

REPORT TO THE CITY COUNCIL



DATE: November 5, 2019

TITLE: Approval of Parcel Map No. 37571 for Best Development Group, Acceptance of Dedications for Street and Public Utility Purposes, Acceptance of Subdivision Improvement Agreement and Related Bonds, and Acceptance of Utility Pole Undergrounding Agreement

Prepared by: Daniel Porras, Public Works Director

Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Find that the Parcel Map No. 37571 is in substantial conformance with the previously approved tentative map;
- 2) Approve Parcel Map 37571 in accordance with the Conditions of Approval;
- 3) Accept the dedications as offered on the map for street and public utility purposes, drainage easements and direct access restrictions;
- 4) Accept the Subdivision Improvement Agreement, Performance Bond and Labor and Materials Bond once approved by the City Attorney and City Manager;
- 5) Authorize the City Clerk and Interim City Engineer to sign the map evidencing the City Council's approval; and
- 6) Authorize Staff to process and file the map and subdivision agreement with the County Recorder's Office.
- 7) Approve the Agreement to Defer Undergrounding of Utilities and For Payment of Undergrounding of Costs, and authorize the City Manager to make any changes to the Agreement if needed thereto to consummate the Project.

DISCUSSION

Parcel Map 37571 and the Grocery Outlet Project is located on the North-West corner of Palm Drive and Park Lane. The map subdivides the approximately eight (8) acre parcel into two (2) individual parcels, one parcel into approximately six (6) Acres and the other parcel approximately two (2) acres, see Exhibit 1. The 2 Acre lot will be used for the construction of the Grocery Outlet Project, which includes a 20,000 square feet grocery store with associated parking, lighting, landscaping, and site improvements, see conceptual plan and elevations in Exhibit 2. On March 12, 2019, the Planning Commission approved Tentative Parcel Map 37571 and Conditional Use Permit 05-18 for the Grocery Outlet Project subject to a number of Conditions of Approval listed in Exhibit 3.

As required by the conditions of approval, the property owner is dedicating right of way for street and public utility purposes. These dedications include 15 feet along the west side of Palm Drive fronting the street that make up Lot "A" and Lot "B" as shown on the Map. Staff is recommending that the City accept these dedications. An acceptance note is on the map to document this.

The improvements for the project include street improvements adjacent to the property, street lights, grading, striping and marking, landscaping and irrigation and drainage devices. All of these are shown on improvement plans filed with the City. In order to guarantee the installation of these improvements to the City and any future owners of the subdivided parcels, the developer has signed a Subdivision Improvement Agreement with the City. Performance of the Subdivision Improvement agreement by the developer is guaranteed by a performance bond, a

labor and materials bond, a warranty bond, and a monumentation bond, referenced in the agreement and on file with the City. The estimated costs for those bonds referenced in the Subdivision Improvement Agreement are as follows;

- Total performance for on-site and off-site Improvements (100%) = \$461,692.60
- Total labor and materials for on-site and off-site Improvements (50%) = \$230,846.30
- 15% warranty = \$69,253.89
- Total monumentation = \$10,000.00

All estimates were based on approved plans and quantities, using Riverside County standard bond calculation unit costs.

The Subdivision Improvement Agreement, if approved by Council, will be recorded with the County Recorder to notify any future owners of the requirements for development of the parcels. This is in accordance with the City's Recordation of Subdivision Agreements Ordinance approved on June 18, 2013. The Subdivision Improvement Agreement, Performance Bond and Labor and Materials Bond is attached as Exhibit 4.

In order to satisfy project Condition of Approval Number 100, requiring the undergrounding of all utility distribution or transmission facilities within the subdivision and along peripheral streets less than 92kv, the developer has executed an Agreement to Defer Undergrounding of Utilities and For Payment of Undergrounding Costs with the City. In this agreement, the developer will pay \$100,000.00 to the City to go towards the cost of undergrounding the utilities, no later than the issuance of the Certificate of Occupancy. The undergrounding of the utilities will also be deferred to commence until the time when one (1) or more adjoining parcels pulls any permit whatsoever. The Agreement to Defer Undergrounding of Utilities and For Payment of Undergrounding Costs is attached as Exhibit 5.

After the parcel map is recorded and the lots are subdivided the developer plans on completing the construction of Grocery Outlet on one lot. Per the Conditions of Approval, the developer is required to annex to Community Facilities District 2010-1 and Police Tax 2 prior to the issuance of Certificate of Occupancy.

The City received a non-interference letter from Southern California Edison dated October 2, 2019 for the utility easements within the map.

The approved Tentative Parcel Map and the Final Parcel Map before you show one (1) parcel being subdivided into two (2) individual parcels. Staff recommends that the Council find that the parcel map is in substantial conformance with the previously approved tentative parcel map.

FISCAL IMPACT

There is no direct fiscal impact to the City as a result of this approval. Fees collected for permits will offset the City's cost in processing the improvements. In addition, all associated bonds and utility undergrounding payments will be posted prior to the issuance of a Certificate of Occupancy.

EXHIBIT(S)

- 1) Parcel Map 37571
- 2) Grocery Outlet Site Plan
- 3) Conditions of Approval – Grocery Outlet
- 4) Subdivision Improvement Agreement with Bonds
- 5) Agreement to Defer Undergrounding of Utilities and For Payment of Undergrounding Costs