



Agenda Report

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File #: 19-0134

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**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

DATE: 2/20/2019

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

**SUBJECT:**

City Council consideration of accepting the public improvements associated with Parcel Map 36980; and release the appropriate Grading and Improvement Securities - MJLSF LLC, a California Limited Liability Company.

**RECOMMENDED ACTION:**

That the City Council accept the public improvements associated with Parcel Map 36980 and take the following actions:

1. 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 (4411532 and 4411534).
2. 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 (4411532 and 4411534).
3. Release the Survey Monumentation, Precise Grading and Erosion Control Securities (4411535, 4411533, and DEP17-0035).

**ANALYSIS:**

On February 17, 2016, the City Council approved Parcel Map 36980 to subdivide approximately 7.3 acres into four parcels for commercial purposes. The parcel is located in the Commercial designation of the Corona Vista Specific Plan (SP95-01). The developer, MJLSF LLC, proposed to construct a commercial center and religious facility on the south side of Ontario Avenue, east of Fullerton Avenue, as shown on Exhibit "A." On March 15, 2017, the City entered into Grading, Improvement, and Survey Monumentation Agreements for the project.

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 February 20, 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.

The survey monuments have been set in accordance with the Subdivision Map Act and all City Standards, and the City has been provided with evidence that the surveyor has been paid. Therefore, it is appropriate to release the Survey Monumentation Security at this time.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All applicable fees have been paid by the developer.

**ENVIRONMENTAL ANALYSIS:**

In accordance with Section 15063 of the State Guidelines for the California Environmental Quality Act (CEQA), the City prepared an initial study to determine if the project would have a significant effect on the environment. The initial study was prepared in accordance with Section 15063 and per the City's Local Guidelines for Implementing CEQA. The initial study identified environmental effects that were determined not to be significant and identified potentially significant effects that were capable of being mitigated to less than significant. Therefore, the City adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan on February 17, 2016, in accordance with Section 15070 of the State CEQA Guidelines and Section 6.02 of the City's Local Guidelines for Implementing CEQA.

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 parcel map. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

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

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

**REVIEWED BY:** NELSON D. NELSON, P.E., PUBLIC WORKS DIRECTOR

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

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

**SUBMITTED BY:** DARRELL TALBERT, CITY MANAGER

**Attachment:**

1. Exhibit "A" - Location Map

Owner: MJLSF, LLC (DKJ Limited, LLC)  
45575 Merona Ct.  
Temecula, CA 92592

Engineer: DRC Engineering, Inc.  
160 S. Old Springs Road  
Suite 201  
Anaheim Hills, CA 92808