



Agenda Report

File #: 18-2254

**PLANNING AND HOUSING COMMISSION
STAFF REPORT**

DATE: 11/13/2018

TO: Honorable Chair and Commissioners

FROM: Community Development Department

APPLICATION REQUEST:

V2017-0101: Application for a variance from Sections 17.70.060 (A) and 17.70.060 (F) (1) of the Corona Municipal Code to increase the height of a perimeter tube steel fence from five feet to eight feet within the front yard and from seven feet to eight feet within the side and rear yards for a new city water reservoir site located on the southeast corner of Nelson Street and Keith Street (3985 Nelson Street) in the R-1A (Single-Family Residential, 40,000 square-foot minimum lot size) Zone (Applicant: Vernon Weisman, District Engineer, City of Corona, Department of Water and Power, 755 Public Safety Way, Corona, CA 92880).

RECOMMENDED ACTION:

That the Planning and Housing Commission recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan and Resolution No. 2524 GRANTING V2017-0101, based on the findings contained in the staff report and conditions of approval.

PROJECT SITE SUMMARY

Area of Property: 0.90 acres

Existing Zoning: R-1A (Single-Family Residential, 40,000 square-foot minimum lot size)

Existing General Plan: ER (Estate Residential, 1-3 du/ac)

Existing Land Use: Vacant land

Proposed Land Use: Utility water reservoir

Surrounding Land Use:

N: R-1-9.6 (Single-Family Residential, 9,600 square-foot minimum lot size)/Vacant land

E: R-1A (Single-Family Residential, 40,000 square-foot minimum lot size)/Vacant land

S: R-1A (Single-Family Residential, 40,000 square-foot minimum lot size)/Single-Family

W: SFR (Single-Family Residential) of the Chase Ranch Specific Plan (SP89-02)/Single-Family Residence, and A (Agriculture)/Single-Family Residence

BACKGROUND

The project site is 0.90 acres and is located in a residential area located on the southeast corner of

Keith Street and Nelson Street. The project site is currently undeveloped and consists of small trees and bushes on the northern portion of the site. The owner and applicant of V2017-0101 is the City of Corona Department of Water and Power, who is proposing to develop the site with a potable water storage reservoir. The proposed potable water storage reservoir is necessary to help upgrade the City's basic infrastructure and stay in pace with the City's growth. The proposed water storage tank will provide operational, emergency, and fire flow storage of 2.5 million gallons of potable water to the City's Zone 4 1220' Hydraulic Grade Line (HGL) pressure zone. Additionally, the water storage tank will help alleviate the additional storage required for the Arantine Hills development approved by the City of Corona City Council in 2012. It would also alleviate the predicted future deficiency of five million-gallon for the 1220-Zone storage in the year 2020 as shown in the City's 2005 Water Master Plan.

The reservoir's use, site plan, architecture, and landscaping are being reviewed under Conditional Use Permit (CUP17-002). Since the variance pertains to the site's perimeter fencing, both applications are being reviewed concurrently.

The project plans for the reservoir was reviewed by City Staff at the Project and Environmental Review Committee (PRC) meeting of December 7, 2017.

On June 8, 2016 and October 16, 2018, the City of Corona Department of Water and Power (DWP) held community public meetings at Eagle Glen Park located at 4190 Bennett Avenue to present information about the construction of the project. In response to the first meeting, DWP received a letter by a property owner in opposition to the proposed reservoir (Exhibit G). At the October 16, 2018 meeting, DWP presented a revised design to help address concerns from the residents related to the design of the proposed potable water reservoir and landscaping within the subject site.

PROJECT DESCRIPTION

As shown in Exhibit A, the proposed reservoir is centrally located on the project site and fronts Keith Street. The potable water reservoir will be setback 56 feet from the north property line, 33 feet from the south property line, and 27 feet from both the west and east property lines. The reservoir's associated piping and inlet/outlet altitude valve to control filling of the tank will be placed below ground in an open concrete vault structure at the northwest corner of the project site. New landscaping along with three new bioretention facilities will be provided on-site that will collect water run-off from the concrete drainage swale that surrounds the reservoir and paved areas. Additionally, the applicant is proposing to install an eight-foot high black tubular steel fence along the perimeters of the site to secure the facility.

The site is zoned R-1A and governed by the development standards prescribed by Chapter 17.10 (R-1A Single-Family Residential Zone) of the Corona Municipal Code (CMC). The subject zoning requires a minimum front yard setback of 25 feet, and a street side yard setback of 15 feet. The site is a corner lot with two street frontages. The frontage on Keith Street is the front yard while the frontage on Nelson Street is the side yard. The City's fencing ordinance under Chapter 17.70 of the CMC permits a maximum allowable height of five feet for tube steel fencing within the required front yard setback area. For all areas behind the required front yard setback area, the maximum allowable height for fences is seven feet. The eight-foot high perimeter fence proposed by DWP for the site would exceed the height limits permitted by the CMC for fencing. Therefore, DWP is seeking a variance to increase the height of the fence from five (5) feet to eight (8) feet along the property's frontage adjacent to Keith Street and seven (7) feet to eight (8) feet along the side and rear

perimeters of the site, which are the west, east, and south property lines.

The applicant's justification for the request is attached as Exhibit E, which states that the eight-foot fence height is necessary to secure the site from vandalism, trespassing, and malicious activities such as contamination that may pose a potential threat to public health and safety which are significant concerns with respect to the design and construction of the potable water storage reservoir. The site's location warrants the need for additional security. The unmanned facility is surrounded by residential properties occupied by families that include children. There are currently no natural or manmade barriers such as freeways, hillsides, or buildings that can shield or separate the new water tank and its supporting infrastructure from the public other than the proposed eight-foot high fence which is why the height of the proposed fence is critical for the site. Security is crucial not only for the safety of the facility itself but also for the existing and future residents living next to or nearby the facility. The northwest corner of the lot will contain an open concrete vault structure which poses a safety concern from potential unwanted trespassing.

Allowing the applicant to increase the perimeter fence height to a maximum height of eight feet will not negatively impact the site's aesthetics or cause a degradation to the area as the site will be improved along Nelson Street and Keith Street with curb and gutter, sidewalk, and landscaping as shown by the applicant's conceptual landscape plan attached as Exhibit D. Street trees and shrubs will be installed between the streets and fence, which will help soften the fence from street view. Also, there are no residential structures facing the site from the north, west, and south, and the adjacent property to the east is currently undeveloped.

ENVIRONMENTAL ANALYSIS

Per Section 15070 of the State Guidelines for Implementing the California Environmental Quality Act (CEQA) and Section 6.02 of the City's Local Guidelines, a mitigated negative declaration was prepared by the city's consultant, Environmental Science Associates (ESA) for the project because the initial study identified that the project's potentially significant effects to the environment are capable of being mitigated to less than significant. Therefore, based on the mitigation measures identified in the mitigated negative declaration, there is no substantial evidence in light of the whole record before the City that the project may have a significant effect on the environment. The Initial Study and Mitigated Negative Declaration prepared for the project are attached as Exhibit F.

FISCAL IMPACT

All application fees associated with this utility project has been captured internally through payment made by the Department of Water and Power to the general fund.

PUBLIC NOTICE AND COMMENTS

A 20-day public notice was mailed to all property owners within a 500-foot radius of the project site, as well as advertised in the Sentinel Weekly News and posted at the project site. As of the preparation of this report, the Community Development has not received any response from the public regarding the proposal.

STAFF ANALYSIS

Corona Municipal Code Section 17.96.020 (Variances) establishes that special circumstances applicable to the property, such as size, shape, topography, location or surroundings must exist in order for the Planning and Housing Commission to grant a variance. The Municipal Code also states that the strict application of the terms of the zoning regulations from which the variance is being

sought, deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. There are currently no natural or manmade barriers such as freeways, hillsides, or buildings that can shield or separate the new water tank and its supporting equipment from the public other than the proposed eight-foot high fence.

Special circumstances do exist for the project site as the proposed use on the property is non-residential, which is different from the residential uses on the surrounding properties. The site's location and use warrants the need for additional security because the fence height would secure the site from vandalism, trespassing, and malicious activities such as contamination that may pose a potential threat to public health and safety which are significant concerns with respect to the design and construction of the potable water storage reservoir. Security is crucial not only for the safety of the facility itself but also for the existing and future residents living next to or nearby the facility. The northwest corner of the lot will contain an open concrete vault structure which poses a safety concern from potential unwanted trespassing.

The variance will not adversely affect the property or use thereof in the vicinity of the project site because the project is designed to comply with all other development standards prescribed by the R-1A Zone, and all missing public improvements will be constructed adjacent to the site. Landscaping will also be installed within the public right-of-way along Keith Street and Nelson Street and within the site to help soften the new tube steel fence from street view.

The variance is not a granting of special privileges as the applicant has demonstrated that the site's location in a residential area pose special physical circumstances that apply to the subject site. Furthermore, approval of V2017-0101 is consistent with the General plan goals and policies to provide adequate, safe and orderly supply of potable water to meet the current and projected future daily and peak water demands of Corona. Therefore, V2017-0101 is recommended for approval based on the following findings and conditions of approval attached as Exhibit B.

FINDINGS FOR APPROVAL OF V2017-0101

1. An initial study (environmental assessment) has been conducted by the City of Corona so as to evaluate the potential for adverse environmental impacts. The environmental assessment identifies potentially significant effects on the environment, but:
 - a. *The project applicant has agreed to revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur, as reflected in Conditions of Approval attached as Exhibit B.*
 - b. *There is no substantial evidence before the City that the revised project may have a significant effect.*
2. The strict application of the terms of the zoning regulations from which the Variance is being sought deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the following special circumstances applicable to the property related to size, shape, topography, location or surroundings:
 - a. *Special circumstances do exist for the project site as the proposed use on the property is non-*

residential, which is different from the residential uses on the surrounding properties. The site's location and use warrants the need for additional security because the fence height would secure the site from vandalism, trespassing, and malicious activities such as contamination that may pose a potential threat to public health and safety which are significant concerns with respect to the design and construction of the potable water storage reservoir. Security is crucial not only for the safety of the facility itself but also for the existing and future residents living next to or nearby the facility. The northwest corner of the lot will contain an open concrete vault structure which poses a safety concern from potential unwanted trespassing.

3. The approval of V2017-0101 does not constitute the granting of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located for the following reason(s):
 - a. *The variance is not a granting of special privileges as the applicant has demonstrated that the non-residential use of the property for the public's benefit in a residential zone pose special physical circumstances that are not applicable to other properties in the area.*
 - b. *The proposed tubular steel fence is consistent with the city's code with respect to acceptable forms of fencing materials that are allowed in residential zones.*
4. The Variance will not adversely affect property and the use thereof in the vicinity of subject property or the public health, safety and general welfare for the following reason(s):
 - a. *The Variance will not adversely affect the property in the vicinity, but rather will maximize the security of the site for the city's water infrastructure and thereby protect the city's public health and welfare.*
 - b. *The proposed potable water storage reservoir has been designed in a manner that protects the public health, safety, and general welfare by securing the site from general entry with proper fencing and ample landscaping to buffer its appearance from Keith Street and Nelson Street as detailed in companion Conditional Use Permit (CUP17-002).*

PREPARED BY: HARALD LUNA, ASSOCIATE PLANNER

REVIEWED BY: SANDRA YANG, SENIOR PLANNER

SUBMITTED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBITS

1. Resolution No. 2524
2. Locational and Zoning Map.
3. Exhibit A - Site Plan.
4. Exhibit B - Conditions of Approval.
5. Exhibits C1-C2 - Fence Plan and Details
6. Exhibit D - Landscape Plan

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7. Exhibit E - Applicant's letter, dated October 12, 2018
8. Exhibit F - Environmental Documentation
9. Exhibit G - Letter of objection, dated June 22, 2016

Case Planner: Harald Luna (951) 736-2268