



Staff Report

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**File #:** 21-0526

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 06/02/2021

**TO:** Honorable Mayor and City Council Members

**FROM:** Public Works Department

**SUBJECT:**  
Grading and Public Improvement Agreements for Parcel Map 37608.

**EXECUTIVE SUMMARY:**

Latitude Business Park, LLC desires to enter into Grading, Survey Monumentation, and Public Improvement Agreements with the City and post securities as required for the development of 13 lots for light industrial purposes on 74.80 acres under Parcel Map 37608.

**RECOMMENDED ACTION:**

**That the City Council** authorize the Mayor to execute Grading, Survey Monumentation and Public Improvement Agreements between the City and Latitude Business Park, LLC, a California Limited Liability Company.

**BACKGROUND & HISTORY:**

On April 1, 2020, the City Council approved Parcel Map (PM) 37608 for the subdivision of approximately 75 acres into 13 lots for light industrial and warehouse purposes in the Light Industrial designation of the El Cerrito Specific Plan. The owner, Latitude Business Park, LLC, intends to construct 15 buildings totaling 1,074,771 square feet for warehouse, industrial park, and office uses as approved under Precise Plan 2019-0001. The project is located at the northwest corner of Tom Barnes Street and Temescal Canyon Road, east of Interstate 15, as shown on Exhibit "1."

On July 1, 2020, the City entered into a Grading Agreement with Latitude Business Park, LLC to facilitate the mass grading operations of the site. The owner posted the following securities at that time:

PWGR2018-0045	Faithful Performance		Erosion Control	
	Security No.	Amount	Security No.	Amount
Mass Grading and Drainage Improvements	36K012810	\$586,600	Cash Deposit (R22317)	\$ 17,760

**ANALYSIS:**

At this time, Latitude Business Park, LLC, will enter into two Improvement Agreements with the City and post sufficient securities to guarantee construction of the public improvements for storm drain, water, and sewer.

In compliance with the City's Grading Ordinance No. 2568, the owner will also enter into a Grading Agreement to secure the precise grading operations and drainage improvements associated with the development. The precise grading plan conforms to the Ordinance and is consistent with sound engineering standards and practices. The elevation design minimizes pads with significant height and slope differentials from surrounding properties while maintaining the City's obligation to protect the health and safety of citizens and property.

In accordance with the Subdivision Map Act, the owner will also enter into a Survey Monumentation Agreement and post sufficient securities to guarantee the placement of all survey monuments as specified by PM 37608.

Securities have been posted as detailed below:

	Faithful Performance		Labor and Materials	
	Security No.	Amount	Security No.	Amount
Public Improvements (Storm Drain)- PWIM2020-0022	24253002	\$ 451,000	24253002	\$ 225,500
Public Improvements (Water & Sewer) - PWIM2020-0014	24253003	\$ 1,100,000	24253003	\$ 550,000
Precise Grading & Drainage- PWGR2019-0017	24253000	\$ 640,400	N/A	N/A
Survey Monumentation- PWLE2020-0017	24253001	\$ 8,000	N/A	N/A

**FINANCIAL IMPACT:**

All applicable fees have been paid by the developer.

**ENVIRONMENTAL ANALYSIS:**

Per Section 15070 of the State Guidelines for Implementing the California Environmental Quality Act (CEQA), and Section 6.02 of the City's Local Guidelines, a Mitigated Negative Declaration (MND) was prepared for the project. Per CEQA Guidelines Section 15206 (b)(2)(E), the industrial project is considered statewide, regional, or area-wide significance and was submitted to the State Clearinghouse (SCH#2020019017) on January 7, 2020. The 30-day review and public comment

period at the State Clearinghouse ended on February 5, 2020. A Notice of Intent to have the City Council adopt the MND was published by the City on March 11, 2020. The Initial Study identified that the project's potentially significant effects to the environment are capable of being mitigated to less than significant. The Initial Study and Mitigated Negative Declaration were adopted by the City on April 1, 2020.

Further, 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 common sense exemption 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 approves agreements that provide security to guarantee completion of improvements that are required in connection with a ministerial permit, and there is no possibility that approving these agreements will have a significant effect on the environment. Therefore, no further environmental analysis is required.

**PREPARED BY:** MICHELE HINDERSINN, P.E., SENIOR CIVIL ENGINEER

**REVIEWED BY:** SAVAT KHAMPHOU, ACTING PUBLIC WORKS DIRECTOR

**Attachments:**

1. Exhibit 1 - Location Map
2. Exhibit 2 -Agreements