



Staff Report

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**File #:** 23-0014

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 1/4/2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Planning & Development Department

**SUBJECT:**

Release of grading and improvement security posted by Foothill Parkway Shopping Plaza LLC for Parcel Map 36311 located on the north side of Foothill Parkway and west of Interstate 15.

**EXECUTIVE SUMMARY:**

This staff report asks the City Council to accept the public water and sewer improvements and release the appropriate grading and improvement security associated with Parcel Map 36311. The developer has completed the precise grading, public water, and sewer improvements associated with the construction of a new commercial center located on the north side of Foothill Parkway and west of Interstate 15, and is requesting the release of the posted securities.

**RECOMMENDED ACTION:**

**That the City Council:**

- a. Accept the public water and sewer improvements associated with Parcel Map 36311.
- b. Retain twenty-five percent (25%) of the Faithful Performance Security for one year beyond the acceptance of the improvements as security for repair and replacement of any improvements that fail to meet City standards at the end of the one-year period. (Bond No. PB03138603247).
- c. Retain the Labor and Material Security for six months beyond the acceptance of the improvements and automatically release the security, unless claims are filed. (Bond No. PB03138603247).
- d. Release the Grading and Erosion Control Securities (Bond No. PB03138603479 and Receipt No. DEP16-0178).

- e. Find this action to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

**BACKGROUND & HISTORY:**

Parcel Map 36311 is the subdivision of 3.6 acres into seven parcels for commercial condominium purposes, approved by the City Council on January 19, 2011. The project proposed the construction of a commercial plaza consisting of seven buildings, including retail and restaurant tenant spaces, free-standing restaurant buildings, a 3-story hotel, and fuel service station with a car wash. The project is zoned Commercial (C) in the El Cerrito Specific Plan (SP91-2) and is located on the north side of Foothill Parkway and west of Interstate 15.

On September 19, 2017, Foothill Shopping Plaza LLC entered into a public improvement agreement with the City of Corona and posted securities to guarantee the construction of the water and sewer improvements required to record the Parcel Map and complete the project. On May 2, 2018, the developer entered into a grading agreement and posted securities to guarantee the precise grading of the shopping center including the common areas and the retail and restaurant tenant spaces. The grading and improvements have been completed and six commercial buildings in the shopping center have received certificates of occupancy.

**ANALYSIS:**

The improvements secured by these agreements have been completed and inspected to ensure conformity with City specifications.

Twenty-five percent (25%) of the Faithful Performance Security for the public improvements 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 on January 4, 2024. City Staff will 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 site was precise graded in accordance with all City Standards and the approved grading plans. Therefore, it is appropriate to release the grading and erosion control securities posted for the property.

The following is a summary of the securities:

Grading Security	Security No.	Faithful Performance	Receipt No.	Erosion Control
Precise Grading DWG# 15-044P PGR150035	PB03138603479	\$ 183,000	DEP16-0178	\$ 13,100

Public Improvement Security	Security No.	Faithful Performance	Security No.	Labor & Materials
Water and Sewer Improvements DWG# 15-044U PIM150021	PB03138603247	\$ 1,184,400	PB03138603247	\$ 592,200

**FINANCIAL IMPACT:**

All applicable fees have been paid by the developer.

**ENVIRONMENTAL ANALYSIS:**

This action 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 commonsense exemption 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 is to release grading securities posted for a previously approved project. There is no possibility that this action will have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** CHRISTOPHER HORN, P.E., ACTING DEVELOPMENT SERVICES MANAGER

**REVIEWED BY:** JOANNE COLETTA, PLANNING & DEVELOPMENT DIRECTOR

**Attachments:**

1. Exhibit 1 - Location Map