



Legislation Details (With Text)

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In control: City Council Regular Meeting

On agenda: 8/7/2018 **Final action:**

Title: Resolution No. 18-0107 Approving a Pass-Thru Agreement with Aspen Environmental Group for \$318,028 to Provide Compliance and Mitigation Monitoring Services for the Construction of the Skechers Design Center and Offices Project (Community Development Director McIntosh).
ADOPT RESOLUTION NO. 18-0107

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 18-0107, 2. Agreement – Aspen Environmental Group

Date	Ver.	Action By	Action	Result
8/7/2018	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Anne McIntosh, Community Development Director
Angela Soo, Executive Secretary

SUBJECT:

Resolution No. 18-0107 Approving a Pass-Thru Agreement with Aspen Environmental Group for \$318,028 to Provide Compliance and Mitigation Monitoring Services for the Construction of the Skechers Design Center and Offices Project (Community Development Director McIntosh).

ADOPT RESOLUTION NO. 18-0107

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 18-0107.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action. Pursuant to conditions of approval, Skechers USA, the developer of the project, must pay all City costs associated with the compliance and mitigation monitoring during the course of construction until final project completion. Pursuant to the agreement, the City has no obligation to pay the contractor (Aspen Environmental Group) from any source of funds other than funds deposited by Skechers USA (see Section 4.C. in attached Agreement).

BACKGROUND:

On March 20, 2018, the City Council received as an Informational Item, the Planning Commission quasi-judicial decision to approve the Final Environmental Impact Report (EIR), as well as Use Permit and Use Permit Amendment for the Manhattan Beach portion of the Skechers Design Center and Offices Project, which also includes a development component in City of Hermosa Beach. Conditions of approval require the developer (Skechers USA) to fund the cost of ensuring that the conditions of approval are complied with, including the monitoring of the environmental impact mitigation measures in the Mitigation Monitoring and Reporting Program/Plan in the EIR.

Time and special expertise involved in monitoring project construction require the services of a consultant. The cities of Hermosa Beach and Manhattan Beach agreed to use Aspen Environmental Group to perform the compliance and monitoring duties for the entire project, consisting of: (a) developing a new office building with a design center and executive offices on approximately 1.8 acres at 2851, 2901, 3001, and 3125 Pacific Coast Highway in Hermosa Beach; (b) developing a new 37,000 square-foot office building on approximately 0.65 acres at 305 S. Sepulveda Boulevard in Manhattan Beach; and (c) constructing a 20,000 square-foot addition to the existing Skechers building located at 330 S. Sepulveda Boulevard in Manhattan Beach.

City of Hermosa Beach is the lead agency for the Project, in accordance with the California Environmental Quality Act (CEQA) Guidelines Sections 15050 and 15051, and managed the EIR process and contracts for the whole of the project, including the components located in Manhattan Beach. The City of Manhattan Beach is a responsible agency and agreed to manage the contract for compliance and mitigation monitoring during construction.

DISCUSSION:

The attached agreement is considered a “pass through” agreement (i.e., the cost of all services performed by Aspen Environmental Group are passed through to Skechers USA). The City’s obligation to pay invoices submitted by Aspen Environmental Group is subject to sufficient funds availability in the developer’s deposit accounts to pay Aspen Environmental Group invoices. As stated in the Agreement, the City has no obligation to pay Aspen Environmental Group from any source of funds other than funds in developer’s deposit accounts.

PUBLIC OUTREACH/INTEREST:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity, the Agreement, for compliance with CEQA and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

The Project itself received Final EIR certification by City of Hermosa Beach on January 31, 2018 and then adoption by Manhattan Beach Planning Commission on March 14, 2018.

LEGAL REVIEW

The City Attorney has approved as to form the agreement.

Attachments:

1. Resolution No. 18-0107

2. Agreement - Aspen Environmental Group