



Staff Report

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File #: 21-0905

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**PLANNING AND HOUSING COMMISSION  
STAFF REPORT**

DATE: 10/11/2021

TO: Honorable Chair and Commissioners

FROM: Planning and Development Department

**APPLICATION REQUEST:**

**V2021-0001:** A variance application from Corona Municipal Code Section 17.66.015 to eliminate the minimum five-foot street side yard setback to accommodate a 380 square-foot patio cover at the Harrison Emergency Shelter property, located at 420 W. Harrison Street. (Applicant: Ralph Cervantes of Pettit Engineering, 1787 Pomona Road Suite D, Corona, CA 92878)

**RECOMMENDED ACTION:**

**That the Planning and Housing Commission** adopt Resolution No. 2577 GRANTING V2021-0001, based on the findings contained in the staff report and conditions of approval.

**PROJECT SITE SUMMARY**

**Area of Property:** 29,077 square feet (0.67 acres)

**Existing Zoning:** M-1 (Light Manufacturing)

**Existing General Plan:** LI (Light Industrial)

**Existing Land Use:** Emergency homeless shelter

**Proposed Land Use:** Emergency homeless Shelter

**Surrounding Zoning/Land Use:**

**N:** M-1 (Light Manufacturing) zone / W. Harrison Street and industrial buildings

**E:** I (Industrial) designation within the North Main Street Specific Plan / N. Sheridan Street and industrial buildings

**S:** M-1 (Light Manufacturing) zone / Industrial buildings

**W:** M-1 (Light Manufacturing) zone / Industrial building with lumber yard

**BACKGROUND**

The Harrison Emergency Shelter is a City-owned homeless shelter located at 420 W. Sheridan Street. The property is currently undergoing Phase II improvements, which were approved by the City Council on June 2, 2021. Phase II includes interior improvements of the existing shelter, upgrades to

the security system, and the addition of a new 380-square-foot patio cover for a dog run. The improvements are part of the City's Homeless Strategic Plan to create a facility that will provide homeless individuals (clients) emergency shelter and necessary services, such as medical, behavioral health, dental, workforce development, etc.

V2021-0001 is a variance application that seeks to eliminate the proposed patio cover's five-foot setback requirement. The setback requirement can only be eliminated with approval of a variance by the Planning and Housing Commission. Corona Municipal Code (CMC) section 17.96.020 requires the Planning Commission to make the following finding:

*Section 17.96.020*

*(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.*

**PROJECT DESCRIPTION**

As shown on the applicant's plans in Exhibit 3.A, the property is currently developed with a building and parking lot. An outdoor recreation area is located on the western portion of the property. A dog run is located at the northwest corner of the property, near Harrison Street. The proposed patio cover will shade a portion of the dog run and the recreation area. It is anticipated that some clients of the shelter will have pets and service animals, and the patio cover is intended to provide their pets shade and protection from inclement weather.

The patio structure is comprised of four posts and a solid roof constructed of duralumin, a material similar to aluminum. The overall height of the structure is 9 feet, with a cover measuring 18 feet by 20 feet.

CMC Section 17.66.015 requires patio covers to be set back a minimum of five feet from side and rear lot lines adjacent to a street. Although the shelter's entrance faces north, Harrison is a side street because the Code determines the front street based on a property's narrowest frontage (e.g., N. Sheridan Street is the project's frontage). V2021-0001 seeks to eliminate the required five-foot setback required by CMC Section 17.66.015 and allow a zero street-side setback for the patio cover, as reflected in the submitted plans.

**ENVIRONMENTAL ANALYSIS**

Per Section 15305(a) 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 5 (Minor Alteration in Land Use Limitations including variances) categorical exemption. The variance consists of eliminating the required side-yard setback requirement for patio covers and will not change the site's land use or density, and does not result in the creation of a new parcel (Exhibit 4).

## **FISCAL IMPACT**

There is no fiscal impact to the city associated with this application.

## **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.

Staff supports the variance because the property has a long rectangular shape, which offers limited flexibility in terms of site design and layout. Furthermore, the property is developed with a building and parking lot, which cannot be relocated or reduced in area without impacting project feasibility, utilities, setbacks, or necessary improvements. Additionally, the existing recreation area next to the patio cannot be relocated or reduced in area without diminishing the areas where clients enjoy the outdoors and time with their pets. Any reduction to the recreation area would impact its functionality and useability.

Aside from the setback along Harrison Street, the patio structure complies with all other setbacks applicable to the patio. Also, the patio has been reviewed by staff to ensure that its location will not impact or impair vehicle or pedestrian visibility at the driveway on Harrison Street. The variance will not adversely affect the property or uses in the vicinity of the project site.

The proposed patio cover encroaches into an existing six-foot wide city utility easement that extends along the north perimeter of the property. The applicant is aware that the patio structure may be removed if the city needs to access the underground utilities.

Approval of the variance contributes to the Harrison Emergency Homeless Shelter and helps fulfill the City's Homeless Strategic Plan. It also supports General Plan Policy H-2.4, which states:

*Provide emergency shelter with transitional support for city residents, including disadvantage groups.*

The Planning Division recommends approval of V2021-0001 based on the findings listed below and staff's recommended conditions of approval.

## **FINDINGS FOR APPROVAL OF V2021-0001**

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 5 Categorical Exemption under the CEQA Section 15305 (Minor Alterations in Land Use Limitations including setback variances), as the project consists of a variance to eliminate the side-yard setback for a proposed patio cover.

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 classifications because of the following special circumstances applicable to the property related to size, shape, topography, location or surroundings.
  - a. *The property is constrained by its shape and the existing improvements on-site. The property is long and rectangular-shaped, which offers little flexibility in terms of site design and layout. The property is developed with an existing building and parking lot, which cannot be relocated or reduced in area without impacting other necessary and existing improvements. The existing recreation area next to the dog run and patio cover also cannot be relocated or reduced without impacting its functionality and useability. The use of the property is unique as there are no other emergency shelters in the area. All of the components of the property including the shelter, parking lot, recreation area, dog run, and patio are necessary for the shelter to operate effectively.*
3. Approval of V2021-0001 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 reason:
  - a. *Approval of the variance would not be a granting of special privileges because the applicant has demonstrated that the physical characteristics of the property pose special circumstances that apply to the subject site.*
4. The Variance will not adversely affect property and the use thereof in the vicinity of the subject property or the public health, safety, and general welfare for the following reason:
  - a. *The subject setback will not adversely affect the property or uses in the vicinity of the project site, because no portions of the patio structure will extend beyond the property lines of the property. The patio structure will not impair vehicular or pedestrian visibility at the project entrance on Harrison Street.*

**PREPARED BY:** RAFAEL TORRES, ASSISTANT PLANNER

**REVIEWED BY:** SANDRA YANG, SENIOR PLANNER

**REVIEWED BY:** JAY EASTMAN, PLANNING MANAGER

**SUBMITTED BY:** JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

**EXHIBITS**

1. Resolution No. 2577
2. Locational and Zoning Map
- 3.A - Site Plan and Patio Details
- 3.B - Conditions of Approval
- 3.C - Photographs of the site and vicinity
- 3.D - Applicant's letter dated September 20, 2021
4. Environmental Documentation

Case Planner: Rafael Torres (951) 736-2262



**RESOLUTION NO. 2577**

**APPLICATION NUMBER: V2021-0001**

**A RESOLUTION OF THE PLANNING AND HOUSING COMMISSION OF THE CITY OF CORONA, CALIFORNIA, GRANTING A VARIANCE TO ELIMINATE THE MINIMUM FIVE-FOOT STREET SIDE YARD SETBACK (CORONA MUNICIPAL CODE SECTION 17.66.015) TO ACCOMMODATE A 380 SQUARE-FOOT PATIO COVER AT THE HARRISON EMERGENCY SHELTER PROPERTY LOCATED AT 420 W. HARRISON STREET IN THE M-1 (LIGHT MANUFACTURING) ZONE. (APPLICANT: RALPH CERVANTES OF PETTIT ENGINEERING)**

**WHEREAS**, the application to the City of Corona, California, for a Variance under the provisions of Corona Municipal Code Chapter 17.96 has been duly submitted to said City's Planning and Housing Commission, requesting the elimination of the minimum five-foot street side yard setback required by Corona Municipal Code Section 17.66.015, in order to accommodate a 380 square-foot patio cover at the Harrison Emergency Shelter property located at 420 W. Harrison street.

**WHEREAS**, the Planning and Housing Commission held a noticed public hearing for V2021-0001 on October 11, 2021, as required by law; and

**WHEREAS**, the Planning and Housing Commission finds that this project is a Class 5 categorical exemption from CEQA pursuant to Section 15305(a) of the State CEQA Guidelines and Section 3.22 of the City of Corona Local Guidelines for Implementing CEQA, as the project is a setback variance that does not change the site's land use or density, and does not result in the creation of a new parcel.

**WHEREAS**, after close of said hearing, the Commission by formal action, found that all the conditions necessary to granting a Variance as set forth in Corona Municipal Code Section 17.96.020 do exist in reference to V2021-0001 based on the evidence presented to the Commission during said hearing; and

**EXHIBIT 1**

**WHEREAS**, the Planning and Housing Commission based its recommendation to approve the V2021-0001 on certain conditions of approval and the findings set forth below.

**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 V2021-0001, the Planning and Housing Commission has determined that this project does not require further environmental assessment because the project qualifies as a Class 5 categorical exemption under CEQA per Section 15305(a) of the State Guidelines and Section 3.22 of the City of Corona adopted Local Guidelines for implementing CEQA, as the project is a setback variance that does not change the site's land use or density, does not result in the creation of a new parcel, and there is no evidence that the granting of the variance will have any significant effects on 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:


1. 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 classifications because of the following special circumstances applicable to the property related to size, shape, topography, location or surroundings:
  - a. *The property is constrained by its shape and the existing improvements on-site. The property is long and rectangular-shaped, which offers little flexibility in terms of site design and layout. The property is developed with an existing building and parking lot, which cannot be relocated or reduced in area without impacting other necessary and existing improvements. The existing recreation area next to the dog run and patio cover also cannot be relocated or reduced without impacting its functionality and useability. The use of the property is unique as there are no other emergency shelters in the area. All of the components of the property including the shelter, parking lot, recreation area, dog run, and patio are necessary for the shelter to operate effectively.*
2. Approval of V2021-0001 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 reason:
  - a. *Approval of the variance would not be a granting of special privileges because the applicant has demonstrated that the physical characteristics of the property pose special circumstances that apply to the subject site.*

3. The Variance will not adversely affect property and the use thereof in the vicinity of the subject property or the public health, safety, and general welfare for the following reason:
  - a. No portions of the patio structure will extend beyond the property lines of the property. The patio structure will not impair vehicular or pedestrian visibility at the project entrance on Harrison Street.*


**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 11<sup>th</sup> day of October, 2021.

  
Karen Alexander, Vice Chair  
Planning and Housing Commission  
City of Corona, California

**ATTEST:**

  
Stella West  
Secretary, Planning and Housing Commission  
City of Corona, California


I, Stella West, 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 11<sup>th</sup> day of October, 2021, and was duly passed and adopted by the following vote, to wit:

**AYES:** Alexander, Meza & Sherman

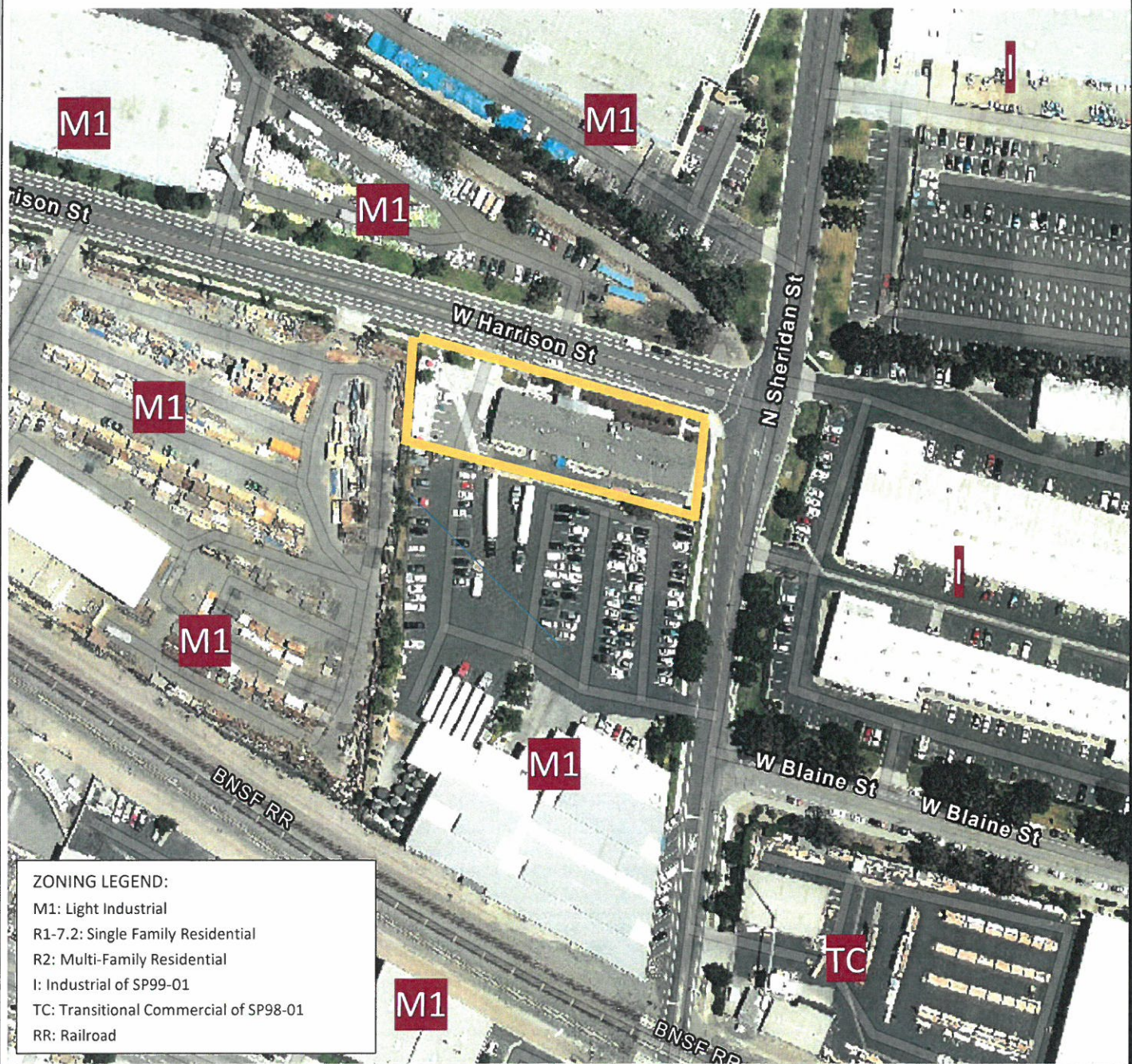
**NOES:** None

**ABSENT:** Siqueland & Woody

**ABSTAINED:** None

  
Stella West  
Secretary, Planning and Housing Commission  
City of Corona, California

# AERIAL & LOCATIONAL MAP



V2021-0001  
420 W. HARRISON STREET





**EXHIBIT 3.A**









## Project Conditions City of Corona

**Project Number: V2021-0001**

**Description: Variance to remove minimum side yard setback for patio cover**

**Applied: 8/23/2021**

**Approved:**

**Site Address: 420 W HARRISON ST CORONA, CA 92880**

**Closed:**

**Expired:**

**Status: COMPLETE**

**Applicant: RALPH CERVANTES**

**Parent Project:**

**Details: Major Variance to remove minimum 5-foot side yard setback for the placement of a patio cover at size (19'x20'x9'H) on W. Harrison Street for the Emergency Homeless Shelter, under Phase 2.**

| LIST OF CONDITIONS  |               |
|---|---------------|
| DEPARTMENT  | CONTACT       |
| PLANNING  | Rafael Torres |
| <ol style="list-style-type: none"><li>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.</li><li>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.</li><li>3. 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.</li></ol> |               |



## Variance Major Submittal Photo Log

### Photos of Site



09 – Looking South-East



10 – Looking South. Proposed Patio Cover Area





11 – Looking South



12 – Looking South-West





13 – Looking South-East



14 – Looking West





15 – Looking North-West

September 20, 2021

City of Corona  
Planning Department  
400 S. Vicentia Ave.  
Corona, CA 92880

**REFERENCE:**      **Variance Major Submittal Application**  
For Harrison Emergency Shelter  
420 W. Harrison Street  
Corona, CA 92880

## **Variance Letter**

The City of Corona wishes to apply for a Variance for its proposed canopy cover that encroaches into the street side yard setback and public utility easement. The street side yard setback is 15'-0" and the public utility easement is 6'-0". Both run parallel to Harrison Street.

The existing site is zoned M-1, Light Manufacturing, and the land use is C, (Commercial). The Harrison Emergency Shelter will provide emergency shelter, medical, behavioral health, dental, workforce development, life skills and many other services to facilitate crisis stabilization and a quick path to permanent housing. Development of an emergency shelter/multi-service center fulfills one of the goals in the City's Homeless Strategic Plan. The purpose of the Homeless Strategic Plan is to facilitate a systems-oriented approach to address homelessness more effectively in Corona.

The overall quality of life in the City of Corona will improve for businesses and residents that are impacted by unsheltered homeless living on the streets. In addition, Corona's homeless neighbors will have access to a complete system of services including outreach/engagement, crisis stabilization shelter, a wide variety of supportive services, and permanent housing. Corona's homeless system of services includes best practice interventions that are effective in addressing chronic and situational homelessness.

The Harrison Shelter will accommodate homeless clients with pets and service animals. The newly installed dog run does not have a shade cover. Staff has identified a need for a shade structure to protect pets from heat and inclement weather. The existing Dog Run is located at the north-west end of the site. The proposed canopy cover is placed to serve the best location for the existing Dog Run. Unfortunately, the proposed location is within the street side yard setback and public utility easement. This location was selected instead of the Recreation Area because it will cover a portion of the Dog Run and a portion of the Recreation Area. The intent of the proposed cover is to allow dog owners to be next to their canine companions as they play in the Dog Run. The proposed canopy cover will be 18'-0" x 20'-0" x 9'-0" high and will not extend beyond the property limits. Duralum is the proposed manufacturer and the top cover will be solid to give the residents and their canine companions protection against rainy weather or extreme sun. The material is aluminum to look like wood and the color will be tan to match the existing patio covers that were recently installed in the Phase 1 project.

From Harrison Street, the proposed canopy cover will sit in between two existing trees and in front of one existing tree. The low profile (9'-0" high) will not obstruct the scenery of the existing trees. An existing 5'-11" screened wrought iron fence will be in front of the canopy cover and



# PETTIT

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hide it even more. There will only be a small section of the proposed canopy visible from the street. The canopy will encroach upon the existing 6' public utilities easement dedicated to City of Corona Utilities Department formally known as Department of Water and Power. The owner acknowledges that for any planned utilities installation in the easement the owner will remove the structure in order to provide the City access to install any planned utilities. It is also understood that City of Corona Utilities Department will remove the structure in case of emergency repair and will not be held responsible for re-installation of the canopy.

The City of Corona firmly believes the benefits of the proposed canopy cover out way the disadvantages and will give their residents and canine companions a higher and safer quality of life.

If you require any additional information, please feel free to contact me at (951) 736-8161. Thank you.

Sincerely,



Ralph Cervantes  
*Lead Project Designer for the City of Corona*



## CITY OF CORONA

### PRELIMINARY EXEMPTION ASSESSMENT (Certificate of Determination When attached to Notice of Exemption)

Name, Description and Location of Project: V2021-0001

A variance application to eliminate the minimum five-foot street side yard setback (Corona Municipal Code Section 17.66.015) to accommodate a 380 square-foot patio cover at the Harrison Emergency Shelter property, located at 420 W. Harrison Street (APN: 119-290-490).

#### Entity or Person Undertaking Project:

☐ A. Public Agency:

☒ B. Other (private):

Name: Ralph Cervantes of Pettit Engineering.  
Address: 1787 Pomona Road, Suite D  
Telephone No.: (951) 736-8161

#### Staff Determination:

The City's staff, having undertaken and completed a preliminary review of this project in accordance with the City's Resolution entitled "Local Guidelines of the City of Corona Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

- ☐ A. The proposed action does not constitute a project under CEQA.
- ☐ B. The project is a Ministerial Project.
- ☐ C. The project is an Emergency Project.
- ☐ D. The project constitutes a feasibility or planning study.
- ☒ E. The project is categorically exempt: **Per Section 15305(a) of the State Guidelines for the California Environmental Quality Act (CEQA), the project qualifies as a Class 5 (Minor Alteration in Land Use Limitations including variances) categorical exemption. The variance consists of eliminating the required side-yard setback requirement for patio covers and will not change the site's land use or density and does not result in the creation of a new parcel.**
- ☐ F. The project is a statutory exemption. Code section number:
- ☐ G. The project is otherwise exempt on the following basis:
- ☐ H. The project involves another public agency, which constitutes the lead agency. Name of Lead Agency:

Date: \_\_\_\_\_

\_\_\_\_\_  
Rafael Torres, Assistant Planner  
Lead Agency Representative

# EXHIBIT 4



## NOTICE OF EXEMPTION

TO: CLERK OF THE BOARD OF  
SUPERVISORS COUNTY OF RIVERSIDE

FROM: CITY OF CORONA  
COMMUNITY DEVELOPMENT DEPARTMENT  
400 S. VICENTIA AVE, SUITE 120  
CORONA, CA 92882

1. Project title: V2021-0001
2. Project location (specific): 420 W. Harrison Street (APN: 119-290-490).
3. a. Project location - City of Corona  
b. Project location - County of Riverside
4. Description of nature, purpose and beneficiaries of project:

A variance application to eliminate the minimum five-foot street side yard setback (Corona Municipal Code Section 17.66.015) to accommodate a 380 square-foot patio cover at the Harrison Emergency Shelter property, located at 420 W. Harrison Street.

5. Name of public agency approving project: **City of Corona**
6. 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: **Ralph Cervantes of Pettit Engineering, 1787 Pomona Road, Suite D, Corona, CA 92878.**
7. Exempt Status (check one):
  - a. ☐ Ministerial Project
  - b. ☐ Not a project
  - c. ☐ Emergency project
  - d. ☒ Categorical Exemption. State type and class number: **Section 15305(a) (Minor Alteration in Land Use Limitations including variances).**
  - e. ☐ Declared Emergency
  - f. ☐ Statutory Exemption. State code section number:
  - g. ☐ Other: Explain:

8. Reasons why the project is exempt:

Per Section 15305(a) of the State Guidelines for the California Environmental Quality Act (CEQA), the project qualifies as a Class 5 (Minor Alteration in Land Use Limitations including variances) categorical exemption. The variance consists of eliminating the required side-yard setback requirement for patio covers and will not change the site's land use or density and does not result in the creation of a new parcel.

9. Contact Person/Telephone No.: Rafael Torres, Assistant Planner (951) 739-4973
10. Attach Preliminary Exemption Assessment (Form "A") before filing.

Date received for filing: \_\_\_\_\_

Signature: \_\_\_\_\_  
Rafael Torres, Assistant Planner  
Lead Agency Representative