



## Legislation Details (With Text)

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**File created:** 7/13/2020      **In control:** City Council/Public Financing Authority

**On agenda:** 8/3/2020      **Final action:** 8/3/2020

**Title:** Accept Park Improvements and the Guarantee and Warranty Bond for the Windbourne/Franklin Park Redevelopment Project (Tract 18147) at Sands Drive by Developer TRI Pointe Homes, Inc.

**Attachments:** 1. Att#1 Location Map, 2. Att#2 Acceptance of Park Improvements, 3. Att#3 Guarantee and Warranty Bond, 4. Att#4 Tract Map 18147

Date	Ver.	Action By	Action	Result
8/3/2020	1	City Council/Public Financing Authority	approved	Pass

### REQUEST FOR CITY COUNCIL ACTION

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

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Tom Herbel, PE, Acting Director of Public Works

**Subject:**

**Accept Park Improvements and the Guarantee and Warranty Bond for the Windbourne/Franklin Park Redevelopment Project (Tract 18147) at Sands Drive by Developer TRI Pointe Homes, Inc.**

**Statement of Issue:**

TRI Pointe Homes, Inc., the Developer of the Windbourne/Franklin Park Redevelopment Project (Tract 18147), has completed required park improvements and is now requesting the City's acceptance of said improvements with their submittal of a Guarantee and Warranty Bond.

**Financial Impact:**

Not applicable.

**Recommended Action:**

A) Accept park improvements for the Windbourne/Franklin Park Redevelopment Project (Tract 18147) and instruct the City Clerk to record the "Acceptance of Public Park Improvements (Tract 18147)" form (Attachment 2) with the Orange County Recorder; and,

B) Accept Guarantee and Warranty Bond No. PB03010406957 (Attachment 3), the security furnished for guarantee and warranty of park improvements, and instruct the City Clerk to file the bond with the City Treasurer; and,

C) Instruct the City Clerk to notify the developer, TRI Pointe 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:

1. 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.
2. 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).

TRI Pointe Homes, Inc., a Delaware Corporation, the subdivider and developer of Tract 18147, satisfied the park and recreation requirement by dedicating 1.30 acres of the subdivision to the City in fee as a public park (Lot "E" of Final Tract Map No. 18147). The public park site, was then improved with amenities consisting of playground equipment, a tot-lot play area, picnic tables, benches, irrigation, landscaping, and hardscaping.

TRI Pointe Homes, has completed all of the required public improvements related to the public park and is requesting formal acceptance by the City, pursuant to California Government Code Section 66499.7(a). The City Engineer has determined that the improvements have been constructed in substantial compliance with the approved plans and specifications, and recommends acceptance of said improvements.

The developer has provided a Guarantee and Warranty Bond for City Council acceptance, as a surety against all defects in workmanship and materials for a one-year period beginning on the date of the City's acceptance.

**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:**

Enhance and maintain infrastructure

**Attachment(s):**

1. Location Map
2. Acceptance of Public Park Improvements (Tract 18147)
3. Guarantee and Warranty Bond No. PB03010406957
4. Final Tract Map No. 18147