



# Request from Mayor Speake

## Orange Heights Lane – Waiver of Sidewalk Improvement (South Side between Main Street and Jasper Drive)

December 7, 2022

# The Ask...

Does the City Council want to consider the request by Mayor Speake on waiving the construction of the missing sidewalk improvements on the south side of Orange Heights Lane between Main Street and Jasper Drive.



# Orange Heights Lane -Background

- ▷ Local street
- ▷ Length: Main Street to Mountain Gate Drive
- ▷ Right-of-way dedication exists
- ▷ Public street improvements including curb, gutter, sidewalk, streetlight and fire hydrants exist on both sides of the street, except on the south side between Main Street and Jasper Drive
- ▷ Previous City Council deferred the public improvements on the south side.
  - Starting in 1992, the Council approved liens on three properties [376, 520 & 532 Orange Heights Lane] within this roadway segment to secure the cost of the construction of the future public improvements at the time of application of new construction.
  - Council determined that the construction of the missing public improvements in their entirety would be more beneficial to the local area than in short incremental sections.



# Orange Heights Lane



Properties with a Lien Agreement to Secure Construction of Public Improvements



# 234 Orange Heights Lane

- ▷ 5 acres
- ▷ Property owner applied for building permit to construct a two-story, approximately 11,600 sf accessory building.
- ▷ Street right-of-way along the front of the property already dedicated to the City.
- ▷ Public improvements such as sidewalk, streetlight and landscaped parkway missing adjacent to the property.
- ▷ Owner was required to guarantee the cost of the construction of the missing public improvement adjacent to the property, per CMC Section 15.48.020.
- ▷ Estimated Cost: \$46,691





## Corona Municipal Code Chapter 15.48, Off-Site Improvements

- ▷ Ensure required public street improvements are put in place, such as sidewalks and streetlights, to prevent hazards of vehicular traffic on pedestrians and to prevent street crimes.
- ▷ Requires the construction of the missing public improvements at the time of new construction on property, as applicable.
- ▷ Ordinance makes provisions for the City Council to waive or defer missing public improvements.

## Corona Municipal Code Chapter 15.48, Off-Site Improvements Waiver or Deferral Criteria



City Council must find all the following conditions exist for which a waiver or deferral of the requirement is sought:

- (1) The strict application of the particular requirement will cause unnecessary hardship to the applicant, which is inconsistent with the findings, as stated in § [15.48.010](#);
- (2) There are exceptional circumstances or conditions applicable to the subject property, or to its proposed use or development which makes the application of the requirement unfair and oppressive to the applicant;
- (3) Would not adversely affect the public health, safety, and general welfare, nor be injurious to any property or improvements in the immediate vicinity of the property for which the applicant has pending with the city a request for a building permit.

The City Council may impose any reasonable condition on a grant of a waiver or deferral under this chapter, including the filing of improvement security in the case of a deferral.

# Concerns Expressed

1. Actual Construction Cost Higher than Estimated Cost
2. Undergrounding of Utility Poles
3. Power Lines May Conflict with Sidewalk and Streetlight
4. Grade Drop may require Extensive Grading
5. Other Like Streets have Limited or No Sidewalks



# 1. Actual vs. Estimated Construction Costs

- ▶ Staff provided a cost estimate of \$46,691 for improvements in public right of way
  - Includes, sidewalk, streetlight, grading and driveway approaches in public right of way
  - Does not include driveway, fence, gate or work on private property
  - Does not include cost for undergrounding utilities
- ▶ Staff recommends the property owner pay fair-share of public improvement costs to relieve his obligations to construct the public improvements.
- ▶ When City constructs public improvements at a future date, it will be responsible for all costs, including any necessary work on private property.

## 2. Undergrounding Wires and Poles

- ▷ Per CMC 15.60, the property owner is conditioned to Underground Utilities.
- ▷ The property owner can pay for the fair share cost to underground utilities to relieve his obligations. SCE estimates \$35K-\$40K per pole for undergrounding costs.
- ▷ The property owner can enter into a lien to defer undergrounding utilities along his frontage. There are a total of 10 utility poles along Orange Heights Lane.
- ▷ The property owner can apply for a waiver under CMC Section 15.06.060. Staff has already provided information to the applicant regarding process and fees.



### 3. Utility lines and poles conflict with sidewalk and streetlights

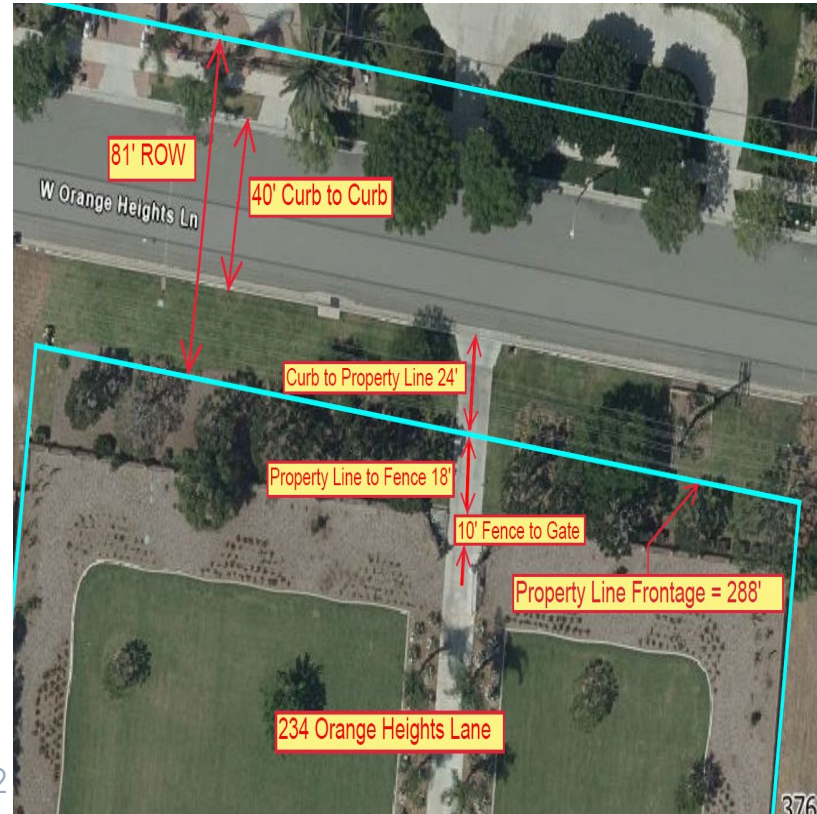
- ▷ Sidewalks can be installed following the grade within the 24 feet right of way.
- ▷ A street light may be installed under the power lines or on the power pole fronting the property.
- ▷ CMC Section 15.06.060 allows the applicant to apply for a waiver through the City Council. Staff has provided information to the applicant to apply for the waiver.





# 4. Grade drop requires excess grading, driveway, and fence/gate modification

- ▶ There is a grade difference of 4-5 feet along a horizontal distance of 42 feet between the property wall/fence and street.
- ▶ The sidewalk can be designed and constructed to follow the existing slope to avoid excess grading.
- ▶ The existing driveway has a 12-15 percent gradient and levels off at the gate. Adding a 4-foot section of sidewalk across the driveway requires reconstruction of the driveway and little to no modifications to the gate.



# 5. Garretson between Santana and Pacific, Gilbert s/o Cleveland are similar streets

- ▶ Municipal Code Chapter 15.48 governs public improvements related to new construction.
- ▶ Public improvements are typically conditioned as part of the building permit. The applicant must construct, pay its fair share, or defer and pay for the improvements at a future date.
- ▶ Accessory Dwelling Units (ADUs) are regulated by the State and are exempt from public improvements.



## The request: Waive the construction of the missing sidewalk improvements on the south side of Orange Heights Lane between Main Street and Jasper Drive

### OPT. 1

Direct staff to prepare a report with the required findings for the City Council's consideration to waive the sidewalk improvements within the City's dedicated right-of-way on the south side of Orange Heights Lane between Main Street and Jasper Drive.

**Pros:** Lowers the cost of construction for current and future development on the southern section of Orange Heights Lane between Main Street and Jasper Drive.

**Cons:** Public improvements would not be built consistent with other areas of the community or for those on this street that have already paid to have the improvements installed. Potentially creates a precedent for waiving the installation of public improvements in other areas of the community.



## The request: Waive the construction of the missing sidewalk improvements on the south side of Orange Heights Lane between Main Street and Jasper Drive

### OPT. 2

Direct staff to implement the requirement of CMC Section 15.48.020:

- Have the public improvements adjacent to 234 Orange Heights Lane deferred.
- Have the property owner pay the City the estimated construction cost of the public improvements adjacent to the property.
- Have the property owner pay the cost upfront now for the improvements, with the City building the improvements at an appropriate point in the future.
- Continue to collect payments from the property owners on the south side of Orange Heights Lane between Main Street and Jasper Drive when the on-site construction of new buildings occurs on the properties.

**Pros:** Provides the funding to the city to complete the public improvements at one time along the south side of this section of Orange Heights.

**Cons:** Increases the cost of development to the residents in this roadway segment by having to pay their fair share for the construction of the missing public improvements.

# Staff's Recommendation

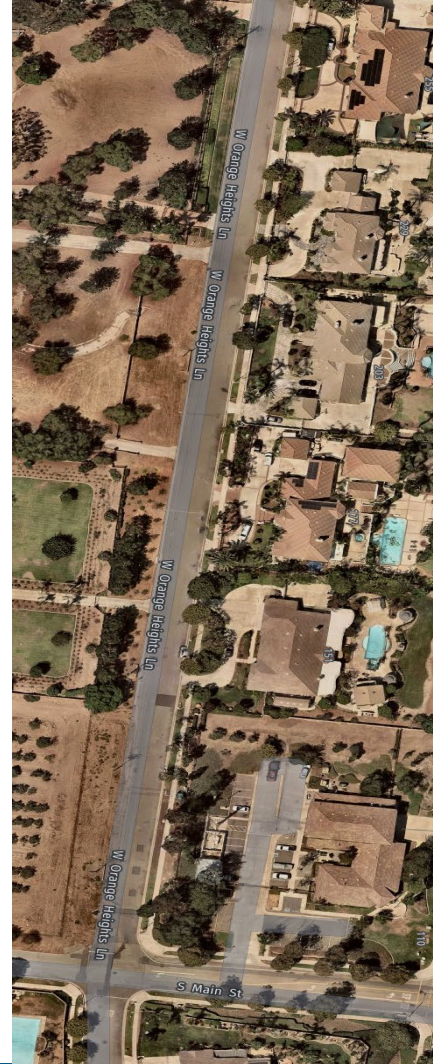
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# Discussion

