



Town Council Agenda Report

Date: January 26, 2021 Item No. 6

To: Honorable Mayor and Town Council

Subject: REQUEST TO ALLOW OVERHEAD POWER LINES

From: Douglas Robertson, Town Manager

Submitted by: Brad Miller, Town Engineer

Budgeted Item: ☐ Yes ☐ No ☒ N/A

RECOMMENDED ACTION:

Approve the request to allow a power pole at the southwest corner of Outer Highway 18 and Central Road to remain in place.

SUMMARY:

Pursuant to the Town's Municipal Code, Section 14.28, "underground installation is required for all electrical lines energized at 34,500 volts or less, telephone, cable, antenna television and similar service wires or cables which:

- (a) Provide direct service to the property being developed; or
- (b) Are existing and located within the boundaries being developed; or
- (c) Are existing between the property line and the centerline of the peripheral streets of the property being developed..."

The Code also indicates the following:

"Notwithstanding the provisions of this Chapter,The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures."

BACKGROUND:

On May 6, 2020, the Planning Commission approved Development Permit 2019-002 to allow for the construction of a 3,800 square foot fuel station/convenience store, drive through car wash and 2,400 square feet of additional leased space. The project will include the elimination of Outer Highway 18 South between Central Road and the project's western boundary, 330 ft. east of Tonikan Road. The standard condition of approval requiring that all poles located within the boundaries of the development be underground was included in the conditions of approval for the project.

On December 22, 2020, the Town received a request from Ahmad Gharderi, who represents the landowner, Nadir Malik, to allow the power pole at the southwest corner of Outer Highway 18 South and Central Road to remain. (see attached letter), The attached exhibit identifies the subject pole "C."

Per the attached letter, Mr. Gharderi is requesting that the Council find that the undergrounding of the existing overhead service and transmission lines pose an unusual circumstance because, "The cost of undergrounding the pole "C" is disproportionately high relative to the size of the property and will make any development of the site infeasible."

Staff supports the exclusion of pole C from the removal and underground requirement as it serves to convey overhead lines across State Highway 18 and would best be addressed during a future intersection reconstruction project.

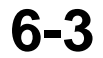
A similar request from the developer of Nico Plaza at Highway 18 and Kasota Road was reviewed and approved by the Town Council on June 11, 2019.

FISCAL IMPACT: There is no financial impact to Town

ATTACHMENTS:

1. Exhibit "A"
2. Letter from Applicant

Council Meeting Date: January 26, 2021



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December 22, 2020

Mr. Richard Pederson, PE, Deputy Town Engineer
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Dear Mr. Pederson:

Mr. Nadir Malik is currently planning for the development of a property located at SWC of Hwy 18 and Central Road, in Apple Valley. The Town has required that the developer underground five (5) existing utility poles surrounding the north and easterly perimeters of the site (as shown on the enclosed Exhibit "A").

Town Code Section 14.38.060 states, "The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures"

Mr. Nadir Malik's requests special permission to allow one of the poles referenced as "Pole C", not to be undergrounded as it relates to our proposed project. We believe our request is under the basis of "unusual circumstances" due to the following:

- The cost of undergrounding the pole "C" is disproportionately high relative to the size of the property and will make any development of the site infeasible. The initial cost estimate to underground Poles A, B, D and E are \$94,000, \$65,000, \$62,500.00, and \$80,000, respectively. These costs include undergrounding the wiring all the way to other poles to the west and south side of the subject site. Cost of undergrounding of Pole C is anywhere between \$425,000.00 to \$530,000 (includes trenching across Highway 18), final cost cannot be finalized till such time when the final design is complete by SCE. These estimates do not include the costs associated with other utilities on these poles, including cable and phone lines. With the, planned building at 7,448 sq ft, the price per square foot for the undergrounding work alone is \$112 per square foot (\$57.00/s.f. just allocated to Pole "C").

Additionally, Town Code Section 14.28.040(a) states, "Existing overhead Distribution lines will be permitted to remain in areas where these Distribution lines have existing overhead Service lines to adjacent lots."

Since Pole "C" has existing Service lines to a number of properties nearby and therefore should be permitted to remain. We respectfully request that Pole C to be exempt from being undergrounded.

Per the Town's requirement, we are proceeding with eliminating the Outer Highway 18 which is requiring us to improve and widen Central Road. We are committed to seeing this project materialize under the guidance of the Town's codes and conditions. However, this project and site create unusual circumstances that cannot be feasibly developed with these certain conditions. We request your assistance in presenting this matter to the Town Council. If you require additional information, please feel free to contact our project architect/engineer, Mr. Ahmad Ghaderi, A & S Engineering: ahmadg@asengineer.com, 661-250-9300.

Thank you for your consideration.

Sincerely,
Nadir Malik