

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: May 12, 2026

SUBJECT: Adopt Resolution Approving Permanent Easement for Storm Drainage Easement, Maintenance and Access Easement Agreement and Grant of Temporary Construction Easement to Facilitate Construction of Storm Drainage Improvements (Near Butterfield Stage Road and De Portola Road)

PREPARED BY: Ron Moreno, Director of Public Works/City Engineer
Anissa Sharp, Senior Management Analyst

RECOMMENDATION: That the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN GRANT OF PERMANENT EASEMENT FOR STORM DRAINAGE PURPOSES, MAINTENANCE AND ACCESS EASEMENT AGREEMENT AND THAT CERTAIN GRANT OF TEMPORARY CONSTRUCTION EASEMENT IN CONNECTION WITH THE CONSTRUCTION OF STORM DRAINAGE INLETS AND RELATED IMPROVEMENTS TO TIE IN TO THE AD 159 – BUTTERFIELD STAGE ROAD STORM DRAIN – LINE A STAGE 2 IMPROVEMENTS AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE (PORTIONS OF APN 965-400-001)

2. Provide to the City Manager the authorizations regarding the Grant of Permanent Easement for Storm Drainage Easement, Maintenance and Access Easement Agreement and the Grant of Temporary Construction Easement set forth in the Resolution.

BACKGROUND:

Background and Summary

Pursuant to Planning Commission Resolution No. 2024-13, the Planning Commission of the City of Temecula approved Planning Application No. PA14-0087, Tentative Tract Map (TTM 36483) for the Creation of 164 Single Family Residential Lots and Nine (9) Open Space Lots on 42.64 Acres for Planning Area 4 Within the Paloma Del Sol Specific Plan and Making a Finding of Exemption from the California Environmental Quality Act Under Public Resources Code Section 21166 and Government Code Section 65457 (APNs: 949-400-001, -002) (Development Project). Woodside 05S, LP, a California Limited Partnership (Woodside Homes) was the developer of the Development Project at the time the City approved the Development Project. Taylor Morrison of California LLC, a California limited liability company (Taylor Morrison) is the successor to the interests of Woodside Homes.

Condition 89 of the final conditions of approval for the Development Project required that the developer (now Taylor Morrison) obtain a storm drain easement on property located outside of the Development Project for the construction of off-site storm drain improvements. The improvements the City will construct in said permanent storm drain easement include, but are not limited to, storm drainage inlets and related improvements to tie in to the AD 159 – Butterfield Stage Road Storm Drain – Line A Stage 2 Improvements (Storm Drainage Improvements).

Taylor Morrison negotiated with Stage & Portola, LLC, a California limited liability company (Grantor) for the grant in favor of the City of Temecula of (i) an approximate 13,190 square foot permanent easement for storm drainage purposes, maintenance and access (Permanent Easement) and (ii) an approximate 5,624 square foot temporary construction easement (Temporary Construction Easement) on the real property identified as Riverside County Tax Assessor’s Parcel Number 965-400-001 (Subject Property) to facilitate the City’s construction of the Storm Drainage Improvements in the approximate 13,190 square foot Permanent Easement, including the right to use the Temporary Construction Easement for construction staging purposes, storage of equipment and material in connection with the City’s construction of the Storm Drainage Improvements. The Subject Property is located near Butterfield Stage Road and De Portola Road. The main terms of the Permanent Easement and Temporary Construction Easement are summarized below.

Summary of Terms of Permanent Easement and Temporary Construction Easement

Permanent Easement

Pursuant to the Grant of Permanent Easement for Storm Drainage Purposes, Maintenance and Access Easement Agreement (Grant of Permanent Easement), Grantor grants to the City an approximate 13,190 square foot non-exclusive permanent easement for storm drainage purposes, maintenance and access described in EXHIBIT A and EXHIBIT B (Permanent Easement) to the Grant of Permanent Easement. The Grant of Permanent Easement authorizes the City to access, construct, operate and maintain, at the City’s sole cost and expense, the Storm Drainage Improvements within the area of the Storm Drain Easement.

Under the Grant of Permanent Easement, Grantor agrees and acknowledges that the City intends to transfer its interest in the Permanent Easement to the Riverside County Flood Control and Water

Conservation District (Riverside County Flood Control District) after the construction of the Storm Drainage Improvements for the Line A Stage 2 Improvements.

Under the Grant of Permanent Easement, the City is required to operate, maintain, repair, restore, replace and make necessary improvements to the Storm Drainage Improvements constructed in the Storm Drain Easement Area. The detail regarding the maintenance and construction of any such additional capital improvements that may be needed is included in the Grant of Permanent Easement. The City is required to act as “Maintenance Manager” in connection with the maintenance of the Storm Drainage Improvements. The operation, maintenance, repair, restoration and related obligations will transfer to the Riverside County Flood Control District when the City transfers to the Riverside County Flood Control District its rights in the Permanent Easement. The Riverside County Flood Control District Staff reviewed and approved the terms of said Permanent Easement.

No structure, plantings or other material that might create erosion or sliding problems or interfere with the established or existing natural drainage systems or facilities is permitted in the Storm Drain Easement Area.

The Grant of Easement contains insurance and indemnification provisions that apply to the City during construction and during the City’s entry on the Storm Drain Easement for maintenance and repair. The City will require that any contractor that constructs the Storm Drainage Improvements indemnify the City for any such claims arising in connection with said improvements and maintenance. It also specifies separate insurance obligations for the Riverside County Flood Control District on transfer of the City’s interest of the Permanent Easement.

Temporary Construction Easement

The approximate 5,624 square foot Temporary Construction Easement authorizes the City to possess and use said area to facilitate the construction of the Storm Drainage Improvements in the area of the Permanent Easement. The approximate 5,624 square foot Temporary Construction Easement is described in EXHIBIT A and depicted on EXHIBIT B to the Grant of Temporary Construction Easement. The City may use the Temporary Construction Easement for construction staging purposes, storage of equipment and material in connection with the City’s construction of the Storm Drainage Improvements.

The City is required to provide written notice to Grantor thirty (30) calendar days before the City commences use of the Temporary Construction Easement to facilitate the construction of the Storm Drainage Improvements. The term of the approximate 5,624 square foot Temporary Construction Easement is twelve (12) months from the Commencement Date. The Temporary Construction Easement will terminate on the earlier of (a) twelve (12) months after the Commencement Date, (b) the date that the City records a Notice of Termination of the Temporary Construction Easement in the Official Records of the County, or (c) the date the City records a Notice of Completion for the Storm Drainage Improvements. The Temporary Construction Easement, however, will automatically terminate if the City does not deliver the notice of the intent to commence the use of the Temporary Construction Easement on or before December 31, 2028. Accordingly, if the City does not provide said notice on or before December 31, 2028, the City will need to negotiate

with Grantor or Grantor's successors and assigns the terms of an proposed new temporary construction easement.

The Temporary Construction Easement contains insurance requirements agreed to by both parties. It also contains an indemnification provision similar to the one included in the Permanent Easement. The City will require that any contractor that constructs the Storm Drainage Improvements indemnify the City for any such claims arising in connection with said improvements and entry and use of the Temporary Construction Easement to facilitate the construction of said improvements.

Under the Temporary Construction Easement, the City agrees that, prior to or on the termination date of the Temporary Construction Easement, the City will remove any construction equipment and materials stored in the area of the Temporary Construction Easement in connection with the construction of the Storm Drainage Improvements. Further, the City will cause the City Designees to replace with material and like quality any hardscape, landscaping, and improvements located in the area of the Temporary Construction Easement, if any, that are damaged in connection with the City's use of the Temporary Construction Easement for the construction of the Storm Drainage Improvements.

Environmental Review

The environmental effects of the construction of the Storm Drainage Improvements were studied and analyzed as an integral part of the consideration and approval of Tentative Tract Map 36483 (PA14-0087). In approving Planning Commission Resolution 2024-13, the Planning Commission found that the Paloma Del Sol Specific Plan was formally adopted in 1988. An Environmental Impact Report (EIR) was prepared and certified on September 6, 1988 as part of this effort. Since that time, four Addenda to the EIR have been prepared for the Development Project area with the most recent adopted on January 8, 2002. The proposed Development Project was determined to be consistent with the previously adopted Paloma Del Sol Addendum and no further environmental review is required (Public Resources Code Section 21166 and Government Code Section 65457). City Staff reviewed the EIR, the First Addendum to the EIR adopted December 8, 1992, the Second Addendum to the EIR adopted on March 17, 1999, the Third Addendum to the EIR adopted on September 9, 1999, and the Fourth Addendum to the EIR adopted on January 8, 2002 (collectively, EIR and Addenda). In addition, City Staff reviewed the Consistency Evaluation Pursuant to Public Resources Code Section 21166 prepared by Psomas and dated August 26, 2020, and the Memorandum re Revalidation of the Consistency Evaluation for Paseo Del Sol Residential Development, also prepared by Psomas and dated September 14, 2023. Based on this substantial evidence, City Staff determined that the proposed Development Project does not require the preparation of a subsequent or supplemental EIR as none of the conditions described in Public Resources Code Section 21166 exist. Specifically as it relates to Section 21166, Tentative Tract Map 36483 and associated Development Project improvements do not represent a substantial change from the Paloma del Sol Specific Plan evaluated in the certified EIR and Addenda and is within the scope of the potential development contemplated by that Plan; there are no substantial changes with respect to the circumstances under which the Development Project is undertaken that would result in new significant or substantially more severe impacts; and there is no new information of substantial importance, which was not known and could not have been known at the time of the certified EIR. The Planning Commission further found that the Development

Project would not have any new or substantially more severe impacts than what was evaluated in the EIR and Addenda, and there are no mitigation measures or alternatives that would reduce significant impacts and were previously found not to be feasible but which are now feasible. Accordingly, the Planning Commission concluded based on this evaluation, none of the conditions in Section 21166 of the Public Resources Code apply and no subsequent or supplemental EIR is required. In addition, the Development Project is exempt as it is a residential development project undertaken to implement a specific plan for which an EIR previously was prepared per Government Code Section 65457. The application for a Tentative Tract Map to construct 164 single family residential lots and nine (9) open space lots is consistent with the project that was analyzed by the EIR and Addenda. The Development Project is required to meet all requirements and mitigation contained in EIR and Addenda.

City Staff reviewed the environment documentation for the Development Project, including the Notice of Exemption filed on June 20, 2024 with the Clerk of the County of Riverside, in connection with the review and preparation of documents relating to the recommended approval of the Grant of Permanent Easement and Grant of Temporary Construction Easement. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City Staff concluded that no substantial changes have occurred in the proposed Storm Drainage Improvements considered in connection with the Development Project, no substantial changes have occurred in the circumstances under which said proposed Drainage Improvements are undertaken, and the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Permanent Easement and Temporary Construction Easement in connection with the construction of the Storm Drainage Improvements. Accordingly, the City hereby finds that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code in connection with the approvals of the Grant of Permanent Easement and Grant of Temporary Construction Easement.

Conclusion

City Staff recommends that the City Council adopt a resolution approving the Permanent Easement and Temporary Construction Easement.

FISCAL IMPACT: The City will have maintenance obligations for the Subject Easement until such time as the Riverside County Flood Control District approves the Storm Drainage Improvements. The City will transfer its interest in the Subject Easement to the Riverside County Flood Control District at that time.

ATTACHMENTS:

1. Resolution
2. Grant of Permanent Easement
3. Grant of Temporary Construction Easement