



Agenda Report

File #: 20-0537

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 07/01/2020

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

City Council consideration of certain public improvements and releasing appropriate Improvement and Survey Monumentation Securities associated with Tract Map (TM) 36355 - Tri Pointe Homes, Inc., a Delaware Corporation.

RECOMMENDED ACTION:

That the City Council:

- a. Accept the Public Storm Drain Improvements.
- b. Accept the Off-Site Sewer and Water Public Improvements.
- c. Retain twenty-five percent of the Faithful Performance Security for one year beyond acceptance of the improvements as security for repair or replacement of any improvements that fail to meet City Standards at the end of the one-year period (PB03010401775 FP and PB03010402002 FP).
- d. Retain the Labor and Material Security for six months beyond the acceptance of the improvements, and automatically release the security, unless any claims are filed (PB03010401775 LM and PB03010402002 LM).
- e. Release the Survey Monumentation Security (PB03010402003) associated with TM 36355.

ANALYSIS:

On January 20, 2016, the City Council approved the final TM 36355 for the subdivision of 21.70 acres, creating one 16.87-acre lot for development of 146 single family residential units. The project is located on the north side of Foothill Parkway, east of State Street, as shown on Exhibit "A."

On February 18, 2015, Tri Pointe Homes, Inc., the developer of TM 36355, entered into Grading and Improvement Agreements with the City for the rough grading operations associated with the project, including construction of public storm drain improvements associated with the development. The rough grading securities were released by City Council on March 1, 2017.

On May 20, 2015, Tri Pointe Homes, Inc., entered Improvement, and Survey Monumentation Agreements with the City to construct Non-Master Planned improvements including public water and sewer improvements, and guarantee setting of the survey monuments associated with TM 36355.

All of the improvements secured by these agreements have now been completed and inspected to ensure conformation with City specifications.

Twenty-five percent of the Faithful Performance Security will be retained for a period of one-year to guarantee repair or replacement of any improvements that fail prior to the end of the one-year period. Any written claims against the performance security must be made prior to the one-year guarantee period, which is set to expire July 1, 2021. City Staff must release the Faithful Performance Security one year after acceptance of the improvements by the City Council, pursuant to California Government Code Section 66499.9 (c).

It is necessary to retain the Labor and Material Security for a period of six months, in accordance with the State Subdivision Map Act.

The survey monuments have been set in accordance with the Subdivision Map Act and all City Standards, and the City has been provided with evidence that the surveyor has been paid. Therefore, it is appropriate to release the Survey Monumentation Security at this time.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

It is the City's responsibility to begin the maintenance of the public improvements one (1) year after the date of acceptance.

ENVIRONMENTAL ANALYSIS:

An approved Mitigated Negative Declaration for TM 36355 was adopted by City Council on April 16, 2014 and is on file with the Community Development Department.

Furthermore, this specific action before Council is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty

that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely releases the current securities associated with the property. Since there is no possibility that adopting this action will have a significant effect on the environment, no environmental analysis is required.

PREPARED BY: MICHELE HINDERSINN, P.E., SENIOR CIVIL ENGINEER

REVIEWED BY: TOM KOPER, P.E., ACTING PUBLIC WORKS DIRECTOR

SUBMITTED BY: JACOB ELLIS, CITY MANAGER

Attachments:

1. Exhibit A - Location Map

Owner: Tri Pointe Homes, Inc.
19520 Jamboree Road, Ste. 200
Irvine, CA 92612
Attn: Brian Ortwein
(949) 478-8669

Engineer: KWC Engineers
1880 Compton Ave.
Corona, CA 92881
Attn: Victor Elia
(951) 734-2130