



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: AUGUST 19, 2008

ITEM NUMBER: **VI-10**

**SUBJECT:** RELEASE OF FAITHFUL PERFORMANCE BOND IN CONNECTION WITH THE COASTAL SAGE SCRUB RESTORATION PROJECT AT FAIRVIEW PARK

**DATE:** AUGUST 7, 2008

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING

**PRESENTATION BY:** PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR, (714) 754-5303

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## **RECOMMENDATION**

Release the Faithful Performance Bond (Certificate #SU5014521) in the amount of \$313,100 for Habitat Revegetation at Fairview Park to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, CA 92629.

## **BACKGROUND**

On April 5, 2005, the City Council approved the Memorandum of Agreement and Land Covenant with Headlands Reserve, LLC, for the creation of 11 acres of Coastal Sage Scrub (CSS) in the lower northwest portion of Fairview Park. Headlands Reserve, LLC, created 11 acres of CSS to partially compensate for native plant impacts that occurred within the Headlands Development project in Dana Point.

## **ANALYSIS**

Staff has received the first annual Restoration and Monitoring Report for the Fairview Park CSS creation site from the project biologist, URS Corporation. According to the report, and based upon the observed growth of native species during the first year, cover for the site will easily meet or exceed the standards set for the next four years of monitoring, although some areas may require focused maintenance such as an application of additional seed mix on small portions of the site. The cover of the target vegetation overall indicates that, given adequate irrigation and appropriate maintenance, the site should reach the prescribed standards within the five-year time frame. It is likely that the "Year Five" success standards will be met by "Year Three."

The CSS community created will provide habitat for a variety of avian species including the coastal California gnatcatcher (*Polioptila californica*), California towhee (*Pipilo crissalis*), white-crowned sparrow (*Zonotrichia leucophrys*), wrentit (*Chamaea fasciata*), Bewick's wren (*Thryomanes bewickii*), California thrasher (*Toxostoma redivivum*) and Costa's hummingbird (*Calypte costae*). The CSS will also provide habitat for a variety of reptile and mammal species.

Maintenance will continue to be performed and monitored by a qualified URS biologist/restoration specialist. During the maintenance period, sufficient personnel and equipment will be allocated to perform landscape maintenance of all planted areas. Maintenance/monitoring visits will continue to be conducted at a minimum of once monthly during the first two years after installation is complete, and as needed thereafter. The need for additional maintenance visits shall be determined by the monitoring biologist based on current site conditions.

Headlands Reserve, LLC, is responsible for the CSS site until 2011, or earlier if staff and the biologist deem that the site meets the contracted success criteria. The Maintenance Bond posted by Headlands Reserve, LLC, will remain in effect until the City accepts the site as complete. Staff requests that only the Faithful Performance Bond be released at this time.

**ALTERNATIVES CONSIDERED**

There were no alternatives considered for this item.

**FISCAL REVIEW**

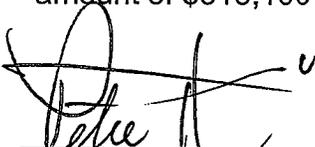
There is no fiscal impact due to this item.

**LEGAL REVIEW**

There is no legal review required on this item.

**CONCLUSION**

It is recommended that the City Council release the Faithful Performance Bond in the amount of \$313,100 to Headlands Reserve, LLC.



PETER NAGHAVI, Director  
Department of Public Services



ROBERT STAPLES  
Fairview Park Plan Administrator

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