



City of Rialto

Legislation Details (With Text)

File #: 18-018 **Version:** 1 **Name:**
Type: Agenda Item **Status:** Agenda Ready
File created: 1/3/2018 **In control:** Planning Commission
On agenda: 1/10/2018 **Final action:**

Title: Tentative Tract Map No. 2017-0001 (TTM 20087): A request to allow the subdivision of 4.75 gross acres of land (APNs: 0131-131-13 & -14) into eighteen (18) single-family lots and three (3) common lots. The project site is located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

Variance No. 2017-0002: A request to allow a variance from Section 18.16.030B of the Rialto Municipal Code 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 TTM 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. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Location Map, 2. Exhibit B - Agenda Report (November 29, 2017), 3. Exhibit C - 18-Lot Tentative Tract Map, 4. Exhibit D - Draft Resolution for EAR 2017-0022, 5. Exhibit E - Draft Resolution for TTM 2017-0001, 6. Exhibit F - Draft Resolution for VAR 2017-0002

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of January 10, 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 Casey, Associate Planner

Tentative Tract Map No. 2017-0001 (TTM 20087): A request to allow the subdivision of 4.75 gross acres of land (APNs: 0131-131-13 & -14) into eighteen (18) single-family lots and three (3) common lots. The project site is located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

Variance No. 2017-0002: A request to allow a variance from Section 18.16.030B of the Rialto

Municipal Code 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 TTM 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. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

APPLICANT:

Asian Pacific, Inc., 22632 Golden Springs Drive, Suite 280, Diamond Bar, CA 91765.

LOCATION:

The project site consists of two (2) parcels of land (APN: 0131-131-13 & -14) located on the east side of Linden Avenue approximately 950 feet south of Etiwanda Avenue (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

Location	Existing Land Use	Zoning
Site	Vacant	Single-Family Residential (R-1C)
North	Single-Family Residences	Single-Family Residential (R-1C)
East	Single-Family Residences	City of San Bernardino
South	Poultry Farm	Agricultural (A-1)
West	Single-Family Residences	Agricultural (A-1)

General Plan Designations

Location	General Plan Designation
Site	Residential 6 (2.1 - 6.0 dwelling units per acre)
North	Residential 6 (2.1 - 6.0 dwelling units per acre)
East	City of San Bernardino
South	Residential 2 (0.1 - 2.0 dwelling units per acre)
West	Residential 2 (0.1 - 2.0 dwelling units per acre)

Site Characteristics

The project site is a relatively flat, rectangular-shaped piece of land comprised of two (2) parcels. Together the parcels are 4.75 gross acres in size with dimensions of 630 feet (east-west) by 330 feet (north-south). The site is entirely vacant and covered by naturally occurring grasses and shrubs. The project site is bound on the west by Acacia Avenue. To the north of the project site is a single-family residential subdivision built in 1970, and to the east is another single-family residential subdivision built between 1990 to 1992. To the south is a poultry farm that sits on 3.92 acres of land, and to the west, across Acacia Avenue are several single-family residences that each sit on 1.0 acre

lots. The zoning of the project site and the properties to the north is Single-Family Residential (R-1C), and the zoning of the properties to the south and west is Agricultural (A-1). The properties to the east are located within the jurisdiction of the City of San Bernardino.

ANALYSIS/DISCUSSION:

On November 29, 2017, the Planning Commission held a public hearing for a twenty (20) single-family lot subdivision on the project site. A copy of the agenda report from the November 29, 2017 Planning Commission hearing is attached as **Exhibit B**. At the public hearing, two (2) property owners spoke in opposition to the project. The opposing property owners cited the number of homes as the primary concern. Subsequently, the Planning Commission continued the item to December 13, 2017 and requested that the applicant present a modified plan to demonstrate the maximum number of lots that could be achieved with each lot conforming to all of the lot criteria required by the R-1C zone, while maintaining the original street configuration.

Accordingly, on December 13, 2017, the applicant presented the requested tentative tract map and determined the maximum number of single-family lots to be sixteen (16), or 20% less than the original proposal. In addition, the applicant prepared a third tentative tract map (**Exhibit C**) containing eighteen (18) single-family lots as an alternative to the original proposal and the sixteen (16) lot plan. Each of the lots in the eighteen (18) lot plan meet or exceed the required minimum lot size of 7,700 square feet and the required minimum lot depth of 100 feet. The eighteen (18) lot plan also maintains the original street design with the two (2) future connection points to the south. Two (2) of the lots - Lot 17 and Lot 18 - do not meet the required minimum lot width of 70 feet, each having a width of 58 feet. However, as mentioned in the previous agenda report, the Planning Commission approved Variance No. 703 on July 30, 2014 allowing four (4) 58-foot wide lots within an R-1C subdivision that is located approximately 600 feet away from the project site. For this reason, the project is eligible for a reduction in the required minimum lot width from 70 feet to 58 feet, and, as demonstrated in the previous agenda report, the project meets all of the findings required for a variance.

After consideration, the Planning Commission passed a motion to approve the eighteen (18) lot alternative, and directed staff to revise the Resolutions of Approval for consideration on January 10, 2018. Planning Staff revised the Resolutions of Approval to reflect the eighteen (18) lot alternative, and each are attached to this report (**Exhibits D-F**).

GENERAL PLAN CONSISTENCY:

The project is consistent with the following goals of the Land Use Element of the Rialto General Plan:

Goal 2-19: Encourage neighborhood preservation, stabilization, and property maintenance.

Goal 2-21: Ensure high-quality planned developments in Rialto.

ENVIRONMENTAL IMPACT:

CEQA

The applicant engaged Lilburn Corporation to prepare an Initial Study (Environmental Assessment Review No. 2017-0022) for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). Based on the findings and recommended mitigation within the

Initial Study, staff determined that the project will not have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. Staff published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the San Bernardino Sun newspaper, and mailed copies to all property owners within 300 feet of the project site. A twenty (20) day public comment period was held from October 13, 2017 to November 1, 2017. No comment letters were received. Consequently, Planning staff determined that the Mitigated Negative Declaration prepared appropriately satisfies the requirement of CEQA.

Although the Initial Study indicates that the project could present a significant effect with respect to Biological Resources, Cultural Resources, and Transportation/Traffic, any potential impacts will be mitigated to a level of insignificance through the implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program.

No additional CEQA analysis is required for the eighteen (18) lot plan since it contains fewer lots than the twenty (20) lot plan analyzed in the Initial Study. The Mitigated Negative Declaration prepared for the project is still applicable to either of those alternate plans.

Native American Tribal Consultation (Assembly Bill 52)

In accordance with California Assembly Bill 52, the Planning Division mailed notices to six (6) Native American tribes informing them of the project and allowing them to request consultation on the project. The six (6) tribes were given thirty (30) days, from April 1, 2017 to April 30, 2017 to request consultation on the proposed project. One (1) tribe, The Gabrieleño Band of Mission Indians-Kizh Nation (Kizh Nation), requested formal consultation during the period. Planning staff conducted formal consultation with Chairman Andrew Teutimez-Salas and Matt Teutimez of the Kizh Nation on September 28, 2017. The topics discussed included a basic background of the project and the anticipated construction activities. During the consultation, Chairman Teutimez-Salas requested the ability to place a certified Native American Monitor on-site during all ground disturbance activities. The Draft Resolution of Approval for Tentative Tract Map No. 2017-0001 (TTM 20087) includes a Condition of Approval requiring the applicant to coordinate with the Kizh Nation to allow access during all ground disturbance activities.

Delhi Sands Flower-Loving Fly

According to Exhibit 4.4.2 of the Rialto General Plan Environmental Impact Report, the project site lies within potential Delhi Sands Flower-Loving Fly (DSF) habit. Powell Environmental Consultants, on behalf of the applicant, conducted surveys of the project site in 2015, 2016, and 2017, and each survey found no presence of DSF on the project site. The Draft Resolution of Approval for Tentative Tract Map No. 2017-0001 (TTM 20087) includes a Condition of Approval requiring the applicant to obtain clearance from the USFWS prior to the commencement of any ground disturbance activities on the project site.

PUBLIC NOTICE:

The City mailed notices for the November 29, 2017 Planning Commission public hearing to all property owners within 300 feet of the project site, and published the notice in the *San Bernardino Sun* newspaper as required by State law. The Planning Commission held the public hearing on November 29, 2017, closed the public hearing, and continued the item to the December 13, 2017 Planning Commission meeting. The Planning Commission reopened the public hearing on December 13, 2017, took additional public testimony, closed the public hearing, and made a motion to direct staff to prepare revised Resolutions of Approval for consideration on January 10, 2018. No

additional public notification is required for the continuance.

RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt the attached Resolution (**Exhibit D**) to approve a Mitigated Negative Declaration for the proposed project, and authorize staff to file a Notice of Determination with Clerk of the Board of Supervisors of San Bernardino County; and
- Adopt the attached Resolution (**Exhibit E**) to approve Tentative Tract Map No. 2017-0001 to allow the subdivision of 4.75 gross acres of land (APNs: 0131-131-13 & -14) into eighteen (18) single-family lots and three (3) common lots, subject to the findings and conditions therein; and
- Adopt the attached Resolution (**Exhibit F**) to approve 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, subject to the findings and conditions therein.