



## Legislation Details (With Text)

**File #:** 21-0824      **Version:** 1      **Name:**  
**Type:** Release of Security      **Status:** Passed  
**File created:** 8/26/2021      **In control:** City Council  
**On agenda:** 9/15/2021      **Final action:** 9/15/2021  
**Title:** Acceptance of the public improvements constructed for Parcel Map 37746, located on the north side of Third Street and east of Grand Boulevard, and release of the securities posted by PSIP EBS Third Street, LLC for the grading, public improvements, and survey monumentation associated with the project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff report, 2. Exhibit 1 - Location Map

Date	Ver.	Action By	Action	Result
9/15/2021	1	City Council	approved	

### REQUEST FOR CITY COUNCIL ACTION

**DATE:** 09/15/2021

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

**FROM:** Planning and Development Department

**SUBJECT:**

Acceptance of the public improvements constructed for Parcel Map 37746, located on the north side of Third Street and east of Grand Boulevard, and release of the securities posted by PSIP EBS Third Street, LLC for the grading, public improvements, and survey monumentation associated with the project.

### EXECUTIVE SUMMARY:

The grading, public improvements, and survey monumentation associated with Parcel Map (PM) 37746 have been completed by the developer. The property associated with PM 37746 includes a newly constructed industrial building on 4.80 acres. The City's acceptance of the completed improvements will release the securities posted by the developer for the project.

### RECOMMENDED ACTION:

#### That the City Council:

- a. Accept the public improvements associated with Parcel Map 37746.

- b. Retain twenty-five percent (25%) of the Faithful Performance Security for one year from the date of acceptance of the improvements, as security for the repair or replacement of any improvements that fail to meet City Standards at the end of the one-year period (Faithful Performance Bonds: PB00198300114, PB00198300112, PB00198300113).
- c. Retain the Labor and Material Security for six months from the date of acceptance of the improvements, and automatically release the security unless any claims are filed (Labor and Material Bonds: PB00198300114, PB00198300112, PB00198300113).
- d. Release the Grading and Erosion Control Securities (Faithful Performance Bond PB00198300111 and Cash Deposit R22948).
- e. Release the Survey Monumentation Security associated with Parcel Map 37746 (Faithful Performance Bond PB00198300115).
- f. Authorize an appropriation and estimated revenue increase of \$5,606 to the Community Services' and Public Works' operating budgets in the Communities Facilities District (CFD) 2016-3, Zone 18 Fund 264.

#### BACKGROUND & HISTORY:

PSIP EBS Third Street, LLC, a Delaware Limited Liability Company, is the owner of the property associated with Parcel Map 37746. The property is located east of East Grand Boulevard on the north side of Third Street. On March 18, 2020, the City Council approved Parcel Map 37746, which created one lot totaling 4.80 acres. The purpose of the parcel map was to facilitate the development of an industrial building on the property.

On August 19, 2020, the City Council authorized the execution of precise grading, survey monumentation, and public improvement agreements associated with the project. This was done in accordance with the project's conditions of approval and the requirements of the Subdivision Map Act. The public improvements for the project included street, water, sewer, and storm drain.

The table below shows the securities posted for the project.

	Faithful Performance		Labor and Materials	
	Security No.	Amount	Security No.	Amount
Street Improvements- PWIM2020-0002	PB00198300114	\$ 173,200	PB00198300114	\$ 86,600
Water & Sewer Improvements - PWIM2020-0004	PB00198300112	\$ 284,200	PB00198300112	\$ 142,100
Storm Drain Improvements - PWIM2020-0003	PB00198300113	\$ 199,200	PB00198300113	\$ 99,600
Precise Grading- PWGR2020- 0002	PB00198300111	\$ 76,500	N/A	N/A
Erosion Control - PWGR2020- 0002	Cash - R22948	\$ 4,500	N/A	N/A

Survey Monumentation - PWLE2020-0001	PB00198300115	\$ 2,500	N/A	N/A
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**ANALYSIS:**

The public improvements associated with the project and secured by the grading and public improvement agreements have been completed and inspected by City staff throughout the construction process to ensure consistency with approved plans and City specifications. The public improvements for the project included street, water, sewer, and storm drain.

Twenty-five percent (25%) of the Faithful Performance Security for the public improvements will be retained for a period of one-year from the date of acceptance to guarantee resources are available in case of repair or replacement of any of the public improvements prior to the end of the one-year period. Written claims against the performance security shall be made prior to the one-year guarantee period, which will expire on September 15, 2022. 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).

Additionally, it is necessary to retain the Labor and Material Security for a period of six months from the date of acceptance 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. Also, the site has been graded in accordance with all City Standards and the approved grading plan for the project. Therefore, the City Council may release the securities associated with the survey monumentation, grading, and erosion control.

**FINANCIAL IMPACT:**

All applicable fees have been paid by the developer. The City's maintenance responsibility of the public improvements will begin one year from the date of acceptance of the public improvements. Approval of the recommended actions will result in an appropriation and estimated revenue increase of \$5,606 to the Community Services' and Public Works' operating budgets in the Communities Facilities District (CFD) 2016-3, Zone 18 Fund 264.

Fund	07/01/21 Est. Fund Balance	Budgeted Revenues/ Sources	Budgeted Expenditures/ Uses	Fund Balance Impacts	06/30/22 Est. Fund Balance
CFD 2016-3, Zone 18 Interchange Fund 264	\$0	\$0	\$0	Appropriation (\$5,606) Revenue Increase \$5,606	\$0

**ENVIRONMENTAL ANALYSIS:**

The City's release of the previously posted securities by the developer is not considered a project under the California Environmental Quality Act (CEQA). Therefore, no further environmental analysis is required.

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

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

**Attachments:**

1. Exhibit 1 - Location Map