported, the majority of the Board Members voted to approve the project.

Commissioner Wilander asked Ms. Graham to confirm that while the ARB did not make all findings required for the project, did they approve the project? Ms. Graham replied they did.

City Attorney Steve Deitsch added that since three of the ARB members voted to approve the project, it can be assumed that they made all the findings for the project. He added that the Planning Commissioners should review the project tonight and determine if they can make all five findings for the project.

Commissioner Hui asked if the ARB's decision regarding the findings would be discussed tonight. Mr. Deitsch answered that the reasonings behind the ARB's findings should not be considered, and that it is up to the Commissioners to determine if they are able to make the findings themselves.

There were no further questions by the Commissioners.

Three speakers spoke on behalf of all the Appellants – Shirley Chi, Kevin Lai, and Mike Stewart.

Dr. Chi is a homeowner at 1215 Oaklawn Road and next-door neighbor to the proposed project, introduced herself and provided additional documents to the Commissioners.

Mr. Stewart whose parents live at 1212 Oaklawn Road, was first to speak and introduced himself as the son of a neighbor. Representing his parents who live across the street from the project site. Mr. Stewart explains he does not oppose the project but disapproves the size of the home. He explains a trend appears to be allowing bigger and bigger homes, which will increase the footprint of homes over time. He mentions the Oak Trees in the front of the property will be spared but can be difficult to do construction around the trees.

Mr. Li spoke next, a licensed civil engineer for Cal Land Engineers. Mr. Li explained that his team conducted a building height survey, and that the average height of existing homes is 15 feet. The plans depicting this was presented to the Planning Commission. The roof pitch on the house will be higher than the elevation of the existing home. Based on his analysis and calculations he concluded the proposed two-story property does not conform to neighbors' homes along Oaklawn Road.

Commissioner Tallerico asked if there was anything that was shown in the plans not in compliance with the Code?

Mr. Li responded that he was not aware of any code violations for this project.

Commissioner Tallerico agreed and he did not think there were any violations based on the Staff Report.

Dr. Chi made the following points:

1. According to the General Plan Guidelines: "No development exists in isolation every act of construction affects and is affected by it's surroundings. Every development should be evaluated for its compatibility the area of influence may be considered as small as to include buildings directly next door." Dr. Chi asked the Planning Commission to not consider the project as a stand-alone building but in relation to the neighborhood.
2. The renderings do not match the renderings and the top of the gable roof appears to be at the same level or higher than the ridge of the house.
3. The property owner is an investment group, a Limited Liability Company (LLC) and that an investment group usually wants to maximize their profit in their investment by building a large building.
4. The ARB findings were not consistent with the guidelines in four (4) areas: Site Planning Principles and Neighborhood Context, Forms and Mass Guidelines, Frontage Conditions, and

Height, Bulk and Scale. Given the incongruence of the ARB report and the fact that so many neighbors expressed concerns about the mass of this proposed home, she felt the Architect and the LLC group should go back and look for ways to redesign the home so that it would be harmonious in their neighborhood.

5. The Santa Anita Oaks ARB Findings and Actions were not included in the staff report and provided a copy of it to the Planning Commission.

Chair Thompson asks if the Commissioners have any questions for Dr. Chi.

Ms. Flores, Planning & Community Development Administrator stated that Dr. Chi mentioned a couple of times that the Santa Anita Oaks ARB Findings and Action form was not included in the staff report. Ms. Flores stated it was attached, and it can be found under Attachment No. 4.

Chair Thompson asked if there were any other Appellants who would like to speak.

Dr. David Sullivan who resides at 1320 Oaklawn Road, supports the comments of the other Appellants regarding the mass and scale, especially for the Santa Anita Oaks area. Dr. Sullivan and his wife feel they live in a community of investment properties and vacant homes, and they do not make good neighbors. He asked that the Commission listen to the voices of the people who live in the immediate vicinity of these properties.

Jill Hisey who lives directly behind the property at 515 Arbolada Drive, has lived there for 26 years. Their concern was the easement and privacy issue from the balcony. Overall concern is that this project would not invite long term neighbors and may disrupt the environment they currently have.

Chair Thompson asked if there was anyone who would like to speak in favor of the proposal.

The Applicant and Architect of the project, Philip Chan from PDS Studio spoke on behalf of the property owner. Mr. Chan presented some images and renderings of the proposed project. He explained that they have changed the design several times since January based on the ARB comments to decrease the mass and scale of the appearance. Mr. Chan described the timeline of the process and how it eventually got approved. He even made the second floor smaller to make the size of the house less noticeable. In response to Commissioner Tallerico's earlier question, not only did they meet the existing code, but the project also exceeds the minimum requirements. As an Architect not only do they focus on the numbers but also on design, and all the factors that will make a design successful to blend in with the neighborhood. He believes the Cape Cod style is architecturally consistent with the neighborhood. Though Cape Cod style was not the homeowners desired design, it was the best option to satisfy both the homeowner and the ARB.

Commissioner Tallerico asked Mr. Chan if there was anyone in favor of the project? Mr. Chan said neighbors tend to be more vocal when they are not in favor of a project. So, they have not come across someone who was in favor of the design.

Chair Thompson asked Ms. Flores if the drawings in attachment No. 5 were the most current. Ms. Flores confirmed they were. Chair Thompson stated the roof pitch appears to be higher on the drawings than the rendering. Ms. Flores stated that renderings are perspectives, so they are not always a true depiction of what an elevation looks like. Commissioner Tsoi added that elevation can be very misleading because they are flat, whereas the renderings are drawn in perspective.

Commissioner Wilander asked how far the new building will be from the property line is. Mr. Chan responded that it is approximately 10-12 feet away from the property line.

Jack Ing, representing the homeowners, is long time Arcadia resident who lives at 1729 Alta Oaks Drive. He clarifies that the owner is not an investment group but are local and longtime residents who are building their dream home. They are more than willing to accommodate neighbors as much as possible.

Chair Thompson asked if the representatives from the ARB would like to speak on this project. None chose to spoke.

Chair Thompson asked if the Appellants would like to respond to any of the comments before they close the public hearing.

Dr. Chi responded and provided additional information on the LLC. According to the documents, the property is owned by an LLC with more than two owners.

Mr. Li added that the roof is 12.5 feet higher than the original elevation and the ARB did not think it conformed to the neighborhood.

Commissioners did not have any additional questions for the Appellants.

It was moved by Commissioner Tallerico, seconded by Commissioner Tsoi, to close the public hearing. Without objection, the motion was approved.

DISCUSSION

Mr. Deitsch, the City Attorney, emphasized how important it was to make the five (5) required findings. This is a du novo hearing, a new hearing, and to forget everything about the ARB. The Commission must determine if they can make the five findings (or not) based on the facts and evidence presented at the hearing. If one or more findings cannot be made based on facts that are set forth tonight, then an explanation must be provided why the findings cannot be made. This is a land use decision; they must meet zoning and land use requirements of the City. The Commission cannot base their decision on who owns the property or speculate whether the home may become vacant or not. He reiterated that the five findings are for land use considerations only.

Commissioner Tallerico asked Mr. Deitsch about the massiveness of the home in term of the law.

Mr. Deitsch responded that there is some subjectivity involved in terms of what the Development Code alludes to, and what the finding alludes to in whether this house is compatible with the neighborhood. For example, the neighbors pointed out the home on either side of the project property are Ranch style homes, however the staff report states there are also two-story and newly developed homes on the street. Staff also pointed out there is no view ordinance in the City of Arcadia, however the Appellants pointed out there are provisions in the Development Code that allow some flexibility in regard to things like that which are more subjective.

Commissioner Wilander said although the code allows for two-story homes, in driving through the neighborhood she felt it was primarily one-story homes. She further stated that although the Oak trees that will cover the front of the house, the size and mass will still be visible when driving from the north to south on this street. The mass and scale of the house does seem inconsistent with the rest of the neighborhood.

Vice Chair Tsoi stated there are subjective and objective standards when considering whether new homes are compatible with the neighborhood. And based on subjective standards a home is never going to be found compatible, but if a homeowner must build a two-story home this architectural style is probably the most compatible. He believes the Architect tried very hard to address the neighbors' concerns, and he has shown that he has modified the design. One of the challenges is the elevation change between lots and the situation does not help when trying to determine the compatibility of the proposed home. If both lots were level, the ridgeline of neighboring homes would appear less massive for some neighbors and greater for others depending on the difference in elevation. Having the 12-foot hedges is a good addition to help mitigate the difference. Last, he mentioned the Oak trees will help conceal the scale as the view will mostly be trees.

Commissioner Hui agreed with Vice Chair Tsoi. She drove by the neighborhood and noticed the newer two-story houses with lesser setback on the second floor. But the progress the Architect made to the design does show the effort that was made to make the house more compatible. In terms of the LLC, it does not necessarily determine whether the property owners will live in the house or not. Some people choose to make it an LLC for privacy reasons, and there are other benefits to putting a home into an LLC and not just for investment purposes.

Chair Thompson believes the HOA's and ARB's are here to help protect a harmonious development within the neighborhoods. He further stated he can certainly make two findings. The first is finding no. 1 that the proposed development will be in compliance of all applicable development standards and regulations in the Development Code. The second one is finding no. 4 and that is the proposed development will have the adequate and efficient site layout in terms of access vehicular circulation in parking and landscaping. However, he could not make the other three findings based on the General Plan guidelines and the Single-Family Residential Guidelines in terms of architectural styles, scale, mass, and features, as stated below:

1. Item A, the location, configuration, and size of new buildings and structures for the alteration or enlargement of existing structures should be visually harmonious with respective sites and compatible with the character of their surroundings.
2. Item F, in neighborhoods with existing smaller homes, new homes should be designed with a greater first floor area with additional setbacks in the second story in the new structure.
3. Item I, construction of new homes and additions to existing homes should consider the potential for impacts on privacy of neighbors. A new second-story home or addition is proposed within the predominantly one-story neighborhood, second-story massing should be located to the rear side of the home to minimize appearance of a second story.
4. Finally, the proposed height and bulk should respect the existing structures on neighboring properties and not overwhelm them with disproportionate size and scale.

Chair Thompson mentioned the average size of the home on Oaklawn Road is 3,718 square feet. There are three homes that are larger than the proposed home, two of which are at the very north-end of the cul-de-sac and both homes are on approximately one-acre lots that are double the size of subject lot.

There is only one property larger than the subject site that is not on a one-acre lot. Chair Thompson broke down the proposed square footage of the subject site and it is much larger than the average square footage in the neighborhood. However, he believes this lot can sustain a living area that was proposed, it just needs some work. Because he found this design is not compatible with the design guidelines, he could not make findings no. 2, 3, and 5.

Commissioner Wilander pointed out there were six out of ten neighbors who were in opposition of the project. She said despite allowing two-story homes in the neighborhood, the opposition of neighbors should be considered.

Chair Thompson pointed out the property approved at 1311 Oaklawn Road pushed the second floor back and has a setback 30 feet. This project did more to mitigate the mass and scale.

Vice Chair Tsoi mentioned that it is probably the case because of the architectural style that they chose. He mentions the subject site has done enough to conceal the mass, because looking at the sides of the house he cannot tell the size of the house, even though from the front the size and mass are visible. But compared to homes proposed 10 years ago, this project is appealing and while the house is large the property is also very big.

MOTION

It was motioned by Commissioner Hui and seconded by Vice Chair Tsoi to deny the appeal and uphold the ARB approval of the proposal which is to deny the Appeal HOA 22-05 stating that the proposed project is exempt under California Environmental Quality Act (CEQA) in consistent with the City Design Guidelines for Resolution 7272 and adopt Resolution 2106.

ROLL CALL

AYES: Hui, Tsoi
NOES: Tallerico, Wilander, Thompson
ABSENT: None

Motion failed.

Chair Thompson made a new motion to approve appeal and overturn ARB approval and find project is inconsistent with the City's design guidelines and findings 2, 3, and 5 cannot be made. Seconded by Commissioner Tallerico.

ROLL CALL

AYES: Tallerico, Wilander, Chair Thomson
NOES: Hui, Tsoi
ABSENT: None

Motion is approved.

Ms. Flores stated the new resolution will be brought back to the Commission at their next Planning Commission meeting for adoption, followed by a 10-day appeal period.

CONSENT CALENDAR

3. Minutes of the November 8, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Commissioner Wilander, seconded by Commissioner Tallerico to approve the minutes of the November 8, 2022, Planning Commission Regular Meeting.

ROLL CALL

AYES: Hui, Tallerico, Wilander, Vice Chair Tsoi, Chair Thompson
NOES: None
ABSENT: None

The motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Council Member Tay had left early.

MATTERS FROM THE PLANNING COMMISSONERS

Commissioner Tallerico asked Ms. Flores if they can discuss the findings and reconsider their decision before they adopt the Resolution.

Mr. Deitsch pointed out Robert's Rules of Order, which allows for a motion to reconsider under certain circumstances. Robert's Rules says you can only entertain a motion to reconsider at the meeting of the action at the next meeting, but not thereafter. The motion to reconsider the decision has to be made by one of the Commissioners that voted in the majority. But it can be seconded by any Commissioner.

Commissioner Wilander asked why there are so many tattoo shops proposed in Arcadia.

Ms. Flores stated that these were all evaluated by the Planning Commission on a case-by-case basis through a CUP, and the ones that are active were found to be an appropriate use in that location.

Commissioner Hui asked about the appeal period for the appeal.

Ms. Flores explained that the 10-day appeal period does not begin until after the Resolution has been adopted, which is at the December 13, 2022, meeting.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Deitsch had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores informed the Commission that before them were hard copies of the updated Development Code from the recent text amendments.

There will be two items for the December 13 meeting, a CUP for a thrift shop and a CUP for a larger canopy, gas pumps, and a new convenience store.

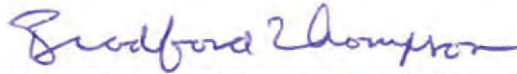
Ms. Flores also informed tonight was Janessa's last meeting as she has accepted a new position for Public Works Department. She introduced Administrative Assistant, Ivette Torres who will take on Janessa's role.

This is also Mr. Deitsch last Planning Commission meeting as he is retiring at the end of December.

Mr. Wray, our City Engineer is also retiring, and his last day is December 29, 2022.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:54 p.m., to Tuesday, December 13, 2022, at 7:00 p.m. in the City Council Chamber.



Brad Thompson
Chair, Planning Commission

ATTEST:



Lisa Flores
Secretary, Planning Commission

Exhibit No. 4

Staff Report for the November 22, 2022,
Planning Commission Meeting, including
Attachment Nos. 1 – 4, & 6 – 7.

Planning Commission Staff Report, dated November 22, 2022 and attachments can be found here:

<https://cms9files.revize.com/arcadia/11-22-22%20PC%20Agenda%20Packet.pdf>

Resolution No. 2111 can be found here:

<https://laserfiche.arcadiaca.gov/WebLink/DocView.aspx?id=840758&dbid=0&repo=CityofArcadia>

Exhibit No. 5

Architectural Drawings approved by the
Santa Anita Oaks Architectural Review
Board



NEW SINGLE FAMILY HOME | 1225 OAKLAWN ROAD, ARCADIA

GENERAL NOTES

1. ALL NEW CONSTRUCTION REQUIRES RESIDENTIAL FIRE SPRINKLERS. FIRE SPRINKLER DESIGN AND INSTALLATION SHALL BE ACCORDING TO THE STANDARDS APPROVED BY THE FIRE DEPARTMENT. PLANS SHALL BE SUBMITTED DIRECTLY TO THE DEPARTMENT FOR REVIEW AND FOR THE REQUIRED PERMITS PRIOR TO CONSTRUCTION OR INSPECTION.
2. ALL CONCRETE BLOCK WALL FENCE SHALL BE SUBMITTED UNDER SEPARATE PERMIT.
3. PEDESTRIANS SHALL BE PROTECTED DURING CONSTRUCTION. RERODING AND DEMOLITION ACTIVITIES. SIGN SHALL BE PROVIDED TO DIRECT PEDESTRIAN TRAFFIC. BARRIERS SHALL BE CONSTRUCTED FOR CIRC 200A & COVERED WALKWAYS SHALL COMPLY WITH CIRC 300.7.
4. **TREE PROTECTION NOTES:** FOR EXISTING TREES TO REMAIN ON SITE, NO DAMAGE ALLOWED TO CANOPY OR ROOT SYSTEM. PROTECTIVE FENCING BE NECESSARY AND TREES ARE TO BE DEEP WATERED 2.0 TIMES PER MONTH OR AS PER REQUIRED TO KEEP THEM HEALTHY UNTIL IRRIGATION IS INSTALLED.
5. **LANDSCAPING REQUIRED:** LANDSCAPING MUST BE PROVIDED AND MAINTAINED THROUGHOUT REQUIRED SETBACKS, IN UNIMPROVED CITY RIGHT-OF-WAY ADJACENT TO THE PROPERTY AND OTHER AREAS VISIBLE FROM A PUBLIC RIGHT OF WAY WHERE NOT USED FOR ACCESS. LANDSCAPING MUST CONSIST OF AN EFFECTIVE COMBINATION OF TREES, SHRUBS, COVER AND SHRUBBERY. ALL LANDSCAPED AREAS MUST HAVE A PERMANENT AUTOMATED UNDERGROUND FULL COVERAGE IRRIGATION SYSTEM.
6. "N.E.C." SEPARATE PERMIT IS REQUIRED FOR FIRE SPRINKLER, GRADING & DRAINAGE, AND LANDSCAPE WILL BE ON SEPARATE PERMITS.
7. CURBS AND GUTTERS SHALL BE REPLACED PER CITY STANDARDS.
8. OAK TREES PRESENT ON SITE, REFER TO APPROPRIATE REPORT FOR PROTECTION NOTES AND METHODS.

AREA CALCULATION

TOTAL LIVING AREA	
AREA	502.05 SF
1st FLR LIVING AREA	4,047.54
2nd FLR LIVING AREA	2,091.54
TOTAL LIVING AREA	6,139.08
RATIO OF 2ND FLR TO 1st FLR: 51.7%	

F.A.R. CALCULATION	
AREA NAME	AREA (SF)
1st FLR LIVING AREA	4,047.54
2nd FLR LIVING AREA	2,091.54
GARAGE W/ ROOFT EXCEPTED	13.95
HOUSE OLD AREA	173.94
HOUSE OLD AREA	70.56
TOTAL F.A.R. AREA	6,470.51
MAX F.A.R. ALLOWED: 6,798.6 SF	

LOT COVERAGE	
AREA	SIZE (SF)
1st FLR LIVING AREA	4,047.54
COVERED	9.95
BAY WINDOW	22.29
REAR PORCH	477.58
E-CAR GARAGE	926.54
COVERED PORCH	88.84
FRONT PORCH	228.14
DECK PORCH	25.95
DECK PORCH	203.14
REAR PORCH	23.14
TOTAL LOT COVERAGE AREA	6,078.59
MAX ALLOWABLE LOT COVERAGE (65%) = 7,435.97	

PROJECT DESCRIPTION

PROJECT DESCRIPTION: SINGLE FAMILY HOME
 PROJECT ADDRESS: 1225 OAKLAWN RD, ARCADIA CA 91008
 LOT SIZE: 23,243
 APN: 0709 020 006
 ZONING: R-1
 NUMBER OF STORY: 2
 DEMOLITION: ALL EXISTING STRUCTURE
 OCCUPANCY GROUP: R-1/U
 CONSTRUCTION TYPE: I/B
 HOA AREA: SANTA ANITA GANS

SCOPE OF WORK

CONSTRUCT NEW 2-STORY SINGLE FAMILY HOME W/ ATTACHED 4-CAR GARAGE

PROJECT DATA

LOT SIZE: 23,243 SF
 MAX F.A.R.: 6,798.6 SF

SHEET INDEX

SHEET INDEX	COVER SHEET
0	COVER SHEET
1.1	SITE PLAN
1.2	TOPOGRAPHIC SURVEY
1.3	SITE ANALYSIS
2.1	1ST FLOOR PLAN
2.2	2ND FLOOR PLAN
3	ROOF PLAN
4	ELEVATIONS
5	ELEVATIONS
6	DETAILS
6.1	LANDSCAPE PLAN
6.2	CONCEPTUAL GRADING PLAN



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751 E. ROSE AVE.
ARCADIA, CA 91006
TEL: 626-294-4402
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ARCHITECT SEAL:

PROJECT:

SINGLE FAMILY HOME

1225 OAKLAWN RD
ARCADIA, CA 91008

PLAT DATE: 9/23/2023

21/10/24

PROJECT NO. 7

REVISION DATE

NOTES:

CHECKED BY: Checker

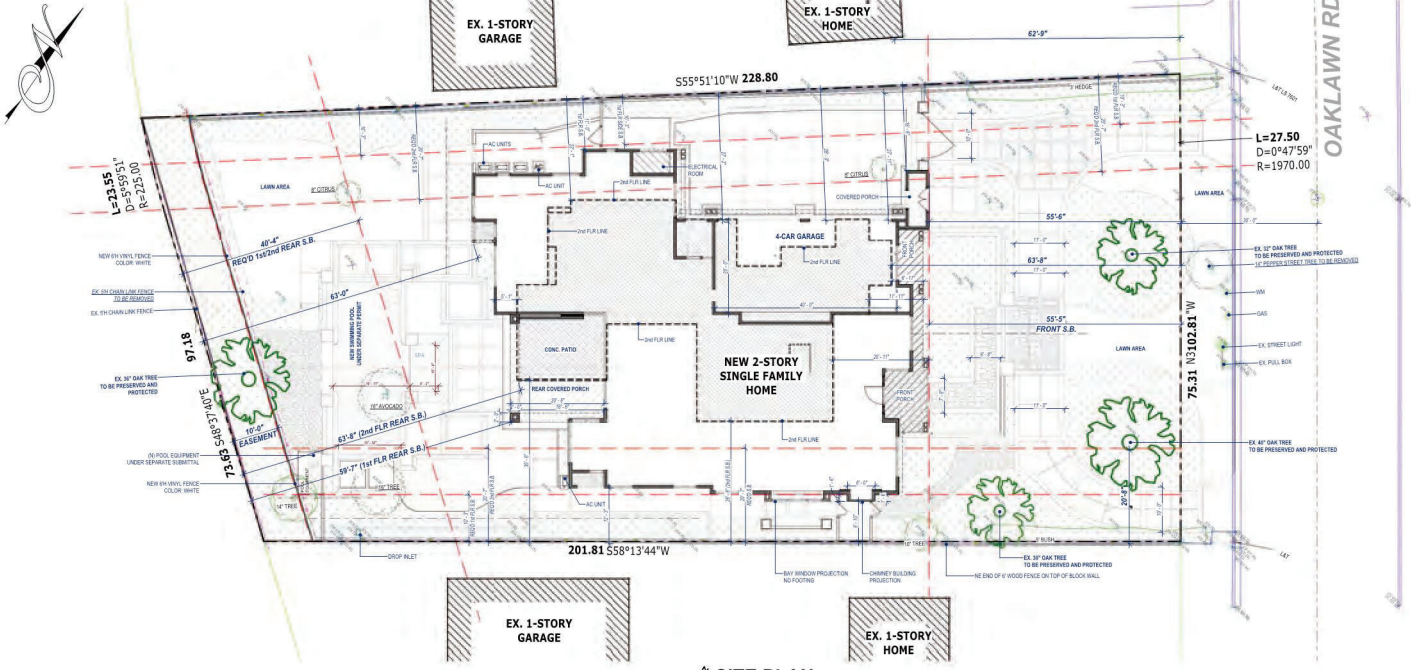
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COVER SHEET

SHEET NO.:

0

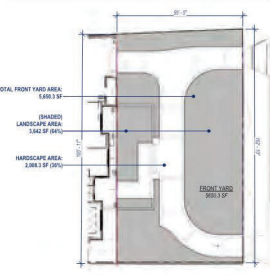


SITE PLAN
SCALE: 1" = 10'-0"

SETBACK CALCULATION:

- REQUIRED FRONT YARD SETBACK: 55'-0"
- AVERAGE OF TWO ADJ. HOMES: $350' \div 2 = 600' \div 2 = 110' - 10' \div 2 = 55' - 0"$
- REQUIRED 1st FLOOR SIDE YARD SETBACK: 10'-3"
- 10% OF LOT WIDTH (AT FRONT PL) = $0.10 \times 102.81 = 10.28' \approx 10'-3"$
- REQUIRED 2nd FLOOR SIDE YARD SETBACK: 20'-7"
- 20% OF LOT WIDTH (AT FRONT PL) = $0.20 \times 102.81 = 20.56' \approx 20'-7"$
- REQUIRED 1st & 2nd REAR YARD SETBACK: 40'-4"
- $35' - 0" + (LOT DEPTH - 150') \div 3 = 35' + (228.8' - 150') \div 3 = 40' - 4"$

LANDSCAPE CALCULATION



NOTES:

- A. ALL NEW CONSTRUCTION REQUIRED RESIDENTIAL FIRE SPRINKLER, FIRE SPRINKLER DESIGN AND INSTALLATION SHALL BE ACCORDANT TO THE STANDARDS APPROVED BY THE FIRE DEPARTMENT. PLANS SHALL BE SUBMITTED DIRECTLY TO THE FIRE DEPARTMENT FOR REVIEW AND FOR THE REQUIRED PERMITS PRIOR TO CONSTRUCTION OR INSPECTIONS.
- B. ALL CONCRETE BLOCK WALL FENCE SHALL BE QUARTERED BLOCK SPERMITS PERMITS.
- C. FLOODFRANS SHALL BE PROTECTED DURING CONSTRUCTION. REMOVAL AND DEMOLITION ACTIVITIES, SIGN SHALL BE PROVIDED TO DIRECT FLOODFRANS TRAFFIC BARRIERS SHALL BE CONSTRUCTED FOR CDS 3308.A COVERED WALKWAYS SHALL COMPLY WITH CDS 3308.7.
- D. TREE PROTECTION NOTES: FOR EXISTING TREES TO REMAIN ON SITE AND DAMAGE ALLOWED TO CANOPY OR ROOT SYSTEMS, PROTECTIVE FENCING AS NECESSARY, AND TREES ARE TO BE DEEP WATERED 1/2 TIMES PER MONTH OR AS PER REQUIRED TO KEEP THEM HEALTHY UNTIL IRRIGATION IS INSTALLED.
- E. LANDSCAPING REQUIRED: LANDSCAPING MUST BE PROVIDED AND MAINTAINED THROUGHOUT REQUIRED SETBACKS IN UNIMPROVED CITY RIGHT OF WAY ADJACENT TO THE PROPERTY AND OTHER AREAS. VISIBLE FROM A PUBLIC RIGHT OF WAY WHERE NOT USED FOR ACCESS. LANDSCAPING MUST CONSIST OF AN EFFECTIVE COMBINATION OF TREES, GROUND COVER AND SHRUBBERY. ALL LANDSCAPE AREAS MUST HAVE A PERMANENT AUTOMATED UNDERGROUND FULL COVERAGE IRRIGATION SYSTEM.
- F. SIDEWALK, CURB AND GUTTER SHALL BE REPLACED, SEE CITY STANDARDS.

SITE PLAN KEYNOTE

1	CONSTRUCT NEW DRIVEWAY APPROACH PER CITY STANDARD
2	SCORED CONCRETE DRIVEWAY W/ 10" BORDER, UCR TAN FROM "COLORFUL"
3	LANDSCAPE AREA
4	LAWN AREA
5	CONCRETE WALKWAY
6	NEW 2ND FLR GATE
7	30'x30' 24" PLASTER, STUCCOED TAN TO MATCH BLDG
8	24"x48" 3/4" PLASTER
9	GRAVEL, PEBBLE WALKWAY
10	10'x14" 2ND DRIVEWAY GATE, W/L
11	LOW GARDEN WALL
12	STONE PAVEN PAD WITH 9" WIDE SYNTHETIC STRIPS
13	STONE PAVEN PAVE
14	8" VINYL WALL

731 E. FIRST AVE.
ARCATA, CA 95521
TEL: 830-234-4802
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ARCHITECT SEAL

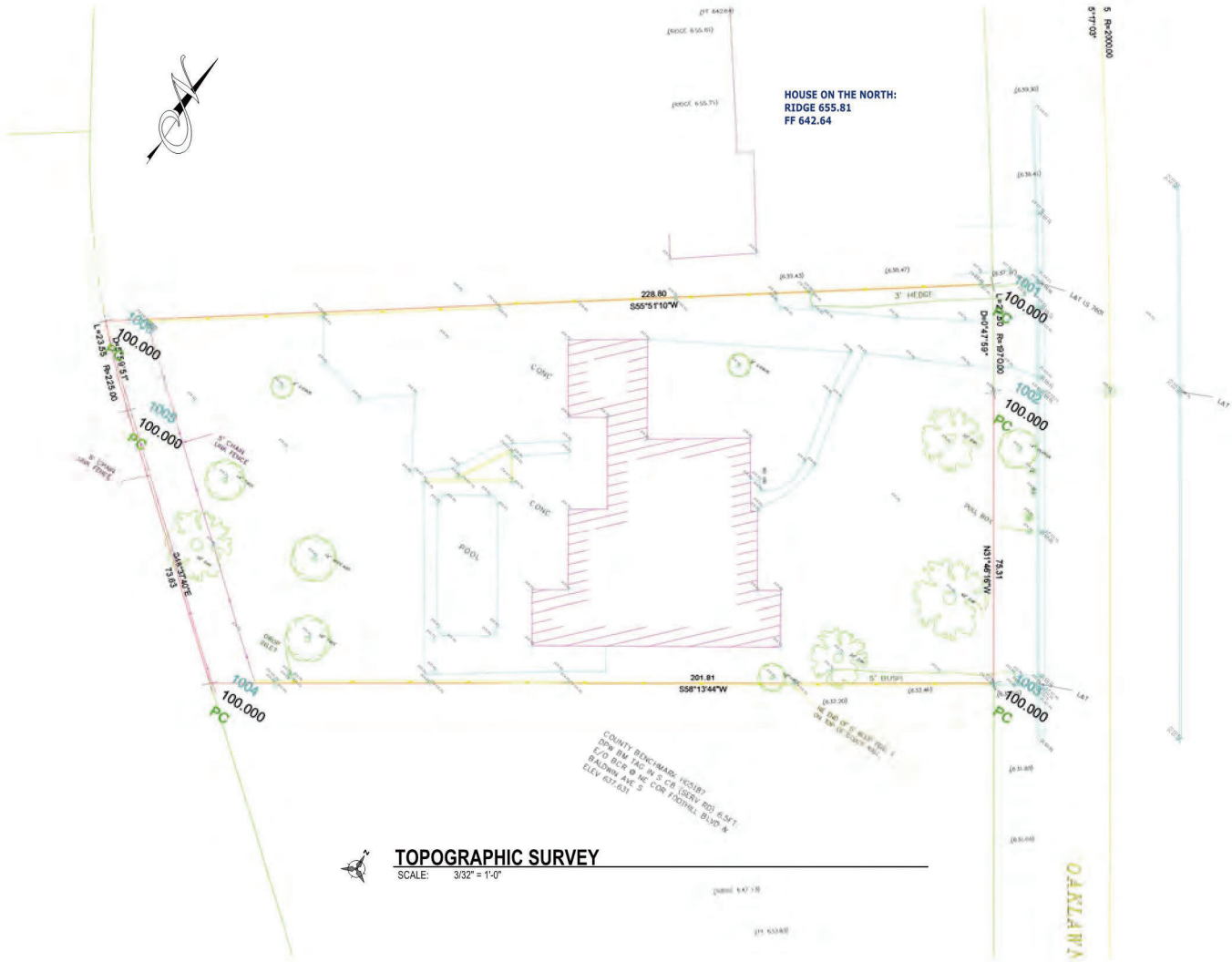
PROJECT: SINGLE FAMILY HOME

1221 OAKLAWN RD
ARCATA, CA 95521

PLAT DATE: 9/28/2023
PROJECT NO: 2118-09
REVISION DATE: J18

NOTES:

CHECKED BY: Checker
SCALE: As Indicated
SHEET NAME: SITE PLAN
SHEET NO: 1



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ARCHITECT SEAL

PROJECT:

SINGLE FAMILY HOME

1221 OAKLAND RD
ARCATA, CA 95521

PLAT DATE: 9/22/2012
11/9/01 JAR

PROJECT NO. _____
REVISION DATE _____

NOTES:

CHECKED BY: Checker
SCALE: 3/32" = 1'-0"
SHEET NO.: 1 OF 4

TOPOGRAPHIC SURVEY

SHEET NO. **1.1**



NEIGHBOR COMPARISON
SCALE: 1/8" = 1'-0"



AERIAL VIEW
SCALE: 1/32" = 1'-0"



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PROJECT: SINGLE FAMILY HOME

1225 OAKLAWN RD.
ARCATA, CA 95521

8/23/2022 11:19:03 AM
PROJECT NO. _____
REVISION DATE _____

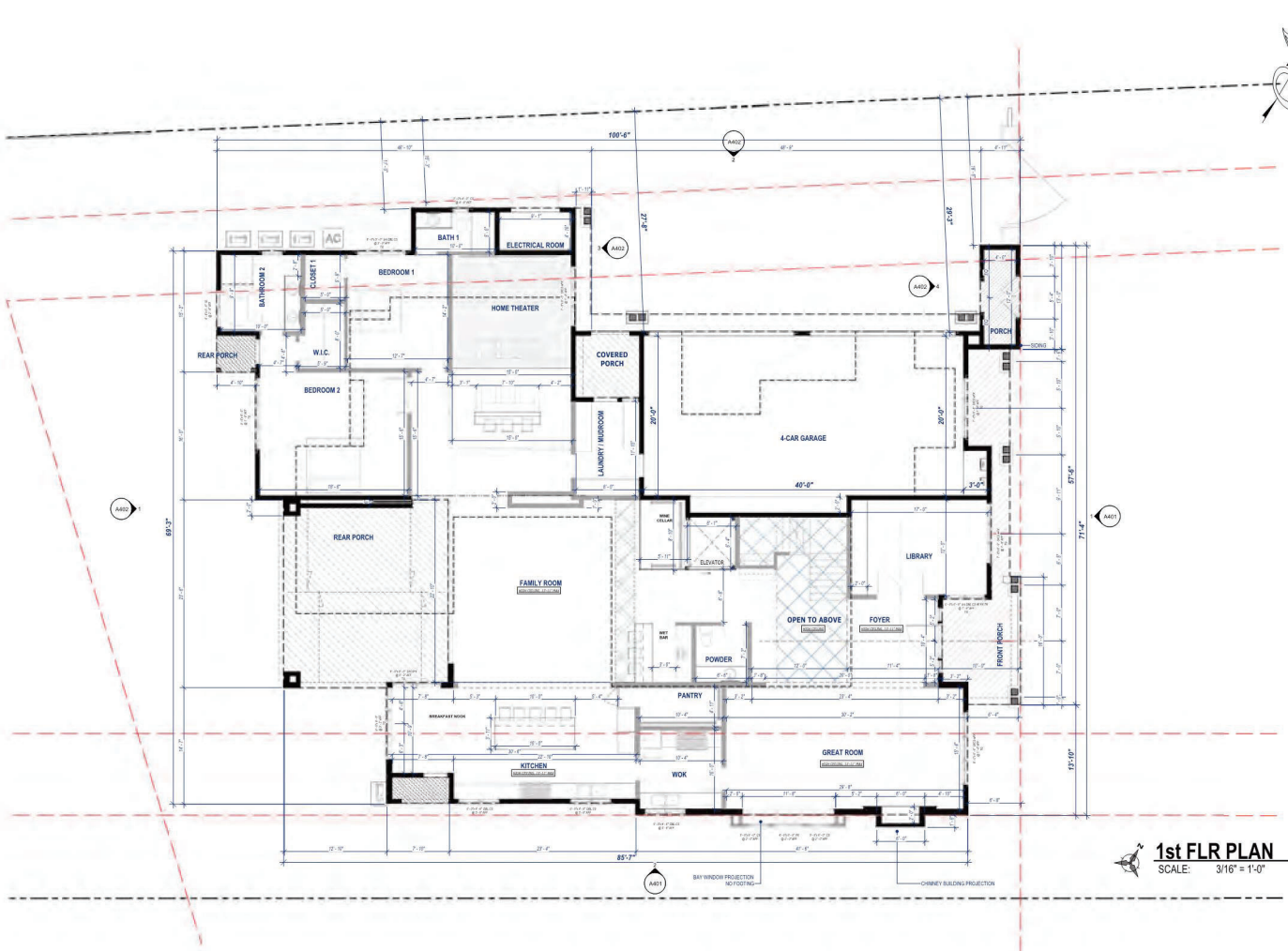
NOTES:

CHECKED BY: Checker
SCALE: As Indicated

SHEET NAME: SITE ANALYSIS

SHEET NO:

1.2



1st FLR PLAN
SCALE: 3/16" = 1'-0"



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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1221 GARLAND RD
ARCATA, CA 95521

PLAN DATE: 9/23/2023
PROJECT NO: 2119006
REVISION DATE: -

CHECKED BY: **Checker**
SCALE: 3/16" = 1'-0"
SHEET NAME: **1st FLOOR PLAN**

SHEET NO:
2.1



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ARCATA, CA 95521
TEL: 826-294-6802
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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1221 GARLAND RD
ARCATA, CA 95521

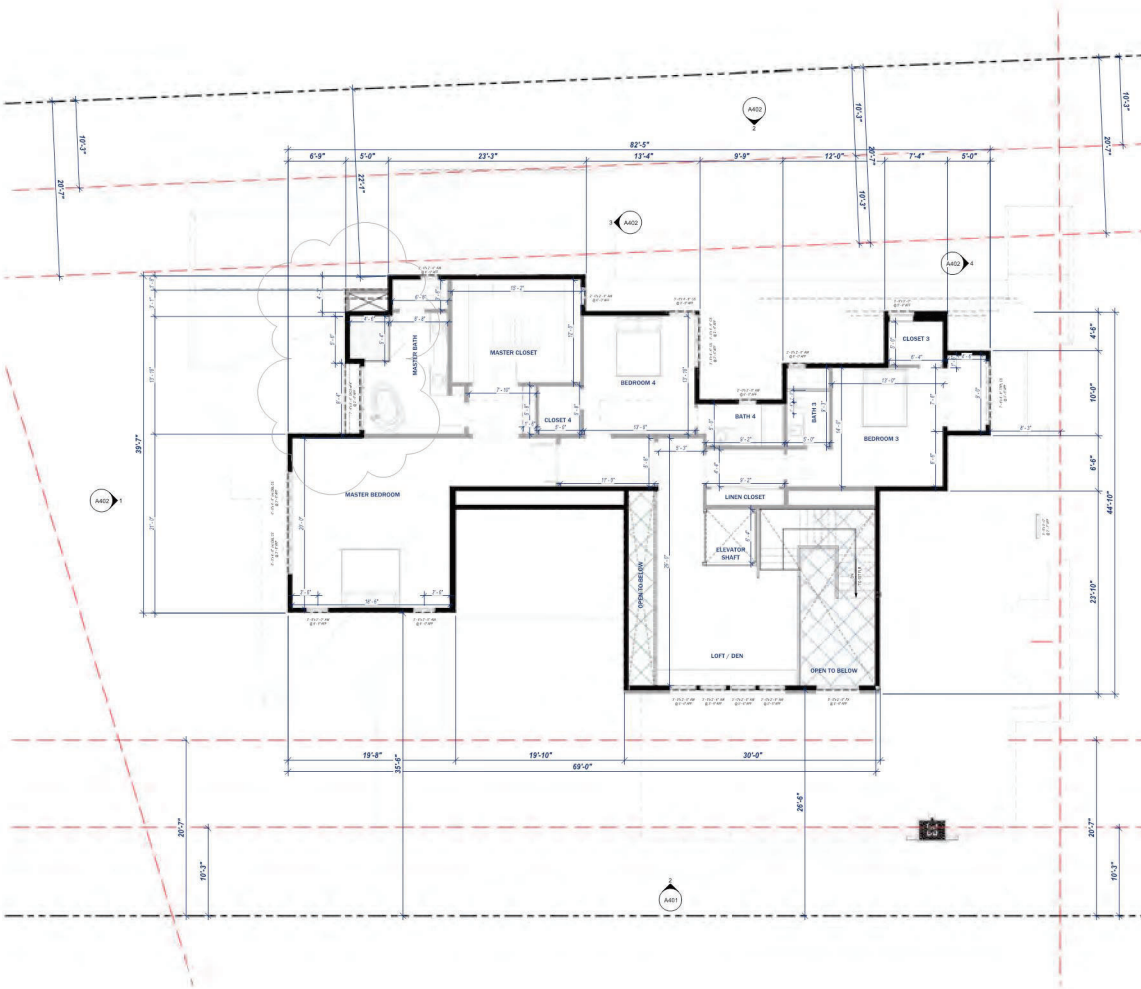
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11:59:07 AM
PROJECT NO. 4
REVISION DATE
1 10/1/23 Rev 1

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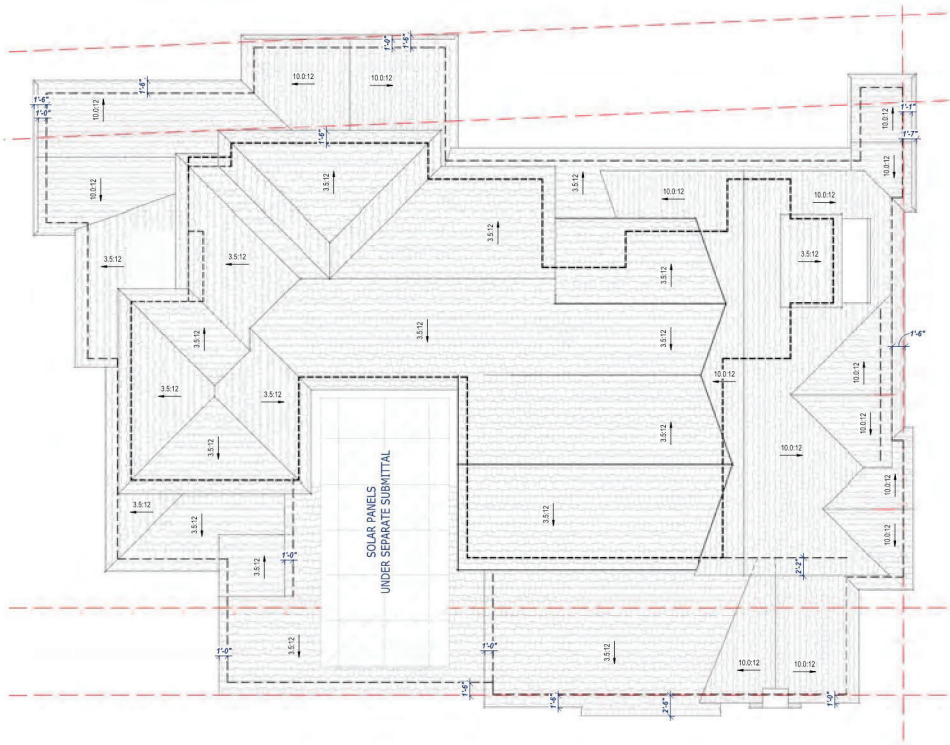
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SHEET NAME: 2nd FLOOR PLAN

SHEET NO:

2.2



2nd FLR PLAN
SCALE: 3/16" = 1'-0"



ROOF PLAN
SCALE: 3/16" = 1'-0"



731 S. FIRST AVE.
ARCATA, CA 95521
TEL: 826-234-4882
WWW.PDS-ARCH.COM

ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1325 OAKLAND RD
ARCATA, CA 95521

PLAT DATE: 9/22/2012
11:59:09 AM

PROJECT NO. _____
REVISION DATE _____

NOTES:

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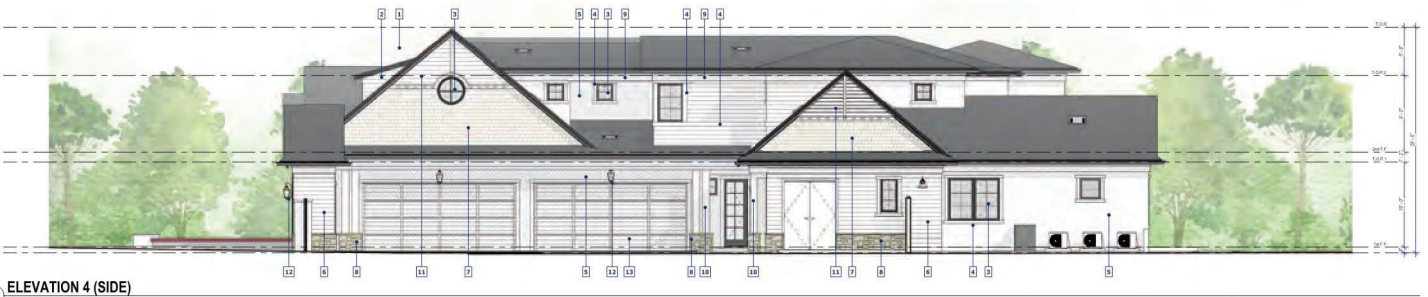
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SHEET NO. _____

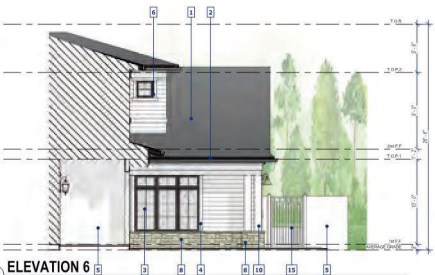
3



③ ELEVATION 3 (REAR)
3/16" = 1'-0"



④ ELEVATION 4 (SIDE)
3/16" = 1'-0"



⑥ ELEVATION 6
3/16" = 1'-0"



⑤ ELEVATION 5
3/16" = 1'-0"

ELEVATION FINISH SCHEDULE

1. BORAL ROOF TILE MADERA 900 VINTAGEWOOD	10. WOODWORK WOODWORK BY OTHERS PAINTED WHITE
2. 4" FASCIA DUNN EDWARDS BLACK	11. DECORATIVE VENT W/ DENTILS WOODWORK BY OTHERS PAINTED WHITE
3. WINDOWS JELD WEN SITELINE EX WOOD CLAD BLACK 7/8" WIDE MUNTIN GRID	12. EXTERIOR LIGHTING QUOIZEL LIGHTING TUDOR COLLECTION MYSTIC BLACK
4. WOOD TRIM DUNN EDWARDS PAINTED WHITE	13. GARAGE DOOR CARRIAGE STYLE GARAGE DOOR WHITE
5. MERLEX STUCCO SMOOTH FINISH OATMEAL SIDING JAMES HARDIE SIDING 6.5" LAP SIDING PAINTED WHITE	14. CHIMNEY SHROUD COLOR COATED ALUMINUM WHITE
6. SIDING AT GABLE JAMES HARDIE SIDING STAGGERED PANELS PAINTED DE6229 (DUNN EDWARDS) CALICO ROCK	15. WROUGHT IRON IRONWORK BY OTHERS WHITE COLOR
7. STONE VENEER COUGAR STONE MOCHA NU ERA	
8. CROWN MOULDING 2X8 WOOD PAINTED WHITE	

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ARCHITECT SEAL:

PROJECT:
SINGLE FAMILY HOME

1221 GARLAND RD
ARCATA, CA 95521

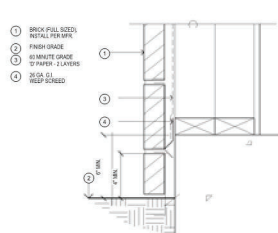
PLAT DATE: 9/28/2023
11/19/18
AR

PROJECT NO. _____ DATE _____
REVISION _____ DATE _____

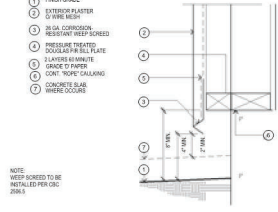
NOTES:

CHECKED BY: **Checker**
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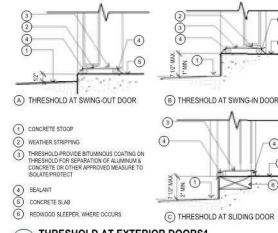
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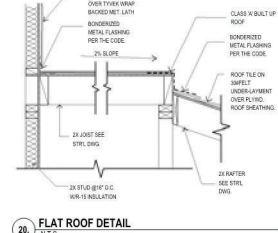
17 BRICK (FULL SIZED) APPLICATION
N.T.S.



13 WINDOW HEAD W/ WOOD TRIM
N.T.S.



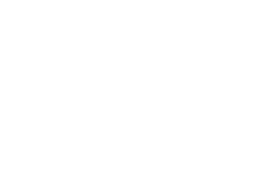
9 DOOR JAMB W/ WOOD TRIM
N.T.S.



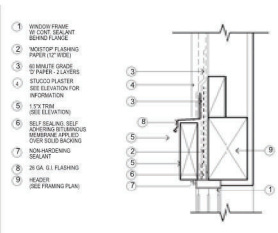
5 RIDGE CAP
N.T.S.



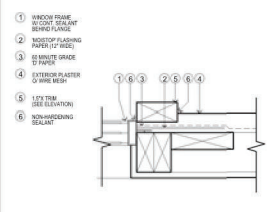
4 EAVE @ PLASTER W/ WOOD TRIM
N.T.S.



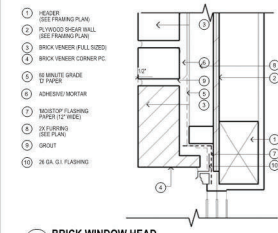
18 WEEP SCREED AT CONC. SLAB
N.T.S.



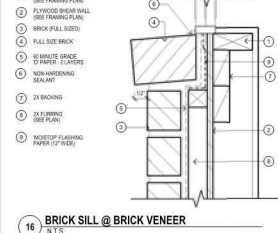
10 WINDOW JAMB W/ WOOD TRIM
N.T.S.



10 DOOR HEAD W/ WOOD TRIM
N.T.S.



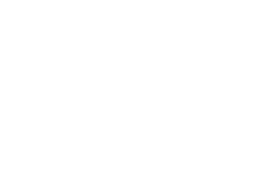
6 TYPICAL EXTERIOR WALL
N.T.S.



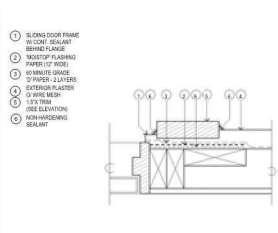
6 TYPICAL INTERIOR WALL
N.T.S.



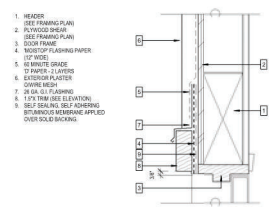
3 RAKE W/ 10" FURR OUT
N.T.S.



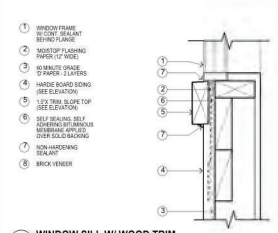
20 FLAT ROOF DETAIL
N.T.S.



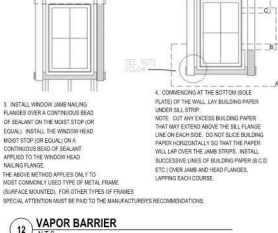
15 BRICK WINDOW HEAD
N.T.S.



11 WINDOW SILL W/ WOOD TRIM
N.T.S.



7 TYPICAL WALL 1
N.T.S.



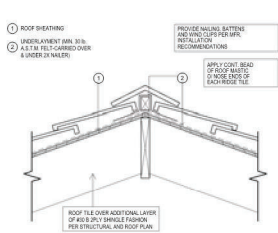
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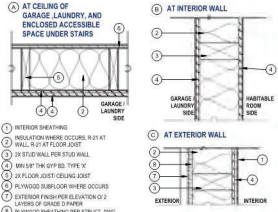
4 VALLEY FLASHING 1
N.T.S.



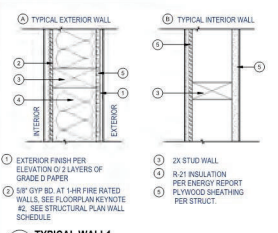
12 VAPOR BARRIER
N.T.S.



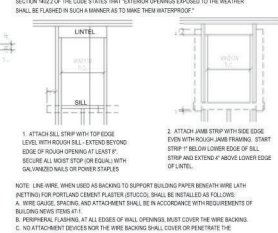
6 1-HR FIRE RESISTIVE WALL/CLG
N.T.S.



6 TYPICAL EXTERIOR WALL
N.T.S.



6 TYPICAL INTERIOR WALL
N.T.S.



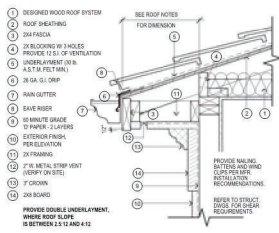
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N.T.S.



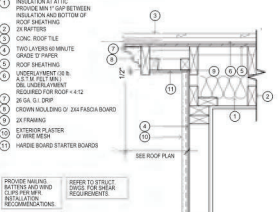
4 VALLEY FLASHING 1
N.T.S.



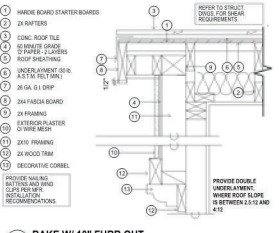
12 VAPOR BARRIER
N.T.S.



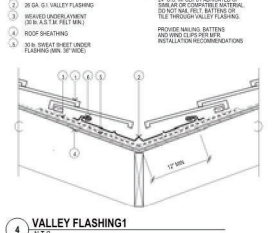
6 1-HR FIRE RESISTIVE WALL/CLG
N.T.S.



6 TYPICAL EXTERIOR WALL
N.T.S.



6 TYPICAL INTERIOR WALL
N.T.S.



3 RAKE W/ 10" FURR OUT
N.T.S.



4 VALLEY FLASHING 1
N.T.S.



12 VAPOR BARRIER
N.T.S.

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ARCHITECTURE + DESIGN

731 E. FIRST AVE.
ARACADA, CA 95826
TEL: 925-234-4402
WWW.PDS-STUDIO.COM

PROJECT NO. 1225 DALMAIN RD. ARACADA, CA 95826
DATE: 8/23/2022 11:19:23 AM
PROJECT NO. REVISION DATE

CHECKED BY: **Chadler**
SCALE: As Indicated
SHEET NAME: **ARCHITECTURAL DETAILS**
SHEET NO: **6**

Exhibit No. 6

Public Comment

EXPERT DECLARATION OF KEVIN YOON LAI

I, Kevin Yoon Lai, declare as follows:

1. I am licensed in California as a Registered Civil Engineer (RCE) (RCE License #60565) and as Professional Land Surveyor (PLS) (PLS License #8886).
2. I am the Chief Operating Officer of CaliLand Engineering, Inc., a civil engineering and land surveying consulting firm based in the County of Los Angeles.
3. I have been retained by Dr. Shirley Chi (hereinafter, "Neighbor") in this matter to investigate a building height and perform a field survey related to neighboring properties located at 1225 Oaklawn Road, Arcadia, CA 91006 (Lot 10 of Tract No. 14656) and 1215 Oaklawn Road (Lot 9 of Tract No. 14656) Arcadia, CA 91006, (collectively, "properties").
4. I submit this declaration in support of Neighbor's application to bar 1225 Oaklawn Road, Arcadia, CA 91006 (Lot 10 of Tract No. 14656) owner from building a massive two story dwelling.
5. I have performed a thorough investigation into this matter, which included but was not limited to, reviewing and analyzing recorded tract maps, survey field notes pertaining to the properties, reviewing and analyzing plans submitted by owner of 1225 Oaklawn Road, and performed field surveys.
6. I have formed the below expert opinions in this matter:

MASSIVENESS OF PPROPOSED BUILDING

7. Upon my physical surveys along said neighbors, it is my expert opinion that the proposed two story dwelling on 1225 Oaklawn Road is massive compared to the neighbors' dwelling as demonstrated on my attached Survey Map/Roof Ridge Profile.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 22, 2022 in Los Angeles County, California,


Kevin Yoon Lai

Exhibit No. 7

Preliminary Exemption Assessment



PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1. Name or description of project:	A new 6,138 square foot, two-story, Cape Cod style residence with an attached four-car garage, and several covered porches totaling 1,075 square feet at 1225 Oaklawn Road								
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	1225 Oaklawn Road, Arcadia, CA 91006								
3. Entity or person undertaking project:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">A.</td> </tr> <tr> <td colspan="2" style="padding: 2px;">B. Other (Private)</td> </tr> <tr> <td style="padding: 2px;">(1) Name</td> <td style="padding: 2px;">800 Hampton LLC</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="padding: 2px;">1165 Altura Terrace, Arcadia, CA 91007</td> </tr> </table>	A.		B. Other (Private)		(1) Name	800 Hampton LLC	(2) Address	1165 Altura Terrace, Arcadia, CA 91007
A.									
B. Other (Private)									
(1) Name	800 Hampton LLC								
(2) Address	1165 Altura Terrace, Arcadia, CA 91007								
4. Staff Determination:	<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>								
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.								
b. <input type="checkbox"/>	The project is a Ministerial Project.								
c. <input type="checkbox"/>	The project is an Emergency Project.								
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.								
e. <input checked="" type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is categorically exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption Class:</td> <td style="padding: 2px;">15303(a) – Construction of a new home</td> </tr> </table>	The project is categorically exempt.		Applicable Exemption Class:	15303(a) – Construction of a new home				
The project is categorically exempt.									
Applicable Exemption Class:	15303(a) – Construction of a new home								
f. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is statutorily exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption:</td> <td style="padding: 2px;"></td> </tr> </table>	The project is statutorily exempt.		Applicable Exemption:					
The project is statutorily exempt.									
Applicable Exemption:									
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:								
h. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project involves another public agency which constitutes the Lead Agency.</td> </tr> <tr> <td style="padding: 2px;">Name of Lead Agency:</td> <td style="padding: 2px;"></td> </tr> </table>	The project involves another public agency which constitutes the Lead Agency.		Name of Lead Agency:					
The project involves another public agency which constitutes the Lead Agency.									
Name of Lead Agency:									

Date: November 9, 2022

Staff: Fiona Graham, Planning Services Manager

EXPERT DECLARATION OF KEVIN YOON LAI

I, Kevin Yoon Lai, declare as follows:

1. I am licensed in California as a Registered Civil Engineer (RCE) (RCE License #60565) and as Professional Land Surveyor (PLS) (PLS License #8886).
2. I am the Chief Operating Officer of CaliLand Engineering, Inc., a civil engineering and land surveying consulting firm based in the County of Los Angeles.
3. I have been retained by Dr. Shirley Chi (hereinafter, "Neighbor") in this matter to investigate a building height and perform a field survey related to neighboring properties located at 1225 Oaklawn Road, Arcadia, CA 91006 (Lot 10 of Tract No. 14656) and 1215 Oaklawn Road (Lot 9 of Tract No. 14656) Arcadia, CA 91006, (collectively, "properties").
4. I submit this declaration in support of Neighbor's application to bar 1225 Oaklawn Road, Arcadia, CA 91006 (Lot 10 of Tract No. 14656) owner from building a massive two story dwelling.
5. I have performed a thorough investigation into this matter, which included but was not limited to, reviewing and analyzing recorded tract maps, survey field notes pertaining to the properties, reviewing and analyzing plans submitted by owner of 1225 Oaklawn Road, and performed field surveys.
6. I have formed the below expert opinions in this matter:

MASSIVENESS OF PPROPOSED BUILDING

7. Upon my physical surveys along said neighbors, it is my expert opinion that the proposed two story dwelling on 1225 Oaklawn Road is massive compared to the neighbors' dwelling as demonstrated on my attached Survey Map/Roof Ridge Profile.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 22, 2022 in Los Angeles County, California,


Kevin Yoon Lai

Honorable Councilmembers,

My name is Michael Stewart, and I represent my parents Maury and Beverly Stewart who have lived at 1212 Oaklawn Rd. For over 30 years, across the street from the proposed build. My father has been a contractor since the 1950s and I have had my contractors license since 1974. Together we have built over 300 homes in Arcadia and surrounding communities.

We were present at both ARB meetings and also at the planning commission meeting regarding this project. We would be present at this meeting as well, but my mother has been in the hospital for the past 2 weeks.

Our comments are as follows:

Our neighborhood, especially our end of Oaklawn Rd., is comprised of ranch style homes that are notably single story. This particular home is being proposed as a 2 story home between single story homes, which should have certain mitigating factors according to the Single Family Home Guidelines such as:

1. Set back the second story as the few other 2 story homes have done in our part of the street. We were actually the builders of the second floor addition on 1220 Oaklawn Rd which is directly across the street from the proposed home. We set the second floor back 35 feet, which is what you should do but you haven't done that according to the latest plans.
2. Your design should be horizontally oriented and not vertical or upwardly oriented, which it is not, given the high gabled roof in the front of the home.

We are not trying to keep a new home from being built; after all, we are builders! We just believe that this proposed home needs to follow the same rules that all other single family homes do. My father's direct quote was: "Why are they exempt from following the guidelines when everyone else must follow them?" We find it unacceptable to keep pushing the same plan through the appeals process after the city's planning commission already rejected it, without making single change, and expect a different outcome. My parents and I ask the city council to reject this plan and ask the architect to make the appropriate changes, and then resubmit.

Thank you for your time in helping us resolve this issue.

Sincerely,



Michael Stewart

1225 Oaklawn Rd, Arcadia



I support the proposed project that the Santa Anita Oaks HOA approved at 1225 Oaklawn Rd Arcadia.

Address: 1310 Oaklawn Rd Arcadia

Signature: [Handwritten Signature]

Name: Bianca

Address: 1427 Oaklawn Rd

Signature: Mingyang Guo

Name: Mingyang Guo

Address: 1304 San Carlos Rd; Arcadia

Signature: [Handwritten Signature]

Name: TAKASHI CHENZ

Address: 1231 San Carlos Rd

Signature: Arcadia, CA
[Handwritten Signature]

Name: Ellen Ted Crosby

Address: _____

Signature: _____

Name: _____

RECEIVED
FEB 21 2023
Planning Services
City of Arcadia

Tom Walker

Resident of Oak Meadow Rd

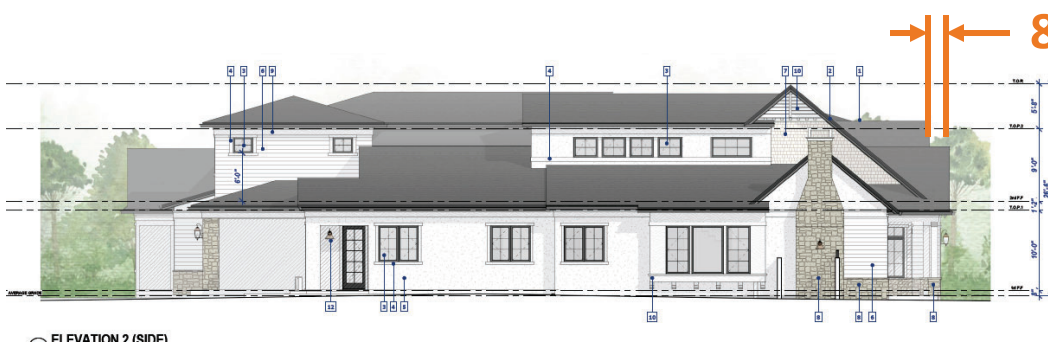
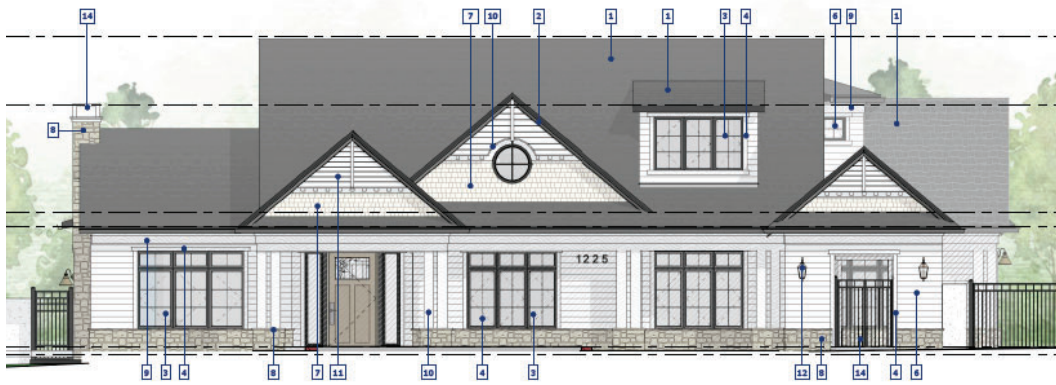
ARB chair but commenting not as a member of the ARB but as a neighbor

Comments to be presented at city council meeting on 2/21/2023

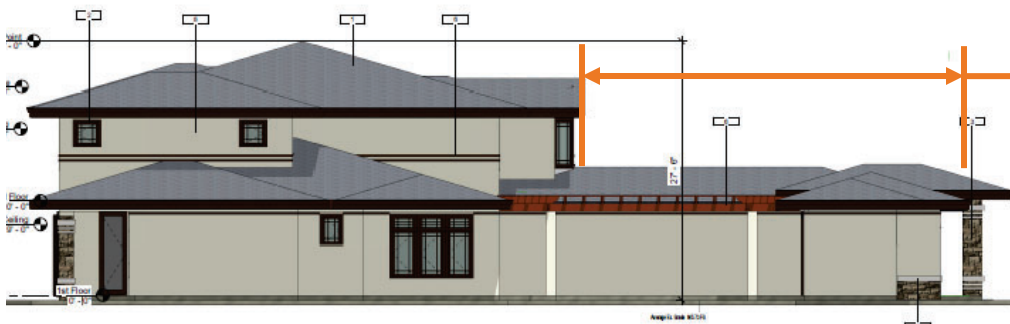
1225 Oaklawn

1. Beautiful home that would fit nicely on other streets in the Oaks. The design form is easily identified and consistent.
2. However, the home is not compatible in the context of this specific streetscape with the following sections of the SFR guidelines (See illustrations below):
 - a. **1.c** – Existing neighborhood pattern is low and horizontal. **The homes are not tall and pointed. There are no high steep gables. Things like horizontal siding, tall windows, wainscoting, and faux shingles are only design details and don't affect the style.**
 - b. **1.f** – Greater 1st floor area and additional setback when single story homes surround. **The 2nd floor is 52% of first and is only 8' setback from the first. This doesn't represent additional setback.**
 - c. **2.i** – Second story should be to the rear of the home. **Second floor is only 8' setback from the first and extends all the way to the rear of the home.**
 - d. **3.c** – Should not have height and bulk at the front of the property. **Several large gables in front and massive steep roof facing street put the height and bulk at the front.**
 - e. **6.d** – 2nd floor mass should be set back. **The 2nd floor mass is centered on the 1st floor – This can be seen in Figure 3 of Resolution 7477**
 - f. **6.j** – Size and bulk should complement neighborhood. **Home is 13' taller than surrounding homes with that height starting near the front of the house.**
 - g. **7.b** – Roof forms similar to surrounding homes. **Steeply pitched roof versus low pitched.**
3. Designer objectives to maximize square footage can be achieved with a different design. Appellant references 1311 Oaklawn, recently approved, which is a perfect example of a home that maximizes square footage but uses a design that is more compatible and harmonious with the streetscape and meets the SFR guidelines.
4. 1311 Oaklawn
 - a. Similar FAR to this project – Goal of maximizing square footage achieved in both.
 - b. Pool house constitutes 360' of the total FAR. Main house is 88% of FAR.
 - c. Second floor is less than 50% of the first floor.
 - d. Second floor is setback 45' from the first floor (See illustrations below)
 - e. Low and horizontal design form with low pitched roof is much more compatible with single story ranch homes.

1225 Oaklawn



1311 Oaklawn



Attachment No. 6

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1. Name or description of project:	A new two-story, Traditional-style house with an attached garage, and several covered porches at 1225 Oaklawn Road	
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	1225 Oaklawn Road, Arcadia, CA 91006	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	800 Hampton LLC
	(2) Address	1165 Altura Terrace, Arcadia, CA 91007
4. Staff Determination:		
The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:		
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input checked="" type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	15303(a) – Construction of a new home
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:	
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: March 24, 2023

Staff: Fiona Graham, Planning Services Manager

**ARCADIA CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, MARCH 21, 2023**

1. **CALL TO ORDER** – Mayor Cheng called the Regular Meeting to order at 7:00 p.m.
2. **INVOCATION** – Reverend Jolene Cadenbach, Arcadia Congregational Church
3. **PLEDGE OF ALLEGIANCE** – Council Member Cao
4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cao, Kwan, Wang, and Cheng
ABSENT: Mayor Pro Tem Verlato

A motion was made by Mayor Cheng and seconded by Council Member Cao to excuse Mayor Pro Tem Verlato.

5. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto announced that City Clerk Glasco was unable to attend tonight's meeting and wished him well.

6. **PRESENTATIONS**

- a. Presentation of the National Education and Sharing Day Proclamation.
- b. Presentation of the American Red Cross Month Proclamation.

7. **PUBLIC HEARING**

- a. Ordinance No. 2396 related to Text Amendment No. 22-03 amending various sections of Article IX, Chapter 1 of the Arcadia Municipal Code pertaining to Accessory Dwelling Units and Final Parcel Maps with dedications, and amending Article IV, Chapter 6 (noise regulation) pertaining to the allowable hours for gardening and landscaping, and Chapter 4 (property maintenance and nuisance abatement code) to establish requirements and regulations for non-operating properties in non-residential zones.
CEQA: Exempt
Recommended Action: Introduce and Approve

Assistant Planner MacCarley presented the Staff Report.

Mayor Cheng opened the public hearing.

No one appeared.

Mayor Cheng closed the public hearing.

A motion was made by Council Member Kwan, seconded by Council Member Wang, and carried on a roll call vote to introduce Ordinance No. 2396 related to Text Amendment No. 22-03

amending various sections of Article IX, Chapter 1 of the Arcadia Municipal Code pertaining to Accessory Dwelling Units and Final Parcel Maps with dedications, and amending Article IV, Chapter 6 (noise regulation) pertaining to the allowable hours for gardening and landscaping, and Chapter 4 (property maintenance and nuisance abatement code) to establish requirements and regulations for non-operating properties in non-residential zones; and incorporate the findings included in the Staff Report.

AYES: Kwan, Wang, Cao, and Cheng
NOES: None
ABSENT: Verlato

8. PUBLIC COMMENTS

No one appeared.

9. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK *(including reports from the City Council related to meetings attended at City expense [AB 1234]).*

Council Member Cao announced that he attended the Planning Commission Meeting, met with Pete Siberell, Director of Community Service and Special Events of the Santa Anita Park; and attended the Arcadia High School's "Cinderella" play.

Council Member Kwan announced that she met with Michael Driebe, President of USC Arcadia Hospital Foundation; attended the Foothill Gold Line Meeting; and met with Fire Chief Suen to gain a better understanding of the Fire Department's operations. She stated that she has received complaints regarding potholes located on the access ramps of the 210 Freeway and requested these matters be addressed. Council Member Kwan announced that actors Michelle Yeoh and Ke Huy Quan made history at the 2023 Academy Awards, with it being the first time two Asian actors won an Oscar in the same year.

In response to Council Member Kwan's comments regarding potholes on the access ramps of the 210 Freeway, City Manager Lazzaretto indicated that potholes in the described locations are the responsibility of the California Department of Transportation (Caltrans) and we would forward any complaints we received to them.

Council Member Wang announced that she participated in a webinar hosted by Shirley Weber, California Secretary of State; attended Senator Anthony Portantino's 25th Senate District Women of Distinction Awards; and the Arcadia Chamber of Commerce monthly meeting. She noted that on April 1, she is scheduled to walk through the Shops at Santa Anita with the President and CEO of the Arcadia Chamber of Commerce, to promote membership and participation in the Chamber. Council Member Wang announced that she attended President Joe Biden's remarks at the site of the Monterey Park Mass Shooting; the Library Board meeting; Arcadia High School's "Cinderella" play; and the Rotary Club's weekly meeting among other events outside the City of Arcadia. She expressed concerns about the reported crime at the Shops at Santa Anita and has planned to meet with Police Chief Nakamura and City Manager Lazzaretto to learn more.

Mayor Cheng announced that March 29 is National Vietnam War Veterans Day. He thanked City Clerk Glasco for his service in the military and shared a video honoring Vietnam Veterans; he also thanked the Public Works Services Department for their service to the community. Mayor Cheng clarified for the record that there were no public comments earlier in the meeting.

10. CONSENT CALENDAR

- a. Regular Meeting Minutes of March 7, 2023.
CEQA: Not a Project
Recommended Action: Approve

- b. Resolution No. 7486 amending the Fiscal Year 2022-23 Capital Improvement Program Budget, authorizing a supplemental budget appropriation for the Water Main Replacement Project in the amount of \$79,497.70, offset by a reduction in American Rescue Plan Act ("ARPA") Funds, and approve a contract with 316 Engineering & Construction, Inc. for the Water Main Replacement Project in the amount of \$435,907, including a 10% contingency.
CEQA: Exempt
Recommended Action: Adopt and Approve

It was moved by Council Member Cao, seconded by Council Member Kwan, and carried on a roll call vote to approve Consent Calendar Items 10.a and 10.b.

AYES: Cao, Kwan, Wang, and Cheng
NOES: None
ABSENT: Verlato

11. CITY MANAGER

- a. Resolution No. 7487 adopting and proclaiming the termination of a local emergency regarding Novel Coronavirus (COVID-19).
CEQA: Not a Project
Recommended Action: Adopt

Fire Chief Suen presented the Staff Report.

A motion was made by Council Member Kwan, seconded by Council Member Wang, and carried on a roll call vote to adopt Resolution No. 7487 adopting and proclaiming the termination of a local emergency regarding Novel Coronavirus (COVID-19).

AYES: Kwan, Wang, Cao, and Cheng
NOES: None
ABSENT: Verlato

12. ADJOURNMENT

The City Council adjourned at 7:58 p.m. to Tuesday, April 4, 2023, at 6:00 p.m. in the City Council Conference Room.



Linda Rodriguez
Assistant City Clerk



STAFF REPORT

Fire Department

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Chen Suen, Fire Chief
By: Richard Oishi, Acting Deputy Fire Chief

SUBJECT: RESOLUTION NO. 7488 AMENDING THE FISCAL YEAR 2022-23 GENERAL FUND BUDGET AND AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE PURCHASE OF PARAMEDIC SUPPLIES IN THE AMOUNT OF \$25,000, OFFSET BY A \$5,000 REDUCTION IN THE NATIONAL OPIOID SETTLEMENT/CALIFORNIA JANSSEN AGREEMENT FUND AND A \$20,000 REDUCTION IN THE AMERICAN RESCUE PLAN ACT (“ARPA”) FUND; AND APPROVING A CHANGE ORDER TO THE PURCHASE ORDER WITH LIFE-ASSIST, INC.

CEQA: Exempt

Recommendation: Adopt and Approve

SUMMARY

As part of the City’s Fiscal Year 2022-23 Budget adoption, the City Council allocated \$98,300 to purchase paramedic field supplies. Included in this budgeted amount is a purchase order with Life-Assist Inc. that was approved by the City Council last year in the amount of \$80,000. As the City recovers from the Novel Coronavirus (“COVID-19”) pandemic and other contributory factors such as the Los Angeles County Department of Health Services’ (“DHS”) change in its EMS equipment requirements, and the Fire Department’s continued increase in medical responses, it has become necessary to request a change order for additional funds.

It is recommended that the City Council adopt Resolution No. 7488 amending the Fiscal Year 2022-23 General Fund Budget and authorizing a supplemental budget appropriation for the purchase of paramedic supplies in the amount of \$25,000, offset by a \$5,000 reduction in the National Opioid Settlement/California Janssen Agreement fund and \$20,000 in the American Rescue Plan Act (“ARPA”) fund, and approving a change order to the Purchase Order with Life-Assist, Inc.

DISCUSSION

The Arcadia Fire Department has been providing paramedic ambulance service to the Arcadia community since the early 1970s, with quality pre-hospital care for medical and trauma-related emergency calls. A critical component of providing this service is ensuring that an adequate and necessary inventory of paramedic supplies is readily available in stock.

The Fire Department maintains an inventory of paramedic field supplies, including medications, intravenous fluids, assorted needles, bandages, splints, tape, gloves, oxygen masks, EKG paper, electrodes, and other miscellaneous medical supplies. These items are used on a regular basis during the medical treatment of a patient and emergency operations. The Fire Department also maintains in its inventory additional paramedic field supplies to mitigate larger-scale incidents in the event of a disaster. Traditionally, paramedic field supplies are re-stocked using a private medical supplier. To sufficiently maintain the Fire Department’s daily inventory of its paramedic supplies, the City Council allocated \$98,300 in funding to the Fire Operating Budget in FY 2022-23.

As the City of Arcadia responds to higher calls for service from the COVID-19 pandemic and the opioid epidemic, a noticeable increase in both call volume for emergency medical services and the use of paramedic supplies has occurred. Within the span of a few months (July 2022 to December 2022), emergency medical service calls increased 19%, from 1,982 calls for service to 2,354, when compared to the same time frame in 2021. This unplanned and prolonged increase in calls for service creates the need for additional supplies.

Additionally, the following supplies and procedures experienced a notable increase in use during this time:

Item	July 2021 to December 2021	July 2022 to December 2022	Percentage Increase
Intravenous Procedures	422	678	38%
Oxygen Procedures	180	215	20%
Bag-Valve-Mask Procedures	38	46	21%
Fentanyl	56	66	18%
Albuterol	46	56	15%
Narcan	10	21	110%

Further, during the annual EMS update in July 2022, DHS required two changes: (1) All EMS provider agencies are to train, purchase, and implement iGel advanced airways and management packs; and (2) All Fire Department’s cardiac monitors must have parts and service maintenance in place. As these new requirements were instituted after the FY 2022-23 Citywide Budget Adoption, these costs were not included nor anticipated in the Fire Department’s current Operating Budget.

For this report, the Department is requesting a change order to increase the purchase amount for Life-Assist, Inc. by \$12,000. Life-Assist Inc. is also the Department's largest supplier of emergency medical materials, with a current Purchase Order amount of \$80,000. In addition, smaller Purchase Orders need to be increased to acquire necessary general or specialized paramedic supplies and equipment such as oxygen, and cardiac monitoring devices' parts and service maintenance, as required by the Los Angeles County's DHCS.

The table below shows the proposed \$25,000 supplemental budget appropriation and the corresponding budget impact as well as a change order request to increase Life-Assist, Inc.'s Purchase Order amount:

PO by Vendor	Purchase Type	Current PO Amount	Additional \$ Request
Life Assist	General paramedic supplies	\$ 80,000	\$ 12,000
Zoll Medical	Cardiac monitors	18,000	2,000
Airgas	Oxygen	8,500	3,000
Bound Tree Medical	General paramedic supplies	NEW	5,000
Other EMS Products – as needed	Miscellaneous paramedic supplies	NEW	3,000
Total Requested Increase			\$ 25,000

It is vital that the Fire Department remains diligent in ensuring that its emergency medical supplies are sufficient and readily stocked. Therefore, it is recommended that the City Council approve the requested modifications.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

A supplemental budget appropriation in the amount of \$5,000 is being requested from the monies in the National Opioid Settlement/California Janssen Agreement to fund the purchase of these essential medical supplies. A primary purpose of the settlement monies is for opioid remediation or abatement. Funding the acquisition of medical supplies directly used to prevent overdose deaths and mitigate opioid harm is an allowable use of the funds. Prior to this approval, there is roughly \$36,700 in unallocated settlement funds, with an additional \$21,340 to be received annually over 18 payments. Therefore, sufficient funding is available for this request.

As the City recovers from its response to the COVID-19 pandemic during this fiscal year, there had been a 19% increase in the overall EMS call volume, more specifically a 38% increase in Advanced Life Support (ALS) calls, resulting from a notable increase in the use of paramedic supplies by the Fire Department. A supplemental budget appropriation in the amount of \$20,000 is being requested from the City's ARPA funds to adequately fund the remaining cost of these essential medical supplies. The purchase of these medical supplies in response to the COVID-19 pandemic is an allowable use of these funds.

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project and is, therefore, exempt under the California Environmental Quality Act ("CEQA"); adopt Resolution No. 7488 amending the Fiscal Year 2022-23 General Fund Budget and authorizing a supplemental budget appropriation for the purchase of paramedic supplies in the amount of \$25,000, offset by a \$5,000 reduction in the National Opioid Settlement/California Janssen Agreement fund and \$20,000 in the American Rescue Plan Act ("ARPA") fund; and approve a Change Order to the Purchase Order with Life-Assist, Inc.

Approved:



Dominic Lazzaretto
City Manager

Attachment: Resolution No. 7488

RESOLUTION NO.7488

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING THE FISCAL YEAR 2022-23 GENERAL FUND BUDGET AND AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE PURCHASE OF PARAMEDIC SUPPLIES IN THE AMOUNT OF \$25,000, OFFSET BY A \$5,000 REDUCTION IN THE NATIONAL OPIOID SETTLEMENT/CALIFORNIA JANSSEN AGREEMENT FUND AND A \$20,000 REDUCTION IN THE AMERICAN RESCUE PLAN ACT (“ARPA”) FUND; AND APPROVING A CHANGE ORDER TO THE PURCHASE ORDER WITH LIFE-ASSIST, INC.

WHEREAS, during Fiscal Year 2022-23, a noticeable increase in emergency medical services calls necessitated an unanticipated increase in the use of paramedic supplies, with such increase mostly attributable to the Fire Department’s paramedic response as the City recovers from the COVID19 pandemic; and

WHEREAS, the unexpected increased use of paramedic supplies directly resulted in unanticipated expenses that were not covered in the current purchase order and in Fiscal Year 2022-23 Operating Budget; and

WHEREAS, a change order in the amount of \$25,000 to the purchase order with Life-Assist, Inc. is necessary to enable payment for the requisite paramedic supplies for the Fire Department; and

WHEREAS, during the annual EMS update in July 2022 necessitated the Department to train, purchase, and implement a new iGel advanced airways and management packs, and required the Department to have cardiac monitor parts and services maintenance; and

WHEREAS, the City Manager has certified that there are sufficient reserves available in the National Opioid Settlement/California Janssen Agreement Fund and the

American Rescue Plan Act (“ARPA”) Fund for appropriation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The sum of Twenty-Five Thousand Dollars (\$25,000) is hereby appropriated in the Fire Department budget, offset with a reduction in the National Opioid Settlement/California Janssen Agreement Fund Reserve by \$5,000 and a reduction in the American Response Plan Act (“ARPA”) Fund Reserve by \$20,000.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON THE NEXT PAGE]

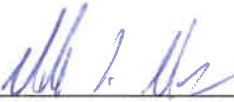
Passed, approved and adopted this 4th day of April, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney



STAFF REPORT

Office of the City Attorney

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Michael Maurer, City Attorney

SUBJECT: RESOLUTION NO. 7491 OPTING INTO SETTLEMENT AGREEMENTS WITH DISTRIBUTORS OF OPIOIDS, WALGREENS CO., WALMART, INC., AND CVS HEALTH CORPORATION/CVS PHARMACY, INC., AND OPIOID MANUFACTURERS TEVA PHARMACEUTICAL INDUSTRIES LTD. AND ALLERGAN FINANCE, LLC/ALLERGAN LIMITED
CEQA: Exempt
Recommendation: Adopt

SUMMARY

Last year, states and cities across the United States brought litigation against the three largest pharmaceutical distributors of opioid painkillers, Amerisource Bergen, Cardinal Health, and McKesson (the “Distributors”), and the opioid painkiller manufacturer, Janssen (owned by Johnson & Johnson) (“J&J”), which resulted in two proposed settlements totaling approximately \$26 billion dollars. The City has previously opted into the Distributors and the J&J Settlements and has started receiving payments.

Between November and December 2022, five additional parties (the “New Parties”) have entered into National Opioid Settlements with terms identical to the Distributors/J&J Settlements. The City can opt into these new settlements, thereby releasing its claims against the New Parties, in order to receive a maximum of \$412,000, paid out over a period of 15 years. The funds are restricted to certain opioid abatement/remediation uses. The City can either allow the funds to be used by Los Angeles County or elect to use the funds itself subject to reporting requirements to the state. Alternatively, the City can take no action, thereby opting out of the settlements, while maintaining its right to pursue litigation against the New Parties.

It is recommended that the City Council opt into the Settlement Agreements and authorize the City Manager to accept the funds directly to be used in the City for allowable purposes.

BACKGROUND & DISCUSSION

A. Allocation of Funds

Litigation against the New Parties has resulted in a proposed settlement totaling approximately \$20.2 billion. The proposed settlement is broken into five separate deals: (1) the Walgreens Settlement; (2) the Walmart Settlement; (3) the CVS Settlement; (4) the Teva Settlement; and (5) the Allergan Settlement. The estimated total nationwide payout and payment schedule are outlined below:

Defendant	Estimated Max Payout (100% Participation)	Years
<i>Walgreens</i>	\$5,522,528,766	15 years
<i>Walmart</i>	\$3,011,242,061	Primarily paid within 3 years, but if participation levels are not met until later, payment can extend over 6 years
<i>CVS</i>	\$5,002,083,578	10 years
<i>Teva</i>	\$4,246,567,371.76	6 years
<i>Allergan</i>	\$2,372,972,184.12	7 years

Of the amounts above, California is to receive approximately \$1.8 billion and is to distribute these funds pursuant to intrastate allocation agreements for the new settlements.

As outlined in the Intrastate Allocation Agreements, Settlement Fund payments due to the State of California are allocated as follows: 15% to the State Fund; 70% to the California Abatement Accounts Fund; and 15% to the California Subdivision Fund. This results in the State receiving 15% of the payments allocated to California and local subdivisions receiving the remaining 85%. The percentages paid out to the California Subdivision Fund are reserved for entities that participated in the litigation of the claims giving rise to the settlement agreements. The percentages paid out to local subdivisions that did not litigate (such as Arcadia), but choose to opt into the settlements, comes from the share of the settlement proceeds that are placed in the California Abatement Accounts Fund. Essentially, this means that the City of Arcadia, if it chooses to opt into the settlement, is entitled to receive a percentage share from the California Abatement Accounts Fund.

The City of Arcadia has been allocated 0.033% of the 70% of the approximately \$1.8 billion (i.e., best case scenario), which is equal to \$412,000. This total amount will be disbursed over a period of 15 years, with payments decreasing as each settlement finishes paying out. The first payments are scheduled to occur in the latter half of 2023. After the receipt of these initial payments, further payments will be received annually thereafter. As stated above, the ultimate settlement amount is not yet known because of the bonus structure built into the agreements.

The default distribution of funds in the settlement agreements provides that the funds will go directly to the county in which a city is located. A city can elect to have its funds delivered directly to the city by providing notice in the settlement agreements. Additionally, a city within a county may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the settlement fund administrators at least 60 days prior to a payment date.

In deciding whether to allow a city's funds to go directly to the county in which a city is located, a city should consider the following: (1) whether the amount of money is substantial enough for the city to handle on its own; (2) whether the city offers the services and has the employees to spend the money in accordance with its prescribed uses; and (3) whether the city wants to engage in the reporting requirements over the course of the next 15 years (16 years of distribution and an additional year following final distribution).

B. Use of Received Funds

Similar to the Distributor and J&J Settlements, funds received from these additional settlements must be used for future opioid remediation or abatement. For instance, participating subdivisions may use funds for areas such as services to treat opioid use disorder; support people in treatment and recovery; connect people to care; address needs of criminal justice-involved persons; address the needs of pregnant or parenting women and their families, including babies with neonatal abstinence syndrome; prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids; prevent misuse of opioids; prevent overdose deaths and other harms; provide leadership, planning, and coordination of programs; provide training; and conduct research.

The Intrastate Allocation Agreements also provide spending limitations in addition to those provided in the settlement agreements. Under the Intrastate Allocation Agreements, no less than 50% of the funds received in each calendar year will be used for one or more of the following High Impact Abatement Activities:

- (1) the provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;
- (2) creating new or expanded Substance Use Disorder ("SUD") treatment infrastructure;

(3) addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;

(4) diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and/or

(5) interventions to prevent drug addiction in vulnerable youth.

In addition to these requirements, there is also a time limit on the spending of received funds. If funds are not expended or encumbered within five years of receipt and in accordance with the settlement agreements and the Intrastate Allocation Agreements, the funds are required to be transferred back to the State.

C. Management of Funds

Each county and city that receives payment of funds from the settlements must prepare written reports at least annually regarding the use of those funds until the funds are fully expended and for one year thereafter. Each county and city will need to track all deposits and expenditures. These reports will also include a certification that all funds received have been used in compliance with the allocation agreements. The California Department of Healthcare and Services (“DHCS”) may review these reports to determine compliance with the settlement agreements and the Intrastate Allocation Agreement.

If the DHCS determines that a participating subdivision’s use of abatement funds is inconsistent with the settlement agreements or Intrastate Allocation Agreements, the parties are required to meet and confer. If the meet and confer process does not provide a resolution, the DHCS may conduct an audit, which can lead to a court action if the matter is still not resolved after an audit.

D. Opting In

The City must opt into the settlements by April 18, 2023, which requires the City to release its claims against the New Parties. The attached Resolution No. 7491 authorizes the City Manager to execute an Allocation Agreement and a Participation Agreement as well as performing any other tasks necessary to opt in. Samples of each Agreement are attached to this report (final documents will be separately provided to the City for execution).

If the City Council takes no action, it will effectively opt out of the settlements and Arcadia’s designated funds will flow to the State. By opting out of the settlements, the City would still have the opportunity to bring its own action against the New Parties.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA under Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines.

FISCAL IMPACT

Approval of the settlement will result in gross payments of up to \$412,000 for opioid abatement over a 15-year period. If the City elects direct payments, the City would have nominal staff costs to administer and report on its use of the funds.

RECOMMENDATION

It is recommended that the City Council determine that the proposed action is not a project under CEQA; adopt Resolution No. 7491 opting into settlement agreements with distributors of opioids, Walgreens Co., Walmart, Inc., and CVS Health Corporation/CVS Pharmacy, Inc., and opioid manufacturers Teva Pharmaceutical Industries Ltd. and Allergan Finance, LLC/Allergan Limited; and elect to receive payments directly.

Approved:



Dominic Lazzaretto
City Manager

Attachments: Sample CA Allocation Agreement
Sample Participation Agreement
Resolution No. 7491

**Proposed California State-Subdivision Agreement
Regarding Distribution and Use of
Settlement Funds – Distributor Settlement**

1. Introduction

Pursuant to the Distributor Settlement Agreement, dated as of July 21, 2021, and any revision thereto (the “Distributor Settlement Agreement”), including Section V and Exhibit O, the State of California proposes this agreement (the “CA Distributor Allocation Agreement”) to govern the allocation, distribution, and use of Settlement Fund payments made to California pursuant to Sections IV and V of the Distributor Settlement Agreement.¹ For the avoidance of doubt, this agreement does not apply to payments made pursuant to Sections IX or X of the Distributor Settlement Agreement.

Pursuant to Exhibit O, Paragraph 4, of the Distributor Settlement Agreement, acceptance of this CA Distributor Allocation Agreement is a requirement to be an Initial Participating Subdivision.

2. Definitions

- a) *CA Participating Subdivision* means a Participating Subdivision that is also (a) a Plaintiff Subdivision and/or (b) a Primary Subdivision with a population equal to or greater than 10,000. For the avoidance of doubt, eligible CA Participating Subdivisions are those California subdivisions listed in Exhibit C (excluding Litigating Special Districts) and/or Exhibit I to the Distributor Settlement Agreement.
- b) *Janssen Settlement Agreement* means the Janssen Settlement Agreement dated July 21, 2021, and any revision thereto.
- c) *Litigating Special District* means a school district, fire protection district, health authority, health plan, or other special district that has filed a lawsuit against an Opioid Defendant. Litigating Special Districts include Downey Unified School District, Elk Grove Unified School District, Kern High School District, Montezuma Fire Protection District (located in Stockton, California), Santa Barbara San Luis Obispo Regional Health Authority, Inland Empire Health Plan, Health Plan of San Joaquin, and LA Care Health Plan.
- d) *Plaintiff Subdivision* means a Subdivision located in California, other than a Litigating Special District, that filed a lawsuit, on behalf of the Subdivision and/or through an official of the Subdivision on behalf of the People of the State of California, against one or more Opioid Defendants prior to October 1, 2020.

¹ A parallel but separate agreement (the “CA Janssen Allocation Agreement”) will govern the allocation, distribution, and use of settlement fund payments under the Janssen Settlement Agreement. An eligible Subdivision may elect to participate in either the Distributor Settlement or the Janssen Settlement, or in both.

- e) *Opioid Defendant* means any defendant (including but not limited to Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc., AmerisourceBergen Corporation, and McKesson Corporation) named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government on or before October 1, 2020.

3. General Terms

This agreement is subject to the requirements of the Distributor Settlement Agreement, as well as applicable law, and the Distributor Settlement Agreement governs over any inconsistent provision of this CA Distributor Allocation Agreement. Terms used in this CA Distributor Allocation Agreement have the same meaning as in the Distributor Settlement Agreement unless otherwise defined herein.

Pursuant to Section V(D)(1) of the Distributor Settlement Agreement, (a) all Settlement Fund payments will be used for Opioid Remediation, except as allowed by Section V(B)(2) of the Distributor Settlement Agreement; and (b) at least seventy percent (70%) of Settlement Fund payment amounts will be used solely for future Opioid Remediation.

4. State Allocation

The Settlement Fund payments to California,² pursuant to the Distributor Settlement Agreement, shall be allocated as follows: 15% to the State Fund; 70% to the Abatement Accounts Fund; and 15% to the Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlement Fund shall be combined pursuant to this CA Distributor Allocation Agreement, and 15% of that total shall be allocated to the State of California (the “State of California Allocation”), 70% to the California Abatement Accounts Fund (“CA Abatement Accounts Fund”), and 15% to the California Subdivision Fund (“CA Subdivision Fund”).

A. State of California Allocation

Fifteen percent of the total Settlement Fund payments will be allocated to the State and used by the State for future Opioid Remediation.

B. CA Abatement Accounts Fund

i. Allocation of CA Abatement Accounts Funds

- a) Seventy percent of the total Settlement Fund payments will be allocated to the CA Abatement Accounts Fund. The funds in the CA Abatement Accounts Fund will be

² For purposes of clarity, use of the term “California” refers to the geographic territory of California and the state and its local governments therein. The term “State” or “State of California” refers to the State of California as a governmental unit.

allocated based on the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804), as adjusted to reflect only those cities and counties that are eligible, based on population or litigation status, to become a CA Participating Subdivision. The percentage from the CA Abatement Accounts Fund allocated to each CA Participating Subdivision is set forth in Appendix 1 in the column entitled abatement percentage (the “Local Allocation”). For the avoidance of doubt, Litigating Special Districts and California towns, cities, and counties with a population less than 10,000 are not eligible to receive an allocation of CA Abatement Accounts Funds.

- b) A CA Participating Subdivision that is a county, or a city and county, will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision, and will receive payments as provided in the Distributor Settlement Agreement.
- c) A CA Participating Subdivision that is a city will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision. The Local Allocation share for a city that is a CA Participating Subdivision will be paid to the county in which the city is located, rather than to the city, so long as: (a) the county is a CA Participating Subdivision, and (b) the city has not advised the Settlement Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date. A Local Allocation share allocated to a city but paid to a county is not required to be spent exclusively for abatement activities in that city, but will become part of the county’s share of the CA Abatement Accounts Funds, which will be used in accordance with Section 4.B.ii (Use of CA Abatement Accounts Funds) and reported on in accordance with Section 4.B.iii (CA Abatement Accounts Fund Oversight).
- d) A city within a county that is a CA Participating Subdivision may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the Settlement Fund Administrator at least 60 days prior to a Payment Date. For purposes of this CA Distributor Allocation Agreement, the Cities of Los Angeles, Oakland, San Diego, San Jose and Eureka will be deemed to have elected direct payment if they become Participating Subdivisions.
- e) The State will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision.
- f) Funds received by a CA Participating Subdivision, and not expended or encumbered within five years of receipt and in accordance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement shall be transferred to the State; provided however, that CA Participating Subdivisions have seven years to expend or encumber CA Abatement Accounts Funds designated to support capital outlay projects before they must be transferred to the State. This provision shall not apply to the Cost Reimbursement Funds, which shall be controlled by Appendix 2.

ii. Use of CA Abatement Accounts Funds

- a) The CA Abatement Accounts Funds will be used for future Opioid Remediation in one or more of the areas described in the List of Opioid Remediation Uses, which is Exhibit E to the Distributor Settlement Agreement.
- b) In addition to this requirement, no less than 50% of the funds received by a CA Participating Subdivision from the Abatement Accounts Fund in each calendar year will be used for one or more of the following High Impact Abatement Activities:
 - (1) the provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;
 - (2) creating new or expanded Substance Use Disorder (“SUD”) treatment infrastructure;
 - (3) addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;
 - (4) diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and/or
 - (5) interventions to prevent drug addiction in vulnerable youth.
- c) The California Department of Health Care Services (“DHCS”) may add to this list (but not delete from it) by designating additional High Impact Abatement Activities. DHCS will make reasonable efforts to consult with stakeholders, including the CA Participating Subdivisions, before adding additional High Impact Abatement Activities to this list.
- d) For the avoidance of doubt, and subject to the requirements of the Distributor Settlement Agreement and applicable law, CA Participating Subdivisions may form agreements or ventures, or otherwise work in collaboration with, federal, state, local, tribal or private sector entities in pursuing Opioid Remediation activities funded from the CA Abatement Accounts Fund. Further, provided that all CA Abatement Accounts Funds are used for Opioid Remediation consistent with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement, a county and any cities or towns within the county may agree to reallocate their respective shares of the CA Abatement Accounts Funds among themselves, provided that any direct distribution may only be to a CA Participating Subdivision and any CA Participating Subdivision must agree to their share being reallocated.

iii. CA Abatement Accounts Fund Oversight

- a) Pursuant to Section 5 below, CA Participating Subdivisions receiving settlement funds must prepare and file reports annually regarding the use of those funds. DHCS may regularly review the reports prepared by CA Participating Subdivisions about the use of CA Abatement Accounts Funds for compliance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement.
- b) If DHCS determines that a CA Participating Subdivision's use of CA Abatement Accounts Funds is inconsistent with the Distributor Settlement Agreement or this CA Distributor Allocation Agreement, whether through review of reports or information from any other sources, DHCS shall send a request to meet and confer with the CA Participating Subdivision. The parties shall meet and confer in an effort to resolve the concern.
- c) If the parties are unable to reach a resolution, DHCS may conduct an audit of the Subdivision's use of the CA Abatement Accounts Funds within one year of the request to meet and confer, unless the parties mutually agree in writing to extend the meet and confer time frame.
- d) If the concern still cannot be resolved, the State may bring a motion or action in the court where the State has filed its Consent Judgment to resolve the concern or otherwise enforce the requirements of the Distributor Settlement Agreement or this CA Distributor Allocation Agreement. However, in no case shall any audit be conducted, or motion be brought, as to a specific expenditure of funds, more than five years after the date on which the expenditure of the funds was reported to DHCS, in accordance with this agreement.
- e) Notwithstanding the foregoing, this Agreement does not limit the statutory or constitutional authority of any state or local agency or official to conduct audits, investigations, or other oversight activities, or to pursue administrative, civil, or criminal enforcement actions.

C. CA Subdivision Fund

- i. Fifteen percent of the total Settlement Fund payments will be allocated to the CA Subdivision Fund. All funds in the CA Subdivision Fund will be allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. The funds will be used, subject to any limits imposed by the Distributor Settlement Agreement and this CA Distributor Allocation Agreement, to fund future Opioid Remediation and reimburse past opioid-related expenses, which may include fees and expenses related to litigation, and to pay the reasonable fees and expenses of the Special Master as set forth in Appendix 2.

The CA Subdivision Funds will be allocated as follows:

- a) First, funds in the CA Subdivision Fund shall be used to pay the Special Master's reasonable fees and expenses in accordance with the procedures and limitations set forth in Appendix 2 to this document;
- b) Second, funds will be allocated to Plaintiff Subdivisions that are Initial Participating Subdivisions that have been awarded Costs, as defined by and in accordance with the procedures and limitations set forth in Appendix 2 to this document.
- c) Funds remaining in the CA Subdivision Fund, which shall consist of no less than 50% of the total CA Subdivision Fund received in any year pursuant to Appendix 2, Section 2.c.v, will be distributed to Plaintiff Subdivisions that are Initial Participating Subdivisions, in relative proportion to the Local Allocation. These funds shall be used to fund future opioid-related projects and to reimburse past opioid-related expenses, which may include fees and expenses related to litigation against any Opioid Defendant.

D. Provision for State Back-Stop Agreement

On August 6, 2021, Judge Dan Polster of the U.S. District Court, Northern District of Ohio, Eastern Division, issued an order (ECF Docket Number 3814) ("MDL Fees Order") in the National Prescription Opiate Litigation (MDL No. 2804) "cap[ping] all applicable contingent fee agreements at 15%." Private counsel representing Plaintiff Subdivisions should seek its contingency fees and costs from the Attorney Fee Fund or Cost Funds under the Distributor Settlement Agreement and, if applicable, the Janssen Settlement Agreement.

A Plaintiff Subdivision may separately agree to use its share of the CA Subdivision Fund to pay for fees or costs incurred by its contingency-fee counsel ("State Back-Stop Agreement"), pursuant to Exhibit R, section I(R), of the Distributor Settlement Agreement and the MDL Fees Order, so long as such contingency fees do not exceed a total contingency fee of 15% of the total gross recovery of the Plaintiff Subdivision pursuant to the Distributor Settlement, and if applicable, the Janssen Settlement, inclusive of contingency fees from the national Attorney Fee Fund and this State Back-Stop Agreement. Before seeking fees or litigation costs and expenses from a State Back-Stop Agreement, private counsel representing Plaintiff Subdivisions must first seek contingency fees and costs from the Attorney Fee Fund or Cost Funds created under the Distributor Settlement Agreement and, if applicable, the Janssen Settlement Agreement. Further, private counsel may only seek reimbursement for litigation fees and costs that have not previously been reimbursed through prior settlements or judgments.

To effectuate a State Back-Stop Agreement pursuant to this section, an agreement in the form of Appendix 3 may be entered into by a Plaintiff Subdivision, private counsel, and the California Office of the Attorney General. The California Office of the Attorney General shall, upon the request of a Plaintiff Subdivision, execute any agreement executed by a Plaintiff Subdivision and its private counsel if it is in the form of Appendix 3. The California Office of the Attorney

General will also consider requests from Plaintiff Subdivisions to execute and enter into agreements presented in other forms.

For the avoidance of doubt, this agreement does not require a Plaintiff Subdivision to request or enter into a State Back-Stop Agreement, and no State Back-Stop Agreement shall impose any duty or obligation on the State of California or any of its agencies or officers, including without limitation the Attorney General.

5. State and Subdivision Reporting

- a) DHCS will prepare an annual written report regarding the State's use of funds from the settlement until those funds are fully expended and for one year thereafter. These reports will be made publicly available on the DHCS web site.
- b) Each CA Participating Subdivision that receives payments of funds from the settlement will prepare written reports at least annually regarding the use of those funds, until those funds are fully expended and for one year thereafter. These reports will also include a certification that all funds that the CA Participating Subdivision has received through the settlement have been used in compliance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement. The report will be in a form reasonably determined by DHCS. Prior to specifying the form of the report DHCS will confer with representatives of the Plaintiff Subdivisions.
- c) The State and all CA Participating Subdivisions receiving CA Abatement Accounts Funds will track all deposits and expenditures. Each such subdivision is responsible solely for the CA Abatement Accounts Funds it receives. A county is not responsible for oversight, reporting, or monitoring of CA Abatement Accounts Funds received by a city within that county that receives direct payment. Unless otherwise exempt, Subdivisions' expenditures and uses of CA Abatement Accounts Funds and other Settlement Funds will be subject to the normal budgetary and expenditure process of the Subdivision.
- d) Each Plaintiff Subdivision receiving CA Subdivision Funds will track all deposits and expenditures, as required by the Distributor Settlement Agreement and this CA Distributor Allocation Agreement. Among other things, Plaintiff Subdivisions using monies from the CA Subdivision Fund for purposes that do not qualify as Opioid Remediation must identify and include in their annual report, the amount and how such funds were used, including if used to pay attorneys' fees, investigation costs, or litigation costs. Pursuant to Section V(B)(2) of the Distributor Settlement Agreement, such information must also be reported to the Settlement Fund Administrator and the Distributors.
- e) In each year in which DHCS prepares an annual report DHCS will also host a meeting to discuss the annual report and the Opioid Remediation activities being carried out by the State and Participating Subdivisions.

6. Miscellaneous

- a) The State or any CA Participating Subdivision may bring a motion or action in the court where the State has filed its Consent Judgment to enforce the requirements of this CA Distributor Allocation Agreement. Before filing such a motion or action the State will meet and confer with any CA Participating Subdivision that is the subject of the anticipated motion or action, and vice versa.
- b) Except as provided in the Distributor Settlement Agreement, this CA Distributor Allocation Agreement is not enforceable by any party other than the State and the CA Participating Subdivisions. It does not confer any rights or remedies upon, and shall not be enforceable by, any third party.
- c) Except as provided in the CA Distributor Allocation Agreement, if any provision of this agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such provision to persons, entities, or circumstances other than those as to which it is invalid or unenforceable, will not be affected thereby, and each other provision of this agreement will be valid and enforceable to the fullest extent permitted by law.
- d) Except as provided in the Distributor Settlement Agreement, this agreement shall be governed by and interpreted in accordance with the laws of California.

APPENDIX 1

DISCLAIMER: The allocation percentages herein are estimates only and should not be relied on for decisions regarding legal rights, releases, waivers, or other decisions affecting current or potential legal claims. Percentages shown in the Plaintiff Subdivision Percentage column may change pursuant to Section 4.C. of the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Distributor Settlement, whereas the percentages shown in the Abatement Percentage column should not change. Participating Subdivisions, underlying calculations, and the calculated allocation percentages are subject to change. Regarding the column herein entitled “Abatement Percentage,” pursuant to Section 4.B.e., the State of California will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” payments allocated to a Plaintiff Subdivision, which is not an Initial Participating Subdivision, will be re-allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. Regarding the column herein entitled “Abatement Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Abatement Account Funds received, pursuant to Section 4.B. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Subdivision Funds received, pursuant to Section 4.C. Regarding the column herein entitled “Weighted Allocation Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the combined and weighted allocation of the Abatement Percentage and the Plaintiff Subdivision Percentage.

APPENDIX 1

			100.000%	100.000%	100.000%
Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
County	<i>Alameda County</i>	Alameda	2.332%	2.853%	2.4237952%
City	Alameda	Alameda	0.069%		0.0570162%
City	Albany	Alameda	0.013%		0.0107768%
City	Berkeley	Alameda	0.152%		0.1249656%
City	Dublin	Alameda	0.033%	0.040%	0.0338810%
City	Emeryville	Alameda	0.023%		0.0185765%
City	Fremont	Alameda	0.108%		0.0888576%
City	Hayward	Alameda	0.117%		0.0966218%
City	Livermore	Alameda	0.054%		0.0446740%
City	Newark	Alameda	0.026%		0.0217626%
City	Oakland	Alameda	0.486%	0.595%	0.5055601%
City	Piedmont	Alameda	0.014%		0.0114064%
City	Pleasanton	Alameda	0.067%		0.0554547%
City	San Leandro	Alameda	0.039%		0.0321267%
City	Union City	Alameda	0.043%		0.0352484%
County	<i>Amador County</i>	Amador	0.226%	0.277%	0.2349885%
County	<i>Butte County</i>	Butte	1.615%	1.975%	1.6783178%
City	Chico	Butte	0.216%	0.264%	0.2246499%
City	Oroville	Butte	0.079%		0.0646595%
County	<i>Calaveras County</i>	Calaveras	0.226%	0.277%	0.2351644%
County	<i>Colusa County</i>	Colusa	0.059%		0.0489221%
County	<i>Contra Costa County</i>	Contra Costa	2.102%	2.571%	2.1844585%
City	Antioch	Contra Costa	0.037%		0.0301879%
City	Brentwood	Contra Costa	0.026%		0.0215339%
City	Clayton	Contra Costa	0.002%		0.0018060%
City	Concord	Contra Costa	0.055%		0.0456676%
City	Danville	Contra Costa	0.010%		0.0082255%
City	El Cerrito	Contra Costa	0.023%		0.0189024%
City	Hercules	Contra Costa	0.010%		0.0078273%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Lafayette	Contra Costa	0.006%		0.0046030%
City	Martinez	Contra Costa	0.012%		0.0098593%
City	Moraga	Contra Costa	0.004%		0.0031007%
City	Oakley	Contra Costa	0.010%		0.0079416%
City	Orinda	Contra Costa	0.005%		0.0038157%
City	Pinole	Contra Costa	0.013%		0.0110909%
City	Pittsburg	Contra Costa	0.053%		0.0436369%
City	Pleasant Hill	Contra Costa	0.013%		0.0106309%
City	Richmond	Contra Costa	0.146%		0.1201444%
City	San Pablo	Contra Costa	0.018%		0.0148843%
City	San Ramon	Contra Costa	0.021%		0.0176459%
City	Walnut Creek	Contra Costa	0.026%		0.0212132%
County	<i>Del Norte County</i>	Del Norte	0.114%	0.140%	0.1189608%
County	<i>El Dorado County</i>	El Dorado	0.768%	0.939%	0.7980034%
City	Placerville	El Dorado	0.015%		0.0127642%
City	South Lake Tahoe	El Dorado	0.081%		0.0665456%
County	<i>Fresno County</i>	Fresno	1.895%	2.318%	1.9693410%
City	Clovis	Fresno	0.065%		0.0536211%
City	Coalinga	Fresno	0.012%		0.0098554%
City	Fresno	Fresno	0.397%		0.3270605%
City	Kerman	Fresno	0.005%		0.0042534%
City	Kingsburg	Fresno	0.008%		0.0066167%
City	Mendota	Fresno	0.002%		0.0019387%
City	Orange Cove	Fresno	0.004%		0.0035607%
City	Parlier	Fresno	0.008%		0.0069755%
City	Reedley	Fresno	0.012%		0.0098804%
City	Sanger	Fresno	0.018%		0.0146135%
City	Selma	Fresno	0.015%		0.0127537%
County	<i>Glenn County</i>	Glenn	0.107%	0.131%	0.1116978%
County	<i>Humboldt County</i>	Humboldt	1.030%	1.260%	1.0703185%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Arcata	Humboldt	0.054%		0.0447660%
City	Eureka	Humboldt	0.117%	0.143%	0.1216284%
City	Fortuna	Humboldt	0.032%		0.0266837%
County	<i>Imperial County</i>	Imperial	0.258%	0.315%	0.2679006%
City	Brawley	Imperial	0.011%		0.0087986%
City	Calexico	Imperial	0.019%		0.0152799%
City	El Centro	Imperial	0.158%		0.1302522%
City	Imperial	Imperial	0.006%		0.0048791%
County	<i>Inyo County</i>	Inyo	0.073%	0.089%	0.0754413%
County	<i>Kern County</i>	Kern	2.517%	3.079%	2.6159145%
City	Arvin	Kern	0.006%		0.0046425%
City	Bakersfield	Kern	0.212%		0.1747198%
City	California City	Kern	0.009%		0.0070820%
City	Delano	Kern	0.030%		0.0249316%
City	McFarland	Kern	0.003%		0.0025644%
City	Ridgecrest	Kern	0.015%		0.0120938%
City	Shafter	Kern	0.013%		0.0103417%
City	Tehachapi	Kern	0.009%		0.0073580%
City	Wasco	Kern	0.008%		0.0069861%
County	<i>Kings County</i>	Kings	0.293%		0.2413469%
City	Avenal	Kings	0.007%		0.0056335%
City	Corcoran	Kings	0.013%		0.0107032%
City	Hanford	Kings	0.027%		0.0226038%
City	Lemoore	Kings	0.016%		0.0131900%
County	<i>Lake County</i>	Lake	0.795%		0.6545389%
City	Clearlake	Lake	0.041%	0.050%	0.0426253%
City	Lakeport	Lake	0.021%	0.026%	0.0222964%
County	<i>Lassen County</i>	Lassen	0.319%	0.391%	0.3320610%
City	Susanville	Lassen	0.027%		0.0219295%
County	<i>Los Angeles County</i>	Los Angeles	13.896%	16.999%	14.4437559%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Agoura Hills	Los Angeles	0.005%		0.0040024%
City	Alhambra	Los Angeles	0.042%		0.0343309%
City	Arcadia	Los Angeles	0.033%		0.0267718%
City	Artesia	Los Angeles	0.001%		0.0005100%
City	Azusa	Los Angeles	0.026%		0.0210857%
City	Baldwin Park	Los Angeles	0.027%		0.0218520%
City	Bell	Los Angeles	0.008%		0.0068783%
City	Bellflower	Los Angeles	0.002%		0.0014485%
City	Bell Gardens	Los Angeles	0.014%		0.0114301%
City	Beverly Hills	Los Angeles	0.065%		0.0534897%
City	Burbank	Los Angeles	0.100%		0.0823132%
City	Calabasas	Los Angeles	0.006%		0.0048948%
City	Carson	Los Angeles	0.019%		0.0159805%
City	Cerritos	Los Angeles	0.005%		0.0039682%
City	Claremont	Los Angeles	0.010%		0.0082584%
City	Commerce	Los Angeles	0.000%		0.0002971%
City	Compton	Los Angeles	0.044%		0.0361882%
City	Covina	Los Angeles	0.028%		0.0229127%
City	Cudahy	Los Angeles	0.001%		0.0006020%
City	Culver City	Los Angeles	0.055%		0.0449894%
City	Diamond Bar	Los Angeles	0.001%		0.0006993%
City	Downey	Los Angeles	0.052%		0.0429994%
City	Duarte	Los Angeles	0.003%		0.0027261%
City	El Monte	Los Angeles	0.031%	0.038%	0.0318985%
City	El Segundo	Los Angeles	0.033%		0.0268020%
City	Gardena	Los Angeles	0.034%		0.0278088%
City	Glendale	Los Angeles	0.166%		0.1366586%
City	Glendora	Los Angeles	0.016%		0.0134411%
City	Hawaiian Gardens	Los Angeles	0.005%		0.0040549%
City	Hawthorne	Los Angeles	0.050%		0.0407833%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Hermosa Beach	Los Angeles	0.018%		0.0145307%
City	Huntington Park	Los Angeles	0.023%		0.0190667%
City	Inglewood	Los Angeles	0.059%		0.0489195%
City	La Cañada Flintridge	Los Angeles	0.003%		0.0025565%
City	Lakewood	Los Angeles	0.005%		0.0039971%
City	La Mirada	Los Angeles	0.010%		0.0081572%
City	Lancaster	Los Angeles	0.045%		0.0369689%
City	La Puente	Los Angeles	0.002%		0.0012999%
City	La Verne	Los Angeles	0.024%		0.0194190%
City	Lawndale	Los Angeles	0.002%		0.0017731%
City	Lomita	Los Angeles	0.004%		0.0031940%
City	Long Beach	Los Angeles	0.439%		0.3614151%
City	Los Angeles	Los Angeles	2.715%	3.321%	2.8218811%
City	Lynwood	Los Angeles	0.016%		0.0134345%
City	Malibu	Los Angeles	0.002%		0.0019269%
City	Manhattan Beach	Los Angeles	0.032%		0.0260686%
City	Maywood	Los Angeles	0.004%		0.0035528%
City	Monrovia	Los Angeles	0.031%		0.0254455%
City	Montebello	Los Angeles	0.030%		0.0250670%
City	Monterey Park	Los Angeles	0.031%		0.0256677%
City	Norwalk	Los Angeles	0.031%		0.0258228%
City	Palmdale	Los Angeles	0.046%		0.0375827%
City	Palos Verdes Estates	Los Angeles	0.006%		0.0053102%
City	Paramount	Los Angeles	0.011%		0.0091483%
City	Pasadena	Los Angeles	0.146%		0.1200524%
City	Pico Rivera	Los Angeles	0.022%		0.0183333%
City	Pomona	Los Angeles	0.111%		0.0911933%
City	Rancho Palos Verdes	Los Angeles	0.002%		0.0012645%
City	Redondo Beach	Los Angeles	0.062%		0.0506992%
City	Rosemead	Los Angeles	0.003%		0.0028260%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	San Dimas	Los Angeles	0.003%		0.0022016%
City	San Fernando	Los Angeles	0.013%		0.0104837%
City	San Gabriel	Los Angeles	0.018%		0.0147726%
City	San Marino	Los Angeles	0.009%		0.0073791%
City	Santa Clarita	Los Angeles	0.022%		0.0178167%
City	Santa Fe Springs	Los Angeles	0.031%		0.0257531%
City	Santa Monica	Los Angeles	0.158%		0.1298513%
City	Sierra Madre	Los Angeles	0.006%		0.0048646%
City	Signal Hill	Los Angeles	0.010%		0.0084884%
City	South El Monte	Los Angeles	0.005%		0.0039603%
City	South Gate	Los Angeles	0.020%		0.0166272%
City	South Pasadena	Los Angeles	0.012%		0.0095334%
City	Temple City	Los Angeles	0.005%		0.0039498%
City	Torrance	Los Angeles	0.112%		0.0919820%
City	Walnut	Los Angeles	0.006%		0.0047305%
City	West Covina	Los Angeles	0.049%		0.0404521%
City	West Hollywood	Los Angeles	0.013%		0.0108517%
City	Whittier	Los Angeles	0.032%		0.0260581%
County	Madera County	Madera	0.349%	0.427%	0.3630669%
City	Chowchilla	Madera	0.012%		0.0097332%
City	Madera	Madera	0.039%		0.0318441%
County	Marin County	Marin	0.564%	0.690%	0.5861325%
City	Larkspur	Marin	0.015%		0.0124697%
City	Mill Valley	Marin	0.020%		0.0168401%
City	Novato	Marin	0.028%		0.0229824%
City	San Anselmo	Marin	0.009%		0.0078062%
City	San Rafael	Marin	0.089%		0.0729823%
County	Mariposa County	Mariposa	0.084%	0.103%	0.0876131%
County	Mendocino County	Mendocino	0.439%	0.536%	0.4558394%
City	Ukiah	Mendocino	0.039%		0.0317153%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
County	<i>Merced County</i>	Merced	0.551%	0.674%	0.5724262%
City	Atwater	Merced	0.024%		0.0195846%
City	Livingston	Merced	0.006%		0.0045873%
City	Los Banos	Merced	0.020%		0.0165142%
City	Merced	Merced	0.061%		0.0500762%
County	<i>Modoc County</i>	Modoc	0.065%	0.080%	0.0678250%
County	<i>Mono County</i>	Mono	0.023%	0.029%	0.0242606%
County	<i>Monterey County</i>	Monterey	0.908%	1.111%	0.9437083%
City	Greenfield	Monterey	0.006%		0.0050552%
City	King City	Monterey	0.005%		0.0037355%
City	Marina	Monterey	0.017%		0.0144098%
City	Monterey	Monterey	0.041%		0.0336540%
City	Pacific Grove	Monterey	0.009%		0.0074842%
City	Salinas	Monterey	0.094%		0.0776576%
City	Seaside	Monterey	0.023%		0.0191772%
City	Soledad	Monterey	0.007%		0.0060870%
County	<i>Napa County</i>	Napa	0.288%	0.352%	0.2994325%
City	American Canyon	Napa	0.017%		0.0136869%
City	Napa	Napa	0.078%		0.0642783%
County	<i>Nevada County</i>	Nevada	0.441%	0.539%	0.4579827%
City	Grass Valley	Nevada	0.024%		0.0197805%
City	Truckee	Nevada	0.003%		0.0023843%
County	<i>Orange County</i>	Orange	4.364%	5.339%	4.5363576%
City	Aliso Viejo	Orange	0.014%		0.0113841%
City	Anaheim	Orange	0.554%	0.678%	0.5759282%
City	Brea	Orange	0.086%		0.0708897%
City	Buena Park	Orange	0.087%		0.0714352%
City	Costa Mesa	Orange	0.124%	0.152%	0.1288366%
City	Cypress	Orange	0.033%		0.0271937%
City	Dana Point	Orange	0.001%		0.0005560%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Fountain Valley	Orange	0.055%		0.0455980%
City	Fullerton	Orange	0.137%	0.168%	0.1425744%
City	Garden Grove	Orange	0.213%		0.1752482%
City	Huntington Beach	Orange	0.247%	0.302%	0.2568420%
City	Irvine	Orange	0.139%	0.170%	0.1442350%
City	Laguna Beach	Orange	0.047%	0.058%	0.0493043%
City	Laguna Hills	Orange	0.014%		0.0115457%
City	Laguna Niguel	Orange	0.001%		0.0007071%
City	Laguna Woods	Orange	0.001%		0.0006546%
City	La Habra	Orange	0.060%	0.073%	0.0621049%
City	Lake Forest	Orange	0.012%		0.0101249%
City	La Palma	Orange	0.012%		0.0095439%
City	Los Alamitos	Orange	0.008%		0.0069190%
City	Mission Viejo	Orange	0.014%		0.0117560%
City	Newport Beach	Orange	0.179%		0.1470134%
City	Orange	Orange	0.150%		0.1231320%
City	Placentia	Orange	0.029%	0.035%	0.0298912%
City	Rancho Santa Margarita	Orange	0.001%		0.0006296%
City	San Clemente	Orange	0.008%	0.010%	0.0086083%
City	San Juan Capistrano	Orange	0.008%		0.0065510%
City	Santa Ana	Orange	0.502%	0.614%	0.5213866%
City	Seal Beach	Orange	0.020%		0.0165891%
City	Stanton	Orange	0.035%		0.0291955%
City	Tustin	Orange	0.073%		0.0600341%
City	Westminster	Orange	0.104%	0.127%	0.1082721%
City	Yorba Linda	Orange	0.044%		0.0362223%
County	Placer County	Placer	1.045%	1.278%	1.0861002%
City	Auburn	Placer	0.017%		0.0141114%
City	Lincoln	Placer	0.031%		0.0255599%
City	Rocklin	Placer	0.076%		0.0625485%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Roseville	Placer	0.196%		0.1616559%
County	Plumas County	Plumas	0.205%	0.251%	0.2128729%
County	Riverside County	Riverside	4.534%	5.547%	4.7128296%
City	Banning	Riverside	0.017%		0.0143848%
City	Beaumont	Riverside	0.021%		0.0171135%
City	Blythe	Riverside	0.012%		0.0096714%
City	Canyon Lake	Riverside	0.000%		0.0001761%
City	Cathedral City	Riverside	0.067%		0.0553614%
City	Coachella	Riverside	0.021%		0.0173054%
City	Corona	Riverside	0.147%		0.1207083%
City	Desert Hot Springs	Riverside	0.024%		0.0200433%
City	Eastvale	Riverside	0.000%		0.0002747%
City	Hemet	Riverside	0.051%		0.0421792%
City	Indio	Riverside	0.056%		0.0457794%
City	Jurupa Valley	Riverside	0.001%		0.0008991%
City	Lake Elsinore	Riverside	0.021%		0.0172949%
City	La Quinta	Riverside	0.063%		0.0516732%
City	Menifee	Riverside	0.032%		0.0260909%
City	Moreno Valley	Riverside	0.137%		0.1130348%
City	Murrieta	Riverside	0.048%	0.059%	0.0497423%
City	Norco	Riverside	0.016%		0.0134542%
City	Palm Desert	Riverside	0.083%		0.0682465%
City	Palm Springs	Riverside	0.076%		0.0629862%
City	Perris	Riverside	0.009%		0.0076774%
City	Rancho Mirage	Riverside	0.052%		0.0431098%
City	Riverside	Riverside	0.268%		0.2206279%
City	San Jacinto	Riverside	0.010%		0.0085936%
City	Temecula	Riverside	0.022%		0.0180086%
City	Wildomar	Riverside	0.008%		0.0062500%
County	Sacramento County	Sacramento	3.797%	4.645%	3.9465887%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Citrus Heights	Sacramento	0.057%		0.0465312%
City	Elk Grove	Sacramento	0.130%		0.1066994%
City	Folsom	Sacramento	0.108%		0.0890850%
City	Galt	Sacramento	0.017%		0.0143704%
City	Rancho Cordova	Sacramento	0.008%		0.0067679%
City	Sacramento	Sacramento	0.721%	0.882%	0.7496530%
County	<i>San Benito County</i>	San Benito	0.106%	0.130%	0.1101417%
City	Hollister	San Benito	0.027%		0.0225355%
County	<i>San Bernardino County</i>	San Bernardino	3.259%	3.987%	3.3878124%
City	Adelanto	San Bernardino	0.008%		0.0066640%
City	Apple Valley	San Bernardino	0.025%		0.0207360%
City	Barstow	San Bernardino	0.015%		0.0122056%
City	Chino	San Bernardino	0.064%		0.0525893%
City	Chino Hills	San Bernardino	0.001%		0.0006388%
City	Colton	San Bernardino	0.031%		0.0253443%
City	Fontana	San Bernardino	0.112%		0.0920543%
City	Grand Terrace	San Bernardino	0.006%		0.0051051%
City	Hesperia	San Bernardino	0.035%		0.0291522%
City	Highland	San Bernardino	0.004%		0.0029061%
City	Loma Linda	San Bernardino	0.009%		0.0071188%
City	Montclair	San Bernardino	0.039%		0.0322108%
City	Ontario	San Bernardino	0.179%		0.1472934%
City	Rancho Cucamonga	San Bernardino	0.084%		0.0689431%
City	Redlands	San Bernardino	0.057%		0.0469150%
City	Rialto	San Bernardino	0.073%		0.0603206%
City	San Bernardino	San Bernardino	0.178%		0.1461880%
City	Twentynine Palms	San Bernardino	0.002%		0.0012605%
City	Upland	San Bernardino	0.052%		0.0424460%
City	Victorville	San Bernardino	0.033%		0.0269400%
City	Yucaipa	San Bernardino	0.016%		0.0128772%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Yucca Valley	San Bernardino	0.003%		0.0021228%
County	<i>San Diego County</i>	San Diego	5.706%	6.980%	5.9309748%
City	Carlsbad	San Diego	0.128%		0.1050485%
City	Chula Vista	San Diego	0.189%	0.231%	0.1961456%
City	Coronado	San Diego	0.044%		0.0359095%
City	El Cajon	San Diego	0.113%		0.0933582%
City	Encinitas	San Diego	0.061%	0.074%	0.0630289%
City	Escondido	San Diego	0.145%		0.1192204%
City	Imperial Beach	San Diego	0.014%		0.0118283%
City	La Mesa	San Diego	0.055%	0.068%	0.0575593%
City	Lemon Grove	San Diego	0.022%		0.0183911%
City	National City	San Diego	0.080%		0.0656808%
City	Oceanside	San Diego	0.213%		0.1753428%
City	Poway	San Diego	0.062%		0.0511040%
City	San Diego	San Diego	1.975%	2.416%	2.0531169%
City	San Marcos	San Diego	0.089%		0.0733897%
City	Santee	San Diego	0.033%		0.0268401%
City	Solana Beach	San Diego	0.017%		0.0138564%
City	Vista	San Diego	0.052%		0.0425144%
Consolidated	<i>San Francisco</i>	San Francisco	3.026%	3.702%	3.1457169%
County	<i>San Joaquin County</i>	San Joaquin	1.680%	2.055%	1.7460399%
City	Lathrop	San Joaquin	0.009%		0.0075394%
City	Lodi	San Joaquin	0.053%		0.0439484%
City	Manteca	San Joaquin	0.054%		0.0443454%
City	Ripon	San Joaquin	0.013%		0.0104219%
City	Stockton	San Joaquin	0.313%	0.383%	0.3256176%
City	Tracy	San Joaquin	0.084%		0.0692047%
County	<i>San Luis Obispo County</i>	San Luis Obispo	0.816%	0.999%	0.8484126%
City	Arroyo Grande	San Luis Obispo	0.024%		0.0199053%
City	Atascadero	San Luis Obispo	0.029%		0.0240680%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	El Paso de Robles (Paso Robles)	San Luis Obispo	0.043%		0.0353456%
City	Grover Beach	San Luis Obispo	0.017%		0.0137881%
City	Morro Bay	San Luis Obispo	0.020%		0.0160922%
City	San Luis Obispo	San Luis Obispo	0.077%		0.0637841%
County	<i>San Mateo County</i>	San Mateo	1.074%	1.313%	1.1159599%
City	Belmont	San Mateo	0.021%		0.0169860%
City	Burlingame	San Mateo	0.019%		0.0152537%
City	Daly City	San Mateo	0.044%		0.0363880%
City	East Palo Alto	San Mateo	0.013%		0.0103982%
City	Foster City	San Mateo	0.020%		0.0166101%
City	Half Moon Bay	San Mateo	0.004%		0.0031638%
City	Hillsborough	San Mateo	0.013%		0.0110029%
City	Menlo Park	San Mateo	0.015%		0.0126209%
City	Millbrae	San Mateo	0.013%		0.0105836%
City	Pacifica	San Mateo	0.016%		0.0130625%
City	Redwood City	San Mateo	0.056%		0.0463511%
City	San Bruno	San Mateo	0.021%		0.0172161%
City	San Carlos	San Mateo	0.013%		0.0108885%
City	San Mateo	San Mateo	0.052%		0.0425841%
City	South San Francisco	San Mateo	0.043%		0.0353943%
County	<i>Santa Barbara County</i>	Santa Barbara	1.132%	1.385%	1.1768968%
City	Carpinteria	Santa Barbara	0.001%		0.0008938%
City	Goleta	Santa Barbara	0.004%		0.0028969%
City	Lompoc	Santa Barbara	0.047%		0.0389379%
City	Santa Barbara	Santa Barbara	0.122%		0.1004559%
City	Santa Maria	Santa Barbara	0.058%		0.0479179%
County	<i>Santa Clara County</i>	Santa Clara	2.404%	2.941%	2.4987553%
City	Campbell	Santa Clara	0.014%		0.0112566%
City	Cupertino	Santa Clara	0.008%		0.0066824%
City	Gilroy	Santa Clara	0.025%		0.0202891%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Los Altos	Santa Clara	0.013%		0.0103338%
City	Los Gatos	Santa Clara	0.013%		0.0103220%
City	Milpitas	Santa Clara	0.036%		0.0298120%
City	Morgan Hill	Santa Clara	0.015%		0.0124619%
City	Mountain View	Santa Clara	0.041%		0.0334608%
City	Palo Alto	Santa Clara	0.039%		0.0323080%
City	San Jose	Santa Clara	0.294%	0.360%	0.3054960%
City	Santa Clara	Santa Clara	0.067%		0.0549723%
City	Saratoga	Santa Clara	0.004%		0.0034161%
City	Sunnyvale	Santa Clara	0.053%		0.0434069%
County	<i>Santa Cruz County</i>	Santa Cruz	0.783%	0.957%	0.8135396%
City	Capitola	Santa Cruz	0.020%		0.0168191%
City	Santa Cruz	Santa Cruz	0.143%		0.1180348%
City	Scotts Valley	Santa Cruz	0.015%		0.0126525%
City	Watsonville	Santa Cruz	0.063%		0.0520136%
County	<i>Shasta County</i>	Shasta	1.095%	1.339%	1.1380191%
City	Anderson	Shasta	0.024%		0.0198896%
City	Redding	Shasta	0.284%		0.2334841%
City	Shasta Lake	Shasta	0.004%		0.0031993%
County	<i>Siskiyou County</i>	Siskiyou	0.228%	0.279%	0.2373393%
County	<i>Solano County</i>	Solano	0.760%		0.6260795%
City	Benicia	Solano	0.031%		0.0253903%
City	Dixon	Solano	0.016%		0.0130849%
City	Fairfield	Solano	0.109%		0.0897317%
City	Suisun City	Solano	0.021%		0.0176183%
City	Vacaville	Solano	0.119%		0.0976497%
City	Vallejo	Solano	0.167%		0.1373644%
County	<i>Sonoma County</i>	Sonoma	1.218%	1.490%	1.2661290%
City	Healdsburg	Sonoma	0.032%		0.0266929%
City	Petaluma	Sonoma	0.081%		0.0667507%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Rohnert Park	Sonoma	0.041%		0.0340759%
City	Santa Rosa	Sonoma	0.184%		0.1519070%
City	Sonoma	Sonoma	0.022%		0.0183438%
City	Windsor	Sonoma	0.016%		0.0129298%
County	<i>Stanislaus County</i>	Stanislaus	1.722%		1.4182273%
City	Ceres	Stanislaus	0.041%		0.0340260%
City	Modesto	Stanislaus	0.217%		0.1788759%
City	Newman	Stanislaus	0.006%		0.0046964%
City	Oakdale	Stanislaus	0.018%		0.0145531%
City	Patterson	Stanislaus	0.015%		0.0126590%
City	Riverbank	Stanislaus	0.010%		0.0085699%
City	Turlock	Stanislaus	0.065%		0.0531966%
County	<i>Sutter County</i>	Sutter	0.306%	0.374%	0.3179548%
City	Yuba City	Sutter	0.074%		0.0606242%
County	<i>Tehama County</i>	Tehama	0.213%	0.261%	0.2216654%
City	Red Bluff	Tehama	0.014%		0.0117771%
County	<i>Trinity County</i>	Trinity	0.082%	0.101%	0.0855476%
County	<i>Tulare County</i>	Tulare	0.809%	0.990%	0.8410949%
City	Dinuba	Tulare	0.014%		0.0116929%
City	Exeter	Tulare	0.004%		0.0032479%
City	Farmersville	Tulare	0.003%		0.0027879%
City	Lindsay	Tulare	0.007%		0.0057111%
City	Porterville	Tulare	0.021%		0.0171845%
City	Tulare	Tulare	0.037%		0.0302273%
City	Visalia	Tulare	0.066%		0.0545872%
County	<i>Tuolumne County</i>	Tuolumne	0.486%	0.594%	0.5047621%
County	<i>Ventura County</i>	Ventura	2.192%	2.681%	2.2781201%
City	Camarillo	Ventura	0.002%		0.0012815%
City	Fillmore	Ventura	0.002%		0.0020294%
City	Moorpark	Ventura	0.008%		0.0067337%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Oxnard	Ventura	0.156%	0.190%	0.1617338%
City	Port Hueneme	Ventura	0.021%		0.0174145%
City	San Buenaventura (Ventura)	Ventura	0.085%		0.0702181%
City	Santa Paula	Ventura	0.014%		0.0119072%
City	Simi Valley	Ventura	0.065%		0.0533043%
City	Thousand Oaks	Ventura	0.022%		0.0179902%
County	<i>Yolo County</i>	Yolo	0.357%	0.437%	0.3713319%
City	Davis	Yolo	0.055%		0.0451747%
City	West Sacramento	Yolo	0.066%		0.0544321%
City	Woodland	Yolo	0.058%		0.0477904%
County	<i>Yuba County</i>	Yuba	0.214%	0.262%	0.2225679%
City	Marysville	Yuba	0.014%		0.0112079%

APPENDIX 2

Cost Reimbursement Procedure

1. Additional defined terms:

- a) *Costs* means the reasonable amounts paid for the attorney and other City Attorney and County Counsel staff time for individuals employed by a Plaintiff Subdivision at the contractual rate, inclusive of benefits and overhead, together with amounts paid for court reporters, experts, copying, electronic research, travel, vendors, and the like, which were paid or incurred (i) prior to July 21, 2021 in litigation against any Opioid Defendant and/or (ii) in negotiating and drafting this CA Distributor Allocation Agreement. Costs does not include attorneys' fees, costs, or expenses incurred by private contingency fee counsel. No part of the CA Abatement Accounts Fund will be used to reimburse Costs.
- b) *First Claims Date* means October 1, 2023 or when all applications for reimbursement of Costs, in whole or in part, from funds available under Section X and Exhibit R of the Distributor Settlement Agreement or Section XI and Exhibit R of the Janssen Settlement Agreement, have been finally determined under the provisions of those agreements, whichever comes first.
- c) *Special Master* means a retired judicial officer or former public lawyer, not presently employed or retained by a Plaintiff Subdivision, who will aggregate, review, and determine the reasonable Costs to be awarded to each Plaintiff Subdivision that submits a claim for reimbursement of Costs. The Special Master will be selected by a majority vote of the votes cast by Plaintiff Subdivisions, with each such subdivision having one vote.
- d) *Plaintiff Subdivision Committee* means the committee of Plaintiff Subdivisions that will review and approve the invoices submitted by the Special Master reflecting his or her reasonable time and expenses.

2. Cost Reimbursement to Plaintiff Subdivision

- a) Purpose. Substantial resources have been expended to hold Opioid Defendants accountable for creating and profiting from the opioid crisis, and this effort has been a significant catalyst in creating a National Opioid Settlement with Distributors, Johnson & Johnson, and others.
- b) Claims Procedure.
 - i. If a Plaintiff Subdivision is eligible to seek reimbursement of Costs, in whole or in part, from funds available under Section X or Exhibit R of the Distributor Settlement Agreement or Section XI or Exhibit R of the Janssen Settlement Agreement, it must first make a timely application for reimbursement from such funds. To allow sufficient time for determination of those applications, no claim for

Costs to the CA Subdivision Fund under this Agreement may be made before the First Claims Date.

- ii. A Plaintiff Subdivision that wishes to be reimbursed from the CA Subdivision Fund must submit a claim to the Special Master no later than forty-five (45) days after the First Claims Date. The Special Master will then compile and redistribute the aggregated claim totals for each Plaintiff Subdivision via email to representatives of all the Plaintiff Subdivisions. A claim for attorney and staff time must list, for each attorney or staff member included in the claim, the following information: name, title, total hours claimed, hourly rate (including, if sought, benefits and share of overhead), and narrative summarizing the general nature of the work performed by the attorney or staff member. For reimbursement of “hard” costs, the subdivision may aggregate across a category (e.g., total for travel costs). It is the intention of the Plaintiff Subdivisions that submission of documents related to reimbursement of Costs does not waive any attorney-client privilege or exemptions to the California Public Records Act.
- iii. The Special Master may request, at his or her sole option, additional documents or details to assist in the final award of Costs.
- iv. The Special Master will review claims for reasonableness and will notify each Plaintiff Subdivision of the final determination of its claim, and will provide a list of all final awards to all Plaintiff Subdivisions by email or, upon request, via First Class U.S. Mail. Any Plaintiff Subdivision may ask the Special Master to reconsider any final award within twenty-one (21) days. The Special Master will make a final determination on any such reconsideration request within thirty (30) days of receipt.
- v. Any decision of the Special Master is final and binding, and will be considered under the California Arbitration Act, Code of Civil Procedure section 1280 et seq. as a final arbitration award. Nothing in this agreement is intended to expand the scope of judicial review of the final award for errors of fact or law, and the Parties agree that they may only seek to vacate the award if clear and convincing evidence demonstrates one of the factors set forth in Code of Civil Procedure, section 1286.2, subdivision (a). Plaintiff Subdivisions will have fourteen (14) days after all final awards are made, together with any final determination of a request for reconsideration, to seek review in the Superior Court of California, pursuant to Code of Civil Procedure, section 1285, where the State has filed its Consent Judgment.
- vi. The Special Master will prepare a report of Costs that includes his or her fees and expenses at least ninety (90) days before the Payment Date for each Annual Payment. The Special Master’s preparation of a report of Costs does not discharge a Plaintiff Subdivision’s reporting requirement under Section V.B.2 of the Distributor Agreement.
- vii. A member of the Plaintiff Subdivision Committee, which is a CA Participating Subdivision, will submit to the Settlement Fund Administrator and the Distributors a

report of the fees and expenses incurred by the Special Master pursuant to Section V.B.2 of the Distributor Agreement.

c) Claims Priority and Limitation.

- i. The Special Master will submit invoices for compensation of reasonable fees and expenses to the Plaintiff Subdivision Committee no later than ninety (90) days prior to the Payment Date for each Annual Payment. The Plaintiff Subdivision Committee will promptly review and, if reasonable, approve the Special Master's invoice for compensation. The Plaintiff Subdivision Committee will submit approved invoices to the Settlement Fund Administrator for payment. The Special Master's approved invoices have priority and will be paid first from the CA Subdivision Fund before any award of Costs, subject to the limitation in Section 2.c.v below.
- ii. Final Awards of Costs that do not exceed seventy-five thousand dollars (\$75,000.00) will be paid next in priority after the Special Master's approved invoices.
- iii. Final Awards of Costs in excess of seventy-five thousand dollars (\$75,000.00) will be paid proportionally from the funds remaining in that year's Annual Payment.
- iv. Any claim for Costs that is not paid in full will be allocated against the next year's distribution from the CA Subdivision Fund, until all approved claims for Costs are paid in full.
- v. In no event will more than 50% of the total CA Subdivision Fund received in any year be used to pay Costs or the Special Master's approved invoices.
- vi. In no event shall more than \$28 million of the total CA Subdivision Funds paid pursuant to the Distributor Settlement Agreement and the Janssen Settlement Agreement be used to pay Costs.

d) Collateral Source Payments and Third-Party Settlement.

- i. In the event a Plaintiff Subdivision is awarded compensation, in whole or in part, by any source of funds created as a result of litigation against an Opioid Defendant for its reasonable Costs, it will reduce its claim for Costs from the CA Subdivision Fund by that amount. If a Plaintiff Subdivision has already received a final award of Costs from the CA Subdivision Fund, it will repay the fund up to the prior award of Costs via a payment to the Settlement Fund Administrator or notify the Settlement Fund Administrator that its allocation from the next and subsequent Annual Payments should be reduced accordingly. If the Plaintiff Subdivision is repaying any prior award of Costs, that repayment will occur as soon as is feasible after the Plaintiff Subdivision's receipt of Cost funds from the collateral source, but no more than 90 days after its receipt from the collateral source. The Settlement Fund Administrator will add any repaid Costs to the CA Subdivision Fund.

- ii. In the event a Plaintiff Subdivision reaches a monetary settlement or compromise against any Opioid Defendant outside of the National Opioid Settlement, the monetary portion of such settlement, net of fees paid to outside contingency fee counsel and of funds earmarked strictly for abatement, will be credited against its Costs and the subdivision will be ineligible to recover those credited Costs from the CA Subdivision Fund. Plaintiff Subdivisions negotiating monetary settlements or compromises against any Opioid Defendant outside of the National Opioid Settlement will negotiate for funds to repay any Costs it previously received from the CA Subdivision Fund or for Costs it otherwise might be eligible to claim from the CA Subdivision Fund. If such a settlement is paid after all final approved claims for Costs by all Plaintiff Subdivisions are satisfied in full, the settling subdivision will reimburse the CA Subdivision Fund in that amount by making payment to the Settlement Fund Administrator to add to the CA Subdivision Fund in a manner consistent with the repayments described in section 2.d.i above.

APPENDIX 3

CALIFORNIA-SUBDIVISION BACKSTOP AGREEMENT

On August 6, 2021, Judge Polster of the US District Court for the Northern District of Ohio issued an Order (the Order), docket number 3814, in In Re National Prescription Opiate Litigation, MDL 2804, addressing contingent attorney fee contracts between political subdivisions eligible to participate in the Distributors Settlement and their counsel.

In light of the Order, and at the request of [SUBDIVISION], the [SUBDIVISION], its counsel [COUNSEL], and the California Attorney General, on behalf of the State of California, are entering into this California-Subdivision Backstop Agreement (Backstop Agreement).

[SUBDIVISION] and [COUNSEL] intend this Backstop Agreement to constitute a State Back-Stop Agreement as that term is used in the Order and in Exhibit R (Agreement on Attorneys' Fees, Expenses and Costs) of the Distributor Settlement Agreement.

Pursuant to this Backstop Agreement, [SUBDIVISION] may, subject to the limitations of the Distributor Settlement Agreement and CA Distributor Allocation Agreement, as well as any other limitations imposed by law, use funds that it receives from the Distributor Settlement CA Subdivision Fund to pay a contingent fee to [COUNSEL]. Any such payment from [SUBDIVISION] to [COUNSEL], together with any contingency fees that [COUNSEL] may receive from the national Attorney Fee Fund, will not exceed a total contingency fee of [PERCENTAGE NOT TO EXCEED 15%] of the total gross recovery of [SUBDIVISION] from the Distributors Settlement.

[COUNSEL] certify that they first sought fees and costs from the Attorney Fee Fund created under the Distributor Settlement Agreement before seeking or accepting payment under this backstop agreement. [COUNSEL] further certify that they are not seeking and will not accept payment under this backstop agreement of any litigation fees or costs that have been reimbursed through prior settlements or judgments.

The Attorney General is executing this agreement solely because the definition of "State Back-Stop Agreement" in Exhibit R of the Distributor Settlement Agreement requires such agreements to be between "a Settling State" and private counsel for a participating subdivision. Neither the California Attorney General nor the State of California have any obligations under this Backstop Agreement, and this Backstop Agreement does not require the payment of any state funds to [SUBDIVISION], [COUNSEL], or any other party.

[DATE]

[SUBDIVISION SIGNATURE BLOCK]

[DATE]

[COUNSEL SIGNATURE BLOCK]

[DATE]

[ATTORNEY GENERAL SIGNATURE BLOCK]

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

Yes No

Governmental Entity: San Bernardino County	State: CA
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

SAMPLE

RESOLUTION NO. 7491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA CALIFORNIA AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH DISTRIBUTORS OF OPIOIDS, WALGREENS CO., WALMART, INC., AND CVS HEALTH CORPORATION/CVS PHARMACY INC., AND OPIOID MANUFACTURERS TEVA PHARMACEUTICAL INDUSTRIALS LTD., AND ALLERGAN FINANCE LLC/ALLERGAN LIMITED, AGREE TO THE TERMS OF THE STATE-SUBDIVISION AGREEMENTS, AND AUTHORIZE ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death, forcing the State of California and California counties and cities to spend billions of dollars each year to address the direct consequences of this crisis; and

WHEREAS, pending in the U.S. District Court for the Northern District of Ohio is a multidistrict litigation (“MDL”) being pursued by numerous public entity plaintiffs against the manufacturers and distributors of various opioids based on the allegation that the defendants’ unlawful conduct caused the opioid epidemic; and

WHEREAS on or about November 14, 2022, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and Walmart Inc. (“Walmart”); and

WHEREAS on or about November 22, 2022, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and Teva Pharmaceutical Industries Ltd. and all of its respective past and present direct or indirect parents, subsidiaries, divisions, affiliates, joint ventures, predecessors, successors, assigns, including but not limited to Teva Pharmaceuticals USA, Inc., Actavis LLC (f/k/a Actavis Inc.), Actavis Elizabeth LLC, Actavis Kadian LLC, Actavis Pharma, Inc. (f/k/a Watson

Pharma, Inc.), Actavis Kadian LLC, Actavis Laboratories UT, Inc. (f/k/a Watson Laboratories, Inc. – Utah), Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Laboratories FL, Inc. (f/k/a Watson Laboratories, Inc. – Florida), Actavis South Atlantic LLC, Warner Chilcott Company LLC, and Watson Laboratories, Inc., and Anda Inc. (collectively, “Teva”); and

WHEREAS on or about November 22, 2022, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and Allergan Finance, LLC (f/k/a Actavis, Inc., which in turn was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f/k/a Allergan plc, which, in turn, was f/k/a Actavis plc) (collectively, “Allergan”); and

WHEREAS, on or about December 9, 2022, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and CVS Health Corporation and CVS Pharmacy, Inc. and all of their past and present direct and indirect parent and subsidiaries (collectively, “CVS”); and

WHEREAS, on or about December 9, 2022, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and Walgreen Co. (“Walgreens”); and

WHEREAS, CVS, Teva, Walgreens, Walmart, and Allergan shall be referred in this Resolution as “Settling Defendants”; and

WHEREAS, as part of the settlements with the Settling Defendants, local subdivisions, including certain cities, that are not plaintiffs in the MDL may participate in the settlements in exchange for a release of the Settling Defendants; and

WHEREAS, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Master Settlement Agreements with the Settling

Defendants; and

WHEREAS, copies of the Master Settlement Agreements are on file with the City Clerk; and

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in California including to the State of California and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“California Opioid Funds”); and

WHEREAS, California local governments in the MDL have engaged in extensive discussions with the State Attorney General’s Office (“AGO”) as to how the California Opioid Funds will be allocated, which has resulted in the Proposed California State-Subdivision Agreements Regarding Distribution and Use of Settlement Funds (“Allocation Agreements”) from the settlements with the Settling Defendants; and

WHEREAS, the Allocation Agreements allocate the California Opioid Funds as follows: 15% to the State Fund; 70% to the Abatement Accounts Fund; and 15% to the Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlements shall be combined pursuant to the Allocation Agreements, and 15% of total from each settlement shall be allocated to the State of California (the “State of California Allocation”), 70% to the California Abatement Accounts Fund (“CA Abatement Accounts Fund”), and 15% to the California Subdivision Fund (“CA Subdivision Fund”); and

WHEREAS, under the Master Settlement Agreements, certain local subdivisions that did not file a lawsuit against the Settlement Defendants may qualify to participate in the settlements and obtain funds from the Abatement Account Fund; and

WHEREAS, the City is eligible to participate in the Settlement and become a CA Participating Subdivision; and

WHEREAS, the funds in the CA Abatement Accounts Fund (the 70% allocation) will be allocated based on the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804), as adjusted to reflect only those cities and counties that are eligible, based on population or litigation status, to become a CA Participating Subdivision (those above 10,000 in population). The percentage from the CA Abatement Accounts Fund allocated to each CA Participating Subdivision is set forth in Appendix 1 to the Allocation Agreements. The City's share of the CA Abatement Accounts Fund will be a product of the total in the CA Abatement Accounts Fund multiplied by the City's percentage set forth in Appendix 1 of the Allocation Agreements (the "Local Allocation"); and

WHEREAS, a CA Participating Subdivision that is a city will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision. The Local Allocation share for a city that is a CA Participating Subdivision will be paid to the county in which the city is located, unless the city elects to take a direct election of the settlement funds, so long as: (a) the county is a CA Participating Subdivision, and (b) the city has not advised the Settlement Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date; and

WHEREAS, it the intent of this Resolution is to authorize the City to enter into the Master Settlement Agreements with the Settling Defendants by executing the Participation Agreements and to enter into the Allocation Agreements by executing the signature pages to those agreements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein

by this reference.

SECTION 2. The City Manager is authorized to settle and release the City's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Allocation Agreements, including but not limited to taking the following measures:

1. The execution of the Participation Agreements with the Settling Defendants and any and all documents ancillary thereto.
2. The execution of the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds with the Settling Defendants by executing the signature pages to those Allocation Agreements.
3. Notify the Settlement Fund Administrator that the City requests a direct payment under the Allocation Agreements at least 60 days prior to the Payment Date in the Settlement Agreements.

SECTION 3. CEQA. That the City Council finds this Resolution is not subject to the California Environmental Quality Act ("CEQA") in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved and adopted this 4th day of April, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney



STAFF REPORT

Public Works Services Department

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Paul Cramer, Public Works Services Director
By: Tiffany Lee, P.E., Senior Civil Engineer

SUBJECT: CONTRACT WITH GENERAL PUMP COMPANY, INC. FOR THE INSPECTION AND REHABILITATION OF THE ORANGE GROVE WELL 5 PROJECT IN THE AMOUNT OF \$289,400

CEQA: Exempt

Recommendation: Approve

SUMMARY

The Public Works Services Department's ("PWSD") water well management program provides preventative maintenance to the City's water supply wells. The City has 11 active wells that are video-inspected and rehabilitated once every seven to 10 years to ensure well performance and reduce the possibility of unexpected mechanical failure. The inspection and rehabilitation of Orange Grove Well 5 is recommended for Fiscal Year 2022-23. To ensure the City is receiving the most competitive prices and quality service for this work, a formal bid was conducted, and General Pump Company, Inc. submitted a responsive bid within the City's budget.

It is recommended that the City Council approve, authorize, and direct the City Manager to execute a contract with General Pump Company, Inc. for the inspection and rehabilitation of the Orange Grove Well 5 Project, in the amount of \$289,400.

BACKGROUND

The City operates and maintains 11 groundwater wells, which produce an average of 14,000 acre-feet for Arcadia customers each year. Regular inspection and maintenance of the City wells is crucial to ensuring that the wells are operating at maximum production capacity and efficiency.

The American Water Works Association ("AWWA") is a nonprofit organization that develops and publishes standards for the proper treatment, transportation, and storage of drinking water supplies. The AWWA Standards for Water Supply Wells recommend performing preventative maintenance every seven to 10 years. This includes removing the well pump assembly, video inspecting the pump casing, and performing a

comprehensive inspection of the well pump assembly and components. The PWSD has developed a water supply well inspection and rehabilitation program that follows these guidelines. Each year, one to two wells are selected for preventative maintenance based on the date of last inspection, maintenance records, and the current well efficiency. Preventative maintenance performed on the City's water supply wells protects against higher emergency repair costs and reduces the likelihood of insufficient supply should a water supply well become inoperable for an extended period of time. The Fiscal Year 2022-23 Capital Improvement Program included the inspection and rehabilitation of Orange Grove Well 2A; however, Orange Grove Well 5 became non-operational due to mechanical failure. Therefore, it was determined that for Fiscal Year 2022-23, the City would inspect and rehabilitate Orange Grove Well 5 before Orange Grove Well 2A (see attached Project Location Map).

Orange Grove Well 5 was drilled in 1963 and the last time preventative maintenance was performed was in 2012. The well is part of a group of four wells that supply water from the Santa Anita Subarea of the Raymond Groundwater Basin. The well has been rehabilitated multiple times during its operational life. The production of Orange Grove Well 5 is significantly below its optimum performance due to the build-up of mineral deposits on the well casings and the wear and tear on the pump components. Orange Grove Well 5 will be video inspected and rehabilitated. The rehabilitation of Orange Grove Well 5 will improve efficiency, production capacity, and will protect against an unplanned outage.

DISCUSSION

A Notice Inviting Bids was published in the City's adjudicated newspaper and bid packages were distributed to contractors that perform this type of work. The City Clerk received one sealed bid on March 14, 2023, with the following result:

Bidder	Location	Bid Amount
General Pump Company, Inc.	San Dimas, CA	\$ 289,400

Although the notice inviting bids was sent to various contractors that provide this type of work and was published in the City's adjudicated newspaper and on the City's website, only one bid was received. Staff contacted several contractors that received the notice inviting bids to find out why they did not submit a bid. The response received was that they are currently very busy and have prioritized other projects. Furthermore, the scope of work required as part of this project is very specialized; as such, there are not many contractors that perform this work. After careful review and consideration, it was determined that General Pump Company, Inc. submitted a responsive bid and is qualified to complete the project as defined in the bid documents. General Pump Company, Inc. has successfully completed preventative maintenance on City of Arcadia wells previously,

and has completed similar projects for the Cities of Chino Hills, Monterey Park, Pasadena, Santa Monica, Anaheim, Fountain Valley, and Santa Ana.

ENVIRONMENTAL ANALYSIS

This well inspection and rehabilitation project is considered a Class 1 exemption as defined in Section 15301(b) of the California Environmental Quality Act, since the project consists of the maintenance of an existing public facility providing public utility service.

FISCAL IMPACT

Funds in the amount of \$350,000 are budgeted in the Fiscal Year 2022-23 Capital Improvement Program for inspection and rehabilitation of Orange Grove Well 2A. Due to a mechanical failure at Orange Grove Well 5, it was determined that Orange Grove Well 5 will be inspected and rehabilitated before Orange Grove Well 2A. The total project cost to inspect and rehabilitate Orange Grove Well 5 is \$289,400. Sufficient funds are available for this project this fiscal year and the Orange Grove Well 2A Inspection and Rehabilitation Project will be re-programmed in Fiscal Year 2023-24.

RECOMMENDATION

It is recommended that the City Council determine that this project is exempt per Section 15301(b) of the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to execute a contract with General Pump Company, Inc. for the inspection and rehabilitation of the Orange Grove Well 5 Project in the amount of \$289,400.

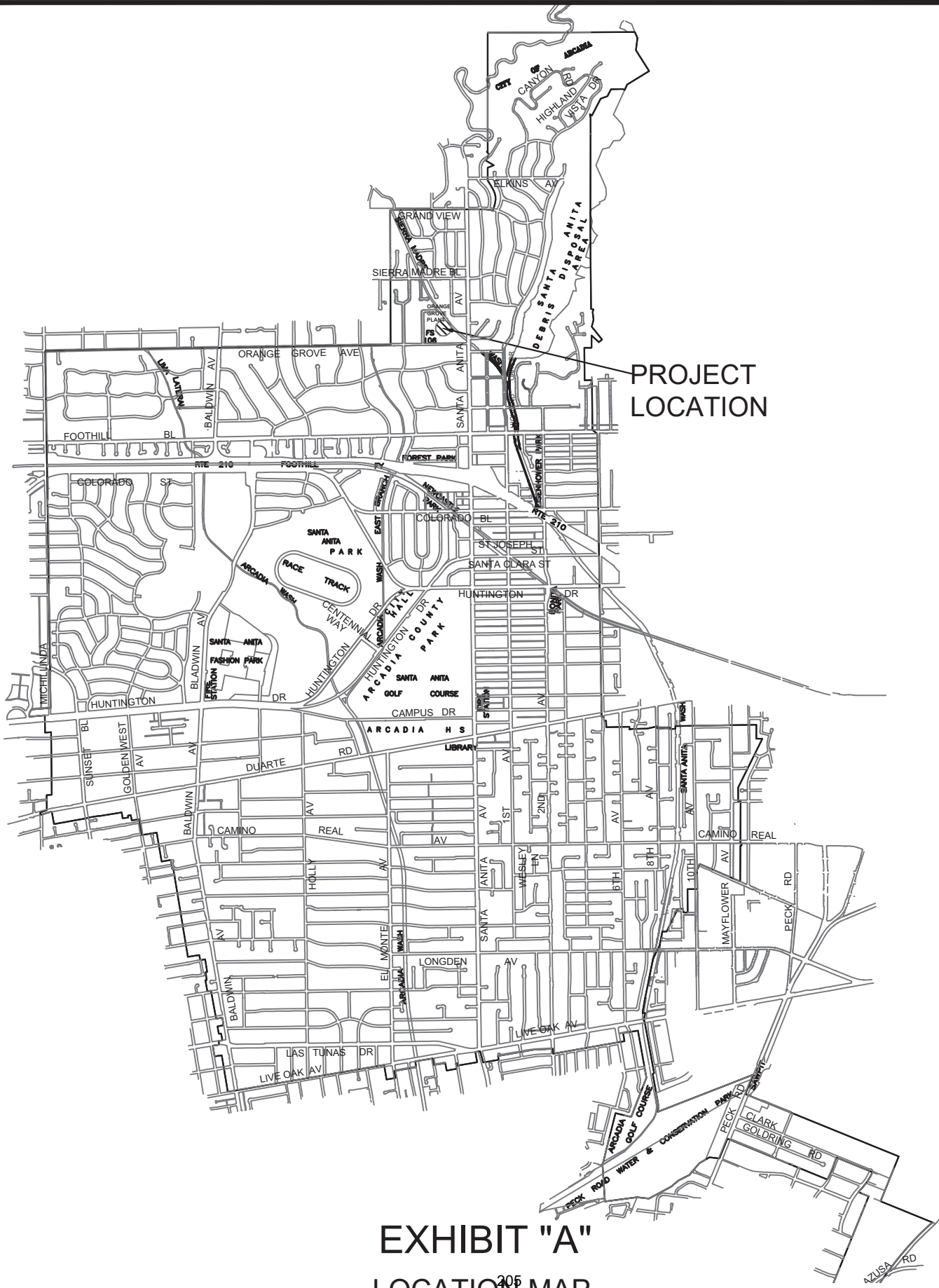
Approved:



Dominic Lazzaretto
City Manager

Attachments: Exhibit "A" - Project Location Map
Proposed Contract

Well Inspection and Rehabilitation of
Orange Grove Well 5 Project
Project No.: 72863623



PROJECT
LOCATION

EXHIBIT "A"
LOCATION MAP
NOT TO SCALE

CITY OF ARCADIA

**WELL INSPECTION AND REHABILITATION OF
ORANGE GROVE WELL 5 PROJECT
PROJECT NO. 72863623**

CONTRACT

**BETWEEN
CITY OF ARCADIA
AND
GENERAL PUMP COMPANY, INC.**

**CONTRACT FOR THE
CITY OF ARCADIA**

This CONTRACT, No. _____ is made and entered into this ____ day of _____, _____, by and between City of Arcadia, sometimes hereinafter called "City," and **General Pump Company, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

A. SCOPE OF WORK. The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Well Inspection and Rehabilitation of Orange Grove Well 5 Project / Project No. 72863623

The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

B. TIME FOR COMPLETION. Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **NINETY (90) CALENDAR DAYS** calendar days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

C. CONTRACT PRICE. The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **TWO HUNDRED EIGHTY-NINE THOUSAND, FOUR HUNDRED DOLLARS AND NO CENTS (\$289,400.00)**. Payment shall be made as set forth in the General Conditions.

D. LIQUIDATED DAMAGES. In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum set forth in Special Conditions, Article 1.11 for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

E. COMPONENT PARTS OF THE CONTRACT. The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor Registration Certification

Performance Bond
Payment (Labor and Materials) Bond
General Conditions
Special Conditions
Technical Specifications
Addenda
Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Approved and fully executed change orders
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

F. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE. Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

G. INDEMNIFICATION. Contractor shall provide indemnification and defense as set forth in the General Conditions.

H. PREVAILING WAGES. Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Administrative Office or may be obtained online at dir.ca.gov and which must be posted at the job site.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ARCADIA

GENERAL PUMP COMPANY, INC.

By: _____
Dominic Lazzaretto
City Manager

By: _____
Signature

Print Name and Title

Attest:

By: _____
City Clerk

By: _____
Signature

Print Name and Title

Approved as to Form:

Michael J. Maurer
City Attorney



STAFF REPORT

Public Works Services Department

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Paul Cranmer, Public Works Services Director
By: Carmen Masud, Deputy Public Works Services Director

SUBJECT: PURCHASE ORDER WITH SOUTH COAST LIGHTING & DESIGN FOR THE PURCHASE OF 6.6 SERIES STREETLIGHT TRANSFORMERS IN THE AMOUNT OF \$87,600.24

CEQA: Exempt

Recommendation: Approve

SUMMARY

The City of Arcadia's street lighting system is comprised of over 3,900 Southern California Edison ("SCE") and City owned streetlights. There are about 400 City owned streetlights that use an outdated design concept called 6.6 Series streetlights. Replacement parts to maintain the 6.6 Series streetlights are no longer available. The Public Works Services Department ("PWSD") located a vendor that specializes in maintaining 6.6 Series streetlights and that manufactured an isolation transformer, which significantly increases the reliability of the system.

It is recommended that the City Council approve a sole source purchase order with South Coast Lighting & Design for the purchase of 6.6 amp isolation transformers in the amount of \$87,600.24.

BACKGROUND

The City of Arcadia owns and maintains approximately 400 6.6 Series streetlights located in three areas of the City (Santa Anita Oaks, Rancho Santa Anita, and Santa Anita Village). These 6.6 Series streetlights are wired using a method referred to as "series wiring" and can no longer be maintained due to the inability to obtain replacement parts. The basis of this system is that if one light fails along the series, the entire circuit goes dark, much like traditional holiday lights. Rewiring the entire 6.6 Series circuit system into a modern parallel lighting system would cost about \$6 million. For this reason, the PWSD has been looking for ways to prolong the life span of the 6.6 Series streetlights. To do so, many of the 6.6 Series streetlights were retrofitted using a ballast-type kit to convert incandescent lamps into high-pressure sodium lamps. However, these kits can no longer

be used because they draw too much power from SCE's transformer. When too many high-pressure sodium ballast kits are installed, they overload the transformer, causing the streetlights to malfunction. The PWSD discovered that this is occurring now at the Altura/Panorama feed point. Recent isolation transformer technology can convert these series circuits into parallel circuits at the light pole, which enables the use of low wattage LED lamps. The LED lamps consume much less power than high-pressure sodium ballast retrofit kits that have been utilized. To test this new technology, in 2018, the PWSD organized a 6.6 Series streetlight retrofit pilot project and upgraded 63 streetlights with isolation transformers and LED lamps. This effort restored power to many streetlights that were not working.

DISCUSSION

There are 104 high-pressure sodium streetlights on Altura Road that are currently not working because these streetlights are drawing too much power from SCE's transformer. The new isolation transformers manufactured by OV20 Systems, LLC were specifically designed to reduce the amperage to match SCE's electrical output. Previously the PWSD was able to install a few OV20 System, LLC, isolation transformers to restore 6.6 Series streetlights that went out; the PWSD has found that all 104 streetlights in the Altura/Panorama feed point need to be replaced with OV20 Systems isolation transformers to restore lighting. The OV20 Systems isolation transformer will be used to repair the 6.6 ampere 2500-volt 6.6 Series lights that are currently non-operational. The isolation transformers manufactured by OV20 Systems, LLC are a proprietary design product that cannot be obtained from an alternative vendor. There are currently no other products available that perform a similar function as the OV20 System isolation transformers. South Coast Lighting & Design is the exclusive distributor of this product. Therefore, it is recommended that the City Council approve a sole source purchase order with South Coast Lighting & Design for the purchase of the isolation transformers.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

Each isolation transformer costs \$764. The total cost for the purchase of 104 units, including tax and delivery charges is \$87,600.24. Sufficient funds are available in the Department's Fiscal Year 2022-23 Lighting District Operating Budget for the purchase of the isolation transformers.

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project, and therefore, is exempt under the California Environmental Quality Act ("CEQA"); and approve a Purchase Order with South Coast Lighting & Design for the purchase of 6.6 Series Streetlight Transformers in the amount of \$87,600.24.

Approved:



Dominic Lazzaretto
City Manager



STAFF REPORT

Public Works Services Department

DATE: April 4, 2023

TO: Honorable Mayor and City Council

FROM: Paul Cranmer, Public Works Services Director
By: John Corona, Utilities Superintendent

SUBJECT: PURCHASE ORDER WITH CORE & MAIN FOR PAYMENT OF PURCHASED AMI RADIO-READ WATER METERS FOR THE CITY'S ANNUAL METER REPLACEMENT PROGRAM IN THE AMOUNT OF \$298,390.54

CEQA: Exempt
Recommendation: Approve

SUMMARY

As part of the Annual Meter Replacement Program, the Public Works Services Department ("PWSD") Warehouse maintains a supply of water meters for the Utilities Section. On August 3, 2021, the City Council awarded a purchase order to Core & Main for the purchase of AMI radio-read water meters and an order was placed with Core & Main on March 9, 2022. Due to COVID-19 pandemic production delays, the complete meter order was not received until the end of 2022. This purchase order will satisfy payment of the water meters purchased on March 9, 2022.

It is recommended that the City Council approve a purchase order with Core & Main for the purchase of AMI radio-read water meters for the City's Annual Meter Replacement Program in the amount of \$298,390.54.

BACKGROUND

The Annual Meter Replacement Program was created to replace manually read water meters with new meters that are capable of being read via radio frequency. In the Fiscal Year 2021-22 budget, the City had a formal contract with Core & Main for the purchase of AMI Master Meters for the Annual Meter Replacement Program. On March 9, 2022, City Staff placed an order for 700 AMI Master Meters and 50 Octave Meter Encoder Modules with Nicor cables. Due to manufacturing delays resulting from the COVID-19 pandemic, delivery of these meters was substantially delayed.

On May 11, 2022, City staff received a letter informing all Master Meter customers that beginning June 1, 2022, Hydropro Solutions would become the exclusive distributor for

Master Meter. This necessitated a change order to the water meter purchase order to reflect this unforeseen change in distributors from Core & Main to Hydropro Solutions. This resulted in the closure of the purchase order with Core & Main. The remaining funds which had been dedicated to Core & Main for the meter order purchase from March 9, 2022, were requested to be rolled over into the next fiscal budget year in order to pay for the meters that had been ordered, but had not yet been delivered. All future water meter purchases will be exclusively fulfilled by Hydropro Solutions.

On November 17, 2022, the shipment of 700 AMI Master Meters, and 50 Octave Meter Encoder Modules with Nicor cables was delivered to the Public Works Warehouse. Payment is now due to Core & Main for these meters that had been ordered over a year ago. Due to the closure of the purchase order with Core & Main on June 1, 2022, City Staff is requesting to open a new purchase order with Core & Main to pay for the shipment of meters received on November 17, 2022. This will be a one-time payment for the backordered meters from March 9, 2022, and sufficient funds are available for this purchase.

DISCUSSION

Due to an excessive delay in meter production and delivery, as well as the change in distribution sources from Core & Main to Hydropro Solutions, City Staff evaluated all options as they pertained to the meter order from March 9, 2022. The evaluation is as follows:

- The AMI water meters delivered on November 17, 2022, came preprogrammed to the City's specific frequency for radio reading which means they are available and ready to be installed into the City's water distribution system immediately. To return the water meters to Core & Main, instead of requesting a new purchase order, would cost the City a 25% restocking fee based on the original purchase price.
- The 700 AMI meters and 50 Octave meters would need to be repurchased which would come at an additional cost as the price of water meters has significantly increased within the last 6 months.

It has been determined from the evaluation that the issuance of a new purchase order to Core & Main for payment of the March 9, 2022, order would be the most cost-effective resolution, and prevent further delays in the Annual Meter Replacement Program.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

FISCAL IMPACT

Funds in the amount of \$298,390.54 have been reserved in the Fiscal Year 2021-22 Capital Improvement Program and will be used for payment to Core & Main for the 700 AMI Master Meters and 50 Octave meters as outlined in the water meter replacement program.

By issuing a new purchase order to Core & Main in order to fulfill payment for the March 9, 2022, purchase enables the City to avoid a 25% restocking fee that would result from returning the meters. Further, this purchase order enables the City to retain the meters at the original purchase price, which comes at a savings as compared to the current market rate price for these meters.

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project and is, therefore, exempt under the California Environmental Quality Act (“CEQA”); and approve a Purchase Order with Core & Main for payment of purchased AMI radio-read water meters for the City’s Annual Meter Replacement Program in the amount of \$298,390.54.

Approved:



Dominic Lazzaretto
City Manager