



## City Council Staff Report

DATE: March 16, 2016 CONSENT CALENDAR

SUBJECT: APPROVAL OF TIME EXTENSION OF SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP 28966.

FROM: David H. Ready, City Manager

BY: Public Works & Engineering Department

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### SUMMARY

At the March 2, 2016, City Council meeting, the City Council deferred approval of an extension of time to the Subdivision Improvement Agreement for Tract Map 28966, and requested that staff identify the property owner to confirm lack of any conflict of interest for any member of City Council approving the extension of time. The current property owner of Tract Map 28966 is Tripalmsview Properties, LLC, and its manager is Shaul Mezrahi.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING A ONE YEAR TIME EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP 28966, AGREEMENT A4814."

### STAFF ANALYSIS:

Subdivision improvement agreements are approved as part of the City Council's approval of a final map for subdivision of property for residential purposes. The agreement between the City and Subdivider obligates the Subdivider to construct all the necessary public improvements, which are secured with bonds or other suitable security to ensure the improvements are constructed and laborers and suppliers are paid. The City retains the ability to call the securities in the event necessary public improvements are not completed and the Subdivider has defaulted on the property.

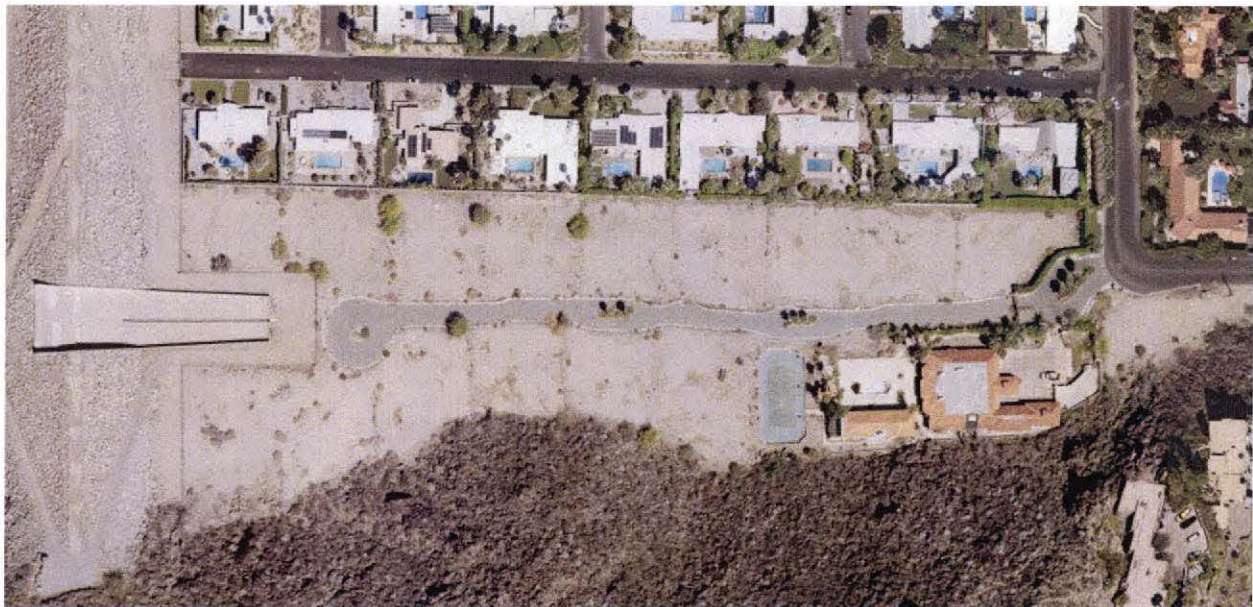
During the economic recession, some residential projects stopped construction and remained on indefinite hold, and only recently have commenced completion of housing construction within the project. Over the years, the City Council has approved an extension of time for various subdivision improvement agreements. Terms of the

subdivision improvement agreements require that the Subdivider complete the public improvements within a certain time frame (generally two years from the City's approval of the improvement plans). Although construction on most projects has resumed, some Subdividers required more time to commence and completion construction. Therefore, it is staff's recommendation that the City Council acknowledge that factors beyond the Subdivider's control have delayed completion of the projects, and requires an additional time extension to the subdivision improvements agreement. This action will preserve the City's rights to file claims against the Subdivider's bonds in the event the Subdivider is unwilling or unable to complete the public improvements.

The following project is in the final stage of completing required public improvements, and staff recommends that the City Council approve a time extension for the following subdivision improvement agreement, as follows:

***Tract Map 28966, "Preserve Estates", extend to June 18, 2017***

Tract Map 28966 is a subdivision of 15 new residential lots on one private street located at the south end of Via Monte Vista shown here in Figure 1.



**Figure 1**

The property owner is Tripalmsview Properties, LLC, and its manager is Shaul Mezrahi.

All public improvements are completed with the exception of construction of the final layer of asphalt concrete pavement on the private street, with associated final adjustment of sewer manholes and water valves. This work had been deferred by the current property owner until completion of housing construction. Staff recommends that another 1 year time extension be approved to allow staff to initiate efforts with the

current property owner to complete the remaining improvements, or to file a claim against the security to force completion of these improvements.

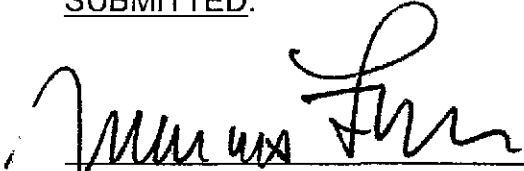
ENVIRONMENTAL IMPACT:

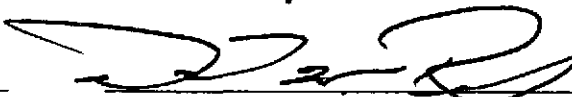
The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to adopt a Resolution authorizing extension of time for performance of obligations identified in TM 28966 subdivision improvement agreement, and is exempt from CEQA pursuant to Section 15378(b), in that a "Project" does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

None.

SUBMITTED:

  
\_\_\_\_\_  
Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer

  
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David H. Ready, Esq., Ph.D.  
City Manager

Attachments:

1. Resolution

# **ATTACHMENT 1**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING A ONE YEAR TIME EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP 28966, AGREEMENT A4814

**WHEREAS**, the City Council previously approved Tract Map 28966; and

**WHEREAS**, included with the City Council's approval Tract Map 28966 is approval of a Subdivision Improvement Agreement between the City and Subdivider identifying certain obligations of the Subdivider, including an obligation to complete subdivision improvements within two years of commencement of work; and

**WHEREAS**, Tract Map 28966 requires additional time for completion of subdivision improvements; and

**WHEREAS**, it is in the public's best interest to secure the City's security associated with the subdivision improvement agreement for Tract Map 28966 by granting an extension of time for completion of subdivision improvements.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The City Council does hereby approve an extension of time to June 18, 2017, for completion of subdivision improvements for Tract Map 28966, Agreement No. 4814.

ADOPTED this 16th day of March, 2016.

\_\_\_\_\_  
DAVID H. READY, CITY MANAGER

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 16, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California