



STAFF REPORT

DATE: 08/06/2025
TO: Honorable Mayor and City Council Members
FROM: Planning and Development Department

2025-306

REQUEST FOR CITY COUNCIL ACTION

SUBJECT:

COVENANT AND DEED RESTRICTION REGARDING ENCROACHMENT ON SANITARY SEWER AND STORM DRAIN EASEMENT LOCATED AT 1141 ATHLONE CIRCLE, CORONA

EXECUTIVE SUMMARY:

This staff report asks the City Council to approve a covenant and deed restriction between the City and the property owner of 1141 Athlone Circle to permit a carport within a 25-foot wide easement dedicated for a public sewer line and storm drain line. The 25-foot wide easement is located along the perimeter of 1141 Athlone Circle, which contains a single family house in addition to hardscape and landscape improvements. The property was developed in 2005.

RECOMMENDED ACTION:

That the City Council authorize the City Manager to execute the covenant and deed restriction regarding encroachment on sanitary sewer and storm drain easement dedicated to the city on the property located at 1141 Athlone Circle.

BACKGROUND & HISTORY:

The property located at 1141 Athlone Circle was created by Tract Map 28941, recorded on December 18, 2003. The property is located in the R-1-8.4 single family residential zone and contains an existing single family residential house. The property is 0.63 acres (27,442 square feet) with a public sewer line and storm drain line traversing the property

in a southeast direction. The public utilities connect at the front of the property on Athlone Circle to Chase Drive, which is located behind the property.

Sometime in 2021, the property owner constructed a 48' x 18' carport (864 square feet) within the side yard of the property over the dedicated easement. The carport is open on four sides and covered by a roof supported by posts. At the time, the owner did not obtain a building permit for the carport. On May 20, 2025, the property owner initiated the process to obtain a building permit from the City and submitted structural calculations to the City for review. It was discovered during that review that the carport was located within the easement dedicated to the City. Per the easement notes on the recorded tract map, no building obstructions are allowed within the easement.

Rather than have the property owner remove the carport that was constructed, staff presented the option of having the property owner record a covenant and deed restriction against the property. The covenant releases the City from any liability or damage to the carport or other structures located in the easement should the City need to access the easement in this area for any type of repair, maintenance, or other operation to the sewer or storm drain lines. The recorded covenant and deed restriction will run with the land and pass on to successors in interest should the property be sold in the future.

ANALYSIS:

The covenant and deed restriction will permit the encroachment of a 48' x 18' carport within a 25-foot wide easement dedicated for public sewer and storm drain purposes located entirely on 1141 Athlone Circle. The carport is not enclosed with walls. The carport is covered by a roof supported by posts and is used for the parking of vehicles.

The property owner has agreed to record the covenant and deed restriction against the property to allow for the carport to be permitted in the easement. The property owner accepts full responsibility for the carport and acknowledges that if the carport is damaged as a result of any repair or other operation to the public utilities, the owner is responsible for all repairs. The owner also acknowledges that the City is not liable for any damage to or destruction of the carport structure or any other structure located in the easement.

FINANCIAL IMPACT:

The recordation of this covenant and deed restriction will not have a financial impact.

ENVIRONMENTAL ANALYSIS:

This request 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 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 request is to execute a covenant and deed restrict on an existing developed property and there is no possibility that this action will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: JOANNE COLETTA, PLANNING & DEVELOPMENT DIRECTOR

ATTACHMENTS:

1. Exhibit 1 – Locational
2. Exhibit 2 – Covenant and Deed Restriction