



Agenda Report

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File #: 19-0796

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**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

DATE: 09/18/2019

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

**SUBJECT:**

City Council consideration of accepting the public improvements associated with 705 North Main Street and release the appropriate Grading and Improvement Securities - Waypoint Corona, LLC, a Delaware Limited Liability Company.

**RECOMMENDED ACTION:**

That the City Council:

1. Accept the public improvements associated with 705 North Main Street.
2. Retain twenty-five percent of the Faithful Performance Security for one year beyond the acceptance of the improvements as security for repair or replacement of any improvements that fail to meet City Standards at the end of the one-year period (1045707).
3. Retain the Labor and Material Security for six months beyond the acceptance of the improvements, and automatically release the security, unless any claims are filed (1045707).
4. Release the Precise Grading and Erosion Control Securities (1045709 and R1099).

**ANALYSIS:**

On October 4, 2017, Waypoint Corona, LLC, the owner of a lot located at 705 North Main Street in the Mixed Use (MU) Zone, entered into Grading and Improvement Agreements with the City to renovate an existing 94,641 square-foot structure, and add 5,840 square-feet to its footprint. The owner also proposed to construct a new 3,149 square-foot drive-through restaurant on the 10.74-acre lot. On December 21, 2016, City Council affirmed the Planning and Housing Commission's action to grant Precise Plan (PP) 16-013M and Conditional Use Permit (CUP) 16-006 for the renovation of the existing commercial center, and the 3,149 square-foot drive-through restaurant. On May 17, 2017 and August 1, 2018, the City Council affirmed the Planning and Housing Commission's action to grant CUP16-008 for the establishment of a 37,505 square-foot fitness center and CUP2018

-0005 for a 34,100 square-foot trampoline park facility, respectively, in connection with the redevelopment of the commercial center, as shown on Exhibit "A."

All of the grading and improvements secured by these agreements have now been completed and inspected to ensure conformation with City specifications.

Twenty-five percent of the Faithful Performance Security will be retained for a period of one-year to guarantee repair or replacement of any improvements that fail prior to the end of the one-year period. Any written claims against the performance security must be made prior to the one-year guarantee period, which is set to expire June 5, 2020. City staff must release the Faithful Performance Security one year after acceptance of the improvements by the City Council, pursuant to California Government Code Section 66499.9 (c).

It is necessary to retain the Labor and Material Security for a period of six months, in accordance with the State Subdivision Map Act.

The site has been precise graded in accordance with all City Standards and the approved Grading Plan. Therefore, it is appropriate to release the Precise Grading and Erosion Control Securities at this time.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All applicable fees have been paid by the owner. It is the City's responsibility to begin the maintenance of the public improvements one year after the date of acceptance. Costs for maintaining the public improvements will be included in the Maintenance Services' Annual Operating Budget.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty 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. This action merely releases the current security associated with the grading and public improvements. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

**PREPARED BY:** CHRISTOPHER L. HORN, P.E., SENIOR CIVIL ENGINEER

**REVIEWED BY:** TOM KOPER, P.E., ACTING PUBLIC WORKS DIRECTOR

**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES

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DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** MITCHELL LANSDELL, ACTING CITY MANAGER

**Attachments:**

1. Exhibit "A" - Location Map

Owner: Waypoint Corona, LLC  
567 San Nicholas Street  
Newport Beach, CA 92660

Engineer: Walden & Associates  
2552 White Road, Suite B  
Irvine, CA 92614