



Legislation Text

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File #: 18-2304, Version: 1

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**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

DATE: 12/6/2018

TO: Honorable Mayor and City Council Members

FROM: Community Development Department

**SUBJECT:**

City Council consideration of V2017-0101 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: City of Corona, Department of Water and Power)

**RECOMMENDED ACTION:**

That the City Council:

1. Take no action, thereby affirming the Planning and Housing Commission's action granting V2017-0101, based on the findings contained in the staff report and conditions of approval.

-OR-

2. Set the item for review at a subsequent meeting.

**ANALYSIS:**

The property owner and applicant of Variance 2017-0101 is the City of Corona Department of Water and Power, who is proposing to construct a 2.5 million gallon water reservoir at 3985 Nelson Street. The zoning of the property is R-1A, which allows the installation of public utility structures with a conditional use permit. The applicant is concurrently processing Conditional Use Permit 17-002 with this variance for the water reservoir. The scope of the variance is to allow an increase in the height of the perimeter fencing being constructed around the property for security purposes.

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. Corona

DWP is proposing a fence height of eight feet to secure the property from trespassing and vandalism. The variance from the fence and walls ordinance would allow DWP to increase the height of the fence by three feet in the front yard and by one foot in the side and rear yards.

The applicant's justification for the request is 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 fence which is why the height of the 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 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. Street trees and shrubs will be installed between the streets and fence, which will help soften the fence from street view.

Therefore, 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.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**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.

**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.

**PLANNING AND HOUSING COMMISSION ACTION:**

At its meeting of November 13, 2018, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded (Ruscigno/Jones) and carried unanimously, that the Planning and Housing Commission adopt Resolution No. 2524 granting V2017-0101 based on the findings contained in the staff report and conditions of approval. The minutes of the Planning and Housing Commission meeting are included as Exhibit 5.

**PREPARED BY:** JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** DARRELL TALBERT, CITY MANAGER

#### EXHIBITS

1. Locational and Zoning Map.
2. Site Plan for V2017-0101.
3. Conceptual landscape plan with fencing.
4. Planning and Housing Commission Staff Report
5. Draft Minutes of the Planning and Housing Commission meeting of November 13, 2018.

#### **APPLICANT INFORMATION**

*Vernon Weisman, District Engineer, City of Corona, Department of Water and Power, 755 Public Safety Way, Corona, CA 92880*