



Staff Report

File #: 23-0681

REQUEST FOR CITY COUNCIL ACTION

DATE: 09/06/2023

TO: Honorable Mayor and City Council Members

FROM: Planning & Development Department

SUBJECT:

ORDINANCE AMENDING [CHAPTERS 12.08, 12.12, AND 15.36](#) OF THE CORONA MUNICIPAL CODE TO DELETE AND UPDATE OUTDATED LANGUAGE AND ADD LANGUAGE RELEVANT TO THE CITY'S CURRENT OPERATIONS

EXECUTIVE SUMMARY:

This staff report asks the City Council to consider an ordinance that would amend the text in [Chapters 12.08, 12.12 and 15.36](#) of the Corona Municipal Code (CMC). CMC [Chapters 12.08, 12.12 and 15.36](#) cover the procedures and regulations for construction work within the rights-of-way and grading operations. The text amendments will delete and update outdated language and add language relevant to the City's current operations.

RECOMMENDED ACTION:

That the City Council introduce by title only, and waive full reading of consideration of Ordinance No. 3378, first reading of an ordinance approving amendments to Corona Municipal Code [Chapters 12.08, 12.12 and 15.36](#) to delete and update outdated language and add language consistent with the City's current operations.

BACKGROUND & HISTORY:

The Planning & Development Department includes the Planning Division, Development Services Division, and Plan Check and Inspections Division. The Department was reorganized in September 2021 to include the Development Services Division, which was previously part of the Public Works Department.

The reorganization affected certain operations that are no longer consistent with certain language adopted in the Corona Municipal Code regarding the procedures for work being done within the rights-of-way and grading operations. Therefore, these procedures need to be amended to reflect the current operation and responsibilities of the Planning and Development Department.

Additionally, language that is now obsolete is being deleted and new language is being added that is germane to the City's actual operation.

ANALYSIS:

The following table summarizes the regulations covered in [Chapter 12.08](#), [Chapter 12.12](#) and [Chapter 15.36](#) of the CMC and the proposed amendments.

Existing CMC Chapters	Proposed Amendment
Chapter 12.08, Excavations in the Public Rights-of-Way. This chapter covers the permit requirement, the authority of the Public Works Director to issue a permit and the procedure for construction work that encroaches into the public rights-of-way.	The amendment would add definitions relevant to the information contained in this chapter, delete reference to the Public Works Director and instead add reference to the City Engineer, add a definition for City Engineer, and add the requirement covering the amount of security to be posted with the city when work requires excavation in the public rights-of-way.
Chapter 12.12, Improvement. This chapter covers the permit requirement, the authority of the City Engineer to issue a permit, and the procedure for the construction of improvements, such as roads, sidewalks, water and sewer lines, storm drains, fire hydrants, etc. in the rights-of-way.	The amendment would change the title of the ordinance to better clarify its purpose, add definitions relevant to the information contained in this chapter, delete obsolete language, and add language relevant to the city's current operation.
Chapter 15.36, Grading Regulations. This chapter covers general definitions, the permit requirement, the authority of the Public Works Director to issue a permit, and the grading regulations and design.	The amendment would delete reference to the Public Works Director and instead add reference to the City Engineer and add the definition of the City Engineer.

The City's Public Works Director is a person who possesses a valid professional civil engineer license issued by the State of California and is the City Engineer. Based on the current description in CMC [Chapters 12.08, 12.12 and 15.36](#), the Public Works Director or City Engineer is the only personnel with the authority to approve final grading plans, and various improvement plans within the rights-of-way. The current description creates conflict with the City's organizational structure due to the reorganization from 2021. The Public Works Department is now focused on Capital Improvement Projects, which are generally city-initiated public improvement projects, traffic engineering, street maintenance and fleet. The Public Works Department no longer oversees Development Services, which is responsible for the review of land development applications and the processing of applicable permits.

The Development Services Division is managed by a Development Services Manager who is required to possess a current and valid professional civil engineer license issued by the State of California. This requirement is identical to the requirement of the Public Works Director (City Engineer). Using the current description in [CMC Chapters 12.08, 12.12 and 15.36](#), the authority is limited to the Public Works Director or City Engineer to approve grading plans, and improvement plans within the rights-of-way. Currently, the Planning & Development Department is sending said plans to the Public Works Director for approval prior to issuing permits related to the applicable plans. To provide a more streamlined process for land development applicants, and to have the operations within the Planning and Development Department be responsible for its work, the definition of City Engineer is being established in CMC [Chapters 12.08, 12.12 and 15.36](#). This definition will define the City Engineer and a qualified designee who can perform the duties of the City Engineer pursuant to the requirements in CMC [Chapters 12.08, 12.12 and 15.36](#). This will give the Development Services Manager the authority to approve grading plans and various improvement plans applicable to land development. It will also give the Assistant City Engineer in Public Works the same authority as the City Engineer to approve plans.

The redline changes to Chapters [12.08, 12.12 and 15.36](#) are provided in Exhibits 2 through 4. Language being deleted is shown with a strikethrough and language being added is shown with an underline.

FINANCIAL IMPACT:

The processing of the text amendments to the Corona Municipal Code has no financial impact.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action simply amends language within the Corona Municipal Code, and there is no possibility that it will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: JOANNE COLETTA, PLANNING & DEVELOPMENT DEPARTMENT

Attachments:

1. Exhibit 1 - Ordinance No. 3378 (Clean Version)
2. Exhibit 2 - CMC Chapter 12.08 Redlined Version
3. Exhibit 3 - CMC Chapter 12.12 Redlined Version
4. Exhibit 4 - CMC Chapter 15.36 Redlined Version