Item 6

Council Agenda Report

Department Name: Community Development
Cost Center: 4003
For Agenda of: October 20, 2020
Placement: Consent
Estimated Time: N/A

FROM: Michael Codron, Director of Community Development
Prepared By: Dan Van Beveren, Senior Civil Engineer

SUBJECT: FINAL ACCEPTANCE OF A PORTION OF PUBLIC IMPROVEMENTS FOR TRACT 3083 - A RESIDENTIAL SUBDIVISION AT 1299 ORCU TT ROAD (WEST CREEK)

RECOMMENDATION

Adopt a Resolution accepting a portion of the public improvements for Tract 3083; certifying completion of a portion of the required subdivision improvements; releasing the securities for the accepted portions of Tract 3083; and authorizing the Director of Public Works to accept the remaining public improvements, then release the remaining securities once the improvements are deemed complete (Attachment A).

DISCUSSION

Background
Tract 3083 (West Creek) is located within the Orcutt Area Specific Plan area (Attachment B). West Creek consists of the creation of 77 lots which include the following:

1. 67 single family lots.
2. One large multi-family development lot.
3. Six lots used as neighborhood linear parks, private open space, public utilities, and pedestrian access.
4. One small central neighborhood playground lot.
5. Two lots used for stormwater retention and treatment.

Partial Acceptance of a Portion of West Creek Improvements
Work has been completed for most of the West Creek improvements including a new roundabout on Orcutt Road, three new public streets including Ranch House Road, Noveno Avenue, and Cerro Cabrillo Lane, offsite sewer line upgrades, and offsite water main extension and upgrade. A map depicting these completed improvements is included as Attachment C.

In general, the West Creek improvements consist of street construction, street widening, medians, curb, gutter, sidewalks, Class 1 multi-use paths, streetlights, water main and sewer main extensions, fire hydrants, reclaimed water main, storm drain improvements, and landscaping.
The draft resolution accepts the completion of a portion of the required improvements, reduces the securities for the work that is completed, authorizes the Public Works Director to accept the remaining public improvements once they are deemed complete, and to release the remaining securities on behalf of the City Council once the work is completed. Currently, the only remaining items not yet completed are the final grading and landscaping of the stormwater retention basis (underway at the time this report was written), a few minor punch list items, and the submittal of the final record drawings.

**Previous Council Action**
The final map for Tract 3083 was approved by City Council on September 18, 2018, by Resolution No. 10939 (2018 Series).

The tentative subdivision map for Tract 3083 was approved by City Council on May 17, 2016, by Resolution No. 10715 (2016 Series).

**Policy Context**
The City Council accepts public improvements and certifies completion of private improvements in accordance with the Subdivision Map Act and the City’s Subdivision Regulations.

**Public Engagement**
Public Engagement was completed with the approval of the Tentative Map and the development of the Orcutt Area Specific Plan.

**CONCURRENCE**
The Public Works Director and the Utilities Director concur with the recommended action.

**ENVIRONMENTAL REVIEW**
There is no environmental review associated with the acceptance of these improvements. Prior Environmental review consisted of the review of the Orcutt Area Specific Plan and its Final Environmental Impact Report (FEIR) in March 2010. Subsequent environmental review included the West Creek Vesting Tentative Tract Map #3083, which tiered off the 2010 FEIR, and was analyzed in a project-specific Initial Study/Mitigated Negative Declaration approved in 2017.

**FISCAL IMPACT**
Budgeted: No
Funding Identified: No
Fiscal Analysis:

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<th>Funding Sources</th>
<th>Total Budget Available</th>
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<th>Remaining Balance</th>
<th>Annual Ongoing Cost</th>
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<td>Fees</td>
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<td><strong>Total</strong></td>
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Typical maintenance and operation of newly accepted public facilities will be required for the street and utility improvements. Increasing the maintenance budget for the small, incremental increase in infrastructure to be maintained does not occur with each acceptance of public facilities. The maintenance budget for the improvements is evaluated and included as needed in the City’s two-year Financial Plan and capital improvement plan budget. Council action accepting these improvements, however, in itself does not require an immediate budget adjustment.

**ALTERNATIVES**

*Limited alternatives exist only regarding the timing of the acceptance of these improvements.*

Ultimately, acceptance of the public improvements is required in accordance with the OASP, Tentative Map approvals, Department of Real Estate process assumptions, and Homeowners Association CC&R’s.

**Attachments:**

- a - Draft Resolution
- b - Vicinity Map
- c - Site Map
RESOLUTION NO. _______ (2020 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, ACCEPTING A PORTION OF THE PUBLIC IMPROVEMENTS; RELEASING THE SECURITIES FOR THE ACCEPTED PORTIONS OF TRACT 3083; AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ACCEPT THE REMAINING PUBLIC IMPROVEMENTS, THEN RELEASE THE REMAINING SECURITIES ONCE THE IMPROVEMENTS ARE DEEMED COMPLETE

WHEREAS, the City Council made certain findings concerning Tract 3083, as prescribed in Resolution No. 10715 (2016 Series); and

WHEREAS, the City Council approved the final map Phase 1 for Tract 3083 per Resolution No. 10939 (2018 Series); and

WHEREAS, the subdivider has satisfactorily completed the majority of the required improvements in accordance with City standards, specifications, and the subdivision agreement; and has requested that the City accept these public improvements for maintenance and operation by the City; and

WHEREAS, the subdivider has satisfactorily completed the majority of the private improvements in accordance with City standards, specifications and the approved plans, and has requested that the City certify completion of these private improvements; and

WHEREAS, the subdivider has on file the appropriate securities to guarantee the completion of the remaining Phase 1 subdivision improvements as shown on the approved plans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. The City Council hereby accepts a portion of the public improvements for Tract 3083, specifically the public improvements for Ranch House Road located within the Tract boundary, and the entire portions of Noveno Avenue, and Cerro Cabrillo Lane.

SECTION 2. The City Council hereby certifies completion of the required private subdivision improvements within the Tract boundary with the exception of the two stormwater basins and the private playground.

SECTION 3. The Faithful Performance securities guaranteeing completion of the on-site and off-site public improvements may be reduced with the approval of the Director of Public Works upon submittal of the following items:

1. Progress record drawings for the completed improvements; and
2. Certification by the Engineer of Record for the completion of the public improvements.
SECTION 4. The corresponding Labor & Materials security may be released after 90 days from the date of acceptance of the improvements in accordance with Section 66499.7(h) of the California Government Code.

SECTION 5. The Director of Public Works is hereby authorized to accept the remaining improvements and to release the remaining securities on behalf of the City Council once the work is completed to the City’s satisfaction.

SECTION 6. The security guaranteeing the workmanship and materials may be released by the Director of Public Works upon the successful completion of the 12-month warranty time period from the date of acceptance of the improvements.

Upon motion of Council Member __________________, seconded by Council Member __________________, and on the following roll call vote:

AYES:
NOES:
ABSENT:

The foregoing resolution was adopted this ______ day of _______________ 2020.

____________________________________
Mayor Heidi Harmon

ATTEST:

______________________________
Teresa Purrington
City Clerk

APPROVED AS TO FORM:

______________________________
J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _________________.

____________________________________
Teresa Purrington
City Clerk

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LOCATION OF ORCUTT AREA SPECIFIC PLAN

ORCUT AREA SPECIFIC PLAN
VICINITY MAP
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