



Legislation Details (With Text)

File #: 18-892 **Version:** 1 **Name:**
Type: Resolution **Status:** Agenda Ready
File created: 9/5/2018 **In control:** Planning Commission
On agenda: 9/12/2018 **Final action:**
Title: Tentative Parcel Map No. 2018-0004 (19966): Request to subdivide one (1) 0.44 gross acre parcel of land (APN: 0127-331-21) into two (2) single family lots. The project site is located at 1081 North Riverside Avenue within the Single Family Residential (R-1B) zone; Environmental Assessment No. 2018-0047: A Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Location Map, 2. Exhibit C - Notice Of Intent ND, 3. Exhibit B - Tentative Parcel Map, 4. Exhibit D - EAR for ND Resolution Draft, 5. Exhibit E - TPM Resolution Draft

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of September 12, 2018

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson-Williams, Planning Manager
FROM: Daniel Rosas, Assistant Planner

Tentative Parcel Map No. 2018-0004 (19966): Request to subdivide one (1) 0.44 gross acre parcel of land (APN: 0127-331-21) into two (2) single family lots. The project site is located at 1081 North Riverside Avenue within the Single Family Residential (R-1B) zone; **Environmental Assessment No. 2018-0047:** A Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA).

APPLICANT:

Rafael Iniguez, 439 W. Merrill Avenue, Rialto, CA 92376.

LOCATION:

The project site, 1081 North Riverside Avenue, consists of one (1) 0.44 acre parcel of land (APN: 0127-331-21) located on the east side of Riverside Avenue approximately 630 feet south of Base Line Road (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

Location	Existing Land Use	Zoning
Site	Single Family Home	Single Family Residential (R-1B)
North	Commercial Retail	Neighborhood Commercial (C-1)
East	Single Family Home	Single Family Residential (R-1B)
South	Single Family Home	Single Family Residential (R-1B)
West	Single Family Home	Single Family Residential (R-1B)

General Plan Designations

Location	General Plan Designation
Site	Residential 6
North	Community Commercial
East	Residential 6
South	Residential 6
West	Residential 6

Site Characteristics

The project site is a rectangular shaped piece of land comprised of one (1) parcel of land approximately 0.44 gross acres in size with approximate dimensions of 132 feet (east-west) by 144 feet (north-south) (Refer to the attached Map (**Exhibit B**)). The project site includes an existing single-family structure near the south property line. To the east and south are existing single-family residential dwellings. To the north, is an existing commercial retail center. The project site is bound on the west by Riverside Avenue with existing street improvements along the properties street frontage. The zoning of the project site and of the properties to the east, west, and south is Single Family Residential (R-1B). The zoning of the property to the north is Neighborhood Commercial (C-1).

ANALYSIS/DISCUSSION:*Tentative Parcel Map*

A Tentative Map application is required to subdivide land pursuant to Section 17.12.010 of the Rialto Subdivision Ordinance. Accordingly, the applicant filed Tentative Parcel Map No. 2018-0004 (19966) for review and approval by the Planning Commission (refer to the attached Map (**Exhibit B**)). The tentative parcel map proposes to subdivide a 0.44 acre parcel of land into two (2) 9,504 square foot single-family residential parcels located within the R-1B (Single Family Residential) zone, but with required dedication for right-of-way, each parcel will have a net lot area of 8,352 square feet. There is no construction proposed as part of this minor land division. The minimum residential lot sizes and lot dimensions required for the R-1B are shown in the chart below along with the proposed lot sizes and dimensions:

Requirement	Minimum	Parcel 1	Parcel 2	Meets Code
Area	8,400 sq. ft.	8,352 sq. ft.	8,352 sq. ft.	No
Width	80 ft.	72 ft.	72 ft.	No

Depth	100 ft.	116 ft.	116 ft.	Yes
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As shown in the chart, each of the proposed parcels will not meet the minimum size and lot width requirement of the R-1B zone.

Minor Variance

The applicant will need a variance because the parcels will not meet the minimum lot size and lot width requirements of the R-1B zone. However, because the variance in the lot area of lot width is 10% or less from the required measurements, the variance can and will be processed administratively, per Rialto Municipal Code Section 18.64.090.

Land Use Compatibility

The project is consistent with the Single Family Residential (R-1B) zone. The proposed project will not negatively impact the adjacent residences. The project will benefit the community by replacing an under developed field with a future dwelling that will aesthetically enhance the surrounding area.

Conclusion

The Public Works Engineering Division has reviewed the Tentative Parcel Map. The Tentative Parcel Map will comply with both the State and City of Rialto guidelines for subdivisions. Tentative Parcel Map No. 2018-0004 (19966) meets the technical standards of the R-1B zoning designation.

GENERAL PLAN CONSISTENCY:

The project is consistent with **General Plan Goal 6-2:** Promote and encourage housing development that adequately meets the needs of all socioeconomic segments of the community and region.

Policy 6-2.1:

Utilize the Managing the Land Supply Element, Zoning Ordinance, and other land use controls to provide housing sites that can facilitate and encourage the development of a variety of housing consistent with the City's identified local needs and its regional housing responsibilities.

ENVIRONMENTAL IMPACT:

Although similar type projects are typically exempt under CEQA Section 15305 [Class 5], Minor Alterations in Land Use Limitations, this project does not qualify due to the variance requirement. Therefore, an Initial Study has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA). It has been determined that the project could not have a significant impact on the environment and a Negative Declaration has been proposed in accordance with CEQA(E.A.R. 2018-0047). The City published the Notice of Intent to adopt the Negative Declaration for the project in the local newspaper and mailed a copy of the notice to all property owners within 300 feet of the project site (Refer to the attached Notice (**Exhibit C**)). A public comment period occurred from August 13, 2018 to September 2, 2018. As such, planning staff determined that the Negative Declaration prepared appropriately satisfies the requirement of CEQA.

Additionally, the City mailed notices, in accordance with California Assembly Bill 52, to six (6) Native American tribes informing them of the project and allowing them to request consultation on the project. The thirty (30) day period between June 1, 2018 and July 1, 2018 provided the tribes an opportunity to request consultation on the proposed project. The Planning Division received a letter from the Gabrieleño Band of Mission Indians-Kizh Nation as well as a letter from the San Manuel

Band of Mission Indians. The City consulted with the Gabrieleño Band of Mission Indians-Kizh Nation for the project on Thursday, August 9, 2018 and resulting conditions of approval requiring the applicant coordinate with the Kizh Nation to place a certified Native American Monitor on-site during all ground disturbance activities have been incorporated.

PUBLIC NOTICE:

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the San Bernardino Sun newspaper as required by State law.

RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt a resolution (**Exhibit D**) to approve the Negative Declaration (EAR No. 2018-0047) for the proposed project and authorize staff to file a Notice of Determination with the Clerk of the Board of San Bernardino County; and

Adopt a resolution (**Exhibit E**) to approve Tentative Parcel Map No. 2018-0004 (19966) to allow the subdivision of one (1) 0.44 gross acre parcel of land into two (2) parcels to facilitate sale or future development of a single-family dwelling subject to the findings and conditions therein.

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP TO ALLOW THE SUBDIVISION OF ONE (1) 0.44 GROSS ACRE PARCEL OF LAND INTO TWO (2) SINGLE FAMILY LOTS LOCATED AT 1081 NORTH RIVERSIDE AVENUE (APN 0127-331-21) WITHIN THE SINGLE FAMILY RESIDENTIAL (R-1B) ZONE.

WHEREAS, the applicant, Rafael Iniguez, proposes to subdivide one 0.44 gross acre parcel of land (APN: 0127-331-21) into two parcels single family lots ("Project") located at 1081 North Riverside Avenue within the Single Family Residential (R-1B) zone ("Site"); and

WHEREAS, the Project will result in the creation of two (2) 8,352 square foot lots approximately 72 feet wide by 116 feet deep to facilitate sale and/or future development of a new single-family dwelling; and

WHEREAS, the Project within the Single Family Residential (R-1B) zone requires the approval of a tentative parcel map, and the Applicant has agreed to apply for a TPM No. 2018-0004 ("TPM No. 19966"), in accordance with Government Code Sections 66473.5 and 66474; and

WHEREAS, the Project does not meet the minimum lot width and area of the Single Family Residential (R-1B) zone and requires approval of a Variance No. 2018-0001 pursuant to Section 18.64 of the Rialto Municipal Code; and

WHEREAS, on September 12, 2018, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on Initial Study and Negative Declaration (EAR No. 2018-0047), TPM No. 19966, and VAR No. 2018-0001, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed TPM No. 19966; and closed the public hearing; and

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

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

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

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

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to TPM No. 19966, including written staff reports, verbal
7 testimony, site plan, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that TPM No. 19966 satisfies the requirements of Government
9 Code Sections 66473.5 and 66474 pertaining to the findings which must be made precedent to
10 approving a tentative map. The findings are as follows:

- 11 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the
12 City of Rialto and the R-1B (Single Family Residential) zone; and

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

14 The proposed subdivision is intended to divide the existing parcel of land for future
15 development of a single family residences. The proposed density for the Project is 5.2
16 dwelling units per acre, which is below the maximum density of 6 dwelling units per acre as
designate by the General Plan. The existing Site is approximately 144 feet in width by 132
feet in depth. The Site can be subdivided into 2 parcels that greatly exceed the lot depth and
lot area all other surrounding properties in the same zoning designation.

- 17 2. That the design and improvement of the proposed Tentative Parcel Map is consistent
18 with the Subdivision Ordinance, the General Plan of the City of Rialto and the R-1B
(Single Family Residential) zone.

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

20 The Engineering Division reviewed the Tentative Parcel Map. Although no construction
21 activities are proposed as part of this Project, the Tentative Parcel Map does indicate
22 building setback lines to indicate the locational limits of any future building footprints.
Future proposals to develop a new single family dwelling will be reviewed by the
23 Development Review Committee to ensure compliance with all minimum setbacks,
24 minimum usable yards, and allowable lot coverage for the R-1B (Single Family
Residential) zone. The proposed lots meets the minimum lot depth as required by the R-
1B (Single Family Residential) zone. However the proposed lots do not meet the
minimum lot width and lot depth standards and must be granted a minor variance prior to
the approval of the Tentative Parcel Map.

1 3. The site for the proposed use is adequate in size, shape, topography, accessibility
2 and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

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

4 The Site contains 0.44 gross acres, is rectangular in shape, fairly level, and is bound by a
5 major arterial to the west which will be able to accommodate the proposed use. The future
6 development of the site will be reviewed by the Development Review Committee and be
required to provide on-site vehicle turn-around for the residential use taking access onto
to a major arterial to promote traffic safety.

7 4. That the site is physically suitable for the proposed density of development.

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

9 The proposed subdivision is intended to divide the existing parcel of land for future
10 development of a single family residences. The proposed density for the Project is 5.2
dwelling units per acre, which is below the maximum density of 6 dwelling units per acre as
11 designate by the General Plan. The proposed use is compatible with the zone and
surrounding uses. Therefore, the site is physically suitable to accommodate the proposed
12 density.

13 5. That the design of the land division is not likely to cause substantial environmental
damage or substantially injure fish or wildlife or their habitat.

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

15 The subject site was partially developed with an existing single family residence and
16 street improvements on a 0.44 gross acre site within an urbanized area. The proposal to
subdivide the land into two parcels will not cause environmental damage or injure fish or
wildlife or their habitat.

17 6. That the design of the land division is not likely to cause serious public health
18 problems.

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

20 The Project is consistent with the General Plan future development of the site will be
21 reviewed by the Design Review Committee (DRC) to ensure that the design of the
Project meets the City's Design Guidelines. The project is consistent with the
22 surrounding developments. No construction activities are proposed and the Project is not
expected to negatively impact any surrounding uses. As a result, the Project is not likely
23 to cause any public health problems.

24 7. That the design of the land division or proposed improvements will not conflict with
easements, acquired by the public at large, for access through or use of, property
within the proposed land division.

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

2 The Project will consist of the improvement of pedestrian and automobile traffic along
3 the street frontages. The Project does not include any public use or public access through
4 property and therefore will not conflict with easements for public access.

5 SECTION 3. TPM No. 19966 is hereby approved to allow the subdivision of one (1) parcel
6 (APN 0127-331-21) into two (2) parcels located at 1081 North Riverside Avenue within the Single
7 Family Residential (R-1B) zone.

8 SECTION 4. Based on the findings within the Initial Study, staff determined that the
9 project will not have an adverse impact on the environment and a Negative Declaration was
10 prepared. The local newspaper published a copy of the Notice of Intent to adopt the Negative
11 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
12 the project site for a public comment period held from August 13, 2018 to September 2, 2018. The
13 Negative Declaration prepared in accordance with the California Environmental Quality Act
14 (CEQA). The Planning Commission directs the Planning Division to file the necessary
15 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

16 SECTION 5. TPM No. 19966 is approved, in accordance with the plans and application on
17 file with the Planning Division, subject to the following conditions:

- 18 1. TPM No. 19966 is approved, allowing the subdivision of one 0.44 gross acre parcel
19 of land into two (2) parcels of land located at 1081 North Riverside Avenue as shown
20 on the tentative map submitted to the Planning Division on January 10, 2018, and as
21 approved by the Planning Commission, subject to all requirements of the Single
22 Family Residential (R-1B) zone. If the Conditions of Approval specified herein are
23 not satisfied or otherwise completed, the Project shall be subject to revocation.
- 24 2. City inspectors shall have access to the Site to reasonably inspect the Site during
 normal working hours to assure compliance with these conditions and other codes.
3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
 officers, or employees from any claims, damages, action, or proceeding against the
 City or its agents, officers, or employees to attack, set aside, void, or annul any
 approval of the City, its advisory agencies, appeal boards, or legislative body
 concerning TPM No. 19966. The City will promptly notify the applicant of any such
 claim, action, or proceeding against the City and will cooperate fully in the defense.

4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
5. All conditions of approval for TPM No. 19966 shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.
6. Upon development of the proposed site, the developer shall apply for an Encroachment Permit for the reconstruction of driveway approaches for all parcels. Reconstruct all residential driveway approaches in accordance with the City of Rialto Standard Drawings. The driveway approach shall be constructed so that the top of "X" is 5 feet from the property line, or as otherwise approved by the City Engineer.
7. All stormwater runoff passing through the Site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site detention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final detention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be determined by comparing the existing "pre-developed" condition and proposed "developed" condition, using the 100-year frequency storm.
8. Direct release of on-site nuisance water or storm-water runoff shall not be permitted to the adjacent public streets. Provisions for the interception of nuisance water from entering adjacent public streets from the Project Site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a storm-water runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
9. Cross lot drainage shall not be permitted. A separate water meter shall be required for each parcel. If existing water line crosses proposed parcel lines, water meter shall be relocated to prevent from crossing proposed parcel lines.
10. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Grading Plan, informing the City that they have been notified of the City's utility

1 undergrounding requirement and their intent to commence design of utility
2 undergrounding plans. When available, the utility undergrounding plan shall be
3 submitted to the City Engineer identifying all above ground facilities in the area of the
project to be undergrounded.

4 11. A Final Parcel Map shall be prepared by a California registered Land Surveyor or
5 qualified Civil Engineer and submitted to the Engineering Division for review and
6 approval. A Title Report prepared for subdivision guarantee for the subject property, the
7 traverse closures for the existing parcel and all lots created therefrom, and copies of
record documents shall be submitted with the Parcel Map to the Engineering Division as
part of the review of the Map. The Final Parcel Map shall be approved by the City
Council prior to issuance of any building permits.

8 12. Dedicate 16 additional feet of right-of-way along the entire frontage as is required per
9 the General Plan to provide ultimate right-of-way of 60 feet from centerline along
Riverside Avenue.

10 13. Approval of TPM No. 19966 shall be granted for a period of twenty-four (24) months
11 from the effective date of this resolution. An extension of time for TPM No. 19966
12 may be granted by the Planning Commission for a period or periods not to exceed a
total of thirty-six (36) months. An application for extension together with the
required fee shall be filed with the Planning Division prior to the expiration date of
TPM No. 19966.

13 SECTION 6. The Chair of the Planning Commission shall sign the passage and adoption of
14 this resolution and thereupon the same shall take effect and be in force.

15 PASSED, APPROVED AND ADOPTED this 12th day of September, 2018.

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18 _____
19 JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. **18-51** was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 12th day of September, 2018.

8 Upon motion of Planning Commissioner Al Twine, second by Commissioner Dale
9 Estvander the foregoing Resolution No. **18-51** was duly passed and adopted.
10

11 Vote on the motion:

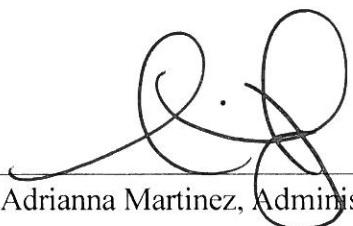
12 AYES: 7

13 NOES: 0

14 ABSENT: 0

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 12th day of September, 2018.
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Adrianna Martinez, Administrative Assistant



City of Rialto

California

September 17, 2018

Rafael Iniguez
439 West Merrill Avenue
Rialto, CA 92376

RE: Environmental Assessment Review No. 2018-0047 and Tentative Parcel Map No. 2018-0004 (TTM 19966).

Dear Mr. Iniguez:

At the Planning Commission meeting on September 12, 2018, the Commission held a public hearing for **Environmental Assessment Review No. 2018-0047 and Tentative Parcel Map No. 2018-0004 (TTM 19966)** to recommend approval to subdivide one (1) 0.44 gross acre parcel of land within the Single-Family Residential (R-1B) zone.

After consideration, the Planning Commission approved **Environmental Assessment Review No. 2018-0047 and Tentative Parcel Map No. 2018-0004 (TTM 19966)** subject to the findings and conditions contained in Resolution No. 18-50 and 18-51, copies which are attached for your reference.

If you have any questions, or if we may be of further assistance, please do not hesitate to contact this office.

Sincerely,

Daniel Rosas
Assistant Planner

DR/am

Enclosure: Resolution No. 18-50 and 18-51