



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 2, 2011

ITEM NUMBER:

SUBJECT: REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS10-00606 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION AT 2568 ORANGE AVENUE, COSTA MESA, CALIFORNIA

DATE: JULY 21, 2011

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES DEPARTMENT

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

RECOMMENDED ACTION:

Refund cash deposit in connection with Encroachment Permit No. PS10-00606 and setting corner monuments in the amount of \$7,049 to Kerry Smith A Living Trust, 120 Monte Vista, Costa Mesa, CA 92627.

BACKGROUND:

On August 9, 2010, the Planning Commission approved PM-10-117 and PA-10-13 for the subdivision and construction of a two-unit, common interest development for condominium purposes. The Engineering Division issued Encroachment Permit No. PS10-00606 to Kerry Smith (Developer) for the construction of street improvements within Orange Avenue. The Encroachment Permit allowed the construction of a drive approach, curb and gutter, sidewalk, and curb drains. The cash deposit in the amount of \$6,049 was received and accepted by the Public Services Department as a guarantee for the construction of street improvements. The Engineering Division required the setting of durable monuments. The cash deposit in the amount of \$1,000 was received and accepted by the Public Services Department as a guarantee for the setting of the monuments.

ANALYSIS:

All Conditions of Approval for the project and Encroachment Permit 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. The Costa Mesa Municipal Code Section 15-32(b) 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:

There is no fiscal impact to the City relative to this item.

LEGAL REVIEW:

There is no legal review required relative to this item.

CONCLUSION:

All of the required conditions of the Encroachment Permit have been completed by the Developer, and all of the monuments have been set by the Engineer. Therefore, staff recommends that the cash deposit in the amount of \$7,049 be released and refunded to Kerry Smith A Living Trust.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, DIRECTOR
Public Services Department

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