



Legislation Details (With Text)

**File #:** 19-0131      **Version:** 1      **Name:**  
**Type:** Agreement      **Status:** Passed  
**File created:** 2/8/2019      **In control:** City Council  
**On agenda:** 2/20/2019      **Final action:** 2/20/2019  
**Title:** City Council consideration of a Grading Agreement for Precise Grading for 3745 Temescal Canyon Road - Larry R. Haupert and Kristine E. Haupert, husband and wife as joint tenants, dba REXCO.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Staff Report with Attachments

Date	Ver.	Action By	Action	Result
2/20/2019	1	City Council	accepted	

**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 a Grading Agreement for Precise Grading for 3745 Temescal Canyon Road - Larry R. Haupert and Kristine E. Haupert, husband and wife as joint tenants, dba REXCO.

**RECOMMENDED ACTION:**

That the City Council authorize the Mayor to execute a Grading Agreement for precise grading between the City and Larry and Kristine Haupert, husband and wife as joint tenants, dba REXCO.

**ANALYSIS:**

Larry and Kristine Haupert, husband and wife as joint tenants, dba REXCO is the owner of 3745 Temescal Canyon Road in the M-2 (General Manufacturing) Zone, as shown on Exhibit "A." The owner is proposing to construct a 23,063 square-foot building for light industrial purpose.

In compliance with Grading Ordinance No. 2568, the owner will enter into a Grading Agreement to secure the precise grading operations, which include drainage improvements. A cash deposit has been posted to guarantee grading activities and erosion control. The grading design conforms to the Grading Ordinance and is consistent with sound engineering standards and practices. The elevation

design minimizes significant height and slope differentials from surrounding properties, while maintaining the City’s obligation to protect the health and safety of citizens and property.

The owner, at a future date, will also enter into an Improvement Agreement with the City and post sufficient securities to guarantee construction of water and sewer public improvements associated with the project.

Securities have been posted as detailed below:

PWGR2018-0027	Faithful Performance		Erosion Control	
	Security No.	Amount	Security No.	Amount
Precise Grading Drainage Improvements	Cash Deposit (Receipt No. R11394)	\$ 25,800.00	Cash Deposit (Receipt No. R11395)	\$ 4,800.00

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All applicable fees have been paid by the developer as follows:

PWGR2018-0027	Fee Type	Amount
3745 Temescal Canyon Road Precise Grading and Erosion Control	Plan Check	\$7,540.00

**ENVIRONMENTAL ANALYSIS:**

Per Section 15070 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and Section 6.02 of the City’s Local CEQA Guidelines industrial buildings in the M1, M2, M3, and M4 Zones are not subject to discretionary review and are therefore defined as a ministerial project and exempt from CEQA. Additionally, a mitigated negative declaration and mitigation monitoring plan is not required as it is deemed exempt pursuant to Section 15061(b)(3) of 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 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, 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

**Attachments:**

1. Exhibit "A" - Location Map
2. Grading Agreement

Owner:  
dba REXCO  
Larry R. Haupt & Kristine E. Haupt  
2518 North Santiago Blvd.,  
Orange, CA 92867

Civil Engineer:  
Kevin Richer, P.E  
Land Development Design Company, LLC  
2313 E. Philadelphia Street, Suite F  
Ontario, CA 91767