



STAFF REPORT

Discussion Regarding an Amendment to the Conditions of Approval to Allow Occupancy for 2518 Ralston Avenue (APN 043-322-650) by Accepting Bonds as Securities for Roadway Improvements and Relocation of an Existing Joint Power Pole

Honorable Mayor and City Council:

Summary

The property owners of 2518 Ralston Avenue are asking the City Council to amend a condition of approval for their property to allow occupancy prior to the completion of all roadway improvements and the relocation of an existing joint power pole on Ralston Avenue frontage road. The property owners of 2518 Ralston Avenue are sharing the responsibility of a \$50,000 bond for pole relocation and a \$75,000 bond for roadway improvements with the owners of 2514 Ralston Avenue. Staff does not recommend that this condition be amended because the release of occupancy is the last leverage the City has to have the road improvement completed in a timely manner by the property owners.

Background and Discussion

On March 19, 2002, the Planning Commission approved a building permit for 2518 Ralston Avenue with a condition that all the roadway improvements on Ralston Avenue frontage road be completed prior to the release of occupancy. Relocation of an existing power pole in the Ralston Avenue frontage road right-of-way is a part of the roadway improvements defined in the Hillside Road Improvement Plan adopted by City Council Resolution No. 7407 on January 11, 1994.

On May 25, 2004, the City Council approved an extension to November 15, 2004 for completing the Ralston Avenue frontage road fronting the properties at 2514 and 2518 Ralston Avenue. The City Council also approved issuance of a building permit for 2514 Ralston Avenue after accepting a \$50,000 bond from the property owners as a security for the relocation of an existing joint power pole.

Reem Faddah and Ahmad Abdel-Rahman, the current owners of 2518 Ralston Avenue, indicated to the staff that the construction of their building is near completion and requested that the conditions of approval be amended to allow occupancy for their building prior to the relocation

of the pole and the completion of some other roadway improvements. The property owners of 2518 Ralston Avenue are sharing the responsibility of the \$50,000 bond for pole relocation and also a \$75,000 bond for roadway improvements with the owners of 2514 Ralston Avenue. The property owners of 2518 Ralston Avenue are also requesting that they be allowed to postpone completion of the roadway improvements as identified in the Hillside Road Improvement Plan until after the pole is relocated and when the construction at 2514 Ralston Avenue is completed.

Staff suggested to the property owners that they offer to post a \$100,000 letter of credit as security ensuring relocation of the pole because it would be a lengthy and time-consuming process for the City to liquidate the bonds and contract for this work if the owners fail to complete the work. The property owners indicate that the cost of such a letter of credit is prohibitive and this option is not feasible for them.

Staff does not recommend that the condition be amended because the release of occupancy is the last leverage the City has to ensure that the property owners complete the roadway work in a timely manner. City Ordinance Section 7-13 requires the street improvements be installed prior to occupancy. The property owners still have a punch list for the road construction, which includes several major construction items such as roadway paving and installation of a concrete valley gutter. Staff also believes that the unpaved street could be a public access liability if the occupancy is released. The requirement to complete the roadway improvements and the pole relocation were identified in the 1994 Hillside Road Agreement and in the Planning Commission conditions of approval adopted in 2002. Staff believes the property owners have had sufficient time to have this road construction work completed.

Fiscal Impact

There is no fiscal impact to the City for either accepting or rejecting the applicant's proposal. All costs for the pole relocation and other related work is the owners' responsibility.

Recommendation

Staff recommends that the City Council **not** amend the 2002 Planning Commission condition of approval for 2518 Ralston Avenue requiring completion of the Ralston Avenue frontage road prior to release of occupancy for 2518 Ralston Avenue.

Alternatives

1. Refer back to staff for further information.
2. Approve the request to allow occupancy prior to the pole relocation and the completion of all roadway improvements.

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Attachments

1. Site Map

Respectfully submitted,

Gilbert Yau, PE
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