

**City Manager's Report****February 12, 2019 City Council Meeting****Prepared By: Melissa McConnell, Associate Civil Engineer****Item#: 12.7****Subject:** Adopt a resolution:

1. Approving the placement of a demand upon the current owner of the property located at 1351 Broadway identified as Assessor's Parcel Number 002-251-18-100 requiring performance pursuant to the executed Street Frontage Improvement Agreement (SF-272) that requires the construction of concrete curbs, gutters, and sidewalks along the street frontage of said parcel; and
2. Authorizing the City Manager or designee to execute any associated documentation.

Background: Section 8-9-3 of the City Code requires the construction of curbs, gutters, sidewalks, and street widening along the street frontage of all properties within the City in conjunction with certain types of development projects or the construction of building improvements on those properties. However, Section 8-9-4 of the City Code allows for the deferral of those street frontage improvements where it is found that it would be in the best interest of the City to cause all or a portion of the required work to be done on a project area basis rather than on an individual basis.

A "variance" will be granted to defer the construction of these frontage improvements when a Street Frontage Improvement Agreement (SFIA) is entered into between the property owner and the City. This SFIA obligates the property owner or the successor in interest to undertake the construction of the required improvements within 90 days after notice to begin construction of said improvements is sent by the City to the property owner. These requirements have been in effect within the City since the mid-1970s and there are currently in excess of 400 deferred frontage improvement agreements have been executed and are recorded in the Office of the County Recorder.

Discussion: The Street Frontage Improvement Agreement on this property was required as a condition of approval for the Building Permit (BPC 90-119) and Conditional Use Permit (CUP 90-08) to install a restaurant at 1329 Broadway. City Council approved the SFIA on September 11, 1990 which then was recorded at the Office of County Recorder on October 10, 1990 in Book 3442, Page 676. The parcel is currently developed with commercial uses.

City staff has long identified the need for construction of contiguous pedestrian facilities (sidewalks) in the Broadway corridor in the interest of pedestrian safety. Currently, Broadway Plaza frontage does not have a sidewalk. In 2015, staff submitted an application and received Highway Safety Improvement Program (HSIP) funding for the Broadway Sidewalks Project

(CIP #41606), which will construct sidewalk in selection locations on Broadway between Mosquito Road and Schnell School Road in the interest of pedestrian safety. The project identified the need for construction of curb, gutter, and sidewalk along the frontage of 1351 Broadway (APN 002-251-18-100). The Broadway Sidewalks Project has just completed the environmental phase and is expected to begin construction in August 2019.

Pursuant to the provisions of Section 8-9-4 of the City Code, it is recommended that the City Council make the finding for the need for construction of curb, gutter and sidewalk improvements along the frontage of 1351 Broadway as a part of delivering a complete project to address pedestrian safety. This demand is being placed upon the property owner who is subject to the executed Street Frontage Improvement Agreement, which is recorded against the subject property. To date, staff has met and discussed with the property owner on several occasions the need for the pedestrian improvements, including the potential cost for design and construction of said improvements. A mailed notice of this agenda item has been sent to the affected property owner advising the owner of the proposed action to place a demand for performance on the Street Frontage Improvement Agreement and the property owner is aware this item is being heard this evening.

The specific obligations per Resolution 5248 are described as follows:

Assessor's Parcel #	Basis For SFIA	Improvements Required by the SFIA:
002-251-18-100	Building Permit, Conditional Use Permit for a restaurant	<ul style="list-style-type: none"> ▪ 610 lin. ft of concrete curb and gutter; ▪ 610 lin. ft of concrete sidewalk, 4.5 ft. wide ▪ Any and all longitudinal drainage facilities deemed necessary by the City Engineer

The estimated cost to construct the improvements described above is \$87,600. For the improvements to be included in the Broadway Sidewalks Project there is a cost associated with the environmental approval, engineering design, and construction engineering for these specific improvements at 1351 Broadway. Those project costs would amount to \$31,000, specific to this parcel. The total cost to design and construct the improvements required by the SFIA is \$118,600.

The City's project has necessitated the immediate need to place the demand for this parcel. In reviewing the project scope with the federal funding source, there is a potential HSIP will fund the construction of these improvements related to the Broadway Sidewalks project. Therefore, staff is recommending placing a demand for performance pursuant to the executed Street Frontage Improvement Agreement in the amount of \$31,000 to cover the engineering design costs only at this time. Should coverage of the construction costs be needed in the future, that demand will be brought to Council at a later date.

Options:

1. Direct staff to place a demand for performance pursuant to the executed Street Frontage Improvement Agreement as recommended by staff.
2. Defer demanding performance pursuant to the executed Street Frontage Improvement Agreement to a later date.

Cost: Other than staff time associated with processing the agreements and coordinating with the property owner, there are no additional costs associated with this item.

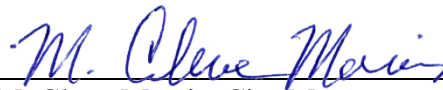
Budget Impact: All costs associated with the administration and processing of the Street Frontage Improvement Agreement and engineering design costs for the curb, gutter, and sidewalk improvements will be the responsibility of the property owner.

Recommendation: Adopt a resolution:

1. Approving the placement of a demand upon the current owner of the property located at 1351 Broadway identified as Assessor's Parcel Number 002-251-18-100 requiring performance pursuant to the executed Street Frontage Improvement Agreement (SF-272) that requires the construction of concrete curbs, gutters, and sidewalks along the street frontage of said parcel.
2. Authorizing the City Manager or designee to execute any associated documentation.



Rebecca Neves, City Engineer



M. Cleve Morris, City Manager

Attachments:

1. Resolution
2. Street Frontage Improvement Agreement (SF-272)
3. Parcel Map 2:25