



Legislation Details (With Text)

**File #:** 22-423  
**Type:** Consent Calendar                      **Status:** Passed  
**File created:** 5/9/2022                      **In control:** City Council/Public Financing Authority  
**On agenda:** 5/17/2022                      **Final action:** 5/17/2022  
**Title:** Approve and accept the public improvements, release the securities for, and accept a guarantee and warranty bond for the Windbourne/Franklin Project (Tract 18147)  
**Attachments:** 1. Att#1 - Vicinity Map, 2. Att#2 - Imps Acceptance form, 3. Att#3 - GW Bond, 4. Att#4 - Tract Map

Date	Ver.	Action By	Action	Result
5/17/2022	1	City Council/Public Financing Authority	approved	Pass

**REQUEST FOR CITY COUNCIL ACTION**

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

**SUBMITTED BY:** Sean Joyce, Interim City Manager

**VIA:** Sean Crumby, Director of Public Works

**PREPARED BY:** Steve Bogart, Senior Civil Engineer

**Subject:**

**Approve and accept the public improvements, release the securities for, and accept a guarantee and warranty bond for the Windbourne/Franklin Project (Tract 18147)**

**Statement of Issue:**

TRI Pointe Homes, Inc., the developer of Tract 18147, has completed construction of all required public improvements and is now eligible to receive a release of securities and bonds, pursuant to the provisions of the Subdivision Map Act.

**Financial Impact:**

Not applicable.

**Recommended Action:**

A) Accept the improvements constructed and dedicated for public use with Tract 18147, and instruct the City Clerk to record the Notice of Acceptance of Public Improvements (Attachment 2) with the Orange County Recorder; and,

B) Accept Guarantee and Warranty Bond No. PB03010405878-M (Attachment 3); the security furnished for guarantee and warranty of public improvements, and instruct the City Clerk to file a bond with the City Treasurer; and,

C) Instruct the City Clerk to notify the developer, TRI Point Homes, Inc., of this action, and the

City Treasurer to notify the Surety, the Philadelphia Indemnity Insurance Company, of this action.

**Alternative Action(s):**

Deny the recommended actions. Denying the recommended actions may violate the Subdivision Map Act whereby Section 66499.9 of the State of California Government Code, requires the guarantee and warranty of the work for a period of one year following completion and acceptance of the improvement(s), against any defective work, labor and materials furnished. Denying the acceptance of the Guarantee and Warranty Bond may place undue burden and costs upon the City for correcting any defective work, labor and material provided by the subdivider.

**Analysis:**

On September 11, 2018, the City of Huntington Beach Planning Commission approved Tentative Tract Map No. 18147 to allow subdivision of the subject 8.75-acres site into 51 numbered lots for single-family residential dwellings and five lettered lots for private streets, public utilities, common areas, water quality purposes, and a 1.30-acre public park. On May 6, 2019, the City Council approved Final Tract Map No. 18147 (Attachment 4) and the Subdivision Agreement between the City of Huntington Beach and TRI Pointe Homes, Inc., a Delaware Corporation. The City also accepted bonds from the developer required for the project as follows: Faithful Performance Bond No. PB03010405878, Labor and Materials Bond No. PB03010405878, and Monument Bond No. PB03010405837.

The developer has completed all required public improvements and is now requesting release of the aforementioned securities, pursuant to California Government Code Section 66499.7(a). The constructed improvements include: curb, gutter, and sidewalk along Hammon Lane and Sands Drive; the domestic water system within the private streets; and the sanitary sewer system within the private streets.

The City Engineer has determined that the public improvements have been constructed in substantial conformance with the approved plans and specifications, and recommends acceptance of these improvements.

TRI Pointe Homes has provided Guarantee and Warranty Bond No. PB03010405878-M as security for the one-year warranty period, and is now requesting acceptance of this bond.

Project Data:

DEVELOPER: TRI Pointe Homes, Inc., 5 Peters Canyon, Suite 100, Irvine, CA 92606

ENGINEER: Walden & Associates, 2552 White Road, Suite B, Irvine CA 92614

SURETY: Philadelphia Indemnity Insurance Company, One Bala Plaza, Suite 100, Bala Cynwyd, PA 19004-0950

**Public Works Commission Action:**

Not required.

**Environmental Status:**

The recommended actions are ministerial acts and are exempt from the requirements of the California Environmental Quality Act, pursuant to State CEQA Guidelines, California Administrative Code, Title 14, Chapter 3, Section 15268(b).

**Strategic Plan Goal:**

Economic Development & Housing

**Attachment(s):**

1. Location Map
2. Notice of Acceptance of Public Improvements (Tract 18147)
3. Guarantee and Warranty Bond No. PB03010405878-M
4. Final Tract Map No. 18147