



# City of Rialto

## Legislation Text

File #: CC-19-817, Version: 1

For City Council Meeting [August 13, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Administrator

FROM: Robb Steel, Assistant CA/Director of Development Services

Request City Council to Set a Public Hearing for **September 10, 2019** to consider (1) **General Plan Amendment No. 2019-0001**, which is a request to change the general plan land use designation of approximately 8.74 net acres of land to Residential 12, (2) **Zone Change No. 2019-0001**, which is a request to change the zoning designation of approximately 8.74 net acres of land to Multi-Family Residential (R-3), (3) **Tentative Tract Map No. 2019-0001 (TTM 20237)**, which is a request to allow the subdivision of approximately 8.74 net acres of land into sixty (60) single-family lots and twelve (12) common lots, and (4) a Mitigated Negative Declaration (**Environmental Assessment Review No. 2019-0002**) prepared for the project, in accordance with the California Environmental Quality Act (CEQA).

### **BACKGROUND:**

#### *Applicant*

Asian Pacific, Inc., 11800 Central Avenue, Suite 115, Chino, CA 91710

#### *Location*

The project site consists of three (3) parcels of land located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue (APNs: 0131-131-13, -14, & -23) (Refer to the attached Location Map (**Exhibit A**)).

#### *Surrounding General Plan Land Use Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	Northern Parcels: Residential 6 (2.1 - 6.0 du/acre) Southern Parcel: Residential 2/Animal Overlay (0.1 - 2.0 du/acre)
North	Residential 6 (2.1 - 6.0 du/acre)
East	City of San Bernardino
South	Residential 12 (6.1 - 12.0 du/acre)
West	Residential 2/Animal Overlay (0.1 - 2.0 du/acre)

#### *Surrounding Zoning Designations*

<b>Location</b>	<b>Zoning</b>

Site	Northern Parcels: Single-Family Residential (R-1C) Southern Parcel: Agricultural (A-1)
North	Single-Family Residential (R-1C)
East	City of San Bernardino
South	Multi-Family Residential (R-3)
West	Agricultural (A-1)

*Site Characteristics*

The project site is a relatively flat, asymmetrical-shaped piece of land comprised of three (3) parcels. Altogether, the project site is approximately 9.10 gross acres (8.74 net acres) in size with approximate dimensions of 625 feet (east-west) by 660 feet (north-south). The two (2) northern parcels consist of vacant land covered by natural grasses and shrubs, while the southern parcel contains one (1) single-family residence and an abandoned poultry farm with five (5) large commercial chicken coop structures.

*Surrounding Area*

The project site is bound by an existing segment of Acacia Avenue to the west. 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 from 1990 to 1992. To the south is approximately 6.80 acres of vacant land approved for the development of fifty (50) single-family residences as a part of the Wagon Wheel residential subdivision project by R.C. Hobbs Company, Inc., and to the west, across Acacia Avenue, are several single-family residences that each sit on 1.0 acre lots.

**ANALYSIS/DISCUSSION:**

*Project Proposal*

Asian Pacific, Inc., the applicant, proposes to develop the 8.74 gross acre project site into a private (gated) residential neighborhood consisting of sixty (60) detached single-family dwelling units, private streets, recreational amenities, and landscaping. The project includes changing the general plan land use designation of project site from a mix of Residential 2 with an Animal Overlay and Residential 6 to Residential 12, changing the zoning of the project site from a mix of Agricultural (A-1) and Single-Family Residential (R-1C) to Multi-Family Residential (R-3), and the subdivision of the project site into sixty (60) single-family lots and twelve (12) common lots for the private streets, common open space, common landscaping, and stormwater detention.

*Tentative Tract Map No. 2019-0001 (TTM 20237)*

The applicant filed a tentative tract map application to subdivide the project site into sixty (60) single-family lots, one (1) private street lot, one (1) stormwater detention lot, two (2) common open space lots, and eight (8) common landscaping lots (**Exhibit B**). Lot sizes for the new single-family lots range from approximately 3,457 square feet to 5,646 square feet, with an average lot size of about 3,874 square feet. The lots have depths between 68 feet and 102 feet with an average depth of 80 feet, and widths between 47 feet and 55 feet with an average width of 48 feet.

*Density*

As proposed, the residential neighborhood will have a density of 6.86 dwelling units per acre, which is significantly less than the 12.0 dwelling units per acre maximum density allowed by the proposed Residential 12 land use designation and the R-3 zone.

### *Neighborhood Site Design*

According to the tentative tract map, the applicant will place thirty-four (34) of the single-family lots around the outer perimeter of the neighborhood and twenty-six (26) of the single-family lots within the center of the neighborhood. The neighborhood will have two (2) access points - one (1) driveway connected to Acacia Avenue in the center of the frontage that will allow full access in and out of the neighborhood and one (1) additional driveway connected to Acacia Avenue at the south end of the frontage that will provide access to emergency vehicles only. The primary access point off Acacia Avenue, known as Stanton Way from hereon, will feature significant amounts of landscaping, decorative paving, neighborhood identification signage, and gated access. Internally, Stanton Drive will connect to a thirty-six (36) foot wide private street system that will provide access throughout the project site to each of the lots. The street system includes two (2) street stubs that will terminate at the property lines of the parcels adjacent to the west of the project site. These street stubs will allow for an extension/connection to a potential development in the future.

The applicant will also place two (2) common open space lots within the neighborhood. According to the applicant's common open space plan (**Exhibit C**), these common open space lots will feature recreational amenities such as playground equipment, picnic/bbq areas, benches, and open turf areas. The first common open space lot, located near the entrance to the neighborhood, will contain 13,966 square feet of area, and the second common open space lot, located at the southeast corner of the neighborhood, will contain 10,036 square feet of area, for a total common open space area of 24,002 square feet, which slightly exceeds the minimum requirement of 24,000 square feet. Fifteen (15) dedicated parking spaces will accommodate guests of the residents, and additionally the interior private streets are wide enough to accommodate street side parking throughout the entire site. Lastly, the subdivision will also include a four (4) foot wide sidewalk on both sides of each private street to provide walkability throughout the subdivision. A Home Owner's Association will maintain the common open space and all other private common areas during the life of the development.

### *Fences and Walls*

The wall and fence plan (**Exhibit D**) indicates that the applicant will install a minimum six (6) foot high block wall around the entire outer perimeter of the neighborhood. The block wall will feature a tan split-face finish, a precision cap, and six and one-half (6.5) foot tall by sixteen (16) inch square pilasters approximately every fifty (50) linear feet, which will serve to provide relief along lengthy expanses of the fences and walls. Additionally, the applicant will install a combination of a similarly styled block walls and vinyl privacy fencing for the single-family lots depending upon visibility from a private street or common open space area.

### *Product Design*

In conjunction with the tentative map, the applicant proposes to construct one (1) single-family residence on each single-family lot for a total of sixty (60) single-family residences. The applicant has not yet submitted architectural plans to the City for review. In accordance with Section 18.61.070 of the RMC, the applicant will develop at least four (4) different floor plans, each with at least three (3) distinct elevation themes for each floor plan. Submittal of a Precise Plan of Design application for review and approval by the Development Review Committee (DRC) is required prior to construction of the project.

### *General Plan Amendment No. 2019-0001 & Zone Change No. 2019-0001*

As previously noted, the two (2) northern parcels of the project site have a General Plan land use

designation of Residential 6 and a zoning designation of Single-Family Residential (R-1C), while the southern parcel of the project site has a General Plan land use designation of Residential 2 with an Animal Overlay and a zoning designation of Agricultural (A-1). These underlying designations do not allow for the development of single-family residential projects with the lot sizes and density found within the proposed project. In order to accommodate the proposed project, the applicant filed a general plan amendment application and a zone change application to change the land use designation of the project site to Residential 12 and the zoning designation of the project site to Multi-Family Residential (R-3).

The Residential 12 land use designation and the R-3 zone are consistent with the surrounding land use designations, zoning designations, and developments. For example, as shown in the attached General Plan land use and zoning exhibits (**Exhibit E & F**), the 6.80 acres of vacant land immediately adjacent to the south of the project site contains the same land use designation of Residential 12 and the same zoning designation of R-3. The City Council also recently approved the development of fifty (50) single-family residences, with a higher density of 7.35 dwelling units per acre, on the 6.80 acres of vacant land to the south of the project site. Additionally, there is an existing single-family residential neighborhood approximately 75 feet to the northwest of the project site, known as California Knolls, which contains similar sized single-family lots and a slightly lower overall density of approximately 5.57 dwelling units per acre.

#### *Economic Development Committee*

The Economic Development Committee (EDC) reviewed the project on December 19, 2018 and again on May 15, 2019. At its first meeting, the EDC recommended that staff and the applicant conduct a neighborhood meeting to introduce the project to the surrounding public. At its second meeting, the EDC expressed support for the project, and directed the applicant to file the necessary applications.

#### *Neighborhood Meeting*

On January 24, 2019, the Planning Division held a neighborhood meeting regarding the project, as recommended by the EDC. The meeting took place at Morris Elementary School located at 1900 W. Randall Avenue in Colton, California. Staff mailed flyers (**Exhibit G**) to all ninety-three (93) property owners within 300 feet of the project site. Ten (10) residents attended the meeting. The attendance sheet and comment cards received are included as **Exhibits H & I**. The attendees expressed a mix of opposition and support for the project. The main issues of concern centered on the density of the project and the resultant increase in vehicular traffic that the project would generate. Staff and the applicant addressed the comments at the meeting by explaining that the applicant proposes a density similar to nearby residential developments, and that the applicant will prepare a traffic study, which will determine the appropriate mitigation necessary, if any, to reduce traffic impacts to a level of insignificance.

#### *Transportation Commission*

Gandini Group, Inc. prepared a project-specific Traffic Impact Analysis (TIA), dated March 11, 2019, to assess potential impacts to local streets and intersections (**Exhibit J**). The Transportation Commission reviewed and approved the TIA on April 3, 2019. The TIS indicates that the project will generate approximately 576 daily passenger car trips, with 45 AM peak hour trips and 60 PM peak hour trips. The Transportation Commission determined that the project is responsible for "fair-share" payment of approximately \$126,100 to go towards new traffic signals at the intersections of Acacia Avenue/Merrill Avenue and Sycamore Avenue/Randall Avenue as well as minor striping

improvements at the intersection of Acacia Avenue/Randall Avenue. The traffic study determined that the project will not create deficient vehicle movements at any intersection the incorporation of the recommended mitigation.

The project will complete half-width street improvements (curb, gutter, sidewalk, and street paving) along the project frontage of Acacia Avenue. Additionally, the applicant will pay development impact fees related to traffic. All street improvements and development impact fee payments must be paid and/or completed prior to occupancy.

#### *Planning Commission*

On July 31, 2019, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 2019-0001, Zone Change No. 2019-0001, Tentative Tract Map No. 2019-0001 (TTM 20237), and the associated Mitigated Negative Declaration (Environmental Assessment Review No. 2019-0002). After consideration, the Planning Commission voted 6-0 (1 Absence) to recommend approval of the project to the City Council. The staff report from the July 31, 2019 meeting and the adopted Planning Commission Resolutions are attached (**Exhibits K - O**).

#### **ENVIRONMENTAL IMPACT:**

##### *California Environmental Quality Act*

The applicant engaged Lilburn Corporation to prepare an Initial Study (Environmental Assessment Review No. 2019-0002) to assess the potential environmental impacts of the proposed project, in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study is attached to the agenda report (**Exhibit P**). 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 took place from June 20, 2019 to July 9, 2019. The Planning Division received one (1) comment letter during this period from Mr. & Mrs. Renfro residing at 758 S. Acacia Avenue.

On July 9, 2019, the Planning Division received a letter from Barbara and Jewell Renfro regarding the proposed project (**Exhibit Q**). The letter from the Renfros expressed opposition to the requested general plan amendment and zone change, and more specifically identified that the project will create a significant amount of traffic, noise, and children attending local schools. The letter also requested that the applicant prepare a traffic study during school season. The applicant submitted a response letter to the Planning Division on July 11, 2019 (**Exhibit R**). The applicant's response letter noted that the traffic study prepared for the project was done when local schools were in session and considered school traffic as part of its study. The study determined that the project will not create a significant impact related to traffic with the implementation of the recommended "fair-share" payments towards future roadway improvements. Additionally, while single-family residential developments are not typically known to generate significant amounts of noise, the project will include a six (6) foot high block wall around the entire perimeter of the project site, as required by the Rialto Municipal Code, to further reduce noise impacts. Lastly, the Planning Division engaged the Rialto Unified School District (RUSD) during the CEQA process and provided them with copies of the Initial Study and the supporting technical studies. At no point has the RUSD indicated to the

Planning Division that they do not have the capacity to service future students from the proposed project.

Although the Initial Study indicates that the project could present a significant effect with respect to Cultural Resources, Geology and Soils, Noise, Transportation and 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 (**Exhibit S**).

#### *Native American Tribal Consultation (Assembly Bill 52 and Senate Bill 18)*

In accordance with California Assembly Bill 52 and California Senate Bill 18, the Planning Division mailed notices to nine (9) Native American tribes informing them of the project and allowing them to request consultation on the project. The tribes were given ninety (90) days, from February 28, 2019 to May 28, 2019 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 Andrew Salas and Matt Teutimez of the Kizh Nation on May 9, 2019. The topics discussed included a basic background of the project and the anticipated construction activities. During the consultation, Mr. Salas and Mr. Teutimez requested the ability to allow a certified Native American Monitor on-site during all ground disturbance activities. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the includes mitigation measures requiring the applicant to coordinate with the Kizh Nation to allow access to the project site 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 2017 and 2018 (**Exhibit T**), and each survey found no presence of DSF on the project site. The Draft Resolution of Approval for Tentative Tract Map No. 2019-0001 (TTM 20237) includes a Condition of Approval requiring the applicant to obtain clearance from the US Fish and Wildlife Service prior to the commencement of any ground disturbance activities on the project site.

### **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.

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and the attached Notice of Public Hearing (**Exhibit U**).

### **FINANCIAL IMPACT:**

#### **Operating Budget Impact**

Stanley R. Hoffman Associates, Inc., prepared a Fiscal Impact Analysis for the project, dated May 24, 2019, to assess potential impacts to the City of Rialto General Fund as a result of increasing the allowable density of the project site (**Exhibit V**). The analysis estimated that the project will cost the

General Fund approximately \$280 per residential unit annually for City services rendered. To offset the operating cost to the City, the applicant will annex the project into a Community Facilities District (CFD) prior to the issuance of any building permits. The annual CFD revenue at full build-out will equal \$16,800.

Capital Improvement Budget Impact

The applicant will bear the full capital cost of construction of the project and the required infrastructure improvements. No City funds will be used to construct the project. Prior to completion of the project, the applicant will be required to pay plan check, permit, and development impact fees to the City. The applicant will pay approximately \$1,987,600 for those one-time fees, as shown in the chart below:

<i>Fee</i>	<i>Capital</i>	<i>Operating</i>	<i>Total</i>
Development Impact Fees	\$1,560,000	-	\$1,560,000
Traffic "Fair-Share" Fees	\$126,100	-	\$126,100
Building Plan Check / Permit Fees	-	\$170,000	\$170,000
Planning Fees	-	\$16,500	\$16,500
Engineering Plan Check / Permit Fees	-	\$115,000	\$115,000
<b>One Time Fee Revenues</b>	<b>\$1,686,100</b>	<b>\$301,500</b>	<b>\$1,987,600</b>

Business License

Prior to construction, the applicant will submit a contractors list to the Business License Division, and each contractor listed will obtain a business license.

**RECOMMENDATION:**

Staff recommends that the City Council Set a Public Hearing for September 10, 2019, to consider:

- Adoption of the Mitigated Negative Declaration (Environmental Assessment Review No. 2019-0002) prepared for the proposed project; and
- General Plan Amendment No. 2019-0001 to change the land use designation of approximately 8.74 net acres of land, detailed in the legal description attached as **Exhibit W**, to Residential 12; and
- Zone Change No. 2019-0001 to change the zoning designation of approximately 8.74 net acres of land, detailed in the legal description attached as **Exhibit W**, to Multi-Family Residential (R-3); and
- Tentative Tract Map No. 2019-0001 to allow the subdivision of approximately 8.74 net acres of land into sixty (60) single-family lots and twelve (12) common lots.