



Staff Report

File #: 23-0607

REQUEST FOR CITY COUNCIL ACTION

DATE: 08/02/2023

TO: Honorable Mayor and City Council Members

FROM: Planning and Development Department

SUBJECT:

ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF GRADING AND IMPROVEMENT SECURITY POSTED BY NEW TECH INC. FOR 3012 AND 3026 OAK AVENUE (APPLICANT: NEW TECH INC., A CALIFORNIA CORPORATION)

EXECUTIVE SUMMARY:

This staff report asks the City Council to consider accepting the public improvements and the release of the grading and improvement securities for 3012 and 3026 Oak Avenue. New Tech Inc. has completed the required precise grading and public improvements associated with the development of the properties located at 3012 and 3026 Oak Avenue and is requesting the release of the posted securities.

RECOMMENDED ACTION:

That the City Council:

- a. Accept the public improvements associated with 3012 & 3026 Oak Avenue.
- 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. R6499 Receipt No. R6499)
- 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. R6499 and Receipt No. 6499)
- d. Release Grading and Erosion Control Securities. (Bond No. R6450 and Receipt No. R6450)

BACKGROUND & HISTORY:

Parcel Map 31928 was approved on May 19, 2004, to subdivide 1.93 acres into three parcels for the development of three single-family residential homes. The owner of Parcels 1 and 2, New Tech, Inc., proposed to construct two single-family homes on the vacant land. The project is located at 3012 and 3026 Oak Avenue, on the northwest corner of Chase Drive and Oak Avenue.

New Tech Inc. entered into public improvement agreements and a rough grading agreement with the City on July 5, 2018. The developer posted the securities to guarantee the construction of public improvements. The grading and public improvements have been completed and inspected by the City.

ANALYSIS:

Twenty-five percent (25%) of the Faithful Performance Security for the public improvements will be retained for a period of one year to guarantee the 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 August 2, 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 precisely 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:

Public Improvements	Faithful Performance		Labor and Materials	
	Security No	Amount	Security No.	Amount
Public Improvements Water - DWG# 04-147S	R6499	\$70,400	R6499	\$ 35,200
Precise Grading PGR140031	R6450	\$6,100	R6450	\$2,500

FINANCIAL IMPACT:

All applicable fees have been paid by the developer. It is the City's responsibility to begin the maintenance of the public improvements one year after the date of acceptance.

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

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activity is not subject to CEQA. This action is to accept public improvements and release 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: JENNIFER TRAN, ASSISTANT ENGINEER

REVIEWED BY: JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

Attachments:

1. Exhibit 1 - Location map