



RESOLUTION NO. 2524

APPLICATION NUMBER: V2017-0101

A RESOLUTION OF THE PLANNING AND HOUSING COMMISSION OF THE CITY OF CORONA, CALIFORNIA, GRANTING A VARIANCE FROM THE PROVISIONS OF CORONA MUNICIPAL CODE 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).

WHEREAS, the application to the City of Corona, California, for a variance from Corona Municipal Code Section 17.70.060 has been made by Corona Department of Water and Power, duly submitted to said City's Planning and Housing Commission for decision after public hearing, for which proper notice was given, held on November 13, 2018, as required by law; and

WHEREAS, after close of said Hearing, the Commission by formal action, found that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Section 17.70.060 deprives subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, based on the evidence presented to the Commission during said hearing;

WHEREAS, at the conclusion of said hearing the Planning and Housing Commission adopted the Mitigated Negative Declaration prepared for the Variance in compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Housing Commission of the City of Corona, California, in a regular session assembled this 13th day of November, 2018, that the aforesaid application for a variance per Section 17.96.020 is hereby granted in accordance with Exhibit A and approved for the following reasons:

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 because the non-residential use of the property is for the public's benefit and 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).*

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the City Clerk of said City and a copy thereof be sent to the applicant therefore at the address of said applicant as set forth in the application for said variance.

Adopted this 13th day of November, 2018.

Mitchell Norton, Chair
Planning and Housing Commission
City of Corona, California

ATTEST:

Olivia Sanchez
Secretary, Planning and Housing Commission
City of Corona, California

I, Olivia Sanchez, Secretary to the Planning and Housing Commission of the City of Corona, California, do hereby certify that the foregoing resolution was regularly introduced and adopted in a regular session of said Planning and Housing Commission duly called and held on the 13th day of November, 2018, and was duly passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Olivia Sanchez
Secretary, Planning and Housing Commission
City of Corona, California