File #: 19-0455

AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION

DATE: May 15, 2019

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:
City Council consideration of Public Improvement and Survey Monumentation Agreements for Parcel Map 37412, 1075 East Third Street - Third Street Annex LLC, a California Limited Liability Company.

RECOMMENDED ACTION:
That the City Council authorize the Mayor to execute Public Improvement and Survey Monumentation Agreements between the City and Third St Annex, LLC, a California Limited Liability Company.

ANALYSIS:
On March 21, 2018, the City Council approved Parcel Map 37412 to subdivide approximately 8.6 acres into two parcels and four lettered lots in the M-1 (Light Manufacturing) Zone located on the north side of Quarry Street, east of Rimpau Avenue and Third Street, as shown on Exhibit “A.”

On December 19, 2018, the City entered into a Grading Agreement with Third Street Annex, LLC to secure the completion of the precise grading. The owner will enter into an Improvement Agreement with the City, and post sufficient securities to guarantee street and traffic public improvements associated with the project. The project is for the construction of new public water lines, public sewer lines, public storm drain lines, and public street improvements in East Third Street and Quarry Street.

In accordance with the Subdivision Map Act, the owner will enter into a Survey Monumentation Agreement and post sufficient securities to guarantee the placement of all survey monuments as specified by Parcel Map 37412.

Securities have been posted as detailed below:

PWIM2018-0007	Faithful Performance		Labor and Materials	
	Security No.	Amount	Security No.	Amount
Public Improvements	4421596	$ 714,000	4421596	$357,000

PWLE2018-0014	Faithful Performance		Labor and Materials	
	Receipt No.	Amount	Receipt No.	Amount
Survey Monumentation	R11328	$3,800	N/A	N/A

COMMITTEE ACTION:
Not applicable.

STRATEGIC PLAN:
Not applicable.

FISCAL IMPACT:
All applicable fees have been paid by the owner as follows:

	Fee Type	Amount
PWIM2018-0007 PLAN CHECK	Plan Check Fee	$13,805.48
PWEC18-00125 ENCROACHMENT PERMIT	Permit Fee	$43,969.74

ENVIRONMENTAL ANALYSIS:
In accordance with Section 15063 of the State Guidelines for the California Environmental Quality Act (CEQA) the City prepared an Initial Study for the original project, Parcel Map 37167, 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 January 4, 2017, in accordance with Section 15070 of the State CEQA Guidelines and Section 6.02 of the City's Local Guidelines for Implementing CEQA. The revised project, Parcel Map 37412, included minor changes from the previously approved project. Pursuant to CEQA (Pub. Res. Code 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Reg. 15000 et seq.), the City determined that an addendum to the adopted Mitigated Negative Declaration should be prepared pursuant to CEQA, because none of the conditions described in Section 15162 calling for the preparation of a subsequent Mitigated Negative Declaration had occurred. The addendum was adopted by the City Council on March 21, 2018.

PREPARED BY: ZACHARY MURRAY, E.I.T., UTILITY ENGINEER

REVIEWED BY: CHRIS HORN, P.E, SENIOR 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: MITCHELL LANSDELL, ACTING CITY MANAGER

Attachments:

1. Exhibit “A” - Location Map
2. Public Improvement Agreement
3. Survey Monumentation Agreements

Owner: Third Street Annex, LLC
3151 Airway Ave., SYE. H3
Costa Mesa, CA 92626

Civil Engineer: Victor Alia, P.E.
KWC Engineer
Murrieta, CA 92614