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RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, APPROVING VARIANCE NO. 2017-0002 TO REDUCE THE MINIMUM REQUIRED LOT WIDTH OF TWO LOTS (LOTS 17 AND 18) FROM SEVENTY (70) FEET TO FIFTY-EIGHT (58) FEET RELATED TO TENTATIVE TRACT MAP NO. 2017-0001, A REQUEST TO SUBDIVIDE 4.75 GROSS ACRES OF LAND (APNS: 0131-131-13 & -14) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 950 FEET NORTH OF RANDALL AVENUE INTO EIGHTEEN (18) SINGLE-FAMILY LOTS AND THREE (3) COMMON LOTS WITHIN THE R-1C ZONE.

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 gross acres of land (APN: 0131-131-13 & -14) into eighteen (18) single-family lots and three (3) common lots for landscaping and a storm-water detention basin (“Subdivision”);

WHEREAS, the Subdivision location comprises 4.75 gross acres of land (APN: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone (“Site”); and

WHEREAS, the Subdivision within the R-1C zone requires the approval of a tentative tract map, and the applicant has agreed to apply for a Tentative Tract Map No. 2017-0001, also referred to as Tentative Tract Map No. 20087, (“TTM No. 20087”), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, in conjunction with TTM No. 20087, the applicant will also develop one (1) detached single-family residence on each of the eighteen (18) single-family lots of TTM No. 20087 on the Site; and

WHEREAS, pursuant to Section 18.16.030B of the Rialto Municipal Code, the minimum lot width within the R-1C zone shall be seventy (70) feet; and

WHEREAS, the width of Lot 17 and Lot 18 within TTM No. 20087 is fifty-eight (58) feet; and

1 WHEREAS, the width of Lot 17 and Lot 18 of TTM No. 20087 does not comply with
2 Section 18.16.030B of the Rialto Municipal Code, thus requiring a reduction in the minimum lot
3 width of the R-1C zone in order to facilitate TTM No. 20087 (“Project”); and

4 WHEREAS, pursuant to Section 18.64.030 of the Rialto Municipal Code, the Project
5 requires the approval of a Variance, and the applicant has agreed to apply for Variance No. 2017-
6 0002 (“VAR No. 2017-0002”); and

7 WHEREAS, on November 29, 2017, the Planning Commission of the City of Rialto
8 conducted a duly noticed public hearing, as required by law, on VAR No. 2017-0002 and TTM
9 No. 20087, took testimony, at which time it received input from staff, the city attorney, and the
10 applicant; heard public testimony; discussed the proposed VAR No. 2017-0002 and TTM No.
11 20087; closed the public hearing, and continued the item to December 13, 2017; and

12 WHEREAS, on December 13, 2017, the Planning Commission of the City of Rialto
13 reopened the public hearing on VAR No. 2017-0002 and TTM No. 20087, took testimony, at
14 which time it received input from staff, the city attorney, and the applicant; heard additional
15 public testimony; discussed the proposed VAR No. 2017-0002 and TTM No. 20087; closed the
16 public hearing; adopted TTM No. 20087 and VAR No. 2017-0002; and directed staff to prepare
17 revised Resolutions of Approval for review and approval on January 10, 2018; and

18 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

19 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
20 Rialto as follows:

21 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
22 forth in the recitals above of this Resolution are true and correct and incorporated herein.

23 SECTION 2. Based on substantial evidence presented to the Planning Commission during
24 the public hearing conducted with regard to VAR No. 2017-0002, including written staff reports,
25 verbal testimony, site plan, other documents, and the conditions of approval stated herein, the
26 Planning Commission hereby determines that VAR No. 2017-0002 satisfies the requirements of the
27 Section 18.64.020 of the Rialto Municipal Code pertaining to the findings which must be made
28 precedent to granting a variance. The findings are as follows:

- 1
- 2 1. There are exceptional circumstances or conditions applicable to the property
- 3 involved, or to the intended use of the property, that do not apply generally to the
- 4 property or class of use in the same vicinity or district.

5 *This finding is supported by the following facts:*

6 Strict enforcement of the lot width requirement will prevent the applicant from providing

7 the highest quality design for the site. The applicant's original proposal contained twenty

8 (20) single-family lots fronting onto one (1) local street that extended directly from

9 Acacia Avenue. Each of the twenty (20) single-family lots complied with the lot criteria

10 required by the R-1C zone within the original proposal. However, in an effort to achieve

11 the highest quality design and to prevent the property to the south from being unable to

12 develop to its full potential, the Planning Division required the applicant to provide street

13 stubs at the south end of the site to allow for a future connection/extension to the adjacent

14 property to the south. This created an exceptional circumstance where the project site

15 cannot obtain more than sixteen (16) single-family lots and have each lot meet the

16 minimum required lot area, lot width, and lot depth. Due to the exceptional

17 circumstances of requiring a circular cul-de-sac for the return of emergency vehicles at

18 the street stub, the lots were reduced to 18 lots, whereby two of the lots (Lots 17 and 18)

19 do not meet the lot width requirement.

- 20
- 21 2. This variance is necessary for the preservation and enjoyment of a substantial
- 22 property right of the applicant as possessed by other property owners in the same
- 23 vicinity and district.

24 *This finding is supported by the following facts:*

25 Strict enforcement of the lot width requirement will prevent the applicant from providing

26 the highest quality design for the site. Due to the configuration of the subdivision and the

27 requirement to create a cul-de-sac turnaround at the end of the street for emergency

28 vehicles, a requirement that other similarly situated property owners do not have, two of

the 18 lots do not meet the required lot width. Furthermore, the Planning Commission

granted Variance No. 703 to Rapido Investments, Inc. in 2014 reducing the minimum lot

width for a similar R-1C project from 70 feet to 58 feet. Furthermore, while there is no

record of a variance, there are several other R-1C zoned lots in the vicinity with lot

widths as low as 55 feet, including 571 S. Acacia Avenue, 581 S. Acacia Avenue, and

590 S. Encina Avenue.

- 3 The granting of this variance will not be materially detrimental to the public welfare
- or injurious to the property or improvements in such vicinity and district in which
- the property is located.

This finding is supported by the following facts:

1 Granting the variance will not be detrimental to the public welfare or injurious to other
2 property or improvements in that the project site will be used for a single-family residential
3 development in keeping with the character of the area and the density limits established
within the area.

- 4 4. The proposed use and development are consistent with the General Plan and
5 objectives of the zoning ordinance.

6 *This finding is supported by the following facts:*

7 Granting the variance will facilitate the development of a high-quality single-family
8 residential subdivision in keeping with General Plan Land Use Element Goal 2-21, which
9 requires the City to “Ensure high-quality planned developments within Rialto”.
10 Additionally, precedent has previously been set to allow a lot width below the criteria
required by the R-1C zone, as established by Variance No. 703 for Rapido Investments, Inc.

11 SECTION 3. An Initial Study (Environmental Assessment Review No. 2017-0002) has
12 been prepared for the proposed project in accordance with the California Environmental Quality Act
13 (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance and
14 a Mitigated Negative Declaration has been prepared in accordance with CEQA. The Planning
15 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
16 Board of Supervisors for San Bernardino County.

17 SECTION 4. That VAR No. 2017-0002 is granted to Asian Pacific, Inc., in accordance
18 with the plans and application on file with the Planning Division, subject to the following
19 conditions:

- 20 1. Variance No. 2017-0002 is approved to reduce the minimum lot width of two lots (Lots
21 17 and 18) within TTM No. 20087 from seventy (70) feet to fifty-eight (58) feet, as
22 shown on the tentative map submitted to the Planning Division on December 7, 2017,
and as approved by the Planning Commission.
- 23 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
24 working hours to assure compliance with these conditions and other codes.
- 25 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
26 officers, or employees from any claims, damages, action, or proceeding against the
27 City or its agents, officers, or employees to attack, set aside, void, or annul any
28 approval of the City, its advisory agencies, appeal boards, or legislative body
concerning VAR No. 2017-0002. The City will promptly notify the applicant of any

1 such claim, action, or proceeding against the City, and applicant will cooperate fully
2 in the defense.

- 3 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
4 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
5 subject to protest by the applicant at the time of approval or conditional approval of
6 the Project or within 90 days after the date of the imposition of the fees, dedications,
7 reservations, or exactions imposed on the Project.
- 8 5. The Applicant shall complete and abide by all mitigation measures contained within the
9 Mitigation Monitoring and Reporting Program associated with Environmental
10 Assessment Review No. 2017-0022 prior to issuance of any Certificate of Occupancy.
- 11 6. Applicant shall comply with all conditions of approval contained in TTM No. 20087, to
12 the extent they are not in conflict with any condition of approval herein.

13 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
14 adoption of this resolution and thereupon the same shall take effect and be in force.

15 PASSED, APPROVED AND ADOPTED this 10th day of January, 2018.

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17 _____
18 JOHN PEUKERT, CHAIR
19 CITY OF RIALTO PLANNING COMMISSION
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9 STATE OF CALIFORNIA)
10 COUNTY OF SAN BERNARDINO) ss
11 CITY OF RIALTO)
12

13 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the
14 foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
15 Commission of the City of Rialto held on the ____th day of ____, 2018.

16 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
17 ____, the foregoing Resolution No. ____ was duly passed and adopted.

18 Vote on the motion:

19 AYES:

20 NOES:

21 ABSENT:

22 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
23 of Rialto this ____th day of ____, 2018.

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27 _____
28 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT

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