

## **ORDINANCE NO. 3277**

### **AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING SECTION 17.65.050 OF THE CORONA MUNICIPAL CODE TO INCREASE THE STANDARD CABINET WIDTH FOR SMALL CELL SITES FROM 10.5 INCHES TO 15.5 INCHES MAXIMUM AND AMENDING SECTION 17.84.040 OF THE CORONA MUNICIPAL CODE TO ESTABLISH A DEFINITION FOR SOUND ATTENUATION DEVICE AND TO ALLOW THE UTILIZATION OF APPROVED SOUND ATTENUATION DEVICES IN RESIDENTIAL ZONES (ZTA2017-0101)**

**WHEREAS**, on January 4, 2017, the City Council of the City of Corona (“City Council”) amended Chapter 17.65 of the Corona Municipal Code (“CMC”) to establish standards and regulations for small cell site telecommunication facilities, which are low-profile, low-powered radio access nodes, and associated equipment that transmit a wireless signal and are capable of being integrated on new or existing utility poles or street light standards located in the public rights-of-way within the City of Corona (“City”); and

**WHEREAS**, Section 17.65.050(A)(2)(d) of the CMC provides that the size of any pole mounted equipment cabinets for small cell sites shall not exceed 48 inches high, 10.5 inches wide, and 19 inches deep (48”h x 10.5”w x 19”d); and

**WHEREAS**, while working with various small cell site providers, staff determined that the maximum equipment cabinet size set forth in Section 17.65.050(A)(2)(d) of the CMC is not wide enough to sheath the necessary small cell site equipment; and

**WHEREAS**, staff has determined that an amendment to Section 17.65.050(A)(2)(d) of the CMC to allow an equipment cabinet measuring a maximum of 48 inches high, 15.5 inches wide, and 19 inches deep (48”h x 15.5”w x 19”d) will accommodate the necessary cell site equipment (remote radio units and backhaul equipment), without substantially increasing the overall mass of the equipment cabinet because it will increase the width of the cabinet by only five (5) inches; and

**WHEREAS**, Section 17.84.040 (Noise) of the CMC, which governs and regulates noise and vibration to protect the public health, safety and general welfare within the City, includes definitions and performance standards to minimize unnecessary, excessive and annoying noise and vibration generated from various sources, including stationary mechanical equipment, such as air conditioners and pool equipment in residential zones; and

**WHEREAS**, Section 17.84.040(D) (Special Provisions) of the CMC requires that mechanical equipment in residential zones be setback at least 10 feet from an adjoining property line except where a five-foot-high block sound wall is maintained between the equipment and the property line; and

**WHEREAS**, many of the residential tract developments within the City that were constructed more than 15 years ago have wood or vinyl fencing; and

**WHEREAS**, those property owners with wood or vinyl fencing wishing to locate or relocate their air conditioning units to the side of their homes encounter difficulties meeting the 10-foot setback requirement because of the lack of a block wall; and

**WHEREAS**, an amendment to Sections 17.84.040(B) (Definitions) and 17.84.040(D) (Special Provisions) will allow property owners who may not have a block wall between their property and an adjoining property to install mechanical equipment closer than 10 feet from an adjoining property if they utilize approved sound attenuation devices, such as a sound box or sound blankets designed by the manufacturer of the mechanical equipment; and

**WHEREAS**, on January 22, 2018, the Planning and Housing Commission of the City of Corona (“Commission”) conducted a duly noticed public hearing and recommended that the City Council approve ZTA2017-0101 to: (1) amend Section 17.65.050 (Minor telecommunications facilities; zoning administrator approval) to increase the maximum width of pole-mounted equipment cabinets for small cell sites from 10.5 inches to 15.5 inches; (2) amend Section 17.84.040 (Noise) of the CMC to add a definition for approved sound attenuation device; and (3) allow the installation of stationary mechanical equipment in residential zones closer than ten feet from an adjoining property line without a five-foot high block sound wall when an approved sound attenuation device is installed (“Zone Text Amendment”); and

**WHEREAS**, the Commission based its recommendation to adopt this Zone Text Amendment on the findings set forth below; and

**WHEREAS**, on February 21, 2018, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with this Zone Text Amendment were heard and this Zone Text Amendment was comprehensively reviewed.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA Findings.** As the decision-making body for this Zone Text Amendment, the City Council has reviewed and considered the entire record for this Zone Text Amendment, including all written and oral evidence provided during the comment period. Based upon the facts and information in the entire record, including all written and oral evidence presented to the City Council, the City Council finds that this action 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 general 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 action is strictly a text amendment to: (1) increase the maximum width of a small cell site equipment cabinet

by five inches, (2) establish a definition of sound attenuation device, and (3) allow the utilization of an approved sound attenuation device on stationary mechanical equipment in residential zones for the benefit of public health and safety and there is no possibility that adopting this Ordinance will have a significant negative effect on the environment. Therefore, no further environmental analysis is required and staff will file a Notice of Exemption with the County of Riverside.

**SECTION 2. Zoning Findings.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. The proposed Zone Text Amendment is consistent with the General Plan for the following reasons:

i. This Zone Text Amendment is consistent with General Plan Goal 7.13 to provide adequate, safe, and orderly supply of telecommunications infrastructure to support existing and future land uses within the City.

ii. This Zone Text Amendment supports General Plan Policy 7.13.2 as it promotes continued development and expansion of telecommunications systems, including cable and, as feasible, fiber optics for access of data and information, and communication purposes.

iii. This Zone Text Amendment supports General Plan Policy 1.5.9 because it encourages monitoring the conditions of all buildings and facilities in the City and enforces applicable zoning, building and other codes to ensure their maintenance, quality and safety.

B. The proposed Zone Text Amendment is consistent with Title 17 of the Corona Municipal Code for the following reason:

i. This Zone Text Amendment is consistent with the intent of Title 17 which regulates development standards of land uses within the City. This amendment continues to enhance upon the City's development standards to ensure the public health, safety and welfare of uses, which is the intent of Title 17.

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare for the following reason:

i. This Zone Text Amendment provides for the continued preservation and protection of the public convenience, health, safety and general welfare of its residents and businesses since the regulations establish reasonable development standards with respect to the performance standards of residential mechanical equipment and telecommunications facilities.

**SECTION 3.** Subsection 17.65.050(A)(2)(d) of Section 17.65.050 (Minor telecommunications facilities; zoning administrator approval) of Chapter 17.65 (Telecommunications Facilities) of the Corona Municipal Code is hereby amended in its entirety

to read as follows:

- “(d) Pole mounted radio equipment cabinets shall be long and narrow having a length not exceeding 48 inches, a width not to exceed 15.5 inches, and a depth not to exceed 19 inches (48”H x 15.5”W x 19”D).”

**SECTION 4.** Subsection 17.84.040(B) (Definitions) of Section 17.84.040 (Noise) of Chapter 17.84 (Performance Standards) of the Corona Municipal Code is hereby amended by adding subsection (10) to read as follows:

- “(10) **“Sound attenuation device.”** An enclosure, blanket, vault, box, wall, fence, panel, baffle, coating, material, silencer, or other appurtenance, mechanism, or device intended to reduce the noise level of mechanical equipment.”

**SECTION 5.** Subsection 17.84.040(D)(1) (Mechanical equipment in residential zones) of Subsection 17.84.040(D) (Special Provisions) of Section 17.84.040 (Noise) of Chapter 17.84 (Performance Standards) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“(D)(1) **Mechanical equipment in residential zones.** Upon application for a building permit to install mechanical equipment, such as air conditioner and pool equipment, in a residential zone, the equipment shall be setback at least ten feet from an adjoining property line except where a five foot high block sound wall is maintained extending a distance of two feet on each side of such equipment and situated either between such equipment and the property line or on said property line. Exception: Mechanical equipment in residential zones shall be permitted closer than ten feet from an adjoining property line without a five foot high block sound wall when sound attenuation devices approved by the Building Official are installed. The noise level with sound attenuation devices installed shall comply with the limits and conditions specified in Section 17.84.040(C)(2) when measured from any adjoining property. The approved sound attenuation devices shall be maintained and any approvals shall not be construed to permit violations of this code.”

**SECTION 6. Official Record.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the Community Development Director of the City of Corona.

**SECTION 7. Severability.** If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 8. Effective Date.** The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

**ADOPTED** this 7th day of March, 2018.

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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, LISA MOBLEY, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 21st day of February, 2018, and thereafter at a regular meeting held on the 7<sup>th</sup> day of March, 2018, it was duly passed and adopted by the following vote of the Council:

**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 7th day of March, 2018.

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City Clerk of the City of Corona, California

## **SUMMARY**

On March 7, 2018, the Corona City Council will consider amending several sections of Title 17 (Zoning) of the Corona Municipal Code to allow mechanical equipment in residential zones to utilize sound attenuation devices and to increase the maximum width of pole-mounted equipment cabinets for small cell sites from 10.5 inches to 15.5 inches. A certified copy of the full text of this proposed ordinance amendment is posted at the City Clerk/Community Information Office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall located at 400 South Vicentia Avenue. The City Clerk/Community Information Office is located in Suite 155 of the City Hall near the Council Chambers.