



STAFF REPORT

Approving an Extension for Completion of a Road Improvement and Maintenance Agreement with the Property Owners of 2514 Avenue (APN 043-322-450) and 2518 Ralston Avenue (APN 043-322-650) and Accepting a Bond as Security for the Relocation of an Existing Joint Power Pole

May 25, 2004

Honorable Mayor and City Council:

Summary

The property owners of 2514 and 2518 Ralston Avenue are requesting an extension for completing the Ralston Avenue Frontage Road roadway improvements as required by the Road Improvement and Maintenance Agreement dated January 10, 2002. The property owners of 2514 Ralston Avenue are also requesting that the City issue a building permit for construction of their house prior to relocation of a joint power pole in the frontage road. They offer to post a performance bond for the joint pole relocation to ensure that this work will be done. Relocation of the power pole prior to issuance of any building permits is a condition of the Hillside Road Improvement Plan adopted by the City Council Resolution No. 7407 dated January 11, 1994.

Background and Discussion

At its January 11, 1994 meeting, the City Council approved a Hillside Road Improvement Plan for the 2500 block of Belmont Canyon Road, now known as Ralston Avenue Frontage Road. The Plan provides for the extension of a frontage road along Ralston Avenue on a "pay-as-you-go" basis by the abutting property owners.

The City granted Kamal Fallaha and Nariman Sayad-Ali, the current property owners of 2514 Ralston Avenue, and Reem Faddah and Ahmad Abdel-Rahman, the current property owners of 2518 Ralston Avenue, an encroachment permit to construct an extension of the frontage road fronting their properties in 2002. The Hillside Road Ordinance requires that the property owners enter into an agreement with the City to complete the road improvements at the property owner's expense. A Road Improvement and Maintenance agreement was prepared and executed by the City and the property owners on January 10, 2002. (City Council Resolution No. 9176).

Since January 2002, the property owners have completed part of the roadway improvements as specified in the agreement. An extension was granted on April 7, 2003 for completing all the

roadway work to October 15, 2003. As of today, there are still outstanding items that have not been completed by the owners. A request for extension has been filed by the property owners to extend the time of completion to November 15, 2004.

The list of outstanding items includes the relocation of an existing joint power pole from the roadway. Per the conditions of approval adopted by the Hillside Road Improvement Plan, City Council Resolution No. 7407, Exhibit "B" II.D., the pole shall be relocated prior to the issuance of any building permit. Mr. Fallaha is now requesting for an approval of a building permit for his property at 2514 Ralston Avenue. In order to satisfy this condition, Mr. Fallaha is requesting that the City to amend this condition by providing a bond of \$50,000 to guarantee the completion of this work prior to the release of occupancy for his property. This would allow the applicant to begin construction of his house concurrent with construction to relocate the power pole and complete the road. The condition for releasing the building permit will be that the certificate of occupancy for 2814 Ralston Avenue will not be issued until the pole is relocated. Mr. Fallaha has contacted PG&E, SBC, ComCast and they have provided him an estimate for the relocation of the pole. Staff reviewed the cost estimate with the utilities and found it to be acceptable. A \$50,000 performance bond will adequately cover the relocation cost if it should become necessary for the City to complete this work. In addition, the City holds a \$75,000 bond for the frontage road construction, which is adequate for the remaining work to be done to complete the road.

Environmental Review

Staff has determined in the past that the application has been adequately reviewed for potential environmental effects under the provisions of the California Environmental Quality Act (CEQA). The environmental review was prepared as an Addendum to the San Juan Hills Area Plan EIR, and certified by the City Council by Resolution No. 7407. There have been no changes to the project since certification of the Addendum and the required mitigation measures are incorporated into the project.

Fiscal Impact

There is no fiscal impact from the recommended actions of extending the road improvement agreement or accepting a bond for pole relocation and releasing the building permit for the 2514 residence. All costs for construction of the roadway improvements and the relocation of the existing joint power pole are to be the property owners' responsibility. A bond of \$75,000 was previously provided for the roadway improvement. An additional \$50,000 bond will be provided by the owners to guarantee the work for relocating the pole, which was not included in the original bond.

Recommendation

It is recommended that the City Council extend the time of completion to November 15, 2004 for all roadway work per the executed Road Improvement and Maintenance Agreement. It is further recommended that the City Council approve the amendment of Condition II.D. of the Road Improvement Plan Resolution No. 7407 by accepting a bond to guarantee the completion of

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relocating the existing power pole prior to release of occupancy of any buildings at 2514 and 2518 Ralston Avenue.

Alternatives

1. Refer back to staff for further information.
2. Deny the request.

Attachments

1. Resolution
2. Site Map

Respectfully submitted,

Gilbert Yau, PE
Senior Civil Engineer

Raymond E. Davis III, PE, PTOE
Director of Public Works

Jere A. Kersnar
City Manager

RESOLUTION NO. _____

**CITY OF BELMONT
San Mateo County California**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING AN
EXTENSION FOR COMPLETION OF A ROAD IMPROVEMENT AND
MAINTENANCE AGREEMENT WITH THE PROPERTY OWNERS OF 2514 AVENUE
(APN 043-322-450) AND 2518 RALSTON AVENUE (APN 043-322-650), AND,
ACCEPTING A BOND AS SECURITY FOR THE RELOCATION OF AN EXISTING
JOINT POWER POLE**

WHEREAS, Reem Faddah and Ahmad Abdel-Rahman are the property owners of 2518 Ralston Avenue, Assessor's Parcel No. 043-322-650; and,

WHEREAS, Kamal Fallaha and Nariman Sayad-Ali are the property owners of 2514 Ralston Avenue, Assessor's Parcel No. 043-322-450; and,

WHEREAS, the City Council of the City of Belmont by Resolution No. 7407, adopted on January 11, 1994, approved the Road Improvement Plan entitled "Preliminary Plan, Belmont Canyon Road, Belmont, CA", for which access to said parcels is to be provided; and,

WHEREAS, a Road Improvement and Maintenance Agreement with the 2514 and 2518 Ralston Avenue property owners was approved and adopted by the City Council of the City of Belmont by Resolution 9176 on January 29, 2002 in accordance with and pursuant to the Belmont City Code, Chapter 7, Section 13 (e) Hillside Road Standards-Sam Juan Hills; and,

WHEREAS, the property owners are requesting for a time extension to complete the road improvement work; and,

WHEREAS, the 2514 Ralston Avenue property owners have also requested to amend the conditions of approval for the City to accept a bond for the relocation of an existing joint power pole in order to obtain an approval for a building permit for 2514 Ralston Avenue, Assessor's Parcel No. 043-322-450.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Belmont approves an extension to November 15, 2004 for completion of the roadway improvements in accordance with the Roadway and Maintenance Agreement dated January 29, 2002 between the City of Belmont and Reem Faddah, Ahmad Abdel-Rahman, Kamal Fallaha and Nariman Sayad-Ali, the Property Owners of 2514 and 2518 Ralston Avenue;
2. The Hillside Road Improvement Plan Condition No. II.D. - Exhibit "B" of the approved Resolution 7407 is amended to allow acceptance of a \$50,000 bond to guarantee the completion of relocating an existing joint power pole on Ralston Avenue Frontage Road prior to the release of occupancy of any buildings at 2514 and 2518 Ralston Avenue.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on May 25, 2004.

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S): _____

ABSENT, COUNCILMEMBER(S): _____

CLERK of the City of Belmont

APPROVED:

Mayor of the City of Belmont