



Staff Report

File #: 23-0747

**PLANNING AND HOUSING COMMISSION
STAFF REPORT**

DATE: 10/9/2023

TO: Honorable Chair and Commissioners

FROM: Planning and Development Department

APPLICATION REQUEST:

V2023-0001: Variance from Section 17.70.060(F)(1)(b) of the Corona Municipal Code to allow the height of a block wall and wrought iron gate to be increased to six (6) feet within the front yard setback that will function as a side yard for the property located at 1085 Romans Road. (Applicant: Theodore Ray of Romans Road, LLC., 1085 Romans Road, Corona, CA 92881)

RECOMMENDED ACTION:

That the Planning and Housing Commission find the project exempted from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15303(e), and adopt Resolution No. 2619 GRANTING V2023-0001, based on the findings contained in the staff report and conditions of approval.

PROJECT SITE SUMMARY

Area of Property: 2 acres

Existing Zoning: R-1-A (Single-Family Residential, 40,000 SF minimum lot size)

Existing General Plan: ER (Estate Residential, 1-3 ac/du)

Existing Land Use: Single-Family Residential (under construction)

Proposed Land Use: Single-Family Residential

Surrounding Zoning/Land Use:

N: R-1-A / Single-family residences

E: R-1-A and A (Agricultural) / Single-family residence

S: R-1-A / Single-family residences

W: A (Agricultural) zone / Single-family residential

BACKGROUND

The project site is a two-acre residential lot, located at 1085 Romans Road (Exhibit 2). The lot was originally made up of two separate one-acre lots (1043 and 1085 Romans Road) before the applicant

merged them into a single lot via a lot line adjustment process in 2021. The purpose of the merger was to enable the owner to build an estate-sized home on the lot, as shown in Exhibit 3. The home is currently under construction.

The property is a corner lot with street frontage on Romans Road and Gilbert Avenue. Per Corona Municipal Code Section 17.04.267, the lot frontage is defined as:

that portion of a lot which abuts a public right-of-way or approved private right-of-way, provided, however, if certain portions of a lot abut two or more public rights-of-way or approved private rights-of-way, the frontage of the lot shall be the narrowest portion of the lot which abuts the rights-of-way.

The applicant has designed the front of the home to face Romans Road with the side of the home facing Gilbert Avenue. The garages and driveways will also take access from Romans Road. As a result of the two separate lots being merged to create one larger lot, the front of the property is technically along Gilbert Avenue because it is the narrowest portion of the lot that abuts the right-of-way. The portion of the lot facing Romans Road would be the street side yard.

The applicant would like to construct a six-foot high block wall and six-foot-high gate along the property line adjacent to Gilbert Avenue to enclose the side yard, which would be within the front yard setback of the property. The front yard setback for the property is 25 feet. The City's ordinance on walls and fences limits the height of a solid wall to three feet and wrought iron fence to five feet in the front yard setback. Since the applicant's proposed six-foot high block wall and wrought iron gate are technically in the front yard setback, it would exceed the height limit allowed by the municipal code. Therefore, the applicant is requesting a variance to increase the height of the block wall from three feet to six feet, and the wrought iron gate from five feet to six feet high along Gilbert Avenue.

PROJECT DESCRIPTION

V2023-0001 is an application to vary from the solid wall, three-foot height limit and wrought iron gate, five-foot height limit prescribed in CMC Section 17.70.060(F)(1)(b), to allow for a six-foot high solid wall and gate within the front yard setback that will function as a side yard. The variance is subject to the approval of the Planning and Housing Commission. Corona Municipal Code Section 17.96.020 requires that the Planning Commission make the following finding:

- (A) Neither the Commission nor the Council may grant a variance from the terms of this title, including any requirement provided therein, unless it has first found from the evidence admitted during the hearing before the Commission or Council that because of special circumstances, applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the terms of the zoning regulations from which the variance is being sought deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The property is unique due to the fact that two separate lots were merged to create one larger lot, which changed the orientation of the front and side yards from the initial one-acre lot that was

created at the corner of Gilbert Avenue and Romans Road. The reorientation of the yards does not visually impact the neighborhood as the six-foot high block wall would match the alignment of the block wall on the property to the north. Additionally, a six-foot high block wall is constructed on the property to the south on the street side of Gilbert Avenue. Therefore, the wall and gate would be consistent with the existing built environment in the immediate area of the project site.

ENVIRONMENTAL ANALYSIS

Per Section 15303(e) of the State Guidelines for the California Environmental Quality Act (CEQA), a Notice of Exemption has been prepared for the project because the project qualifies as a Class 3 (New Construction or Conversion of Small Structures) categorical exemption. The exemption applies to accessory structures including, but not limited to, garages, carports, patios, swimming pools, and fences. The project is a variance to increase the height of a block wall and gate in the front yard setback, which will not result in any impacts to the environment. The Notice of Exemption is attached as Exhibit 7.

FISCAL IMPACT

The applicant paid the applicable processing fees to cover the cost of the variance. There is no fiscal impact to the city.

PUBLIC NOTICE AND COMMENTS

A 10-day public notice was mailed to all property owners within a 500-foot radius of the project site, as well as advertised in the Sentinel Weekly News and posted at the project site. As of the preparation of this report, the Planning and Development Department has not received any response from the public regarding the proposal.

STAFF ANALYSIS

Per CMC Section 17.96.020, a variance can only be granted by the Planning and Housing Commission if there are special circumstances applicable to the property that deprive the property of privileges otherwise enjoyed by other properties in the vicinity that have identical zoning. Per state law, the special circumstances applicable to the property would include the size, shape, topography, location, or surroundings.

The subject property was created when two lots were merged, and the orientation of the front yard was changed based on the definition provided in CMC Section 17.04.267. Based on the size and shape of the new parcel, it is logical that the applicant would want the house to have front yard access from Romans Road, a cul-de-sac street, instead of Gilbert Avenue. Also, having the portion of the lot facing Romans Road function as the front yard instead of the side yard maintains the interface with the other front yards located on the south side of Romans Road.

Additionally, if the applicant had not merged the two lots, the side yard would have remained on the side facing Gilbert Avenue and would have been allowed to have a six-foot high solid wall and gate.

Therefore, the Planning and Development Department recommends approval of V2023-0001 based on the findings listed below and the recommended conditions of approval in Exhibit 4.

FINDINGS FOR APPROVAL OF V2023-0001

1. A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment because the project qualifies as a Class 3 Categorical Exemption under the CEQA Section 15303 (New Construction or Conversion of Small Structures) categorical exemption. The exemption applies to accessory structures including, but not limited to, garages, carports, patios, swimming pools, and fences. The project is a variance to increase the height of a block wall and gate in the front yard setback, which will not result in any impacts to the environment.
2. The strict application of the terms of the zoning regulations from which the Variance is being sought deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the following special circumstances applicable to the property related to size, shape, topography, location or surroundings:
 - a. *The owner merged two lots that originally had front yards on Romans Road into a single lot. The merger subsequently changed the shape of the lot into a single large rectangular-shaped lot with the narrower side of the lot fronting Gilbert Avenue and the wider side of the lot fronting Romans Road. Because of how the "front yard" is determined based on Section 17.04.267 of the Corona Municipal Code, the lot's front yard is now the portion of the lot that fronts Gilbert Avenue instead of Romans Road. Therefore, special circumstances are applicable to the shape of the lot as the definition provided in the municipal code limits the front yard to Gilbert Avenue.*
3. The approval of V2023-0001 does not constitute the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located for the following reasons:
 - a. *The Variance is not a granting of special privileges because the applicant's home is constructed to have the front of the house and driveways face Romans Road, which is consistent with the orientation of the other properties located on the south side of the street.*
 - b. *The proposed block wall and wrought-iron gate are consistent with the city's code with respect to acceptable wall materials that are allowed in residential zones and is consistent with the existing block wall on the property to the north adjacent to Gilbert Avenue.*
4. The Variance will not adversely affect property and the use thereof in the vicinity of subject property or the public health, safety, and general welfare for the following reasons:
 - a. *The Variance will not adversely affect the properties in the vicinity, because no portion of the six-foot-high block wall and gate will extend beyond the property lines of the subject property. Also, the visual appearance of the block wall will not change the character of the neighborhood.*

b. The Variance will not adversely affect the property or use thereof in the vicinity of the subject site because the project complies with all other development standards prescribed in the R-1-A zone and all missing public improvements will be constructed adjacent to the site.

PREPARED BY: RAFAEL TORRES, ASSISTANT PLANNER

REVIEWED BY: SANDRA YANG, SENIOR PLANNER

SUBMITTED BY: JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

EXHIBITS

1. Resolution No. 2619
2. Locational and Zoning Map
3. Site Plan
4. Conditions of Approval
5. Photographs of the project site
6. Applicant's letter dated August 14, 2023
7. Environmental Documentation

Case Planner: Rafael Torres (951) 736-2262



RESOLUTION NO. 2619

APPLICATION NUMBER: V2023-0001

A RESOLUTION OF THE PLANNING AND HOUSING COMMISSION OF THE CITY OF CORONA, CALIFORNIA, GRANTING A VARIANCE FROM SECTION 17.70.060(F)(1)(B) OF THE CORONA MUNICIPAL CODE TO ALLOW THE HEIGHT OF A BLOCK WALL AND WROUGHT IRON GATE TO BE INCREASED TO SIX (6) FEET WITHIN THE FRONT YARD SETBACK THAT WILL FUNCTION AS A SIDE YARD FOR THE PROPERTY LOCATED AT 1085 ROMANS ROAD. (THEODORE RAY OF ROMANS ROAD, LLC.)

WHEREAS, the application to the City of Corona, California, for a Variance under the provisions of Chapter 17.96 in the Corona Municipal Code, has been duly submitted to said City's Planning and Housing Commission for a variance from Section 17.70.060(F)(1)(b) of the Corona Municipal Code to allow the height of a block wall and wrought iron gate to be increased to six (6) feet within the front yard setback that will function as a side yard for the property located at 1085 Romans Road; and

WHEREAS, the Planning and Housing Commission held a noticed public hearing for V2023-0001 on October 9, 2023, as required by law; and

WHEREAS, the Planning and Housing Commission finds that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) of the State CEQA Guidelines, because there is no possibility that the activity may have a significant effect on the environment; and

WHEREAS, after close of said hearing, the Commission by formal action, found that all the conditions necessary to granting the Variance as set forth in Corona Municipal Code Section 17.96.020 do exist in reference to V2023-0001 based on the evidence presented to the Commission during said hearing; and

WHEREAS, the Planning and Housing Commission based its recommendation to approve V2023-0001 on certain conditions of approval and the findings set forth below.

EXHIBIT 1

NOW, THEREFORE, THE PLANNING AND HOUSING COMMISSION OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. As the decision-making body for this V2023-0001, the Planning and Housing Commission has determined that this project does not require further environmental assessment because the project qualifies as an exemption under CEQA per Section 15303(e) of the State Guidelines, and a Notice of Exemption has been prepared for the project because the project qualifies as a Class 3 (New Construction or Conversion of Small Structures) categorical exemption. The exemption applies to accessory structures including, but not limited to, garages, carports, patios, swimming pools, and fences. The project is a variance to increase the height of a block wall and gate in the front yard setback, which will not result in any impacts to the environment.

SECTION 2. Variance Findings. Pursuant to Corona Municipal Code (“CMC”) section 17.96.020 and based on the entire record before the Planning and Housing Commission, including all written and oral evidence presented to the Commission, the Commission hereby makes and adopts the following findings:

FINDINGS FOR APPROVAL OF V2023-0001


1. *A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment because the project qualifies as a Class 3 Categorical Exemption under the CEQA Section 15303 (New Construction or Conversion of Small Structures) categorical exemption. The exemption applies to accessory structures including, but not limited to, garages, carports, patios, swimming pools, and fences. The project is a variance to increase the height of a block wall in the front yard setback, which will not result in any impacts to the environment.*
2. *The strict application of the terms of the zoning regulations from which the Variance is being sought deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the following special circumstances applicable to the property related to size, shape, topography, location or surroundings:*
 - a. *The owner merged two lots that originally had front yards on Romans Road into a single lot. The merger subsequently changed the shape of the lot into a single large rectangular-shaped lot with the narrower side of the lot fronting Gilbert Avenue and the wider side of the lot fronting Romans Road. Because of how the “front yard” is determined based on Section 17.04.267 of the Corona Municipal Code, the lot’s front yard is now the portion of the lot that fronts Gilbert Avenue instead of Romans Road. Therefore, special circumstances are applicable to the shape of the lot as the definition provided in the municipal code limits the front yard to Gilbert Avenue.*

3. *The approval of V2023-0001 does not constitute the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located for the following reasons:*
 - a. *The Variance is not a granting of special privileges because the applicant's home is constructed to have the front of the house and driveways face Romans Road, which is consistent with the orientation of the other properties located on the south side of the street.*
 - b. *The proposed block wall and wrought-iron gate are consistent with the city's code with respect to acceptable wall materials that are allowed in residential zones and is consistent with the existing block wall on the property to the north adjacent to Gilbert Avenue.*

4. *The Variance will not adversely affect property and the use thereof in the vicinity of subject property or the public health, safety, and general welfare for the following reasons:*
 - a. *The Variance will not adversely affect the properties in the vicinity, because no portion of the six-foot-high block wall and gate will extend beyond the property lines of the subject property. Also, the visual appearance of the block wall will not change the character of the neighborhood.*
 - b. *The Variance will not adversely affect the property or use thereof in the vicinity of the subject site because the project complies with all other development standards prescribed in the R-1-A zone and all missing public improvements will be constructed adjacent to the site.*


BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the City Clerk of said City and a copy thereof be sent to the applicant therefore at the address of said applicant as set forth in the application for said Variance.

Adopted this 9th day of October, 2023.



Matt Woody, Chair
Planning and Housing Commission
City of Corona, California

ATTEST:



Belinda Capilla
Secretary, Planning and Housing Commission
City of Corona, California


I, Belinda Capilla, Secretary to the Planning and Housing Commission of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted in a regular session of said Planning and Housing Commission duly called and held on the 9th day of October, 2023, and was duly passed and adopted by the following vote, to wit:

AYES: Woody, Vernon, Alexander, Longwell, & Siqueland

NOES: None

ABSENT: None

ABSTAINED: None



Belinda Capilla
Secretary, Planning and Housing Commission
City of Corona, California

AERIAL & LOCATIONAL MAP



V2023-0001
1085 Romans Road



EXHIBIT 2



Project Conditions

City of Corona

Project Number: V2023-0001

Description: **Major variance to increase wall height for front yard**

Applied: **8/17/2023**

Approved:

Site Address: **1085 ROMAN RD CORONA, CA 92881**

Closed:

Expired:

Status: **COMPLETE**

Applicant: **THEODORE RAY**

Parent Project:

1085 Romand Rd Corona CA,

Details: **Variance to allow for the height of a block wall to be increased from 3 feet to 6 feet within the front yard setback for 1085 Romans Road.**

LIST OF CONDITIONS

DEPARTMENT	CONTACT
PLANNING	Rafael Torres
<ol style="list-style-type: none"> 1. To the fullest extent permitted by law, the applicant shall defend, indemnify and hold the City of Corona and its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, proceedings, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, in any manner arising out of, pertaining to, or incident to any attack against or attempt to challenge, set aside, void or annul any approval, decision or other action of the City of Corona, whether such approval, decision or other action was by its City Council, Planning and Housing Commission or other board, director, official, officer, employee, volunteer or agent. To the extent that Government Code Section 66474.9 applies, the City will promptly notify the applicant of any claim, action or proceeding made known to the City to which Government Code Section 66474.9 applies and the City will fully cooperate in the defense. The Applicant's obligations hereunder shall include, without limitation, the payment of any and all damages, consultant and expert fees, and attorney's fees and other related costs and expenses. The City shall have the right to retain such legal counsel as the City deems necessary and appropriate. 2. Nothing herein shall be construed to require City to defend any attack against or attempt to challenge, set aside, void or annul any such City approval, decision or other action. If at any time Applicant chooses not to defend (or continue to defend) any attack against or attempt to challenge, set aside, void or annul any such City approval, decision or other action, the City may choose, in its sole discretion, to defend or not defend any such action. In the event that the City decides not to defend or continue the defense, Applicant shall be obligated to reimburse City for any and all costs, fees, penalties or damages associated with dismissing the action or proceeding. If at any time both the Applicant and the City choose not to defend (or continue to defend) any action noted herein, all subject City approvals, decisions or other actions shall be null and void. The Applicant shall be required to enter into any reimbursement agreement deemed necessary by the City to effectuate the terms of this condition. 3. The project shall comply with all applicable requirements of the Corona Municipal Code (CMC) and ordinances and the relevant Specific Plan, if any, including the payment of all required fees. 4. This variance permit hereby allowed is conditional upon the privileges being utilized by the securing of the first permit thereof, or compliance with all conditions on the granting of this variance within two (2) years after the effective date thereof, and if they are not utilized, or construction work is not begun within said time and carried on diligently to completion, this authorization shall become void, and any privilege, permit, or variance granted shall be deemed to have lapsed. 5. The Variance is only associated with the construction of a six-foot-high block wall within the front yard setback, adjacent to Gilbert Avenue. 6. Fences or walls on the street side facing Romans Road shall be allowed per the Corona Municipal Code (CMC) 17.70.060(F)(2), except that any portion of the wall that is solid shall be limited to a height of three (3) feet. 	

EXHIBIT 4

PHOTOS OF EXISTING WALLS AND CONDITIONS ALONG GILBERT AVENUE



Residential corner lot across Romans Avenue (South)



Romans Road looking toward the West



Subject property at corner of Romans Road and Gilbert Avenue

EXHIBIT 5



Residential corner lot adjacent to subject property to the North



Existing block wall along Gilbert Avenue to continue with Variance

August 14th, 2023

City of Corona,

I am writing for approval of a variance on my new SFR construction. The variance is a perimeter wall of 6 feet in height, solid block wall, on what is considered the "frontage" of my parcel, along Gilbert Ave.

Originally when I acquired the property, it was 2 adjacent parcels. We combined the lots during the building process.

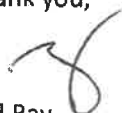
Currently as the merged lot sits, our frontage is now Romans Rd ... which is directly adjacent to the two properties across the street of Romans Rd, both frontages opposite ours. The corner lot across from our home also has a perimeter block wall on Gilbert Rd.

Also, the neighbor directly behind our property, with frontage on Cleveland Way, has an identical perimeter block wall on Gilbert Ave. We propose to continue that wall line along the perimeter of our property.

I would request this variance as it directly ties into my neighbor behind my property, and has the frontage equivalent to the neighbors directly adjacent to our property.

Let me know if more is needed

Thank you,



Ted Ray

EXHIBIT 6



NOTICE OF EXEMPTION

<p>TO:</p> <p><input type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: City of Corona</p> <p>(Public Agency) Address: 400 S. Vicentia Avenue, #120 Corona, CA 92882</p> <p>Telephone: (951) 736-2262</p>
<p><input checked="" type="checkbox"/> County Clerk (Riverside)</p> <p>Address: 2724 Gateway Drive, Riverside, CA 92507</p>	

1. Project Title:	V2023-0001
2. Project Applicant:	Theodore Ray of Romans Rd, LLC.
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15’ or 7 1/2’ topographical map identified by quadrangle name):	1085 Romans Road: APN 116-300-021
4. (a) Project Location – City: Corona	(b) Project Location – County: Riverside
5. Description of nature, purpose, and beneficiaries of Project:	Variance 2023-0001 (V2023-0001) is a variance application from Section 17.70.060(F)(1)(b) of the Corona Municipal Code to allow the height of a block wall and wrought iron gate to be increased to six (6) feet within the front yard setback that will function as a side yard for the property located at 1085 Romans Road, Corona.
6. Name of Public Agency approving project:	City of Corona
7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	Theodore Ray Romans Rd, LLC. 1085 Romans Road Corona, CA 92881
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input type="checkbox"/> Not a project.	
(c) <input type="checkbox"/> Emergency Project.	(Pub. Resources Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	Class 3 (New Construction or Conversion of Small Structures)

(e) <input type="checkbox"/> Declared Emergency.	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input type="checkbox"/> Other. Explanation:	
9. Reason why project was exempt:	The project is exempted from environmental review under the California Environmental Quality Act (CEQA) because the project qualifies as a Class 3 (New Construction or Conversion of Small Structures) categorical exemption. The exemption applies to accessory structures including, but not limited to, garages, carports, patios, swimming pools, and fences. The project is a variance to increase the height of a block wall and gate in the front yard setback, which will not result in any impacts to the environments.

10. Lead Agency Contact Person: Telephone:	Rafael Torres, Assistant Planner (951) 736-2262
11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.	
12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was: March 20, 2023	

Signature

Date: October 9, 2023

Name

Rafael Torres

Title: Assistant Planner

Signed by Lead Agency

Signed by Applicant

Date Received for Filing: [Click to enter date](#)

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.