



## Legislation Details (With Text)

**File #:** 22-0651      **Version:** 1      **Name:**  
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**File created:** 7/20/2022      **In control:** City Council  
**On agenda:** 8/3/2022      **Final action:** 8/3/2022  
**Title:** Waiver from Corona Municipal Code Section 15.60.080 regarding the undergrounding of existing overhead utility wires located along 230 S. Lincoln Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit 1 - Location map, 3. Exhibit 2 - Waiver Request

Date	Ver.	Action By	Action	Result
8/3/2022	1	City Council	approved	

### REQUEST FOR CITY COUNCIL ACTION

**DATE:** 08/03/2022

**TO:** Honorable Mayor and City Council Members

**FROM:** Planning and Development Department

**SUBJECT:**

Waiver from Corona Municipal Code Section 15.60.080 regarding the undergrounding of existing overhead utility wires located along 230 S. Lincoln Avenue.

### EXECUTIVE SUMMARY:

The property owner of the automobile service station located at 230 S. Lincoln Avenue is proposing to demolish the existing convenience store and reconstruct a new convenience store. The provisions in Chapter 15.60 of the Corona Municipal Code require overhead wires to be placed underground except for utility wires that distribute, supply and transmit 34,000 volts or greater of electrical energy. The City Council may grant a waiver to this provision after making the finding that the application of this requirement would be unreasonable, impractical, and cause undue hardship to the applicant or the public.

### RECOMMENDED ACTION:

**That the City Council** grant a waiver from Section [15.60.080](#) of the Corona Municipal Code for the undergrounding of the overhead utility wires located along Lincoln Avenue, adjacent to 230 S. Lincoln Avenue.

## **BACKGROUND & HISTORY:**

The property located at 230 S. Lincoln Avenue is 0.5 acres and contains an existing automobile service station. The property is developed with four double-sided fuel pumps, a 2,056 square foot single-story convenience store, and a free-standing price sign. The property owner is proposing to demolish the existing 2,056 square foot convenience store and construct a new 3,628 square foot convenience store and reconfigure the parking lot and landscaping. The project was approved by the Planning and Housing Commission as Precise Plan Modification 2020-0004 (PPM2020-0004).

Per Section 15.60.080 of the CMC, the construction of the new, larger convenience store requires the property owner to place existing overhead utility wires less than 34,000 volts (34 KV) underground. The property is located at the northwest corner of D Street and Lincoln Avenue. D Street along the property's frontage contains a single-tier overhead utility wire that carries 12KV electrical energy. Lincoln Avenue along the property's frontage contains a three-tier overhead wire that carries 66KV, 33KV and 12KV electrical energy on the upper, middle and lower tiers, respectively.

Per Chapter 15.60 of the Corona Municipal Code, the property owner was required to underground the overhead wires less than 34 KV adjacent to the project site. The property owner submitted a request to the City on July 7, 2022, requesting that the City Council grant a waiver from the undergrounding of the electrical wires along the property's frontage on Lincoln Avenue. Due to the design of the three-tier wires, the 66KV will still exist above ground adjacent to the project site. Additionally, the wires on all three-tiers on Lincoln Avenue will continue to exist above ground beyond the boundary of the project site to the north and south. The property owner also states the undergrounding of these wires along Lincoln Avenue would not be financially feasible based on the scope of the project.

## **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.

At the time of new construction, the City requires overhead wires, less than 34KV to be placed underground to bring areas within the City into compliance with the provisions of Chapter 15.60. However, CMC Section 15.60.060 allows the City Council to grant a waiver to this requirement if the finding can be made that the undergrounding of the utility wires would be unreasonable, impractical, and cause undue hardship to the applicant or public.

Staff has determined that the finding exists for the City Council to grant the waiver for the following reasons:

- a) The utility poles along Lincoln Avenue, which extend beyond the boundary of the project site, contains three-tiers of wires that carry 66KV, 33KV and 12 KV that would continue to exist to the north and south.
- b) The overhead wires for the 66KV would continue exist in front of the property even if the 33KV and 12KV were placed underground.
- c) The property owner is proposing to improve the onsite condition of the property by

demolishing the existing convenience store and constructing a new convenience store, which will have an updated appearance and design and the undergrounding of the existing overhead wires on Lincoln Avenue would have an increased financial burden to the project.

- d) The appearance along Lincoln Avenue would remain unchanged because the overhead wires that already exist along Lincoln Avenue would continue to exist even with the undergrounding of the lower two tiers adjacent to the project site.

**FINANCIAL IMPACT:**

The developer 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 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. 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:** MARIA MIRANDA, SENIOR ENGINEER

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

**Attachments:**

1. Exhibit 1 - Location Map
2. Exhibit 2 - Waiver Request