



Legislation Details (With Text)

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Title: WAIVER FROM CORONA MUNICIPAL CODE SECTION 15.60.080 REQUIRING THE REMOVAL OF TWO EXISTING UTILITY POLES LOCATED AT THE NORTH BOUNDARY OF 220 N. SMITH AVENUE AND SOUTH BOUNDARY OF 212 N. SMITH AVENUE (APPLICANT: STALEY POINT CAPITAL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff report, 2. Exhibit 1 - Location Map, 3. Exhibit 2 - Waiver Request

Date	Ver.	Action By	Action	Result
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REQUEST FOR CITY COUNCIL ACTION

DATE: 07/03/2024

TO: Honorable Mayor and City Council Members

FROM: Planning and Development Department

SUBJECT:

WAIVER FROM CORONA MUNICIPAL CODE SECTION 15.60.080 REQUIRING THE REMOVAL OF TWO EXISTING UTILITY POLES LOCATED AT THE NORTH BOUNDARY OF 220 N. SMITH AVENUE AND SOUTH BOUNDARY OF 212 N. SMITH AVENUE (APPLICANT: STALEY POINT CAPITAL)

EXECUTIVE SUMMARY:

This staff report asks the City Council to consider a waiver from [Section 15.60.080](#) of the Corona Municipal Code (CMC) on the requirement to remove two utility poles that support overhead wires associated with the construction of a new industrial building located on a combined 3.94 acres consisting of 212, 216, and 220 N. Smith Avenue. One pole is located at the southerly property limit of 212 N. Smith Avenue, and the other pole is located at the northerly property limit of 220 N. Smith Avenue. Both poles support overhead wires that extend beyond the boundary of the project site.

RECOMMENDED ACTION:

That the City Council waive the requirement from [Section 15.60.080 of the CMC](#) requiring the

removal of two utility poles located at the north boundary limit of 220 N. Smith Avenue and the south boundary limit of 212 N. Smith Avenue.

BACKGROUND & HISTORY:

The street frontage of the subject property contains three utility poles and overhead wires that are less than 34,000 volts, which are not exempt from the City's requirement to be placed underground according to CMC Section 15.60.040.

The applicant and property owner of 212, 216, and 220 N. Smith Avenue is in the process of redeveloping the properties with a new 161,420 square-foot industrial building on a combined 3.94 acres. The property's frontage on Smith Avenue contains three utility poles supporting overhead wires that exist along the west side of Smith Avenue. The applicant is required to underground the overhead wires adjacent to the subject property and remove the poles. The applicant will be placing the overhead wires underground along the front of the property and will be removing the one existing utility pole located in the center. However, the two other utility poles located near the property line on the north and south sides of the site support overhead wires that exist in front of the adjacent properties. The removal of these two poles would require the overhead wires that exist beyond the boundary of the subject site to be placed underground up to the next pole. This would result in 500 linear feet of additional overhead wires being placed underground.

The applicant submitted a request to the City on June 5, 2024, requesting that the City Council grant a waiver from the requirement to remove the two utility poles located near the north and south property lines of the subject property because they are necessary to support the existing overhead wires in front of the adjacent properties.

ANALYSIS:

Section 15.60.080 of the CMC recognizes above-ground utility wires exist within the city and are considered nonconforming to the requirement of CMC Section 15.60.030. Section 15.60.030 prohibits above-ground poles, wires, and associated structures, irrespective of the use or proposed use of the structure or building it is intended to serve. However, CMC Section 15.60.060 allows the City Council to grant a waiver to this requirement if the finding can be made that undergrounding the utility wires and removing utility poles would be unreasonable, impractical, and cause undue hardship to the applicant or public.

The property currently contains three utility poles with overhead utility wires of less than 34,000 volts along the street frontage. The applicant will underground the overhead wires along the front of the property and remove the one utility pole located in the center. The construction cost associated with the development of the subject site did not include the undergrounding of the overhead wires on the adjacent properties, which is an additional 500 linear feet beyond the subject site's property limits, because of the poles at the north and south property lines having to be removed.

The applicant is requesting that the two poles located at the north and south property limits remain in place because removing those poles would result in financial hardship to the project because of the additional cost associated with the offsite construction improvements not originally anticipated for the project. The applicant's justification for the waiver is summarized below.

- Removing the two poles at the north and south property lines would require existing overhead wires, approximately 265 linear feet to the north and 235 linear feet to the south, to be placed underground in front of the adjacent properties to the next utility poles. This would require driveway approaches to be reconstructed, the removal and replacement of existing trees and the possible relocation of irrigation lines, and the installation of two additional underground vaults on the adjacent properties.
- The estimated cost for the additional offsite improvement is approximately \$800,000.
- The estimated time to complete the additional offsite improvements is an additional 6 to 12 months to the current construction schedule.

Based on the information provided by the applicant, Staff has determined that the findings exist for the City Council to grant the waiver according to Section 15.60.060.

- a) The additional cost of undergrounding approximately 500 feet of overhead wires beyond the subject site's frontage is an unreasonable request and a significant increase in the offsite construction cost for the project.
- b) The offsite improvements being done by the applicant which include undergrounding the overhead wires along the subject site's street frontage and removing the one utility pole in the center are practical and proportionate to the improvements being made to the property.

FINANCIAL IMPACT:

The applicant has paid the Utility Underground Waiver Request fee of \$1,628.

ENVIRONMENTAL ANALYSIS:

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 commonsense exemption that CEQA applies to only 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. There is no possibility that this action on granting a waiver to the requirement within the Corona Municipal Code will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: CAROLINA RODRIGUEZ, ASSOCIATE ENGINEER

REVIEWED BY: JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

Attachments:

1. Exhibit 1 - Location Map
2. Exhibit 2 - Waiver request and pictures from the applicant