



Staff Report

TO: City Council
FROM: Robert Vestal, Public Works Director
DATE: February 6, 2024
SUBJECT: Second Reading of an Ordinance Amending the Beaumont Municipal Code Title of Chapter 12.16, Adding Chapter 12.18 and Amending Chapter 17.04

Description Undergrounding of Existing Overhead Utilities.

Background and Analysis:

The Beaumont Municipal Code (BMC) has two sections that discuss undergrounding of utilities: Chapter 12.16 - Utility Undergrounding and Chapter 17.04.100 – Utilities.

Chapter 12.16 - “Utility Undergrounding” provides the City the ability to create Underground Utility Districts, levy an assessment of the cost to underground the existing utilities against the property owners, and perform the undergrounding of utilities within the district. There are currently four Utility Undergrounding Districts within Beaumont.

- Resolution 1978-35: District 101 -Area near Highland Springs and Sixth Street
- Resolution 1989-01: District 89-1 - Area along Sixth Street, between American and Allegheny
- Resolution 1998-27: Along an 880 feet portion Brookside Avenue and 1,940 feet portion of Beaumont Avenue
- Resolution 2005-31: District 2 - Beaumont Avenue between Eighth Street and I-10 Freeway

Chapter 17.04.100 – “Utilities” establishes the requirements of new and existing utilities associated with the development of a project. 17.04.100(B) specifically identifies undergrounding of utility lines having 16 kilovolts or less. However, Chapter 17.04.100 does not explicitly state that existing poles must be undergrounded which provides opportunity for challenges. Additionally, Chapter 17.04.100 is located in the Zoning section of the BMC.

City staff is requesting the following changes to the BMC:

1. Chapter 12.16 - "Utility Undergrounding" be renamed to "Utility Undergrounding Districts" to more clearly reflect its application.
2. Add Chapter 12.18 – "Utility Undergrounding Requirements" to incorporate the City's policies requiring the conversion of existing overhead utilities into new underground systems as a condition related to the City's approval for land use and development applications and permits.
3. Amend the Zoning Code in section 17.04.100 – "Utilities" to clarify the City's requirements applicable to both the undergrounding of existing overhead utilities and the installation of new underground utility systems as a condition related to approvals for land use development applicants.

Proposed Chapter 12.18 – Undergrounding of Existing Overhead Utilities

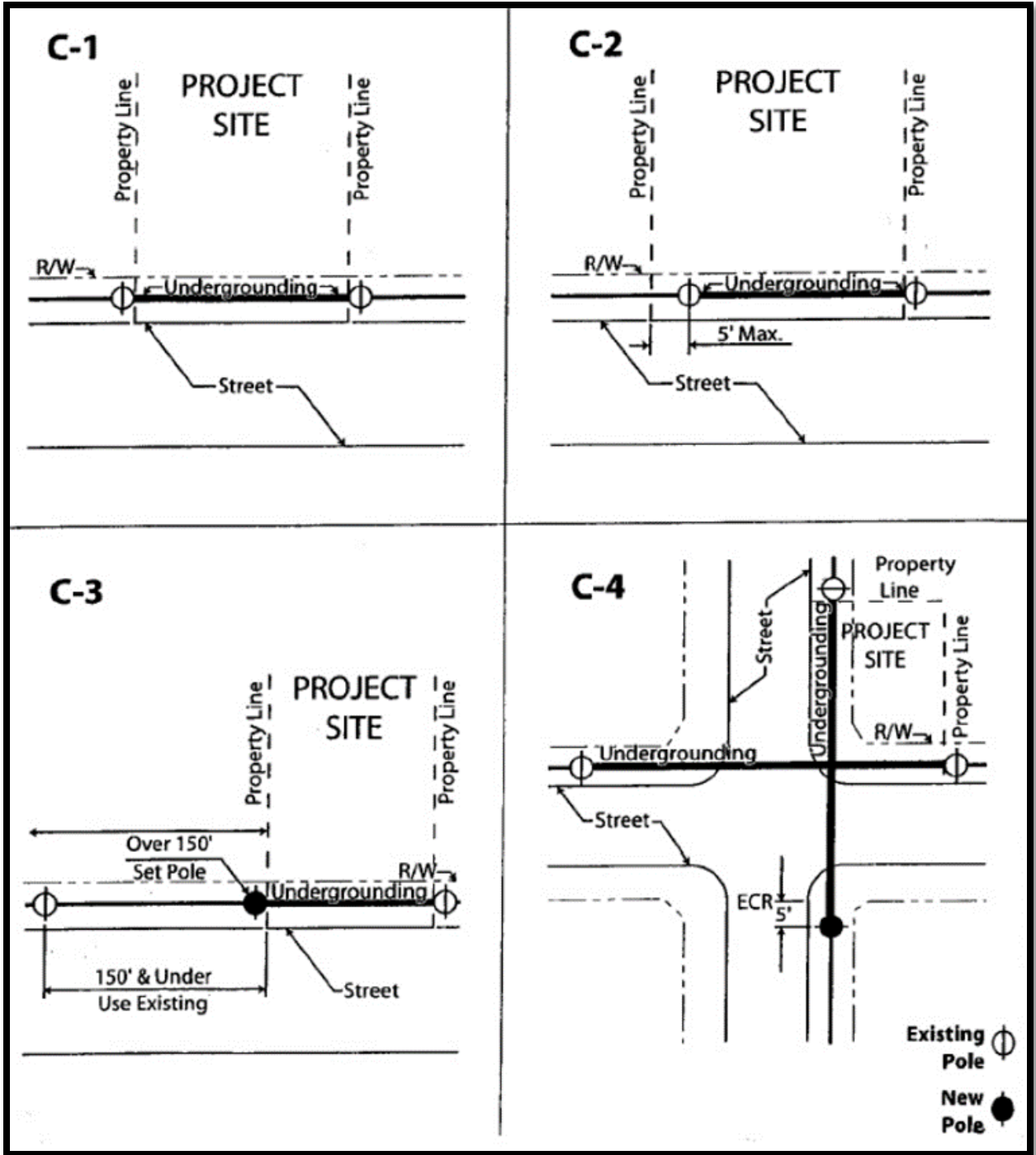
Chapter 12.18 – "Undergrounding of Existing Overhead Utilities" will establish uniform provisions for the regulation of requiring conversions of existing overhead utility systems into new underground systems. The chapter will be divided accordingly:

- 12.18.010 – Purpose and Authority
- 12.18.020 – Definitions
- 12.18.030 – Requirements to Underground Existing Overhead Utility Lines
- 12.18.040 – Application to Developments and Improvements
- 12.18.050 – Utility Assessment Form
- 12.18.060 – Exempted Utility Devices
- 12.18.070 – Exemption and Deferral of Certain Improvements
- 12.18.080 – Waiver and Deferral
- 12.18.090 – Appeals

Requirements

The requirement to underground existing overhead utilities will be imposed on each and every permit required from the City for development or improvement of private property. Existing overhead utility lines located on, extending across, or located adjacent to private property, including those overhead utility lines located along the perimeter of private property within public rights-of-way of City streets bordering private property, shall be placed underground into new underground systems. Existing overhead utility lines shall be placed underground on the property subject to the development or improvement as follows:

- A. Except as otherwise provided in this subsection, the existing overhead utility lines shall be placed into a new underground system located along the entire frontage of the subject property from boundary line to boundary line as depicted in Figure C-1;
- B. Whenever a utility pole is located on the frontage of the subject property and within five feet of its boundary line, existing utility pole may remain to be used as a riser with the existing overhead utility lines placed underground into a new underground system located along the frontage of the property from boundary line to the existing utility pole except for that distance of five feet or less between the utility pole and the other boundary line as depicted in Figure C-2;
- C. Whenever an existing utility pole is located within one hundred fifty (150) feet of a boundary line of the subject property, the existing overhead utility lines shall be placed into a new underground system located along the entire frontage of the subject property from boundary line to boundary line and from one of the boundary lines to the existing utility pole as depicted in Figure C-3. Whenever a utility pole is located more than one hundred fifty (150) feet from a boundary line of the subject property, a new utility pole may be installed at one boundary line of the subject property and the existing overhead utility lines shall be placed into a new underground system along the entire frontage of the subject property from one boundary line to the newly installed utility pole as depicted in Figure C-3;
- D. In the event that the subject property is located on a corner where two streets intersect, the existing overhead utility lines shall be placed into a new underground system extending across one or both of the streets to the next existing utility pole provided that the utility pole is within one hundred fifty (150) feet of one of the boundary lines of the subject property as depicted in Figure C-4.



Exemptions

The following existing overhead utility lines shall be exempted from the requirement to be placed underground as otherwise required in this chapter:

- A. Existing overhead utility lines operated at voltages in excess of thirty-four thousand five hundred volts (> 34.5 kV);
- B. In residential in-fill areas where property is to be developed for residential purposes where existing overhead utility lines are located along or near the rear property lot lines of the subject property to be developed and where those existing overhead utility lines provide service to adjoining residential properties that are not the subject of the development or improvement;
- C. Appurtenances and associated equipment including, but not limited to, surface mounted transformers and switches, pedestal mounted terminal boxes and meter cabinets which may be left in place above ground;
- D. Improvements to an existing commercial or industrial building where the improvement increases the building footprint or total square footage by less than 300 square feet, ref BMC 17.11.050(A);
- E. Improvements to an existing residential building where the improvement increases the building footprint or total square footage by less than twenty-five percent (25%), ref BMC 17.11.050(A).
- F. Whenever the owner or developer of a subject property is required to underground existing overhead utility lines but the length of the property frontage is less than three hundred (300) feet, the City may allow the owner or developer to pay a fee to the City that is equal to the unit cost of placing the existing overhead utility lines underground, multiplied by the length over which the undergrounding is required.

34.5kV Threshold

Current BMC Chapter 12.16 - "Utility Undergrounding" has an exemption from undergrounding utility lines that exceed 34.5 kilovolts (kV). Chapter 17.04.100 – "Utilities" has an exemption from undergrounding utility lines that exceed 16 kV. City staff conducted a survey of twenty-eight surrounding cities' kV exemptions. Twelve cities use approximately 34.5 kV. Only Beaumont and Rialto have lower kV exemptions. The remaining cities do not list the kV. The following table show the results of the survey:

City	Code Section	kV Requirement	Waiver?
Banning	17.24.170	<33 kV	No
Beaumont	17.04.100	<=16 kV	No
Calimesa	17.15.140	<=34.5 kV	Yes - City Engineer
Cathedral City	8.30.050	Not specified	No
Chino	13.32	<=34.5 kV	Listed exceptions
Coachella	16.28.150	Not specified	Yes - City Council
Corona	15.60	<34 kV	Yes - City Council
Fontana	27-50 to 27-54	<36 kV	Listed exceptions
Hemet	82-172	<=34.5 kV	Yes - City Engineer
Highland	16.40.380	<=34.5 kV	Listed exceptions
Indio	156.106	Not specified	Yes - PW Director
La Quinta	13.24.110	Not specified	Yes - City Manager
Menifee	9.23	Not specified	Yes - varies
Moreno Valley	9.14.130	<115 kV	Yes - City Engineer
Norco	13.08	<40 kV	Yes -City Council
Ontario	7-7	<=34.5 kV	Listed exceptions
Palm Desert	12.16.020, 25.40.120	<=16 kV	Listed exceptions
Palm Springs	8.04.402, 9.60.030	<35 kV ; <=33 kV	Yes - City Engineer
Perris	19.02.070	Not specified	No
Pomona	62-31	Not specified	Listed exceptions
Rancho Cucamonga	16.36.090	PUC exempted	Yes - City Council
Rancho Mirage	12.16.010	Not specified	No
Redlands	17.17.020	Not specified	Yes - Approving Body
Rialto	15.32	<=16 kV	Yes - varies
Temecula	15.04.090	<34 kV	Yes - Planning Commission
San Bernardino	19.30.110	<33 kV	Listed exceptions
San Jacinto	15.32	<66 kV	Listed exceptions
Yucaipa	83.041120	Not specified	If <4 poles removed

Waiver

If an owner or developer who is the applicant of a land use or development application believes that the undergrounding requirement is impractical and will cause practical difficulties and unnecessary hardship due to certain topographical conditions, street configurations, underground obstacles, soil, water or other natural conditions which would make the placement of existing overhead utilities into new underground systems

unreasonable, the owner or developer shall provide such notice of intent to pursue a waiver with the Utility Assessment Form required by Section 12.18.050. The burden is imposed on the owner or developer to provide sufficient justification for a waiver to be considered by the City Council. The waiver, if requested, shall be considered prior to the time the approval authority considers the land use or development application. If such waiver is granted, the City may require the owner or developer to pay an in lieu fee.

On January 16, 2024, a public hearing was held with no public comments. The City Council approved the ordinance as presented.

Fiscal Impact:

The cost of preparing the staff report is estimated to be \$1,000.

Recommended Action:

Waive the second full reading and adopt by title only “An Ordinance of the City Council of the City of Beaumont, California Amending the Title Of Chapter 12.16, Adding Chapter 12.18 and Amending Chapter 17.04 of the City Of Beaumont Municipal Code Concerning Requirements for Undergrounding of Existing Overhead Utilities Applicable to Discretionary Approvals Related to Land Use and Development”.

Attachments:

- A. Ordinance
- B. Proof of Publication