



# City of Huntington Beach

File #: 19-111

MEETING DATE: 2/4/2019

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Fred A. Wilson, City Manager

**PREPARED BY:** Travis K. Hopkins, PE, Director of Public Works

**Subject:**

**Approve and authorize the execution and recordation of an Easement, Construction and Maintenance Agreement with HB Homes Management, LLC and the Huntington Beach Elementary School District for the LeBard Redevelopment Project at 20461 Cramer Lane**

**Statement of Issue:**

An Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801, between the City, the "Developer" (HB Homes Management, LLC) and the "District" (Huntington Beach Elementary School District) is presented for City Council approval and execution for the LeBard Redevelopment Project at 20461 Cramer Lane.

**Financial Impact:**

On May 5, 2014, the City executed a Memorandum of Understanding (MOU) with the District regarding the transfer and development of the LeBard School site. At the December 7, 2015, City Council meeting, the City entered into an Agreement with the District that includes the development of single family residential homes, and storm water quality features that serve those homes. Upon execution of this agreement, the Developer will be responsible for expenses related to maintenance of said storm water quality improvements.

**Recommended Action:**

A) Approve and authorize the Mayor and City Clerk to execute the "Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801," between the City, HB Homes Management, LLC and the Huntington Beach Elementary School District to provide easements, construction of certain park improvements and maintenance of landscaping/park improvements related to certain water quality and drainage features in the LeBard Redevelopment Project.

B) Instruct the City Clerk to record said "Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801" (and attachments) with the Orange County Recorder.

**Alternative Action(s):**

Do not authorize execution of the Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801, with findings for denial, and direct staff accordingly. Absent this agreement, the City would be responsible for construction of certain park improvements and maintenance of the landscaping/park improvements related to water quality features in the project. This alternative action

would result in increased future maintenance costs for the City and will prevent the Developer from satisfying the project's Conditions of Approval.

**Analysis:**

The LeBard Redevelopment Project is located at the former LeBard Elementary School site at 20461 Cramer Lane (east of Brookhurst Street near the intersection with Indianapolis Avenue). Presently, the District is the owner of a 6.6-acre "Recreation Parcel" (portion of former school site now used by Seaview Little League for youth baseball) and the Developer is the owner of the 3.2-acre "Residential Parcel" which they purchased from the District for redevelopment into a 15-lot residential subdivision. The Project includes this residential subdivision as well as proposed park improvements over parkland owned by both the City (LeBard Park) as well as parkland currently owned by the District (i.e. the "Recreation Parcel"). See Attachment 2 for an overall plan of the project.

On June 9, 2015, the City Planning Commission approved Tentative Tract Map No. 17801 (Attachment 3) with a Condition of Approval requiring that the project's Homeowner's Association (HOA) execute an Agreement with the City to assign the HOA responsibility for: (1) construction of certain park improvements; and, (2) continuing maintenance/liability of certain landscaping/park improvements related to water quality and drainage features associated with the project. Since the HOA will not be created until after construction of the project's 15 single-family homes, the Developer would have these responsibilities until succeeded by the HOA, as specified in the subject agreement (Attachment 1).

On December 8, 2015, the City and District entered into an "Acquisition Agreement", wherein the City agreed to purchase the Recreation Parcel from the District. Pursuant to this Acquisition Agreement, conveyance of Recreation Parcel to the City would not occur until after the Developer completes construction of the required park improvements. Consequently, since the District is the current owner of the Recreation Parcel, they are also required to be signatory to the subject Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801, and until the conveyance is completed, the parkland will be jointly owned by the District and the City.

In addition to construction and maintenance of park improvements and water quality features, this Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801 provides the following easements:

- 1) Granted by the District (to the Developer) for drainage purposes over the Recreation Parcel and for maintenance of the water quality swale directly downstream of the new residential subdivision.
- 2) Granted by the Developer (to the City) for public park and open space purposes over the Detention Basin (Lot A of Tract Map 17801), directly downstream of the new residential subdivision.

This Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801 has been reviewed and approved by the Developer, the District, Public Works staff and by the City Attorney's Office and is now presented to City Council for approval and execution.

**Public Works Commission Action:** Not required.

**Environmental Status:**

The agreement is categorically exempt from the California Environmental Quality Act, pursuant to City Council Resolution No. 4501.

**Strategic Plan Goal:** Enhance and maintain infrastructure

**Attachment(s):**

1. "Easement, Construction and Maintenance Agreement Regarding Tract Map No. 17801," between the City, HB Homes Management, LLC and the Huntington Beach Elementary School District to provide easements, construction of certain park improvements and maintenance of landscaping/park improvements related to certain water quality and drainage features in the LeBard Redevelopment Project.
2. Overall Plan of the LeBard Redevelopment Project.
3. Tentative Tract Map No. 17801