



Legislation Text

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File #: 24-0515, Version: 1

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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 SECTIONS 15.60.080 AND 15.48.020 OF THE CORONA MUNICIPAL CODE REQUIRING OVERHEAD UTILITY WIRES TO BE PLACED UNDERGROUND AND THE CONSTRUCTION OF THE MISSING PUBLIC IMPROVEMENTS LOCATED AT 1107 OLD HICKORY ROAD (APN 113-042-005) (APPLICANT: DOUGLAS WINGETT AND DENISE WINGETT)

**EXECUTIVE SUMMARY:**

This staff report asks the City Council to consider waivers from [Sections 15.60.080](#) and [15.48.020 of the Corona Municipal Code](#) (CMC) on the City's requirement to underground overhead utility wires and construct the missing sidewalks and a streetlight located adjacent to 1107 Old Hickory Road. The property at 1107 Old Hickory Road contains an existing single-family home. The applicant is proposing to construct a detached garage associated with an accessory dwelling unit on the property and is requesting that the public improvements associated with the new construction on the property be waived.

**RECOMMENDED ACTION:**

**That the City Council:**

- a. Waive the requirement from [Section 15.60.080](#) of the Corona Municipal Code requiring the existing overhead utility wires to be placed underground adjacent to 1107 Old Hickory Road.
- b. Waive the requirement from [Section 15.48.020](#) of the Corona Municipal Code requiring the construction of the missing public improvements adjacent to 1107 Old Hickory Road.

**BACKGROUND & HISTORY:**

The applicant and property owner of 1107 Old Hickory Road is proposing to construct a detached, 1,200-square-foot Accessory Dwelling Unit (ADU) with an attached 962-square-foot garage. The property contains an existing single-family home that was constructed in 1984. The subject property

is a part of an older subdivision named the Marvin Tract. The Marvin Tract, along with the Lemon Tract, includes 110 houses that are located on streets Shady Mill, Stillwater, Old Hickory, Millbrook, Bridgeport, and Waterfall.

The houses in the Marvin and Lemon Tracts were constructed in 1984 and at the time of development, the developer was not required to construct sidewalks and streetlights. The public improvements originally constructed in 1984 exist today and no additional public improvements for sidewalks and streetlights have been added to the properties in the Marvin and Lemon Tracts. Additionally, some properties in this development have had building additions constructed without having to construct the missing public improvements adjacent to the property. No liens exist on any of the properties in the Marvin and Lemon Tracts for the future construction of the missing sidewalks and streetlights.

According to state law on ADUs, cities cannot require the construction of the missing public improvements with the construction of an ADU. However, an ancillary use of the ADU, such as a garage, is not exempt from the requirement. According to Section 15.48.030, a new structure 650 square feet and greater requires the construction of missing public improvements adjacent to the subject property, and Section 15.60.080 requires existing overhead utility wires of less than 34,000 volts to be placed underground.

The applicant submitted a request to the City on June 13, 2024, requesting that the City Council grant a waiver from undergrounding the overhead wires and constructing the missing public improvements along the subject site's frontage. The applicant has indicated that the overhead wires will continue to exist above ground beyond the boundary of the subject site to the north and south along Waterfall Lane and that the existing appearance of the overhead wires will remain unchanged. Regarding the public improvements, no sidewalk connectivity will exist along the site's frontage along Old Hickory Road and Waterfall Lane because no sidewalks or streetlights were constructed on the parallel streets within the Tract. Additionally, the adjacent property owner, located to the north at 1106 Millbrook Road, constructed an 875-square-foot addition in 2016 and was not required to construct any of the missing public improvements nor underground any of the overhead utilities located along the property's frontage.

Old Hickory Road is classified as a local street. No sidewalks are constructed easterly from 1187 Old Hickory Road to the intersection of Old Hickory Road and Waterfall Lane, which is approximately 670 linear feet. This same scenario also exists along Millbrook Road and Bridgeport Road, where the streets intersect with Waterfall Lane, and there are no sidewalks on Shady Mill Road and the north side of Stillwater Road in the Marvin Tract.

**ANALYSIS:**

CMC Section 15.60.080 recognizes that 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 intended to serve. However, Section 15.60.060 allows the City Council to waive this requirement if the finding can be made that the undergrounding of overhead utility wires would be unreasonable, impractical, and cause undue hardship to the applicant or public.

Staff has determined that the findings exist for the City Council to grant the waiver from having to place the overhead utility wires underground for the following reasons:

- a) The overhead wires will continue to remain above ground beyond the boundaries of the subject site to the north and south along the west side of Waterfall Lane. The property at 1107 Old Hickory Road is a corner lot with a single pole on the street side of Waterfall Lane. This pole is multi-tiered and contains several overhead wires that extend to the adjoining properties. To underground the multiple overhead wires adjacent to the subject site, the overhead wires on the adjacent properties would also need to be placed underground to the next poles located to the north and south, which is an additional 215 linear feet for a total length of 350 feet including of the subject site.
- b) The adjacent property to the north at 1106 Millbrook Road was not required to underground the overhead utility wires when an 875-square-foot addition was constructed in 2016.
- c) The cost of placing the overhead utility wires underground is not proportionate to the improvements being made to the property because the overhead wires located north and south of the subject site on the adjacent properties would also need to be placed underground to the next poles. This makes the construction of the 976-square-foot garage financially infeasible.

CMC Section 15.48.020 requires the construction of public improvements when a property is developed or when building additions are made thereto. However, CMC Section 15.48.030 allows the City Council to grant a waiver or defer this requirement if specific findings are made.

Staff has determined that the findings exist for the City Council to grant the waiver from the requirement to construct the missing public improvements for the following reasons:

- a) The construction of the missing public improvements would be inconsistent with the appearance of this neighborhood and not adjoin other improvements. The improvements at this corner would essentially be an island that stands on its own with no connection to a sidewalk beyond the boundaries of the subject property.
- b) There are no streetlights in the Marvin Tract and the adjacent Lemon Tract.
- c) The City did not previously require other developed properties in this development to construct the missing public improvements when building additions were added to properties.
- d) The cost of constructing these public improvements would make constructing a garage for the ADU financially infeasible.

**FINANCIAL IMPACT:**

The applicant has paid the required processing fee for this waiver in the amount 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 waivers from CMC Section 15.60.080 and CMC Section 15.48.030, will have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** CHRIS AGUILAR, ASSOCIATE ENGINEER

**REVIEWED BY:** JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

**Attachments:**

1. Exhibit 1 - Location Map
2. Exhibit 2 - Letter and pictures from the applicant requesting a waiver from CMC Section 15.60.080 and CMC Section 15.48.020