

**RESOLUTION NO. 2023-002**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, UPHOLDING THE PLANNING AND HOUSING COMMISSION'S DENIAL OF AN APPLICATION TO MODIFY CONDITIONAL USE PERMIT (CUP) 15-005 TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY DESIGNED AS A MONO-PINE FROM 60 FEET TO 75 FEET, LOCATED AT 638 COLLETT AVENUE (CRESTA VERDE PARK) IN THE P (PARK) DESIGNATION OF THE NORTHEAST CORONA SPECIFIC PLAN (SP81-2). (APPLICANT: ELIEZER ACEVEDO, SMARTLINK, LLC. ON BEHALF OF AT&T WIRELESS).**

**WHEREAS**, an application was made by Smartlink, LLC on behalf of AT&T Wireless ("Applicant") to modify Conditional Use Permit 15-005 under the provisions of Chapter 17.92 of the Corona Municipal Code ("CMC"), to increase the height of an existing telecommunications facility designed as a mono-pine from 60 feet to 75 feet, located at 638 Collett Avenue (Cresta Verde Park) ("Site") in the Park (P) district within the Northeast Corona Specific Plan ("CUPM2020-0004"); and

**WHEREAS**, the application for CUPM2020-0004 was duly submitted to the Corona Planning and Housing Commission ("Planning Commission"), and a public hearing was properly noticed and held during the regularly scheduled meetings of the Planning Commission on April 12, 2021, May 10, 2021, May 24, 2021, February 7, 2022 and October 10, 2022 as required by law; and

**WHEREAS**, after close of said hearing, the Planning Commission by formal action, determined, based upon the evidence presented to the Planning Commission during said hearing, that all the findings necessary to approve CUPM2020-0004, as set forth in Corona Municipal Code Section 17.92.110, cannot be made; and

**WHEREAS**, pursuant to CMC Section 17.93.020, the Applicant submitted a timely appeal of the Planning Commission's determination on CUPM2020-0004; and

**WHEREAS**, at its meeting on January 4, 2023, the City Council of the City of Corona ("City Council") considered CUPM2020-0004 and heard and considered all information in the record, including, without limitation, all oral and written testimony presented to the City Council, such as staff reports, the Applicant testimony and public testimony and City Council deliberations.

**EXHIBIT 1**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:**

**SECTION 1.** Planning Commission Denial Upheld. Based on the entire record before the City Council, including, without limitation, all written and oral testimony presented to the City Council, such as staff reports, Applicant testimony and public testimony, City Council deliberations and the findings set forth in this Resolution, the City Council hereby upholds the Planning Commission's denial of CUPM2020-0004.

**SECTION 2.** Findings for Denial of Conditional Use Permit. The City Council hereby finds that the findings necessary for the approval of CUPM2020-0004 set forth in CMC Section 17.92.110 cannot be made for CUPM2020-0004 for the following reasons:

A. The proposal would be detrimental to public health, safety, convenience, and general welfare because the tower height extension associated with CUPM2020-0004 would result in a negative visual impact to the residential neighborhood surrounding the project site. The existing tower is already highly visible from Collett Avenue and nearby residential properties, and has not been regularly maintained. Increasing the height of the tower would exacerbate the negative visual impact the tower currently has on the neighborhood.

B. The increased tower height proposed by CUPM2020-0004 would be detrimental to the existing single-family residential properties in the immediate area to the north and east of the project site. The existing tower is approximately 51 feet from the public right-of-way on Collett Avenue and is not screened behind any vegetation, buildings, or structures. Increasing the height to the tower by 15 feet, as proposed by CUPM2020-0004, would further intensify negative visual impacts to the surrounding residential neighborhoods.

C. CUPM2020-0004 is not consistent with the City's General Plan for the following reasons:

(i) The General Plan land use designation of the project site is Park and the surrounding properties are Low Density Residential. The proposal associated with CUPM2020-0004 needs to demonstrate compatibility with the Park designation and surrounding land uses to protect public health, safety, convenience and general welfare in order not to diminish the quality of life for the residents. The tower is currently designed to resemble a pine tree so that it is indistinguishable from its surrounding environment and does not create a negative visual impact to the surrounding residential land uses. Increasing the height of the tower by 15 feet would make the tower more prominent and distinguishable from its surroundings, and would make its fake appearance more noticeable. The negative visual impact of the increased tower height would degrade the natural and aesthetically pleasing appearance of Creste Verde Park and would negatively impact the quality of life for those visiting the park and the residents who live in the immediate area.

(ii) General Plan Policy LU-8 assures the integrity, quality and livability of Corona's existing residential neighborhoods by preserving those elements that give them character, cohesion and quality of life. The proposal associated with CUPM2020-0004 would

create a negative aesthetic impact to the neighborhood because residents would have a direct line of sight from their outdoor and interior living spaces to the 75-foot tower. The inability to completely screen the tower with trees or buildings would make it stand out from its surroundings and would contradict the residential character and quality of the surrounding neighborhoods.

(iii) General Plan Policy LU-15.4 ensures that City sites and any infrastructure installed thereon are designed to be compatible in scale, mass, character and architecture with the district and neighborhood in which they are located, as well as applicable design and development characteristics specified by the General Plan. CUPM2020-0004 is not in harmony with the stated objective of the General Plan to ensure that City sites and infrastructure are compatible with the character of the park and neighborhood, since the increased height will create unsightly views from neighborhood streets and adjacent properties.

**SECTION 3.** Distribution and Effective Date. The Mayor shall sign this Resolution, and the City Clerk shall attest thereto, and thereafter shall distribute a copy of this Resolution to the Applicant. This Resolution shall take effect and be in force on the date of its adoption.

**PASSED, APPROVED AND ADOPTED** this 4<sup>th</sup> day of January, 2023.

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Mayor of the City of Corona, California

**ATTEST:**

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City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 4<sup>th</sup> day of January, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 4<sup>th</sup> day of January, 2023.

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City Clerk of the City of Corona, California

[SEAL]