



Legislation Text

File #: 17-817, **Version:** 1

AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

DATE: 6/21/2017

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

City Council consideration to approve the First Amendment to the Agreement for Completion of Non-Master Plan Public Improvements along Ontario Avenue, Kellogg Avenue, and Fullerton Avenue - Crossroads Christian Church and Crossroads Christian Schools of Corona.

RECOMMENDED ACTION:

That the City Council approve and authorize the City Manager to execute the First Amendment to the Agreement for Completion of Non-Master Plan Public Improvements between the City and Crossroads Christian Church and Crossroads Christian Schools of Corona.

ANALYSIS:

On December 17, 2014, the City entered into an Agreement for Completion of Non-Master Plan Public Improvements ("Improvement Agreement") with Crossroads Christian Church and Crossroads Christian Schools of Corona to guarantee completion of certain public improvements along Ontario Avenue, Kellogg Avenue, and Fullerton Avenue.

Under the terms of the Agreement, the required public improvements were to be completed within the 12 to 24 month period following Southern California Edison's completion of a utility undergrounding project along Ontario Avenue. The Improvement Agreement was recorded against the properties owned by both Crossroads Christian Church and Crossroads Christian School of Corona to guarantee construction of the missing improvements.

Subsequently, Crossroads Christian Church entered into an agreement to sell a portion of its property, located on the southwest corner of Kellogg Avenue and Santana Avenue ("Parcel"), to VD Corona Kellogg, LLC ("Van Daele") for the development of 92 single-family homes. Van Daele has entered into a Development Agreement with the City, which will be recorded against the newly acquired property upon close of escrow.

Van Daele has requested that the Improvement Agreement with Crossroads Christian Church and

Crossroads Christian Schools of Corona be amended to remove the Parcel from the encumbrance of the original Improvement Agreement.

Approval of the recommended First Amendment will remove the Parcel purchased by Van Daele from the obligation to construct the missing public improvements. However, the Development Agreement requires Van Daele to act as the general contractor for Crossroads Christian Church and Crossroads Christian Schools of Corona, and to begin construction on the missing public improvements prior to issuance of the 23rd building permit or prior to November 1, 2017, whichever comes first. The Development Agreement also stipulates that the missing public improvements shall be completed prior to issuance of the 85th building permit or within one year of the date that construction on improvements began, whichever comes first.

Crossroads Christian Church and Crossroads Christian Schools of Corona remain obligated to complete the required improvements, and will work with Van Daele to ensure that the missing public improvements are constructed in a timely manner.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

All applicable fees will be paid by the developer.

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 general rule 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 removes a parcel of real property from the encumbrance of the Improvement Agreement while maintaining the owners' obligation to complete the required public improvements pursuant to the conditions of approval for CUPM94-008 and CUP 03-003, and there is no possibility that approving this amendment will have a significant effect on the environment. Additionally, any environmental impacts associated with the required public improvements were considered in the Mitigated Negative Declarations prepared and adopted for CUPM94-008 and CUP 03-003. Therefore, no additional environmental analysis is required.

PREPARED BY: TOM KOPER, P.E., ASSISTANT PUBLIC WORKS DIRECTOR

REVIEWED BY: NELSON D. NELSON, P.E., PUBLIC WORKS DIRECTOR

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

REVIEWED BY: MICHAEL E. ABEL, CHIEF OF POLICE AND ASSISTANT CITY MANAGER

SUBMITTED BY: DARRELL TALBERT, CITY MANAGER