



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** JUNE 7, 2004

**ITEM NUMBER:**

**SUBJECT:** REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS03-00705 (DR-03-02) FOR STREET IMPROVEMENTS LOCATED AT 1450 BAKER STREET, COSTA MESA, CALIFORNIA

**DATE:** MAY 27, 2004

**FROM:** PUBLIC SERVICES/ENGINEERING DIVISION

**PRESENTATION BY:** WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, (714)-754-5343

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## **RECOMMENDATION:**

Refund the cash deposit in the amount of \$18,086.14 to Costa Mesa Square II LLC (Developer), 101 N. Westlake Blvd., Suite 201, Westlake Village, CA 91362.

## **BACKGROUND:**

On June 12, 2003, the Development Services Department approved a development application (DR-03-02) to allow construction of a commercial building. The Engineering Division's requirements for this permit included an \$18,086.14 cash deposit as a guarantee for the construction of street improvements, including curb and gutter, sidewalk, curb drains, utility trenches, and street resurfacing. The deposit was received and accepted by the Finance Department on November 12, 2003.

## **ANALYSIS:**

All of Engineering Division's Conditions of Development for the project have been met and the work has been completed and accepted by the Public Services Department.

## **ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to retain the cash deposit. Costa Mesa Municipal Code Section 15-32 states, "The condition of said bond (or cash deposit) shall be that the applicant will perform the work authorized by any permit issued pursuant to this chapter in a good and workmanlike manner and to the satisfaction of the City Engineer." These conditions have been met; therefore, retention of the cash deposit would be in violation of the Municipal Code.

## **FISCAL REVIEW:**

Funds have been placed on deposit and are available for refund.

**LEGAL REVIEW:**

There is no legal review required on this item.

**CONCLUSION:**

All of the required improvements have been constructed by the Developer. Therefore, staff recommends that the cash deposit in the amount of \$18,086.14 be released and returned to Costa Mesa Square II LLC.

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Ernesto Munoz  
City Engineer

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William J. Morris  
Director of Public Services

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Marc R. Puckett  
Finance Director

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Distribution:           City Manager  
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