

**CITY OF LAGUNA BEACH  
DRAFT PRELIMINARY ENGINEER'S REPORT  
ASSESSMENT DISTRICT NO. 2013-2  
(DIAMOND STREET UTILITY UNDERGROUNDING)**

**DATED: JULY 28, 2022  
REVISED: OCTOBER 10, 2022**

**RESOLUTION OF INTENT MEETING: August 16, 2022  
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Prepared By



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CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

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The undersigned respectfully submits the enclosed report and Assessment Diagram as directed by the City Council.

Date: \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tyrone Peter, P.E.  
Willdan  
Assessment Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of the City Council,  
City of Laguna Beach, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council for the City of Laguna Beach, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of the City Council,  
City of Laguna Beach, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was recorded in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
City Engineer (Superintendent of Streets),  
City of Laguna Beach, California

**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

Willdan, Assessment Engineer for the City of Laguna Beach Assessment District No. 2013-2 (Diamond Street Utility Undergrounding) (the “District”), writes this report, as prescribed by the City Council of the City of Laguna Beach (the “City”) in accordance with the Resolution of Intention, Resolution No. 22-068, and pursuant to the terms and provisions of Article XIID of the California Constitution, the Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the California Government Code), and the Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code).

**GENERAL DESCRIPTION OF THE ASSESSMENT DISTRICT**

The District’s proposed boundary originally included 18 parcels located along Diamond Street and Crestview Drive in the City. Following review of the utility design, a field survey of the proposed properties to be included in the District, and the application of the assessment methodology, the boundaries have been revised to include 21 parcels. The boundaries of the District are identified on the Boundary Map and Assessment Diagram attached herein as Exhibit E.

**BACKGROUND**

The subject territory is located within the City of Laguna Beach (“City”). The City received a petition from property owners within the proposed District to consider undergrounding the existing overhead utilities (i.e. electric, telephone, and cable) within their respective neighborhood. The petition was signed by property owners representing more than 60% of the affected properties within the boundaries of the District as proposed at the time.

City staff requested the utility companies to complete the design work to determine the cost for undergrounding overhead utilities and has retained Willdan as Assessment Engineer for the formation of the proposed District.

**DESCRIPTION OF WORK**

The following is a description of the planned improvements for the entire District.

A. Undergrounding of Overhead Utility Lines along Public Right-of-Ways

The undergrounding of overhead utility lines within the boundaries of the District may include, but is not limited to, the acquisition of property, trenching, installing the new utility vaults needed to receive the conduits, transformers, laying the conduit lines into the trenches, backfill, re-paving the trenches, switching private services to the underground system, and removing the existing overhead poles, connectors, transformers, and wires. The utilities to be undergrounded include power lines owned by Southern California Edison and communication lines owned by Frontier Communications and Cox Communications.

The proposed undergrounding of electric and communication improvements to be constructed are within public right-of-way, and/or easements owned by the serving utility.

#### B. Private Connections

Upon completion of the undergrounding improvements within the proposed District, all property owners will be required, at their expense, to connect to the newly undergrounded services. Properties with existing underground service connections will not incur this cost again unless Southern California Edison is not able to reconnect the existing underground services due to deterioration or substandard condition of the meter and/or service. The existing underground service connections will be intercepted and connected in place. This does not automatically exclude a parcel from being assessed for the improvements. If the Assessment Engineer determines that the parcel will benefit from the removal of overhead utilities and the installation of undergrounded utilities, an assessment will be recommended.

### **BONDS**

Bonds representing unpaid assessments and bearing interest at a rate not-to-exceed twelve percent (12%) per annum may be issued in the manner provided by the Improvement Bond Act of 1915 (commencing with Section 8500 of the California Streets and Highways Code), and the last installment of the bonds shall mature not-to-exceed thirty-nine (39) years from the second day of September next succeeding twelve (12) months from the bond issuance date. As an alternative, at its discretion, the City may elect to directly purchase a bond representing the amount necessary to finance the undergrounding of the utilities and related costs or obtain a loan from available City funds.

### **EXHIBITS**

This report includes the following attached exhibits:

EXHIBIT A - Plans and specifications for improvements to be constructed. Detailed plans and specifications of the facilities and work to be performed have been prepared by and are on file with the City. These plans and specifications are referenced herein and are made part of this report.

EXHIBIT B - An estimate of the cost of the improvements.

EXHIBIT C - An assessment roll, showing the amount to be assessed against each parcel of real property within the District, an Assessor's Parcel Number and a corresponding "assessment number" identifying each parcel for the purposes of this proceeding.

EXHIBIT D - A statement of the method by which the Assessment Engineer determined the amount to be assessed against each parcel based on the special benefits to be derived by each parcel, respectively, from the improvements.

EXHIBIT E - A Boundary Map showing all of the parcels of real property within this District.

EXHIBIT F - Proposed maximum annual administrative cost per parcel.

EXHIBIT G - Right-of-way certificate.

EXHIBIT H - A listing showing public property that will be included within the District.

EXHIBIT I - Images showing the obstruction of Ocean Views that will be removed as part of the Project.

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**EXHIBIT A - PLANS AND SPECIFICATIONS**

PLANS AND SPECIFICATIONS

The plans and specifications for the improvements for this District include trenching, installing the new utility vaults needed to receive the conduits and transformers, laying the conduit lines into the trenches, re-paving the trenches, and removing the existing overhead poles, connectors, transformers, and wires. This includes power lines owned by Southern California Edison and communication lines owned by Frontier Communications and Cox Communications. The detailed plans of the improvements are voluminous and will not be bound to this report, but by this reference are incorporated as if attached to this report. The plans and specifications are available for public inspection in the office of Public Works.

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**EXHIBIT B – COST ESTIMATE**

<b>CONSTRUCTION COSTS</b>	<u><b>Awarded Bid</b></u>
<b>Joint Trench Construction Costs</b>	
Construction Costs	\$1,328,602.28
Construction Contingency (10%)	132,860.23
<b>Utility Cost</b>	
City of Laguna Beach Street Lighting	25,046.00
Southern California Edison *	158,222.00
Frontier	56,473.76
Cox Communications	44,800.00
Utility Cost Contingency	<u>30,000.00</u>
<b>Total Construction Costs:</b>	<b>\$1,776,004.27</b>
 <b>INCIDENTAL EXPENSES</b>	
Assessment Engineering *	\$41,890.00
Surveying	5,000.00
Construction Inspection	45,000.00
City Administration (4% of Construction Costs) *	71,040.17
Financial Printing, Registration, Filing and Servicing	5,000.00
Fiscal Agent	7,500.00
Filing Fees	1,000.00
Bond Counsel	50,000.00
Financial Advisor	25,000.00
Incidental Contingencies (5% of Incidental Expenses)	<u>12,571.51</u>
<b>Total Incidental Expenses:</b>	<b>\$264,001.68</b>
<b>Total Construction &amp; Incidental Expenses:</b>	<b>\$2,040,005.95</b>
 <b>LESS: CONTRIBUTIONS FROM OTHER SOURCES</b>	
Contributions from City of Laguna Beach *	(\$212,930.16)
Contribution for General Benefit (10% of C&I)	<u>(\$204,000.59)</u>
<b>Total Contributions from Other Sources:</b>	<b>(\$416,930.75)</b>
<b>Total Construction &amp; Incidental Expenses Financed:</b>	<b>\$1,623,075.19</b>
 <b>FINANCING COSTS</b>	
Disclosure Counsel	\$30,000.00
Underwriter's Discount (2%)	36,720.11
Capitalized Interest (12 months @ 5%)	107,504.86
Bond Reserve/Credit Enhancement (One Year Debt Service)	<u>139,866.91</u>
<b>Total Financing Costs:</b>	<b>\$314,091.88</b>
<b>TOTAL AMOUNT OF ASSESSMENT:</b>	<b><u><u>\$1,937,167.07</u></u></b>

\* Includes a \$100,000 contribution for SCE construction and full credits for Assessment Engineering and City Administration.

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**EXHIBIT C - ASSESSMENT ROLL**

An assessment of the total amount of the costs and expenses of the improvements upon the lots and parcels of land within the District, in proportion to the estimated special benefit to be received by such subdivisions of land from the improvements, is set forth upon the following Assessment Roll filed with and made part of this report. The assessments also include expenses related to the issuance of Bonds.

The Assessment Roll lists the assessor's parcel numbers within this District by assessment number. The assessment numbers appearing on the Assessment Roll correspond with the lots and parcels of land and their numbers shown on the Assessment Diagram (**Exhibit E**).



## ASSESSMENT ROLL

Assmt. No.	APN	Owner Name	Situs Address	Mailing Address	Safety EBU	View EBU	Aesthetics EBU	Total EBUs	Total Assessment
					<b>0.20</b>	<b>0.10</b>	<b>0.70</b>		
1	644-253-06	SPIEGELMAN PAUL TR SPIEGELMAN FAMILY TR	630 DIAMOND ST LAGUNA BEACH CA 92651	545 W. HIGHLAND ST SOUTHLAKE TX 76092	0.50	0.00	1.00	0.80	\$86,698
2	644-253-07	MCMURRAY KENNETH C TR MCCMURRAY REVOC LIVING TR	600 DIAMOND ST LAGUNA BEACH CA 92651	600 DIAMOND ST LAGUNA BEACH CA 92651	0.50	0.00	1.00	0.80	\$86,698
3	644-253-08	DAVIS SALLY MARIE TR SEPARTE PPTY TR	590 DIAMOND ST LAGUNA BEACH CA 92651	PO BOX 57 PETALUMA CA 94953	0.75	1.00	1.00	0.95	\$102,954
4	644-253-09	CROWDER ANNA MAE TR CROWDER FAMILY TR	560 DIAMOND ST LAGUNA BEACH CA 92651	560 DIAMOND ST LAGUNA BEACH CA 92651	1.00	0.00	1.00	0.90	\$97,536
5	644-253-10	POST CHEYL L TR	554 DIAMOND ST LAGUNA BEACH CA 92651	554 DIAMOND ST LAGUNA BEACH CA 92651	0.75	1.00	1.00	0.95	\$102,954
6	644-253-11	CUNNINGHAM JOHN B TR	530 DIAMOND ST LAGUNA BEACH CA 92651	530 DIAMOND ST LAGUNA BEACH CA 92651	1.00	1.00	1.00	1.00	\$108,373
7	644-253-13	LAGUNA BEACH INVESTMENTS	500 DIAMOND ST LAGUNA BEACH CA 92651	3112 BERN DR LAGUNA BEACH CA 92651	1.00	0.00	1.00	0.90	\$97,536
8	644-253-16	JOHNSON KEVIN ANDREW TR 2000 JOHNSON FAMILY TR	520 DIAMOND ST LAGUNA BEACH CA 92651	520 DIAMOND ST LAGUNA BEACH CA 92651	1.00	1.00	1.00	1.00	\$108,373
9	644-291-69	SOTTO EDWARD ANTHONY III & DEENA KAY	2100 CRESTVIEW LAGUNA BEACH CA 92651	2100 CRESTVIEW LAGUNA BEACH CA 92651	0.75	0.00	1.00	0.85	\$92,117
10	644-291-70	CZAJKOWSKI MIKE TR	2058 CRESTVIEW LAGUNA BEACH CA 92591	300 E 23RD ST COSTA MESA CA 92627	1.00	0.00	1.00	0.90	\$97,536
11	644-291-74	EL-FAIZY MEDHAT TR	777 GAINSBOROUGH DR LAGUNA BEACH CA 92651	777 GAINSBOROUGH DR LAGUNA BEACH CA 92651	1.00	1.00	1.00	1.00	\$108,373
12	644-291-75								
13	644-291-76	PARKER NIGEL TR PARKER TR	775 GAINSBOROUGH DR LAGUNA BEACH CA 92651	775 GAINSBOROUGH DR LAGUNA BEACH CA 92651	0.75	1.00	1.00	0.95	\$102,954
14	644-291-93	KRASKO EVGENII	785 GAINSBOROUGH DR LAGUNA BEACH CA 92651	785 GAINSBOROUGH DR LAGUNA BEACH CA 92651	0.50	0.00	0.25	0.28	\$29,803
15	644-292-01	SEDOV STANISLAV	2025 CRESTVIEW DR LAGUNA BEACH 92651	2025 CRESTVIEW DR LAGUNA BEACH 92651	0.75	1.00	1.00	0.95	\$102,954
16	644-292-02	LINK JOHN J JR TR LINK FAMILY TR	599 DIAMOND ST LAGUNA BEACH CA 92651	599 DIAMOND ST LAGUNA BEACH CA 92651	1.00	1.00	1.00	1.00	\$108,373
17	644-292-17	NEWLAND TYRONE E	581 DIAMOND ST LAGUNA BEACH CA 92651	581 DIAMOND ST LAGUNA BEACH CA 92651	0.75	1.00	1.00	0.95	\$102,954
18	644-292-18	MORRISSEY THOMAS B TR TOM & GRACE MORRISSEY TR	2097 CRESTVIEW DR LAGUNA BEACH CA 92651	2097 CRESTVIEW DR LAGUNA BEACH CA 92651	0.75	0.00	1.00	0.85	\$92,117
19	644-292-19	MEREDITH DANIEL & LINDSAY	545 DIAMOND ST LAGUNA BEACH 92651	545 DIAMOND ST LAGUNA BEACH 92651	0.75	0.00	1.00	0.85	\$92,117
20	644-305-05	ELNAHRAWY EIMAN	601 DIAMOND ST LAGUNA BEACH 92651	601 DIAMOND ST LAGUNA BEACH 92651	1.00	1.00	1.00	1.00	\$108,373
21	644-305-07	MEGROZ RENE TR	611 DIAMOND ST LAGUNA BEACH 92651	611 DIAMOND ST LAGUNA BEACH 92651	1.00	1.00	1.00	1.00	\$108,373
<b>Total</b>					<b>16.50</b>	<b>11.00</b>	<b>19.25</b>	<b>17.88</b>	<b>\$1,937,167</b>

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**EXHIBIT D - METHOD OF ASSESSMENT**

**BACKGROUND**

The proposed special assessment will be established pursuant to the Municipal Improvement Act of 1913 (the "Act"). The Act, together with Article XIID of the California Constitution, set forth the following requirements for special assessments established to fund municipal improvements:

- This report must contain a proposed assessment of the costs upon the parcels of land in the district in proportion to the estimated benefits to be received by each parcel.
- The report must identify all parcels which receive a special benefit.
- The assessment shall not exceed the proportional special benefit related to the entirety of the capital cost of the public improvement.
- The report shall separate the general benefits from the special benefits conferred on a parcel, and only special benefits are assessable.
- Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment.

The Assessment Engineer is appointed for the purpose of analyzing the available data and determining the method of apportionment of the assessment to the benefiting properties, based on the amount of special benefit that each parcel receives relative to the special benefit associated with the improvement project. The method of assessment presented below complies with the aforementioned requirements.

It is also necessary to identify and separate general benefit, if any, that may be attributable to the public at large, or to property inside or outside of the boundaries of the proposed district, resulting from the improvements funded with the assessments levied for this assessment district. Any cost of improvements, or portion thereof, that is considered general benefit may not be assessed against the properties within the District and, therefore, the general benefit, if any, to the public-at-large or real property within the District will not be included as part of the total assessment.

The final authority to approve the assessment rests with the City Council. The Council renders its decision after hearing all testimony and evidence presented at the public hearing and tabulating the assessment ballots, which are mailed to all record owners of property within the Assessment District. Only ballots delivered to the City Clerk prior to the close of the public hearing are tabulated. The Council's findings must include whether or not the assessment spread has been made in direct proportion to the estimated special benefits received by each parcel.

## **IDENTIFICATION AND SEPARATION OF GENERAL AND SPECIAL BENEFITS**

Under Article XIII D, only special benefits may be assessed, and it is the responsibility of the Assessment Engineer to identify, quantify and exclude general benefits from the assessment, thus allowing the assessment to be made in proportion to special benefits received from the improvements. As stated in the “Proposition 218 Guide for Special Districts” prepared by the California Special Districts Association, the requirement that a public agency separate the general benefits from the special benefits helps ensure that the special benefit requirement is met. As defined in Article XIII D, “special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.

The District is being formed to underground the existing overhead electrical and communication facilities in the Diamond Street neighborhood.

### **Discussion**

The benefits associated with the undergrounding of overhead utilities are related to the following benefit factors:

- Improved neighborhood aesthetics,
- Enhanced safety, and
- Removal of obstructions to view.

The specific location and nature of the undergrounding project will determine if the benefit is general or special in nature (or a combination of both), with regard to parcels within the Assessment District.

### **General Benefits**

Due to the localized nature of the improvements within the Assessment District that will be impacted by the undergrounding of the existing overhead utilities along roadways providing ingress and egress to parcels within the District, the Assessment Engineer has determined that the benefits described in the following section represent special benefits and that there are no “general benefits” that will be conferred on real property located in the district or to the public at large, except as described in the findings below:

- **Neighborhood Aesthetics Benefit.** The Assessment Engineer has determined that among the neighborhood aesthetic benefits identified in this analysis, none can be described as general in nature. The majority of the utility poles and overhead facilities that will be undergrounded are located within the boundaries of the Assessment District and along local streets that provide ingress and egress to property within the District. The removal of overhead utilities and poles will provide a particular and distinct aesthetic enhancement to properties within the district, and all of that benefit will be above and beyond what is conferred on the public-at-large, which is virtually none. This finding is consistent with the findings of studies completed by several other organizations and public entities related to the undergrounding of utilities.
- **Safety Benefit.** The safety benefit related to the undergrounding of the overhead facilities within the Assessment District is a result of the removal of the fixed obstructions (existing utility poles, guy wires and related facilities) from the right-of-way, and the mitigation of the potential delay by emergency responders who will neither cross a downed utility line nor set up equipment if an overhead power line is in the way until it has been de-energized. In addition, the threat to structures or property being damaged by downed utility lines and poles caused by earthquakes, fires, high winds and other unforeseeable events is reduced by the undergrounding of the existing overhead utilities. The Assessment Engineer has determined that there is a general benefit component to the public at large related to the undergrounding of the existing overhead utilities. The removal of the fixed obstructions (power poles and

appurtenant facilities) provides a derivative and indirect benefit to parcels that are located in proximity to the Assessment District, due to the enhanced ability of first responders to reach people or property using the portions of Diamond Street and Crestview Drive within the Assessment District being undergrounded without having to wait for downed power lines to be de-energized. This benefit is a general benefit to the public-at-large and the City will make a contribution to the Assessment District in the amount of \$204,000.59.

- **Removal of Obstructions to Ocean Views.** The Assessment Engineer has determined that there is no general benefit which results from the removal of the existing overhead utilities that may obstruct ocean views from parcels within the District. The removal of the existing overhead utilities only provides a view benefit to properties within the District. There is no quantifiable benefit to the public at large who may view the ocean while using the public streets that pass through the District.

### Special Benefits

The courts have found that an assessment district may be narrowly drawn so that parcels that benefit in a way that is particular and distinct from parcels outside of the district, or the public at large, they are deemed to receive a special benefit (*Silicon Valley Taxpayers' Ass'n v. Santa Clara Cnty. Open Space Authority*). The City and the Assessment Engineer's objective was to create a district that was narrowly drawn to include all properties that receive special benefits from the improvements.

The undergrounding of existing overhead utilities and the installation of new street lights at the intersections of streets provides a particular and distinct benefit to those parcels that is not realized by other parcels or the public at large.

Article XIID also requires the Assessment Engineer to determine the proportionality of the special benefits, based on the traits of the improvements and the properties in question. Relating to the undergrounding of existing utilities, this improvement provides a benefit that is proportional to the proximity of the parcel to the existing overhead utility lines being removed and undergrounded. Relating to the installation of new streetlights at the intersections of streets is a District-wide benefit based on the character they add to the neighborhood and the reduction of conflict between vehicles and pedestrians, regardless of where in the District they reside.

The courts have found that the characterization of a benefit (special versus general) may depend on whether parcels within a district receive a direct advantage from the improvement or an "indirect, derivative advantage resulting from the overall public benefits of the improvement" (e.g. general enhancement of the district's property values). The Assessment Engineer has determined that all of the special benefits identified below provide a direct advantage that is not shared by parcels outside the District or the public-at-large.

There are three (3) types of special benefits that are conferred on parcels within the District from the proposed undergrounding project:

- **Neighborhood Aesthetics Benefit.** All the parcels within the Assessment District will specially benefit from the removal of the overhead wires and utility poles serving the parcels within the boundaries of the Assessment District, including the removal of guy wires and other support structures related to the existing overhead facilities. The removal of the existing overhead utilities will enhance the aesthetics of the streetscape for parcels within the District by removing the physical and visual impediments related to the existing overhead utilities within the right-of-way along the local streets. It will also improve the visual environment for properties within the Assessment District. Finally, the removal of the overhead utilities will bring the area surrounding each parcel closer to current development standards for residential property, which require that all utilities be placed underground. This increases the desirability of the parcels within the Assessment District when compared with a similar parcel served by

overhead wires and utility poles.

- **Safety Benefit.** The undergrounding of the overhead facilities within the District will confer safety-related special benefits on properties within the District in two ways. The first relates to the elimination of the threat to structures, appurtenant property, and the occupants within. The removal of overhead wires reduces damage or harm from downed utility lines and poles caused by earthquakes, fires, high winds, and other unforeseeable events. Secondly, the installation of street lights at intersections within the District is a District-wide special benefit. It assists with identifying potential conflict areas and reduces potential conflicts between vehicles and pedestrians within the area to be undergrounded. There is also a general safety-related benefit to the public-at-large related to the mitigation of the potential delay by emergency responders (discussed in the “General Benefits” section above).
- **Removal of Obstructions to Ocean View Benefit.** The removal of the existing overhead utilities will provide a special benefit to parcels within the Assessment District that will vary in proportion to the impact of the existing overhead utilities and poles have on the view from within structures or from outdoor living areas. The removal of the visual obstruction from the existing overhead utilities for parcels with an obstructed view of the ocean will receive a special benefit. The location of a parcel in relation to the existing overhead utilities, elevation of adjacent parcels and view due west has a direct impact on the view enhancement it receives from the removal of the existing overhead utilities.

As described in the Methodology section below, not all parcels receive these benefits to the same extent. The amount of special benefit assessed to each parcel will depend on its location in proximity to the existing overhead utilities and its elevation relative to adjacent parcels.

To establish the special benefit of each individual parcel within the Assessment District, a Benefit Point system is used for each benefit type. Each parcel of land is assigned benefit points in proportion to the estimated special benefit a parcel receives relative to the other parcels within the Assessment District.

## **METHOD OF ASSESSMENT**

This subsection defines a method and formula for estimation of the following quantities:

- The relative amount of general versus special benefit that the completion of the project will yield, and
- The proportionate special benefit that each parcel within the District will receive.

Because of the complexities associated with the geometries of the topography and the platted lots, a simple mathematical model or method to quantify the proportion of special benefits according to improved safety, neighborhood aesthetics and removal of obstructions to ocean views benefit cannot be practically or feasibly devised. Therefore, this allocation is based on a methodology utilizing the knowledge, experience, field analysis and judgment of the assessment engineer, previous public testimony, and the adoption of this report, confirmed by the City Council.

In most cases, when separate benefits are compared with one another and there is not a rational basis for establishing weights, we would assign each benefit component equal weight. However, in this case, the assessment engineer has determined, based on discussions with stakeholders and experience with prior districts, that property owners consider aesthetics the most important special benefit, followed by safety, and then removal of obstructions to ocean views improvements. The difference in importance of these three benefit factors is substantial and should result in proportional differences.

Based on this knowledge, we consider 70% of the benefits related to aesthetics, 20% of the benefits related to safety, and 10% of the benefits related to improved views. These factors will be used to

calculate the project cost allocations for both special and general benefits, as demonstrated below.

### **GENERAL BENEFIT CALCULATION**

In keeping with the identification of general benefits associated with the undergrounding project, the following sections describe the calculation of General Safety benefits.

#### **General Safety**

In calculating the amount of project costs attributable to general safety benefit, it is important to compare the safety benefits associated with restricting emergency access due to poles and wires falling onto the streets to the safety benefits associated with direct damage to properties within the District if poles and overhead wires fall onto properties. This analysis assumes that the two benefits are both important to customers, and as such, 50% of the safety benefit is attributable to restriction of emergency access, and 50% of the safety benefit is attributable to reducing direct damage to properties within the District.

Thus, to calculate the project costs associated with general safety benefits, the project costs associated with safety are divided evenly between special safety benefit and general safety benefit as follows:

$$\text{Gen. Safety Alloc.} = \text{Safety Apport. \%} \times \text{Project Cost} \times \text{Gen. Safety \%}$$

or

$$\$204,000.59 = 20\% \times \$2,004,005.95 \times 50\%$$

Half of the Safety Benefit is considered a general contribution by the City. This amount will be deducted from the total Project costs to determine the Net Assessment.

### **SPECIAL BENEFIT ALLOCATION**

After determining the amount of the Special Assessment by deducting the general benefit allocation from the total construction costs, it is necessary to allocate the assessment to each property within the District by the amount of proportional special benefit that each property receives.

Each of the special benefits identified above will be analyzed to determine a reasonable allocation methodology.

#### **Enhanced Safety**

Properties within the District will receive an enhanced safety benefit that is above and beyond the benefits conferred on the public-at-large in the form of general safety benefit.

The distribution of wires and cables that will be undergrounded as part of the Project are relatively constant for properties which are within a reasonable distance from the poles or wires. In determining a reasonable distance, we chose the height of the wires and/or poles, as reported by Southern California Edison and/or estimated by Willdan. Pole heights vary from 35 to 55 feet. Properties outside this range will still receive a reduced safety benefit due to the enhanced safety of the area immediately surrounding their property. (This should not be confused with a general benefit, since the benefits are still conferred upon properties within the immediate area of the undergrounding and not the public-at-large.)

Furthermore, since all the lots have the same ability to use the utilities that are to be undergrounded, each parcel that will be served by the undergrounding receives the same special benefit from the

category identified above as improved safety from the removal of the overhead wires. All properties within the District that are adjacent to current overhead utilities that will be removed will share equally in the total cost associated with this category of special benefit. Therefore, one EBU (1.0) will be assigned to each parcel within the District that will be served by the undergrounding of the poles and wires, and the cost associated with each such benefit will be apportioned accordingly.

While it has been determined that all properties in the District will receive a special benefit from the removal of overhead facilities, parcels that are in close proximity to the utility poles and overhead wires will receive an additional degree of special benefit related to improved safety from the removal of utility poles and overhead wires, and the elimination of that related danger. Pole heights were determined from the SCE plans for each pole and a radius equal to the pole height was drawn around each pole and associated overhead wires to determine the sphere of risk, or danger zone, in the case of downed utility poles.

Utilizing these danger zones, degrees of this safety benefit were determined in assigning EBUs for safety: (1) parcels that are not within the danger zone of downed utility poles or wires shall be assigned 0.5 safety EBUs; (2) parcels that are within the danger zone of downed utility poles or wires and which directly front at least one utility pole shall be assigned 1.0 safety EBU; and (3) parcels within a danger zone that do not front at least one utility pole shall be assigned 0.75 safety EBUs.

The danger zone and the locations of utility poles relative to each parcel within the District are shown on the Safety Exhibit (**Exhibit J**).

### **Neighborhood Aesthetics**

Removing the overhead utilities will improve the overall neighborhood aesthetics for all properties within the District. This special benefit results from improved aesthetics of adjacent sidewalks, streets, and airspace directly surrounding and adjacent to each property. These aesthetic improvements are not proportional to the street frontage of the property, since the overhead utilities principally occupy the airspace surrounding the parcels. Also, while the aesthetic improvements that result from removing the utility poles could be interpreted as a function of surface area and distance from each property, relying on such a precise calculation would not be cost-effective or practical. As a reasonable estimate of the relative size and distance of the utilities to be undergrounded from the center point of each parcel, 1.0 benefit unit is assigned for neighborhood aesthetics.

There is one parcel within the Assessment District (644-291-93) that does not have direct access to a street that will have poles and wires removed. However, this parcel is considered part of the Diamond-Crestview neighborhood and has indirect access to streets that will have poles and wires removed. It has been assigned 0.25 benefit units for neighborhood aesthetics.

If any of the properties received direct views of the ocean that were principally obstructed by utility poles, then this aspect would be considered a separate benefit and addressed in the section below.

The maximum special benefit resulting from increased aesthetics is 1.0 EBUs.

### **Ocean View Obstruction Removal**

Parcels which have a full or partial view of the Pacific Ocean for which all or a portion of that westward view is obstructed by the poles or lines receive a special benefit for "Ocean View Obstruction Removal". This special benefit is depicted in the Ocean View Obstruction Removal Exhibit (**Exhibit I**). The special benefit related to this factor is assigned to each parcel within the District based upon the criteria defined below:

- Parcels (i) with full or partial views of the Pacific Ocean, and (ii) for which the height of the poles and wires within 250 feet of the parcel's ocean-facing edge exceed the mid-point between

the lowest and highest elevation of the property’s structures will receive 1.00 Ocean View Obstruction Removal EBUs. This criterion includes 11 parcels within the District.

- Parcels (i) without views of the Pacific Ocean, or (ii) for which the height of any poles and wires within 250 feet of the parcel’s ocean-facing edge do not exceed the mid-point between the lowest and highest elevation of the property’s structures will receive 0.00 Ocean View Obstruction Removal EBUs. This criterion includes 9 parcels within the District.

### Special Circumstances

There is one property within the boundaries of the proposed assessment district which is made up of two distinct Assessor’s Parcel Numbers. APNs 644-291-74 and 644-291-75 (Assessment Numbers 11 and 12, respectively) combine to make up one property, with one recorded owner, with one structure that is located on portions of both APNs. These two parcels will be treated as one property for the purposes of assigning benefit units, with the EBUs split evenly between the APNs. If in the future, action is taken that results in the demolition of the existing structure, and the subsequent construction of two new distinct structures, on two APNs, an adjustment may be required to make new EBU assignments to the two new unique properties and APNs to reflect the change in benefit.

There is also a property within the district that is vacant. Since special benefit is determined based on the characteristics of the underlying property and not necessarily the improvements, this parcel will be assessed as if it were fully developed.

### Special Benefit Summary

The Table below summarizes the special benefits assigned to each parcel within the District (note that assessments 11 and 12 are considered one property for the purposes of this calculation).

Assmt. No.	APN	Owner Name	Aesthetics			Total EBUs
			Safety EBU	View EBU	EBU	
			<b>0.20</b>	<b>0.10</b>	<b>0.70</b>	
1	644-253-06	SPIEGELMAN PAUL TR SPIEGELMAN FAMILY TR	0.50	0.00	1.00	0.80
2	644-253-07	MCMURRAY KENNETH C TR MCCMURRAY REVOC LIVING TR	0.50	0.00	1.00	0.80
3	644-253-08	DAVIS SALLY MARIE TR SEPARTE PPTY TR	0.75	1.00	1.00	0.95
4	644-253-09	CROWDER ANNA MAE TR CROWDER FAMILY TR	1.00	0.00	1.00	0.90
5	644-253-10	POST CHEYL L TR	0.75	1.00	1.00	0.95
6	644-253-11	CUNNINGHAM JOHN B TR	1.00	1.00	1.00	1.00
7	644-253-13	LAGUNA BEACH INVESTMENTS	1.00	0.00	1.00	0.90
8	644-253-16	JOHNSON KEVIN ANDREW TR 2000 JOHNSON FAMILY TR	1.00	1.00	1.00	1.00
9	644-291-69	SOTTO EDWARD ANTHONY III & DEENA KAY	0.75	0.00	1.00	0.85
10	644-291-70	CZAJKOWSKI MIKE TR	1.00	0.00	1.00	0.90
11	644-291-74	EL-FAIZY MEDHAT TR	1.00	1.00	1.00	1.00
12	644-291-75					
13	644-291-76	PARKER NIGEL TR PARKER TR	0.75	1.00	1.00	0.95
14	644-291-93	KRASKO EVGENII	0.50	0.00	0.25	0.28
15	644-292-01	SEDOV STANISLAV	0.75	1.00	1.00	0.95
16	644-292-02	LINK JOHN J JR TR LINK FAMILY TR	1.00	1.00	1.00	1.00
17	644-292-17	NEWLAND TYRONE E	0.75	1.00	1.00	0.95
18	644-292-18	MORRISSEY THOMAS B TR TOM & GRACE MORRISSEY TR	0.75	0.00	1.00	0.85
19	644-292-19	MEREDITH DANIEL & LINDSAY	0.75	0.00	1.00	0.85
20	644-305-05	ELNAHRAWY EIMAN	1.00	1.00	1.00	1.00
21	644-305-07	MEGROZ RENE TR	1.00	1.00	1.00	1.00
Total			16.50	11.00	19.25	17.88

### Net Total Special Benefit Summary

As described in the METHOD OF ASSESSMENT section above, we have determined that 70% of the special benefits are attributable to aesthetics, 20% of the special benefits are attributable to safety, and 10% of the benefits are attributable to the removal of obstructions to ocean views.

Consistent with that formulation, the calculation of the net total special benefit for each parcel is as follows:

$$Special\ Benefit = 0.7 \times Aesthetics + 0.2 \times Enh.Safety + 0.1 \times Enh.Views$$



After applying this formula, the net total special benefit associated with each parcel is shown in the table below.

Assmt. No.	APN	Owner Name	Total EBU's
1	644-253-06	SPIEGELMAN PAUL TR SPIEGELMAN FAMILY TR	0.80
2	644-253-07	MCMURRAY KENNETH C TR MCCMURRAY REVOC LIVING TR	0.80
3	644-253-08	DAVIS SALLY MARIE TR SEPARTE PPTY TR	0.95
4	644-253-09	CROWDER ANNA MAE TR CROWDER FAMILY TR	0.90
5	644-253-10	POST CHEYL L TR	0.95
6	644-253-11	CUNNINGHAM JOHN B TR	1.00
7	644-253-13	LAGUNA BEACH INVESTMENTS	0.90
8	644-253-16	JOHNSON KEVIN ANDREW TR 2000 JOHNSON FAMILY TR	1.00
9	644-291-69	SOTTO EDWARD ANTHONY III & DEENA KAY	0.85
10	644-291-70	CZAJKOWSKI MIKE TR	0.90
11	644-291-74	EL-FAIZY MEDHAT TR	1.00
12	644-291-75		
13	644-291-76	PARKER NIGEL TR PARKER TR	0.95
14	644-291-93	KRASKO EVGENII	0.28
15	644-292-01	SEDOV STANISLAV	0.95
16	644-292-02	LINK JOHN J JR TR LINK FAMILY TR	1.00
17	644-292-17	NEWLAND TYRONE E	0.95
18	644-292-18	MORRISSEY THOMAS B TR TOM & GRACE MORRISSEY TR	0.85
19	644-292-19	MEREDITH DANIEL & LINDSAY	0.85
20	644-305-05	ELNAHRAWY EIMAN	1.00
21	644-305-07	MEGROZ RENE TR	1.00
<b>Total</b>			<b>17.88</b>

This net special benefit is used to determine the assessed amount for each parcel within the District contained in the Assessment Roll (**Exhibit C**).

**CREDITS FOR GRANTED EASEMENTS**

At the City’s discretion, a credit against the amount of a parcel’s assessment may be provided for a property that provides a dedicated easement for the placement of underground transformers or utility equipment or facilities. The credit against such assessment would be provided from funds included in the project budget.

**CALCULATION OF A PARCEL'S ASSESSMENT**

The following formula mathematically describes the way assessments are calculated.

$$\frac{\text{Total Benefit Assessment}}{\text{Total EBUs}} = \text{Assessment Rate per EBU}$$

**Findings and Determinations of the Assessment Engineer**

The undersigned, \_\_\_\_\_, hereby finds and determines as follows:

1. The proportionate special benefit derived by each parcel proposed to be assessed has been determined in relationship to the entirety of the costs of the improvements to be funded from the proceeds of bonds to be issued for the District and cash collections from the owners of parcels proposed to be so assessed.
2. No assessment is proposed to be imposed on any parcel, which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
3. Only special benefits have been assessed.
4. No parcel within the District is (a) owned or used by any agency, the State of California or the United States and (b) receives any special benefit from the improvements.

Dated: \_\_\_\_\_, 2022

Willdan  
Assessment Engineer  
City of Laguna Beach  
State of California

Signed by: \_\_\_\_\_  
Tyrone Peter, P.E.

**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

**EXHIBIT E – BOUNDARY MAP AND ASSESSMENT DIAGRAM**

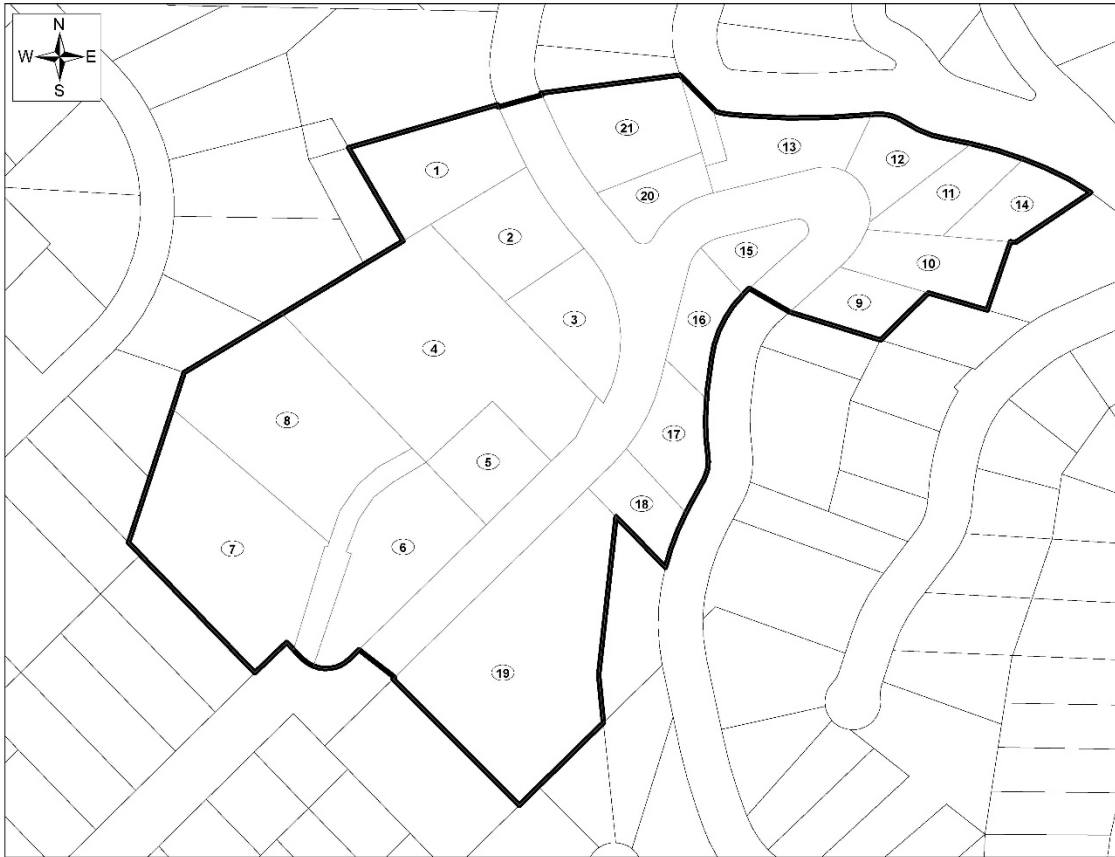
A Boundary Map and an Assessment Diagram showing the boundaries of the District and the dimensions of the subdivisions of land within the District, as they existed at the time of the passage of the Resolution of Intention, is filed with and made a part of this report and part of the assessment. Each of the subdivisions of land, parcels, or lots has been given a separate number on the Assessment Diagram, which corresponds with the assessment number shown on the Assessment Roll (Exhibit C).

The Boundary Map and Assessment Diagram in a reduced-scale format follow.

# ASSESSMENT DIAGRAM ASSESSMENT DISTRICT NO. 13-2 (DIAMOND STREET UTILITY UNDERGROUNDING)

SHEET 1 OF 1

CITY OF LAGUNA BEACH  
COUNTY OF ORANGE  
STATE OF CALIFORNIA



**Legend**  
 District Boundary  
 Map Reference Number

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS / CITY ENGINEER, CITY OF LAGUNA BEACH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
SUPERINTENDENT OF STREETS / CITY ENGINEER  
CITY OF LAGUNA BEACH

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LAGUNA BEACH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. SAID ASSESSMENT WAS LEVIED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_. SAID ASSESSMENT DIAGRAM AND ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF LAGUNA BEACH ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS / CITY ENGINEER FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL SHOWN ON THE ASSESSMENT DIAGRAM.

\_\_\_\_\_  
CITY CLERK  
CITY OF LAGUNA BEACH

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) \_\_\_\_\_ AT THE REQUEST OF THE CITY OF LAGUNA BEACH IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

FEE: \_\_\_\_\_ INST. NO. \_\_\_\_\_

HUGH NGUYEN, COUNTY CLERK-RECORDER

\_\_\_\_\_  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF ORANGE

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THE DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE ORANGE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE ORANGE COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER	ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER
1	644-253-06	12	644-291-75
2	644-253-07	13	644-291-76
3	644-253-08	14	644-291-93
4	644-253-09	15	644-292-01
5	644-253-10	16	644-292-02
6	644-253-11	17	644-292-17
7	644-253-13	18	644-292-18
8	644-253-16	19	644-292-19
9	644-291-69	20	644-305-05
10	644-291-70	21	644-305-07
11	644-291-74		



**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

**EXHIBIT F – MAXIMUM ANNUAL ADMINISTRATION COST ADD-ON**

A proposed maximum annual administrative assessment shall be levied upon each of the several subdivisions of land in the District to pay costs incurred by the City and not otherwise reimbursed, which result from the administration or registration of any bonds and /or reserve or other related funds. The total amount of such annual administrative assessments will not exceed \$150.00. Each parcel's annual administrative assessment (not to exceed \$150.00 per year) shall be computed based on the parcel's proportionate share of its assessment as set forth in Exhibit C attached hereto.

**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

**EXHIBIT G – RIGHT-OF-WAY**

The undersigned CERTIFIES UNDER PENALTY OF PERJURY that the following is all true and correct.

That at all times herein mentioned, the undersigned was, and now is, the duly appointed SUPERINTENDENT OF STREETS/CITY ENGINEER of the CITY OF LAGUNA BEACH, CALIFORNIA.

That there have now been instituted proceedings under the provisions of the Municipal Improvement Act of 1913, as amended, which is Division 12 of the California Streets and Highways Code, for the construction of certain public improvements in a special assessment district known and designated as CITY OF LAGUNA BEACH ASSESSMENT DISTRICT NO. 2013-2 (DIAMOND STREET UTILITY UNDERGROUNDING) (hereinafter referred to as the "District").

It is acknowledged that the proposed works of improvements must be constructed within the public rights-of-way, land, or easements, owned by the City of Laguna Beach, the County of Orange, the State of California, or a utility company at the time of the construction of the works of improvements, and the undersigned hereby further certifies that all rights-of-way necessary for the works of improvements, if any, will be obtained and in possession of the CITY, COUNTY, STATE or utility company prior to the commencement of any construction by the CITY OF LAGUNA BEACH.

Dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at Laguna Beach, California.

By: \_\_\_\_\_

Mark Trestik, P.E.  
City Engineer  
City of Laguna Beach

**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

**EXHIBIT H – PUBLIC PROPERTIES**

There are no public owned properties within the boundaries of the District.

**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

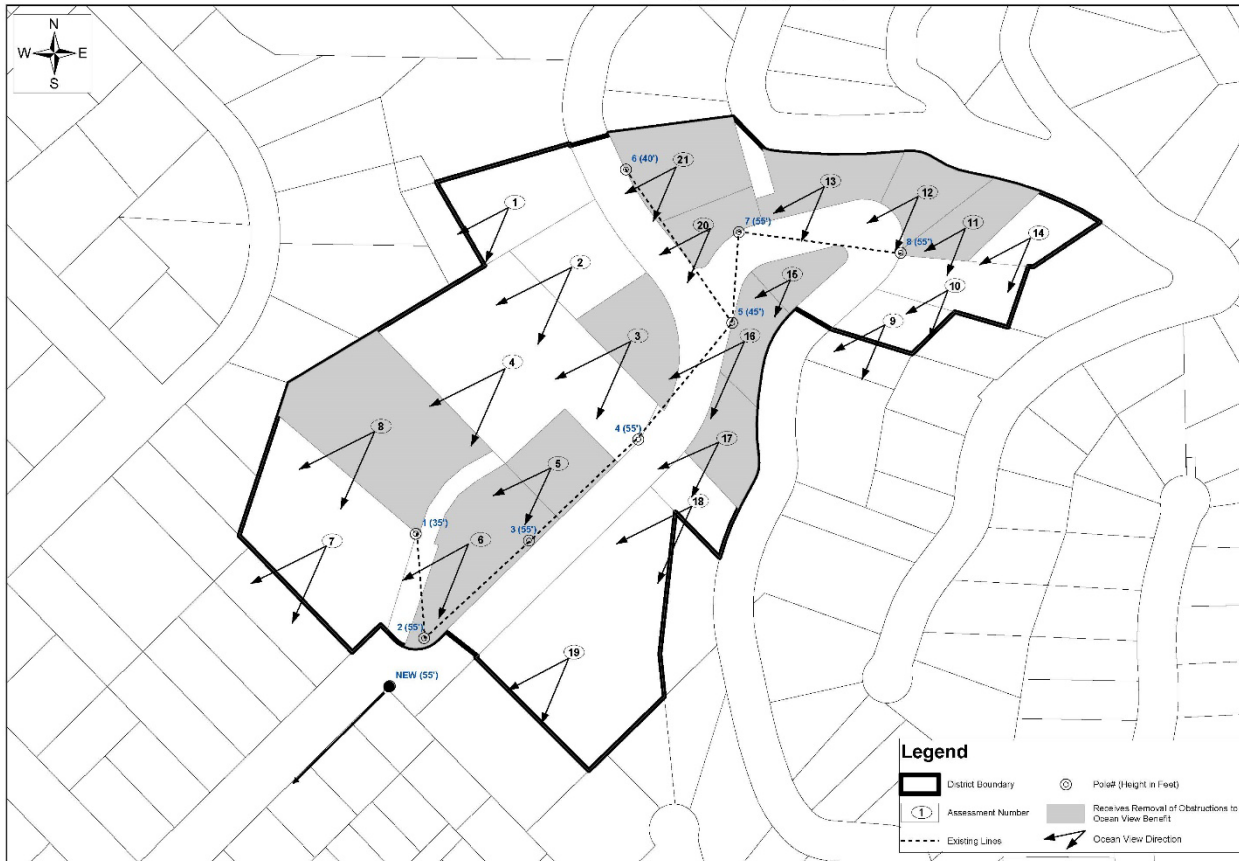
**EXHIBIT I – OCEAN VIEW OBSTRUCTION REMOVAL EXHIBIT**



**ASSESSMENT DIAGRAM  
ASSESSMENT DISTRICT NO. 13-2  
(DIAMOND STREET UTILITY UNDERGROUNDING)**

SHEET 1 OF 1

CITY OF LAGUNA BEACH  
COUNTY OF ORANGE  
STATE OF CALIFORNIA



ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER
1	644-253-06
2	644-253-07
3	644-253-08
4	644-253-09
5	644-253-10
6	644-253-11
7	644-253-13
8	644-253-16
9	644-291-69
10	644-291-70
11	644-291-74
12	644-291-75
13	644-291-76
14	644-291-93
15	644-292-01
16	644-292-02
17	644-292-17
18	644-292-18
19	644-292-19
20	644-305-05
21	644-305-07

Pole Number	Height (in Feet)
1	35
2	55
3	55
4	55
5	45
6	40
7	55
8	55



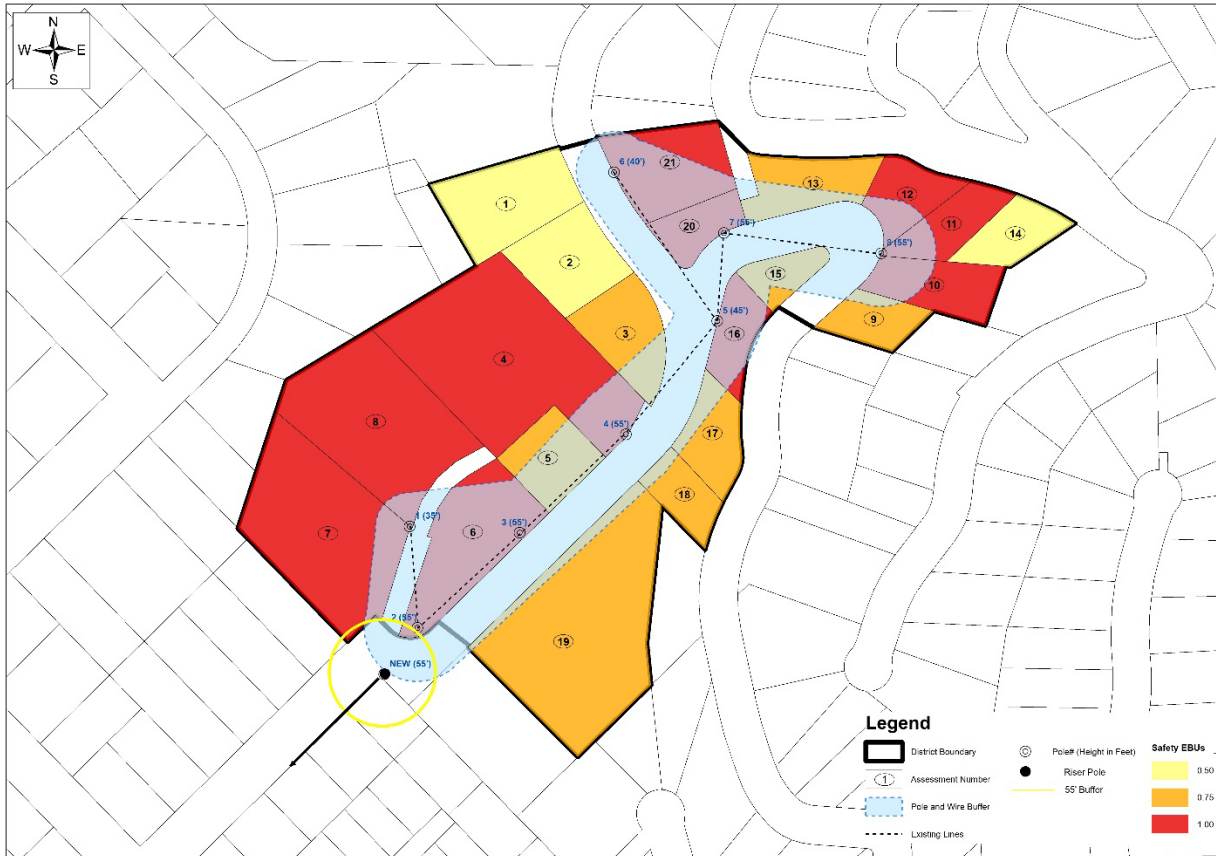
**ENGINEER'S REPORT  
CITY OF LAGUNA BEACH  
ASSESSMENT DISTRICT NO. 2013-2  
(Diamond Street Utility Undergrounding)**

**EXHIBIT J – SAFETY EXHIBIT**

**ASSESSMENT DIAGRAM  
ASSESSMENT DISTRICT NO. 13-2  
(DIAMOND STREET UTILITY UNDERGROUNDING)**

SHEET 1 OF 1

CITY OF LAGUNA BEACH  
COUNTY OF ORANGE  
STATE OF CALIFORNIA



ASSESSMENT NUMBER	ASSESSOR'S PARCEL NUMBER
1	644-253-06
2	644-253-07
3	644-253-08
4	644-253-09
5	644-253-10
6	644-253-11
7	644-253-13
8	644-253-16
9	644-291-69
10	644-291-70
11	644-291-74
12	644-291-75
13	644-291-76
14	644-291-93
15	644-292-01
16	644-292-02
17	644-292-17
18	644-292-18
19	644-292-19
20	644-305-05
21	644-305-07

Pole Number	Height (in Feet)
1	35
2	55
3	55
4	55
5	45
6	40
7	55
8	55

**Legend**

- District Boundary
- Assessment Number
- Pole and Wire Buffer
- Existing Lines
- Pole# (Height in Feet)
- Riser Pole
- 55' Buffer
- Safety EBU 0.50
- Safety EBU 0.75
- Safety EBU 1.00

