



## Legislation Text

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### PLANNING AND HOUSING COMMISSION STAFF REPORT

DATE: 2/25/2019

TO: Honorable Chair and Commissioners

FROM: Community Development Department

#### APPLICATION REQUEST:

**PM 37357 (CONTINUED):** A parcel map application to subdivide 6.8 acres into two parcels located on the south side of Ontario Avenue and west of Buena Vista Avenue at 988 W. Ontario Avenue in the A (Agricultural) Zone and proposed R1-9.6 (Single Family Residential, minimum lot size 9,600 square feet) Zone. (PM2017-0103) (Applicant: Tim East with the Evangelical Free Church of Corona, 988 W. Ontario Avenue Corona CA 92882).

#### RECOMMENDED ACTION:

That the Planning and Housing Commission recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan and **APPROVAL of PM 37357** to the City Council, based on the findings contained in the staff report and conditions of approval.

#### PROJECT SITE SUMMARY

**Area of Property:** 6.8 acres

**Existing Zoning:** A (Agricultural)

**Existing General Plan:** LDR (Low Density Residential)

**Existing Land Use:** Church

**Proposed Land Use:** Church and a single-family residential lot

**Surrounding Zoning/Land Uses:**

**N:** R1-9.6 (Single Family Residential, minimum lot size 9,600 square feet)/Single-family residences

**E:** R1-A (Single Family Residential, minimum lot size 40,000 square feet)/First Presbyterian Church

**S:** R1-7.2 (Single Family Residential, minimum lot size 7,200 square feet)/Single-family residences

**W:** R1-9.6 (Single Family Residential, minimum lot size 9,600 square feet)/Single-family residences

#### BACKGROUND

The Evangelical Free Church of Corona is on 6.8 acres located at 988 W. Ontario Avenue near the intersection of Ontario Avenue and Buena Vista Avenue. The zoning of the property is Agriculture which requires a minimum lot size of five acres. Most of the church property was developed in 1987

and contains the main sanctuary building, ancillary buildings associated with the congregation's operations, parking lot and landscaping. However, approximately 0.61 acres (26,480 square feet) located on the southwest corner of the church property was not developed and remains unimproved. The church is proposing to separate this 0.61 acres from the rest of the site so that it is independent from the church and on its own separate parcel. The church is processing a change of zone application to change the current zone of the 0.61 acres from Agriculture to single family residential and a parcel map (PM 37357) to create two separate parcels over the entire 6.8 acres. One parcel will be established for the 0.61 acres and a second parcel will be established for the existing congregation. Both applications are being reviewed concurrently.

The proposed project was reviewed by city staff at the Development Plan Review meeting on October 5, 2017. The applicant submitted official applications for a change of zone and parcel map to the city on November 17, 2017, which were reviewed by the Project and Environmental Review Committee on December 21, 2017. The Committee issued an incomplete application submittal letter to the applicant on December 21, 2017, noting the items missing from the application package. The applicant over time submitted the required items to staff with the applications finally considered complete on December 7, 2018, and cleared for public hearing before the Planning Commission on February 11, 2019.

### **February 11, 2019 Public Hearing**

The project was initially reviewed by the Planning and Housing Commission at a public hearing on February 11, 2019. The Commission continued the public hearing on the application to February 25, 2019, to allow staff the opportunity to address some of the comments from the Commission. The following discusses and addresses those comments.

- The Commission inquired about the origin of the existing block wall that is located within the public right-of-way at the southeasterly property line of the Evangelical Free Church of Corona (Parcel 2).

As shown in Exhibit C2, the south property line of the Evangelical Free Church facing Othello Lane has a chain link fence at the westerly portion of the site with the remainder of the south perimeter having a three-foot high block wall and six-foot high block wall. The first phase of the Evangelical Free Church was constructed in 1987 and came before the construction of Othello Lane. The same situation applied to First Presbyterian Church located directly east of Evangelical Free Church, which was constructed prior to Othello Lane. The churches properties at that time backed on to a vacant lot and Evangelical Free Church constructed a perimeter block wall along their south property line to separate the two properties.

In 1995, Tract Map 24272 was recorded and created the residential tract and Othello Lane to the south of the churches. Tract Map 24272 was recorded with Othello Lane having an overall right-of-way width of 58 feet. The southside of Othello Lane from the centerline of the street has a right-of-way width of 32 feet and the northside of the street from the centerline had a right-of-way width of 26 feet. The paved roadway width of the street is 40 feet with the

parkway width on the southside being 12 feet wide and the width on the northside being 6 feet. The developer of the residential tract to the south constructed the six foot high block wall that exists along this section of the property. The developer was required to do this in order to create a buffer between the church property and the residential properties to the south. At that time, the developer constructed the wall outside of the right-of-way because the parkway width on the northside of the street was only 6 feet. The 6-foot high block wall was constructed behind the sidewalk and behind the 6-foot wide parkway.

In 2002, the First Presbyterian Church decided to subdivide their property into three lots and sell off the excess land that was not being used by the church. The subdivision was processed as Parcel Map 30425. First Presbyterian retained two acres, which is the location of their current site and sold the other two parcels. Evangelical Free Church eventually acquired the rear parcel adjacent to Othello Lane and extended their parking lot. Staff however, required PM 30425 to dedicate an additional 6 feet on the northside of Othello Lane in order to have a 12-foot wide parkway that was consistent with the city's local street standard. However, the block wall already existed and was constructed legally outside of the right-of-way at the time the residential properties to the south were constructed. Therefore, PM 30425 created the situation with the wall being within the right-of-way by requiring the additional 6 feet on the map that did not previously exist.

This parcel map, PM 37357, proposes to revert the parkway to its original condition as approved in 1995 under Tract Map 24272. The capacity of the roadway remains the same as the paved width of the road will continue to be 40 feet. The curb, gutter and sidewalk were also constructed on both sides of the street. This existing condition only affects the section of Othello Lane that is adjacent to the church site. The right-of-way section however beyond the church going westward will have a 12-foot wide parkway in front of the future residential properties.

- The Commission inquired about potential impacts to nesting birds and burrowing owls during the unpermitted grading of the project site.

As discussed in the project's Mitigated Negative Declaration (Exhibit F), biological surveys were conducted on the project site by Helix Environmental Planning on two occasions. The first survey was a comprehensive biological survey which was conducted on June 21, 2016. This survey revealed no evidence of any endangered or threatened species or species of concern including nesting birds and burrowing owls on the project site. The second survey was conducted on October 8, 2018 which focused only on burrowing owls. This survey reviewed no evidence of burrowing owls on the project site. Based on staff's discussions with the applicant's representative, Mr. Dale Worthington, and information provided by the Public Works Department, the site was rough graded immediately after the second survey was conducted. It is important to note that when the site was graded, this activity occurred outside of the nesting bird season, which is January 15 through August 31, and the burrowing

owl breeding season, which is February 1 through August 31. Therefore, it is highly unlikely that nesting birds or burrowing owls were impacted during the initial site disturbance.

- The Commission inquired about potential impacts to cultural resources during unpermitted grading of the project site.

As discussed in the Mitigated Negative Declaration, mitigation measures were incorporated under the Cultural Resources section requiring the applicant to enter into a tribal monitoring agreement with the Rincon Luiseno tribe to allow for tribal monitoring on the site during project grading and construction. The monitoring process would allow the tribal monitor to stop grading and/construction activities in the event cultural resources and/or human remains are encountered. The Rincon Luiseno tribe has been informed by staff that the project was previously graded; however, the tribe has expressed their desire to continue with the tribal monitoring agreement process. Therefore, the mitigation measures pertaining to cultural resources shall remain as part of the Mitigated Negative Declaration, and evidence of such agreement must be supplied to the City prior to the city issuing a grading or building permit, whichever one occurs first.

## PROJECT DESCRIPTION

PM 37357 is a proposal to subdivide 6.8 acres into two lots. Parcel 1 is undeveloped and located on the southwest corner of the project site and is intended to be developed with a single-family dwelling. Parcel 1 is approximately 0.61 acres and designed to meet the subdivision standards prescribed by the R1-9.6 Zone proposed through companion application CZ2017-0101, which requires a minimum lot area of 9,600 square feet and a minimum lot width and depth of 80 feet and 100 feet, respectively. Parcel 2 is 6.2 acres and contains the developed portion of the property (church buildings, parking lot, and landscaping) and will remain in the Agricultural Zone, which requires a minimum lot size of five acres and a minimum lot width and depth of 250 feet 300 feet, respectively. Table A demonstrates the lots' compliance with the subdivision standards for the R1-9.6 and Agricultural zones.

**TABLE A**  
**Number Lot Summary**

Parcel No.	Zone	Lot Area	Lot Width	Lot Depth
1	R1-9.6 <sup>1</sup> (9,600 sq. ft. minimum lot area)	0.608 acres (26,480 sq. ft.)	82.50	319
2	Agricultural (5 acres minimum lot area)	6.185 acres	411.89	528
<b>Total</b>	-	6.826 acres	-	-

1. Zone as proposed by CZ2017-0101.

The project site is designated as Low Density Residential (LDR) on the City's General Plan land use map, which allows the site to be developed at a density of no more than six dwelling units per acre. The two-lot subdivision proposed on the 6.8 acres would result in a density of 0.29 du/ac, and therefore, would not exceed the maximum allowable density permitted by the LDR designation of the General Plan.

The project site is located within the South Corona Community Facilities Plan (South Corona CFP), which is an overlay plan that establishes additional development standards and target densities for residential developments. The South Corona CFP land use plan designates the project site as Low Density Residential, which has a maximum allowable target density of 2.96 du/ac. The project's proposed density of 0.29 du/ac does not exceed this target density, and therefore, the applicant's subdivision complies with the South Corona CFP.

Furthermore, the 6.8-acre site is located adjacent to existing residential lots to the west and north that are protected by Policy 6 of the South Corona CFP. These protected lots are identified in Exhibit D as orange in color. Policy 6 contains design standards written in the South Corona CFP that are intended to protect existing larger lot residential neighborhoods that experience new development adjacent to them. Policy 6 ensures compatibility between the existing larger lots and new development. Per the design standards of Policy 6, new residential lots that are developed adjacent to or on the same block with existing lots protected under Policy 6 are required to comply with the following standards:

- The new lots shall be similar in area with the existing lots, but need not exceed one acre in area.
- The new lots are required to be similar in width to the existing lots, but need not exceed 130 feet in width.
- If the new lots back onto existing lots, then the new lots shall have a minimum rear yard setback of 30 feet.
- The new lots shall construct a six-foot high block wall between the new and existing lots, unless protest is received from the adjacent existing lots.

The nearest protected properties to the project site are the developed properties to the north and northwest which are 0.38 and 0.43 acres, respectively. The properties within the adjacent tract (TTM 37114) to the west are also protected by Policy 6 even though this is a fairly new subdivision. These lots range in size from 0.44 to 0.82 acres. As shown in Table A, the applicant's proposed lots under PM 37357 are 0.61 and 6.2 acres, and therefore, are similar in size to the existing lots within this residential neighborhood. Also, as shown by the parcel map in Exhibit A, the lots are designed to be similar to the existing lots in terms of lot width and lot depth. The parcel map also shows a 30-foot rear yard building setback line along the northern portion of Parcel 1 which is a requirement of Policy 6. Future development of Parcel 1 will be required to comply with this rear yard setback requirement in addition to constructing the required six-foot high perimeter block wall as listed above. These standards are ensured by the conditions of approval attached as Exhibit B.

## **ACCESS AND PUBLIC IMPROVEMENTS**

Parcel 1 will take vehicular access from Othello Lane, and Parcel 2 will take vehicular access from existing driveways located on Ontario Avenue and Buena Vista Avenue. Per the General Plan, Othello Lane is classified as a local residential street with an overall right-of-way width of 64 feet. Ontario Avenue is a major arterial with an overall right-of-way width of 127 feet. Buena Vista Avenue is a collector street with an overall right-of-way width of 68 feet. No additional street widening is required for the portions of Othello Lane, Ontario Avenue, and Buena Vista Avenue adjacent to the project site. Since only Parcel 1 will be developed for a single-family dwelling, the proposed residential use on this parcel is not expected to generate traffic in the area. The surrounding

roadways are capable of handling the number of trips that a single-family residence is expected to generate and will not be impacted by the proposed subdivision.

The applicant is required to construct the missing public improvements adjacent to Parcel 1 which includes constructing a 12-foot wide sidewalk and landscaped parkway adjacent to curb to match the existing 12-foot wide sidewalk and landscaped parkway that fronts the existing residential properties on the north side of Othello Lane going toward Lincoln Avenue and the adjacent tract (TTM 37114) which was also subject to the same improvements. The landscape parkway for Parcel 1 will terminate at the eastern limits of the Parcel 1 boundary and the sidewalk will transition to join the existing sidewalk in front of Parcel 2, which is the location of the existing church.

PM 37357 proposes to vacate six feet of right-of-way on the northside of Othello Lane within the parkway. The proposed vacation would revert the parkway to its original width of six feet established by Tract Map 24272 in 1995. The block wall that exists along the right-of-way was constructed legally behind the sidewalk and outside of the right-of-way in or around 1995. Subsequent Parcel Map 30425 in 2002 required the additional six feet on the northside of Othello Lane creating the situation with the existing block wall being within the right-of-way. Therefore, PM 37357 proposes to correct the situation that was created by PM 30425 in 2002.

#### **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 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 project 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. The Initial Study and Mitigated Negative Declaration are provided as Exhibit F.

#### **FISCAL IMPACT**

The applicant paid \$11,006.75 in application processing fees for the parcel map application.

#### **PUBLIC NOTICE AND COMMENTS**

A 20-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 Community Development Department has not received any inquiries from the public in response to the notice.

#### **STAFF ANALYSIS**

PM 37357 will enable the Evangelical Free Church of Corona to subdivide a 6.8-acre property into two parcels. Parcel 1 is approximately 0.61 acres and Parcel 2 is 6.2 acres. Parcel 1 will be changed from the Agricultural Zone to the R1-9.6 Zone which will enable the development of a single-family dwelling on a lot smaller than five acres. Parcel 2 contains the existing church buildings, parking lot, and landscaping which will remain under the current Agricultural Zone. Each new lot is designed to comply with the subdivision standards of its zone in terms of lot area, width and depth requirements.

Furthermore, the parcel map yields a density of 0.29 du/ac on the project site which is consistent with the Low Density Residential designation established on the project site by the General Plan and South Corona Community Facilities Plan. Therefore, based on the following findings and conditions

of approval attached as Exhibit B, PM 37357 is recommended for approval.

## FINDINGS OF APPROVAL FOR PM 37357

1. An initial study (environmental assessment) has been conducted by the City of Corona so as to evaluate the potential for adverse environmental impacts. The environmental assessment identifies potentially significant effects on the environment, but:
  - a. *The project applicant has agreed to revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur as reflected in Conditions of Approval attached as Exhibit B.*
  - b. *There is no substantial evidence before the City that the revised project may have a significant effect.*
2. Pursuant to California Government Code Section 66411.1 this division of land necessitates the inclusion of conditions of approval for the following reasons:
  - a. *The guarantee of the construction of improvements for Othello Lane is necessary for the public's safe access to and around the site.*
  - b. *The improvement of Othello Lane adjacent to the project site is necessary for the orderly development of the project area and so that further development would not be detrimental to the public.*
3. None of the conditions provided in Section 66474 of the California Government Code exist for the following reasons:
  - a. *PM 37357 is consistent with the Low Density Residential designation of the General Plan and South Corona Community Facilities Plan because the Low Density designation accommodates moderate to large size lots at a density not exceeding 6 du/ac and 2.96 du/ac, respectively. The project is proposing two parcels; Parcel 1 is 26,480 square feet and Parcel 2 is 269,438 square feet, and a density of 0.29 du/ac.*
  - b. *The design of the proposed subdivision is consistent with the subdivision standards of the R1-9.6 Zone and A Zone for Parcel 1 and Parcel 2, respectively. The R1-9.6 Zone prescribes a minimum lot width of 80 feet and a minimum lot depth of 100 feet for new lots, and Parcel 1 provides a lot width of 82.5 feet and depth of 320 feet and lot size of 26,480 square feet. The A zone prescribes a minimum lot width of 250 feet and depth of 300 feet, and Parcel 2 provides a width of 412 feet and depth of 528 feet, and a lot size of 6.1 acres.*
  - c. *The site is physically suitable for the type of development proposed and offers adequate vehicular access from Othello Lane for Parcel 1 and from Ontario Avenue and Buena Vista Avenue for Parcel 2.*
  - d. *The site is physically suitable for the proposed density of development. The project*

*site's General Plan designation of Low Density Residential, which permits a maximum density of six dwelling units per acre, and the project proposes a density of 0.29 du/ac which is below the site's allowable maximum density.*

- e. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat because the project's initial study has determined that potential environmental impacts are capable of being mitigated to less than significant levels.*
  - f. The proposed subdivision will not result in adverse impact to public health, safety or general welfare because the project adheres to the development standards of the zone in which it is located promoting orderly development of the project site and the improvements associated with the project adhere to city standards.*
  - g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no such easements exist of the project site, or the easements are being protected in place or relocated elsewhere on the project site.*
4. Pursuant to California Government Code Section 66464.6, the discharge of waste from the proposed subdivision into existing community sewers would not result in violation of existing requirements presented by the Santa Ana Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code for the following reason:
- a. The amount of discharge to be produced by the development does not exceed the limit established by the Santa Ana Regional Water Quality Control Board as monitored by the city's Department of Water and Power.*
5. The proposal is in conformance with the standards of the R1-9.6 and the Agricultural Zones for the following reasons:
- a. The two lots created by PM 37357 are capable of meeting the minimum lot area, width, and depth requirements prescribed by the R1-9.6 Zone for Parcel 1 and the Agricultural Zone for Parcel 2.*

**PREPARED BY:** LUPITA GARCIA, ASSISTANT PLANNER

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

**REVIEWED BY:** TERRI MANUEL, PLANNING MANAGER

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

## EXHIBITS

1. Aerial and Zoning Map



2. Exhibit A - Parcel Map 37357 (PM2017-0103)
3. Exhibit B - Conditions of Approval
4. Exhibit C1 - Cross-Section for Othello Lane
5. Exhibit C2 - Map of Existing Walls Along The South Boundaryline of Parcel 2
6. Exhibit C3 - Street Views from Othello Lane
7. Exhibit D - South Corona Community Facilities Plan - Policy 6
8. Exhibit E - Applicant's letter dated July 13, 2018
9. Exhibit F - Environmental Documentation

Case Planner: Lupita Garcia (951) 736-2293