



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
November 8, 2017 - 6:00 p.m.

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, November 8, 2017.

o0o

This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

o0o

CALL TO ORDER

Chair John Peukert called the meeting to order at 6:00 p.m.

o0o

PLEDGE OF ALLEGIANCE

Commissioner Al Twine led those present in the pledge of allegiance.

o0o

ROLL CALL

Roll Call was taken by Planning Manager, Gina Gibson-Williams.

Present:

Chair: John Peukert
Vice Chair Frank Gonzalez
Commissioner Al Twine
Commissioner Pauline Tidler
Commissioner Dale Estvander
Commissioner Artist Gilbert
Commissioner Jerry Gutierrez

Absent:

Commissioner: Student, Maria Delgadillo

Also Present:

City Attorney, Lona Laymond
Assistant Planner, Daniel Rosas
Contract Planner, Edgar Gonzalez
Administrative Assistant, Sheree Lewis
Assistant City Administrator/Development Services Director, Robb Steel

ORAL COMMUNICATIONS

Chair Peukert asked if there were any oral communications from the audience not on the agenda.

o0o

Mrs. Gibson-Williams and Sheree Lewis stated that there were none.

PLANNING
COMMISSION
MEETING MINUTES

Chair Peukert announced that the next item on the agenda is Planning Commission Meeting Minutes.

o0o

Motion by Commissioner Tidler, seconded by Commissioner Twine to approve the August 30, 2017 meeting minutes as mailed.

All in favor, motion carried 7-0.

o0o

Motion by Commissioner Estvander, seconded by Commissioner Twine to approve the September 13, 2017 meeting minutes as mailed.

All in favor, motion carried 6-0-1. Commissioner Gutierrez abstained.

PUBLIC HEARINGS

Chair Peukert stated Public Hearing items are next on the agenda.

o0o

City Attorney Lona Laymond stated that Commissioner Peukert has a conflict of interest for the upcoming Public Hearing item 17-501.

o0o

Chair Peukert stated this section of the meeting will be overseen by Vice Chair, Frank Gonzalez.

o0o

City Attorney clarified the Chair's conflict of interest was due to the proximity of his residence to the proposed project.

o0o

Chair Peukert confirmed yes, this is the nature of the conflict of interest.

o0o

Vice Chair Gonzalez introduced the Public Hearing item 17-501, a request to determine adequacy of the Draft Environmental Impact Report (Environmental Assessment Review 2017-0072) and approval of a Specific Plan (Specific Plan 2017-0001) to establish the boundaries, zoning, infrastructure and design standards for the site known as the Pepper Avenue Specific Plan.

o0o

Mrs. Gibson-Williams addressed the board, stating that she will give the project report.

An oral presentation was presented with power point. This project is concerning the Pepper Avenue Specific Plan which has two components; the

PUBLIC HEARINGS

first is the Draft Environmental Impact Report, the second is the actual Specific Plan including the text of the document itself.

Mrs. Gibson-Williams displayed the Pepper Avenue Land Use Plan and stated the majority of the plan will be developed with community commercial consisting of both retail and business park. Within the project, there is a small element towards the east of Pepper Avenue that will be designated as a residential overlay in the event that the economic market projections are not as predicted.

There are two reasons for the potential residential overlay; first, the Housing Element which will also be reviewed tonight, and second, if the residential development is decided, the item will come before the Planning Commission under strict design guideline criteria written into the code. The owner of this property intends to have commercial development primarily, the residential overlay is only a secondary option.

The open space within this site has a small space that could potentially be a commercial development depending on environmental determination, this site has opportunity for expansion and optional commercial overlay on the west side.

An existing public facility is also within the site, Water District has property here and it will remain a public facility.

The site is located at the northeast corner of the City at Pepper Avenue, just over 100 acres with nine planning areas, meant to be a Town Center and gathering place served as a point of entry at the 210 freeway. The residential overlay is meant for flexibility only for the Housing Element within the Specific Plan, there will be a maximum of 275 units.

Mrs. Gibson-Williams continued with details for the Town Center Plan displaying artist renderings of an aerial plan view including landscape treatments, decorative medians, parkways, streets, drive approaches, commercial and residential developments. Also displayed; listing of signage including monumental signage for drive approach and signage for tenants.

This is a program level EIR document, the open comment period was held March 7, 2017 to April 7, 2017. There is one item that the City is unable to mitigate for at the highest level; long term operational traffic noise, cumulative. At the Commission level, the adequacy for the EIR is considered, at City Council level, the significant benefits of the project outweigh the fact that the City is unable to mitigate for long term traffic noise and a statement of overriding considerations has been prepared and will be voted on and considered for action by the City Council.

PUBLIC HEARINGS

A traffic study was conducted and a total of 19,000 trips was determined from the 107 acre parcel including 24 intersections that were evaluated and all details are included in the technical study.

A list of recommended street improvements was explained and all improvements will be adopted upon approval of the Specific Plan, all improvement recommendations are outlined as conditions in the mitigation monitoring and reporting plan document. Improvement costs of \$578,530 will be the Pepper Avenue fair share fees.

In terms of noise level impact, handouts predicting opening year noise levels and 2035 noise levels was distributed for review. The City's General Plan adopted in 2010 states an ambient noise level of 65 DBA, this particular project does push between 64 DBA and over 65 DBA in certain areas during the year 25. It is staff's recommendation that when the item appears before City Council that mitigation measures are modified to identify that certain housing projects above the block wall and vegetation buffers will require a buffer for noise.

Additional fees related to capital impacts such as road construction, bridge construction and Environmental determination present a direct benefit to property owners and a cost structure will be presented to council to recoup these costs. Costs will be parceled for developers as a fair share participation as the City has taken the lead to prepare the environmental document and extension of the street to allow development to occur.

In conclusion, staff recommends the following actions;

As the recommending body to the City Council, staff recommends that the Planning Commission approves and certifies the Draft Environmental Impact Report and;

Regarding the Specific Plan, staff recommends an amendment to the General Plan zoned residential 6 and in its place, adoption of the Pepper Avenue Specific Plan modifying the Land Use Map of the General Plan.

Mrs. Gibson-Williams concluded her presentation and stated the consultant team and staff is available for questions.

o0o

Vice Chair Gonzalez asked if the board had questions, there were none.

o0o

Vice Chair opened the Public Hearing.

PUBLIC HEARINGS

John Peukert 1550 Shirley Bright Road approached the dais with the following comments;

Mr. Peukert voiced his concerns as a resident stating there are a series of events related to noise in this area and expressed the need for mitigation for sound in the area for residents who are exposed to the sounds of development and traffic on Pepper Avenue. In the past, the extension of the I-210 Freeway construction created noise, along with no limitation on truck weight which contributes towards noise and street traffic, the on and off ramp development also contributed towards noise and more traffic in the area. Mr. Peukert is in support of the new development, but wants to ensure the mitigation of the noise, lighting and traffic. He also stated that he wants to be sure the Environmental Report adequately considers the amount of noise and traffic that will affect this area.

o0o

This concluded Mr. Peukert's comments.

Brenda Parker 1459 N. Birch Ave. approached the dais with the following comments;

Her home is parallel to Pepper Avenue, and the lighting at Pepper and Highland is out. Regarding the plans that were reviewed tonight, were there any changes besides the name?

o0o

Mrs. Gibson-Williams responded stating that the name is still Pepper Avenue Specific Plan as stated at the previously held community meetings.

This concluded Ms. Parker's comments.

o0o

Joe Elliot 1665 N. Eucalyptus approached the dais with the following comments;

Her concerns are the new residential developments stating there is an asphalt plant, freeway, truck routes, and railroads surrounding the area contributing to noise. Also, she believes Rialto has enough low cost housing already hopes that there are no additional low cost housing.

o0o

This concluded Ms. Elliot's comments.

PUBLIC HEARINGS

Vice Chair Gonzalez asked if there were any additional comments related to this item, there were none.

o0o

Commissioner Estvander moved to close the Public Hearing, seconded by Commissioner Twine. All in favor, *motion carried* 7-0-0.

Motioned by Commissioner Estvander, seconded by Commissioner Twine, the Commission determined the Draft Environmental Impact Report (Environmental Assessment Review 2017-0072) as adequate and recommends approval of Specific Plan 2017-0001, to establish the boundaries, zoning, infrastructure and design standards for a 101.7 acre site known as the Pepper Avenue Specific Plan, Master Case No. 2017-0042. All in favor, *motion carried* 6-0-1, Chair Peukert abstained.

o0o

Chair Peukert re-joined the board.

o0o

Chair Peukert announced the next item, General Plan Amendment No. 2017-0004, a resolution of the Planning Commission recommending that the City Council adopt the 2014-2021 Housing Element Update to the Rialto General Plan.

o0o

Mrs. Gina Gibson-Williams introduced Sheri Vander Dussen representing Kimley Horn, which prepared the Housing Element and conducted public comment and meetings regarding the project.

o0o

Sheri Vander Dussen introduced herself to the Commission and presented and oral presentation as follows;

During the presentation, Ms. Vander Dussen reviewed the Regional Housing Needs Allocation process, an overview of the Housing Elements Contents, Compliance required for the California Environmental Quality Act (CEQA), and presented staff's recommendation to the Planning Commission.

Ms. Vander Dussen began stating the Housing Element is required by all Cities and Counties in the State of California to ensure all families have decent housing and suitable living environments. The Housing Element is 1 of 7 elements required by in the City's General Plan, which form a blueprint for design and growth within the community; the Housing Element is the only element required to be certified by the state of California.

PUBLIC HEARINGS

The Housing Element sets City housing goals and sets provisions and programs for all income groups and groups with special needs and outlines how the City will meet its housing needs.

The State of California provides incentives such as grants and access to State infrastructure bonds for capital improvement projects and Federal Community Block Grants. Failure to adopt the certified Housing Element could result in the loss of current City funding, loss in ability to apply for new funding and the City will be on a four-year adoption cycle opposed to the current eight-year adoption cycle.

Currently, the City is not in compliance with the state mandated law. The draft presented today has been reviewed by staff of Housing and Community Development (HCD) and determined that the Draft Housing Element is in compliance; this was determined on July 18, 2018. The City has 120 days to adopt the Housing Element which means the City must adopt this Element no later than November 15, 2017.

Ms. Vander Dussen continued in detail explaining the Regional Housing Needs Allocation process, along with an overview of the Housing Elements Contents, Compliance required for the California Environmental Quality Act (CEQA).

In conclusion, Ms. Vander Dussen stated staff's recommends that the Planning Commission recommend the approval of the Draft Housing Element covering the periods of 2014-2021.

o0o

Chair Peukert asked if there were any questions.

o0o

Commissioner Al Twine asked staff to explain the current housing status in the City, is there a report for this?

o0o

Mrs. Gibson-Williams stated that a report was not requested, but the Draft Housing Element document does outline the City's current housing status. Regarding new housing developments, there are multiple projects including Lytle Creek which anticipates 660 new units within the first phase of the project. Staff can provide a more detailed report of new housing developments on the horizon.

Commissioner Gonzalez asked if the Lytle Creek project will be phased.

o0o

PUBLIC HEARINGS

Mrs. Gibson-Williams responded yes, the project will be phased to developers as sub parcels.

o0o

Chair Peukert opened the Public Hearing.

There were no public comments at this time.

Commissioner Estvander moved to close the Public Hearing, seconded by Commissioner Twine. All in favor, *motion carried 7-0-0*.

o0o

Motioned by Commissioner Estvander, seconded by Commissioner Gonzalez, the Commission recommended that City Council adopt General Plan Amendment No. 2017-0004, a resolution of the Planning Commission recommending that the City Council adopt the 2014-2021 Housing Element Update to the Rialto General Plan. All in favor, *motion carried 7-0-0*.

o0o

Chair Peukert announced the next item, Conditional Development Permit No. 2017-0038, A request to allow a thirteen percent (13%) increase in the permitted floor area ratio, through the implementation of non-residential development incentives, to facilitate the development of a 151,866 square foot warehouse building. The project site is located at the northeast corner of Casmalia Street and Locust Avenue (APN: 1133-241-07 within the Employment (EMP) zone of the Renaissance Specific Plan.

o0o

Daniel Casey presented the item as follows;

The application presented was filed by B&B Plastics as a request to review and approve Conditional Development Permit No. 2017-0038 for the development of a warehouse building.

In 2014, this item was previously approved and reviewed by the Planning Commission but permits were not pulled in time and the application expired in 2016. The entitlements have been refiled in order to reactivate the project.

Two parcels of land will be merged and a lot line adjustment was recorded and approved and is now one parcel. Within the 151,866 square foot warehouse development, 11,000 sq. ft. of office 140,000 square foot warehouse space.

PUBLIC HEARINGS

Elevations renderings were presented during the presentation including landscaping; all design is within the City's design guidelines. Parking spaces are adequate and exceed the city's requirement.

The floor area ratio of 40% is exceeded by 12.9% within the Employment Zone, the Renaissance Specific Plan has provisions allowing the applicant to increase the 40% ratio.

Mr. Casey continued explaining 7 development features which grant the 13% floor area bonus within the property. Also, the completed warehouse is predicted to produce 60-80 new jobs and approximately \$23,000 generated into the City's general fund.

In March 2014, a Mitigated Negative Declaration was approved, CEQA section 21166 allows for previously reviewed projects to not undergo additional CEQA review as long as there are no additional project changes. This project has no further changes, therefore additional CEQA review is not required.

o0o

Commissioner Gonzalez asked what the hours of operation will be.

o0o

Mr. Casey replied there are no limitations in this area, theoretically the operation could be 24-hours.

o0o

Mrs. Gibson-Williams requested City Attorney and Bridgett to address the questions asked.

o0o

City Attorney stated it may be appropriate to establish a conditions pertaining to the operating hours of this facility to be in compliance with any franchise rights the City currently has established with its franchise waste hauler. In approving this item, she recommends that a condition also be added to address this matter.

The owner interjected from the crowd, operation hours are 7:00AM – 6:00 PM.

City Attorney asked if the business hours should be added as a condition, the board did not see it necessary.

o0o

PUBLIC HEARINGS

Chair Peukert opened the Public Hearing.

There were no public comments at this time.

Commissioner Estvander moved to close the Public Hearing, seconded by Commissioner Gonzalez. All in favor, *motion carried 7-0-0.*

o0o

Motioned by Commissioner Tidler, seconded by Commissioner Gilbert, with the added condition of compliance with the City’s current franchise contract right with the current waste hauler, to adopt Conditional Development Permit No. 2017-0038, A request to allow a thirteen percent (13%) increase in the permitted floor area ratio, through the implementation of non-residential development incentives, to facilitate the development of a 151,866 square foot warehouse building. The project site is located at the northeast corner of Casmalia Street and Locust Avenue (APN: 1133-241-07 within the Employment (EMP) zone of the Renaissance Specific Plan.

ACTION ITEMS

Chair Peukert stated there are no Action Items on the agenda.

**PLANNING DIVISION
COMMENTS**

Chair Peukert stated that the next item on the agenda is Planning Division Comments.

The Commission received a hand out regard the Truck Traffic Update as requested, the following comments proceeded;

o0o

Commissioner Gutierrez sited terms to “shall” related to Target project and asked the City Attorney if it was appropriate to make a motion to revoke the current Conditional Development Permit and demand Target to appear before the Commission.

o0o

City Attorney stated this item is not on the Agenda and a motion for action cannot be taken at this time.

o0o

Mrs. Gibson-Williams stated that staff can be directed to bring this item before the Commission as an Agenda item.

o0o

PLANNING DIVISION
COMMENTS

Commissioner Gutierrez stated that he would like to see the Target facility on the next Agenda to discuss revocation, the board agreed.

o0o

City Attorney stated that revocation pertains to certain rights and the Commission should refrain from discussing the item as it will be a Public Hearing item.

PLANNING
COMMISSION
COMMENTS

Chair Peukert stated that the next item on the agenda is Planning Commission Comments.

Commissioner Estvander stated that with all the green plants being replaced with drought tolerant plants, what is the City's plan to replenish oxygen.

o0o

Mr. Steel and Mrs. Gibson-Williams confirmed the pilot program replacing green plants with drought tolerant plants is only being conducted on Riverside for now.

o0o

Chair Peukert asked what are the effects on City maintenance staff.

o0o

Mr. Steel stated it will reduce maintenance costs.

o0o

Motion by Commissioner Estvander, seconded by Commissioner Gonzalez to adjourn the meeting. All in favor *Motion carried 7-0-0.*

ADJURNMENT

The Regular Planning Commission meeting on Wednesday, November 8, 2017 adjourned at 7:22 p.m.

Sheree Lewis, Administrative Assistant
Planning Commission

John Peukert, Chair
Planning Commission