



Agenda Report

File #: 19-0882

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 10/16/2019

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

City Council consideration of an extension of time for Tentative Tract Map 36821, located at the northeast corner of Kellogg Avenue and Chase Drive - Ben He, a single man.

RECOMMENDED ACTION:

That the City Council:

1. Approve the request for a two-year extension for Tentative Tract Map 36821.
2. Approve the modification of Public Works Condition of Approval numbers 11 and 51 Tentative Tract Map 36821.

ANALYSIS:

Tentative Tract Map (TTM) 36821 is a proposed single-phase subdivision of 4.8 acres into five single-family residential lots located at the northeast corner of Kellogg Avenue and Chase Drive in the R-1A Zone, as shown on Exhibit "A." TTM 36821 was originally approved by the City Council on September 2, 2015.

A two-year extension of time for TTM 36821 was originally granted by City Council on October 4, 2017, thereby extending the map's expiration to September 2, 2019. TMS Consortium, acting on behalf of the owner of TTM 36821, is now requesting a discretionary two-year extension of time, as shown on Exhibit "B," which is allowed per the Subdivision Map Act and Title 16 of the Corona Municipal Code.

The developer is requesting the extension due to the difficulty of obtaining the financing needed to develop this project in the current market.

At the request of the developer, Public Works Condition of Approval numbers 11 and 51 will be modified as detailed below.

Public Works Condition of Approval No. 11

The original condition states:

11. *If the project design necessitates and/or as determined by the Public Works Director, prior to final map recordation or issuance of a building permit, the developer shall ensure that a Homeowner's Association (HOA) is established for the purpose of maintaining the approved WQMP features and the landscape within the Public right-of-way along Kellogg Avenue and Chase Street. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&R's) shall be subject to the review and approval of the Public Works Department and shall be recorded concurrently. The developer shall be responsible for all costs incurred during this process. See condition #33 for additional information.*

And the modified condition of approval will read as follows:

11. a. *The developer shall record a disclosure notice, concurrent with map recordation, indicating that each lot owner shall be responsible for maintenance of the water quality feature on their respective lots in perpetuity. A private drainage easement shall be recorded over these water quality features. Additionally, per condition #23, prior to issuance of a Certificate of Occupancy, the applicant shall record a maintenance agreement with the City to inform the future property owners of their responsibility to implement and maintain the approved WQMP.*

11. b. *The landscaping within Public right-of-way or dedicated easement along Kellogg Avenue shall be maintained through a Community Facilities District (CFD) and shall be constructed prior issuance of a Certificate of Occupancy. The applicant shall provide a separate irrigation water service for the CFD landscaped lots or easements and separate CFD landscape plans shall be prepared by a Licensed Landscape Architect submitted to the Public Works Department for review and approval in accordance with the City's CFD/LMD guidelines.*

This modification will eliminate the need for the tract to create a homeowner's association amongst the five properties. The maintenance requirements otherwise obligated to the homeowner's association can alternately be achieved by each lot owner through a water quality maintenance agreement and by a Community Facilities District (CFD). Maintenance of side yard landscaping fronting Collector streets through a CFD is common in South Corona and the developer will be required to annex into a CFD for landscape maintenance purposes.

Public Works Condition of Approval Number 51

The original condition states:

51. *Prior to final map recordation, the applicant shall annex this project into a City of Corona Community Facilities District for the purpose of maintaining public landscaping within master planned street right-of-way. All assessable parcels therein shall be subject to annual CFD charges (special tax assessments) for operations and capital improvements. The developer shall be responsible for all costs incurred during annexation into the CFD.*

And the modified condition of approval number 51 will read as follows:

51. Prior to map recordation, the applicant shall annex this project into the City of Corona Community Facilities District 2016-3 (Maintenance Services) for the purpose of maintaining public landscaping, curb, gutter, sidewalk, pavement, street lights, storm drain, parks, water quality features, etc. within master planned street right-of-way and/or CFD easements. All assessable parcels therein shall be subject to annual CFD charges (special taxes or assessments) for operations and capital improvements. The developer shall be responsible for all costs incurred during annexation into the CFD.

This modification will require the developer to annex into Community Facilities District (CFD) 2016-3 (Maintenance Services) which was not in existence at the time of original entitlement and annexation into this CFD is consistent with other currently entitled residential projects in the City of Corona. The developer is already required to annex into a Community Facilities District for Public Services (CFD 2016-1).

Staff recommends approval of this discretionary extension, extending the new expiration date of TTM 36821 from September 2, 2019, to September 2, 2021, and modification of Condition of Approval numbers 11 and 51.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

The developer has paid the applicable map extension request fee of \$1,980 for this action.

ENVIRONMENTAL ANALYSIS:

In accordance with Section 15063 of the State Guidelines for the California Environmental Quality Act (CEQA) the City prepared an initial study to determine if the project would have a significant effect on the environment. The initial study was prepared in accordance with Section 15063 and per the City's Local Guidelines for Implementing CEQA. The initial study identified environmental effects that were determined not to be significant and identified potentially significant effects that were capable of being mitigated to less than significant. Therefore, the City adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan on September 2, 2015, in accordance with Section 15070 of the State CEQA Guidelines and Section 6.02 of the City's Local Guidelines for Implementing CEQA.

PREPARED BY: MICHELE HINDERSINN, P.E., SENIOR CIVIL ENGINEER

REVIEWED BY: TOM KOPER, P.E., ACTING PUBLIC WORKS DIRECTOR

REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER

SUBMITTED BY: MITCHELL LANSDALL, INTERIM CITY MANAGER

Attachments:

1. Exhibit "A" - Location Map
2. Exhibit "B" - Letter of Request for Time Extension

Owner: TMS Consortium, for Ben He
807 E. Chase Drive
Corona, CA 92881