



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: JANUARY 18, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, PUBLIC WORKS DIRECTOR / CITY ENGINEER
PREPARED BY: JOSE ROMANI, ENGINEERING AIDE

SUBJECT: APPROVAL OF ADMINISTRATIVE ENCROACHMENT AGREEMENT WITH THE PROPERTY OWNER OF 21525 DUNROBIN WAY

RECOMMENDATION

It is recommended that the City Council:

1. Allow certain patio cover overhangs to be constructed and used within the City's Storm Drain easement at the subject address, and
2. Authorize the City Manager to execute the proposed Administrative Encroachment Agreement containing covenants affecting real property with the property owner at 21525 Dunrobin Way, Yorba Linda, CA.

BACKGROUND

The property owner, Michael & Lisa Amling, at 21525 Dunrobin Way, Yorba Linda, CA has requested roof overhangs to be constructed, installed, maintained, and used within the City Storm Drain easement (Attachment 1 – Vicinity Map). The use is related to the proposed detached solid wood patio cover (Building Permit YL-0069685).

DISCUSSION

Staff has evaluated the request and the potential impacts to the City's Storm Drain easement and finds that the proposed improvements and uses will not introduce a significant impact to the Storm Drain easement, or its intended uses. The proposed improvements within the Storm Drain easement are minor obstructions that do not significantly impact the access or the integrity of the storm drain facility once the improvements are implemented.

The attached agreement (Attachment 2 – Administrative Encroachment) highlights the owner's responsibilities moving forward. If approved, the agreement stipulates that the owner shall not allow any of the improvements or any persons constructing, installing, maintaining, using, repairing, replacing, or removing said improvements to functionally obstruct or impair access on the City's Storm Drain easement, as determined by the City Engineer.

Though there is a City Council policy in place to address such permanent encroachments, an encroachment agreement was deemed appropriate in this case given the need to memorialize the more stringent ongoing maintenance and up-keep responsibilities of the owner. An easement vacation of the subject area is not recommended.

FISCAL IMPACT

There is no direct fiscal impact associated with the approval of the proposed agreement. The owner will be required to pay for staff time associated with processing any permits, as allowed in the City's User Fee Schedule.

ALTERNATIVES

The City Council could impose additional requirements to the agreement on the owner. However, staff has reviewed the minor impacts to the City's Storm Drain easement and has found that the agreement adequately addresses those impacts in a manner that allows for the encroachment in the easement area.

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Administrative Encroachment Agreement
