



# ***CITY COUNCIL AGENDA REPORT***

---

MEETING DATE: JUNE 2, 2009

ITEM NUMBER:

**SUBJECT: AUTHORIZATION OF REFUND REQUEST FOR THE TRIANGLE SQUARE MID-RISE RESIDENTIAL PROJECT AT 1870 HARBOR BLVD./1875 NEWPORT BLVD.**

**DATE: MAY 11, 2009**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: KIMBERLY BRANDT, ACTING DEVELOPMENT SVCS. DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, (714) 754-5604**

---

## **RECOMMENDATION:**

Authorize refunds in the amount of **\$22,297.03** to Greenlaw Partners, LLC for unexpended funds in Developers' Trust Account No. 215520-701.

## **BACKGROUND:**

Pursuant to a professional services agreement, developers are required to deposit funds for the cost of environmental consulting contracts into the Developers' Trust Account No. 215520-701. These funds are strictly used to complete environmental studies as set forth in the contract.

In December, 2006 City Council approved an environmental consulting contract to Ultrasystems, Inc. in the amount of \$42,620.00. This contract was for the preparation of an Initial Study/Mitigated Negative Declaration for the Triangle Square Mid-Rise Residential project.

## **ANALYSIS:**

Finance staff has reconciled the funds in the Developer's Trust Account to ensure accuracy of the refund amount. The environmental contract with Ultrasystems has been terminated given that no additional work activity is needed, and the remaining unexpended balance is to be refunded to the Developers pursuant to Council Policy 100-1 (Refund Request Form, Attachment 1).

## **ALTERNATIVES CONSIDERED:**

This is an administrative transaction pursuant to Council Policy No. 100-1. Alternatives to this action would be inconsistent with the refund request procedures set forth in this Council Policy.

**FISCAL REVIEW:**

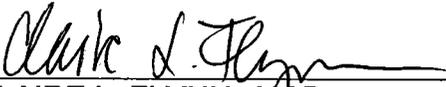
Fiscal review is not required.

**LEGAL REVIEW:**

Legal review is not required.

**CONCLUSION**

Pursuant to Council Policy 100-1, staff is requesting Council authorization of a refund request for unexpended contract funds in the amount of **\$22,297.03** for the Triangle Square Mid-Rise Residential project.



CLAIRE L. FLYNN, AICP  
Planning Administrator/  
Principal Planner



KIMBERLY BRANDT, AICP  
Acting Dev. Svs. Director



MARC PUCKETT  
Finance Director

Attachment: 1. Refund Request Form

- cc: City Manager  
Asst. City Manager  
City Attorney  
Finance Director  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

David Kennedy  
4440 Von Karman Avenue, Suite 150  
Newport Beach, CA 92660

**CITY OF COSTA MESA  
REFUND REQUEST FORM**

From:  Finance  
 Building Safety  
 Planning  
 Public Services  
 Community Services  
 Other \_\_\_\_\_

Vendor #: \_\_\_\_\_  
 Permit #: \_\_\_\_\_  
 Amount: \$ 22,297.03  
 Date: 05/21/09

*K Brandt*  
 \_\_\_\_\_  
 Department Signature

Account	Fund	Organization	Program	Project/Grant	Amount
215520	701				\$22,297.03

**CFRI / Greenlaw Triangle Square, LLC**

Name and address of applicant: Greenlaw Partners, LLC (Attn: David Kennedy)  
4440 Von Karman Ave., Suite 150  
Newport Beach, CA 92660

Phone: (949)221-8051

*David Kennedy*  
 Applicant's Signature

5/18/09  
 Date

**REASON FOR REFUND:**  
**Project has been withdrawn.**

**APPROVALS:**  
 Finance: *[Signature]*  
 City Manager: *[Signature]*



4440 Von Karmen Avenue, Suite 150  
Newport Beach, CA 92660

Tel: 949 231,8051  
Fax: 949 231,8191

April 7, 2009

Claire L. Flynn, AICP  
Principal Planner  
City of Costa Mesa  
77 Fair Drive, Ca 92628-1200

Dear Claire,

Greenlaw Partners would like to officially withdraw the following projects:  
Triangle Square Mid-Rise Residential Project (GP-07-07/R-07-07/PA-07-26)  
No further review is required.

Also, Greenlaw Partners would like to keep on hold and not officially withdraw the  
following project: Renovation Project (RA-08-01).

If you have any questions or comments regarding this letter, please contact me at (949)  
260-9646.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Kennedy', with a long horizontal flourish extending to the right.

David Kennedy