



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: AUGUST 16, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS / CITY ENGINEER
PREPARED BY: REGINA HU, P.E., PRINCIPAL CIVIL ENGINEER

SUBJECT: APPROVAL OF ADMINISTRATIVE ENCROACHMENT PERMIT AGREEMENT WITH THE PROPERTY OWNER OF 4858 MAIN STREET

RECOMMENDATION

It is recommended that the City Council:

1. Allow certain parkway culvert and grease interceptor to be constructed and used within the City public right-of-way at the subject address; and
2. Authorize the City Manager to execute the proposed Administrative Encroachment Permit Agreement containing covenants affecting real property with the owner of the property located at 4858 Main Street, Yorba Linda, CA.

BACKGROUND

The owner (Longball Investments, LLC.) of the property located at 4858 Main Street, Yorba Linda, CA has requested certain elements of his site (parkway culvert and grease interceptor) to be constructed, installed, maintained, and used within the City public right-of-way along Arroyo Way at the northwest intersection of Main Street (Attachment 1 – Vicinity Map).

The existing 3,820 square foot office building located at 4858 Main Street is currently vacated, located north of Yorba Linda Boulevard, south of Lemon Drive, and east of Olinda Street in the Town Center Specific Plan (TCSP) zone (APN: 323-324-15 and 323-324-16). Longball Investments, LLC. with Matt Luke (owner) is requesting conversion of the office building space into a shared office building (for real estate proposes) and proposed restaurant (café/bistro) with a new 729 square foot outdoor dining area. The owner is also requesting an alcoholic beverage license to permit the sale of beer, wine, and distilled spirits for on-site consumption in conjunction with the serving of food.

In 2011, the City Council adopted the Town Center Specific Plan (TCSP) establishing the framework and vision for the Town Center Plan Area. The Plan Area, which serves as the community core, is bound by Imperial Highway to the west, Yorba Linda Boulevard to the south, Lakeview Avenue to the east and Lemon Drive to the north. Within the TCSP there

are four districts: Historic Town Center; Town Center Commercial; Multi-family; and Civic/Cultural Arts and Public Facilities. The project site addressed as 4858 Main Street is located within the Historic Town Center.

The Historic Town Center is the heart of Yorba Linda. It serves as the primary shopping destination in downtown and aims to energize the downtown through the provision of high-quality retail shopping, dining, and entertainment activities. The intent of the Historic Town Center District is to retain and build upon the existing historic character of Main Street while providing an energized downtown.

In 2017, the City obtained a 19-foot wide easement for roadway purposes to create synergy and a cohesive Town Center, now formally named “Arroyo Way,” to connect the retail center to the Main Street businesses. The newly constructed Arroyo Way provides a necessary east-west connector for improved circulation between the Historic Town Center District and the Town Center Commercial District pursuant to the circulation element of the TCSP.

The restaurant received design review and conditional use permit approvals from the Planning Commission on July 13, 2022. As part of those approvals, the applicant was conditioned to obtain an encroachment permit and satisfy other requirements of the City for all proposed improvements within the City right-of-way. The applicant requests the following improvements and uses within the City right-of-way:

1. Grease Interceptor within Arroyo Way to be approved by the City, due to space limitations within restaurant and outdoor patio.
2. Parkway culvert on Arroyo Way underneath sidewalk.
3. Various building overhangs along Arroyo Way and Main Street from awnings and siding.

DISCUSSION

Staff has evaluated the request and the potential impacts to the City’s right-of-way and finds that the proposed improvements and uses will not introduce a significant impact to the roadway easement, specifically the public sidewalk and Arroyo Street travel-way, or its intended uses. The proposed improvements within the roadway easement are minor obstructions that do not significantly impact the vehicular or pedestrian circulation or enjoyment of the public sidewalk and will still be in compliance with ADA requirements and drivability once the improvements are implemented.

The location of the grease interceptor has been discussed with City staff, owner, and adjacent neighbors who may have concerns with odor. As adjacent neighbors all have their own grease interceptors to maintain, the proposed grease inceptor for 4858 Main Street is strategically located away from other eateries yet enables City to accommodate future underground utilities on the north side of Arroyo Way.

The attached agreement (Attachment 2 including exhibit of encroaching areas) highlights

the owner's responsibilities moving forward. If approved, the agreement stipulates that the owner shall not allow any of the improvements or any persons constructing, installing, maintaining, using, repairing, replacing, or removing said improvements to (1) functionally obstruct or impair in any way vehicular or pedestrian travel or visibility on and along the City right-of-way, as determined by the City Engineer, (2) restrict transit and public services, including but not limited to loading zones, bus stops, public phones and benches, (3) obstruct building entryways, (4) obstruct handicapped accessibility. Furthermore, the agreement requires owner to maintain the subject area in good condition and maintain the immediate area in a neat, tidy, and clean condition, free of any refuse and debris.

Though there is a City Council policy in place to address such permanent encroachments, an encroachment agreement was deemed appropriate in this case given the need to memorialize the more stringent ongoing maintenance and up-keep responsibilities of the owner. Furthermore, given the specific use, as approved by the Planning Commission on July 13, 2022, of this current property owner, which could potentially change in the far future, a street vacation of the subject area is not recommended.

FISCAL IMPACT

There is no direct fiscal impact associated with the approval of the proposed agreement. If the proposed grease interceptor is not properly maintained by the owner, the City will perform maintenance and invoice owner for expenses plus an additional 15% to cover the City's administrative costs.

ALTERNATIVES

The City Council could impose additional requirements to the agreement on the owner. However, staff has reviewed the minor impacts to the public right-of-way and has found that the agreement adequately addresses those impacts in a manner that allows for the intended public use of the subject encroachment areas.

ATTACHMENTS

Attachment 1 - Vicinity Map

Attachment 2 - Agreement Containing Covenants Affecting Real Property -
(Administrative Encroachment Permit)
