



## Legislation Details (With Text)

**File #:** ID19-11630    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Agenda Ready  
**File created:** 11/22/2019    **In control:** City Council  
**On agenda:** 12/12/2019    **Final action:** 12/12/2019  
**Title:** Actions Pertaining to Acceptance of Subdivision Improvements:  
1. BILL - (For Introduction) - Adding Subsection U to Section 3804 of Chapter 15 of the Fresno Municipal Code relating to the deferral of certain sidewalk construction, driveway approaches and street trees in subdivisions until prior to occupancy of single family homes.  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 19-11630 Ordinance

| Date       | Ver. | Action By    | Action    | Result |
|------------|------|--------------|-----------|--------|
| 12/12/2019 | 1    | City Council | continued | Pass   |

## REPORT TO THE CITY COUNCIL

**December 12, 2019**

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Public Works Department

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## SUBJECT

Actions Pertaining to Acceptance of Subdivision Improvements:  
1. BILL - (For Introduction) - Adding Subsection U to Section 3804 of Chapter 15 of the Fresno Municipal Code relating to the deferral of certain sidewalk construction, driveway approaches and street trees in subdivisions until prior to occupancy of single family homes.

## RECOMMENDATION

Staff recommends that the Council introduce the attached Ordinance to add Subsection U to Section 3804, of Chapter 15, of the Fresno Municipal Code to allow deferral of certain sidewalk improvements, driveway approaches and planting of street trees within residential subdivisions until prior to occupancy of homes.

## EXECUTIVE SUMMARY

Municipal Code Section 15-3804, requires that subdividers complete the public improvements, or execute a secured agreement to install all of the public improvements within the development prior to approval of the Final Map. Most developers enter into a Subdivision Agreement and post bonds to guarantee that they build all of the public improvements including the sewer lines, water pipes, streets, sidewalks, street trees and landscaping. The Building Industry Association has requested that the Municipal Code be modified to allow the release of the bonds prior to the completion of certain sidewalk improvements, driveway approaches, and street tree planting. The improvements that were not completed at the time of the bond release would be secured by holding occupancy on homes in the development until the frontage improvements were completed.

## **BACKGROUND**

Most developers enter into a Subdivision Agreement and provide bonds and cash to guarantee that the public improvements will be completed. The utilities and street improvements are generally completed quickly and homes begin to be sold and occupied. The sidewalks in front of the homes usually get installed after the home is built, but before the homeowners move in. In 2008, the Council approved Resolution 2008-100, which allows a one-time reduction in the amount of the bond when the improvements are substantially completed. Sales of all of the homes in larger subdivisions can sometimes take several years. During much of that time, all of the public improvements are completed except for the sidewalks and driveway approaches in front of the unsold lots. The developers do not want to install these sidewalks until after the house is finished, because the equipment used to construct the home might damage the sidewalk. The Code requires that the Developer keeps the bonds active until the very last home is built and the sidewalk in front of the home is installed. On large subdivisions the cost of carrying these bonds for several years can be quite high.

The Building Industry Association and some of the developers have requested that the City change the Municipal Code to allow the bonds to be released before completion of all of the sidewalks, driveway approaches and planting of the street trees. These improvements would be finished with the construction of the home, and if the work was not completed or was not installed properly, the City would deny occupancy of the home until the work was finished or corrected to a satisfactory level. Several cities in the area do allow the bonds to be released before the sidewalks and driveways are 100% complete. City staff recommends adding Subsection U to the Fresno Municipal Code (attached) to address these concerns meanwhile protecting the interests of the City and the general public.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a “project” as defined by CEQA.

## **LOCAL PREFERENCE**

Not applicable because this is not a competitive bid.

## **FISCAL IMPACT**

There will be no impact to the General Fund as a result of the recommended action.

Attachments:  
Ordinance