



# City of Rialto

## Legislation Details (With Text)

|                      |  |                      |   |                      |  |
|----------------------|--|----------------------|---|----------------------|--|
| <b>File #:</b>       | CC-19-146  | <b>Version:</b>      | 1 | <b>Name:</b>         | MC 2017-0050 (Subdivision of 32 detached Single Family lots) |
| <b>Type:</b>         | Resolution   | <b>Status:</b>       |   | <b>Status:</b>       | Adopted  |
| <b>File created:</b> | 1/23/2019  | <b>In control:</b>   |   | <b>In control:</b>   | City Council   |
| <b>On agenda:</b>    | 2/12/2019  | <b>Final action:</b> |   | <b>Final action:</b> | 2/12/2019  |
| <b>Title:</b>        | Request City Council to Conduct a Public Hearing to consider Adoption of (1) Resolution No. 7459 Approving General Plan Amendment No. 2018-0002, which is a request to change the land use designation of approximately 4.75 acres of land from Residential 6 to Residential 12, (2) Resolution No. 7460 Approving Tentative Tract Map No. 2017-0006 (TTM 20108), which is a request to allow the subdivision of approximately 4.75 acres of land into thirty-two (32) single-family lots, one common lot and stormwater retention basin, and (3) introduce for first reading Ordinance No. 1613 approving Zone Change No. 2017-0004, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75, & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1C) TO MULTI-FAMILY RESIDENTIAL (R-3)" [Reading by title only and waiving full reading thereof], and (4) Resolution No. 7461 Approving a Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0066) included for consideration in conjunction with the project.<br>(ACTION) |                      |   |                      |  |

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Power Point (City Council)- Sycamore Project, 2. Exhibit A - Location Map, 3. Exhibit B - TTM 2017-0006 (TTM 20108), 4. Exhibit C - Common Open Space Plan, 5. Exhibit D - General Plan Land Use Exhibit, 6. Exhibit E - Zoning Exhibit, 7. Exhibit F - Neighborhood Meeting Flyer, 8. Exhibit G - Neighborhood Meeting Attendance Sheet, 9. Exhibit H -Neighborhood Meeting Comment Card, 10. Exhibit I - Planning Commission Agenda Report, 11. Exhibit J - Planning Commission Resolution No. 18-60, 12. Exhibit K - Planning Commission Resolution No. 18-61, 13. Exhibit L - Planning Commission Resolution No. 18-62, 14. Exhibit M - Planning Commission Resolution No. 18-63, 15. Exhibit N - Excerpt from the 11-28-2018 PC Meeting MC 2017-0050, 16. Exhibit O - Initial Study, 17. Exhibit P - Mitigation Monitoring & Reporting Program, 18. Exhibit Q - 2017 DSF Survey Report, 19. Exhibit R - 2018 DSF Survey Report, 20. Exhibit S - Draft Resolution for EAR 2017-0066, 21. Exhibit T - Draft Resolution for GPA 2018-0002, 22. Exhibit U - Legal Description, 23. Exhibit V - Draft Ordinance for ZC 2017-0004, 24. Exhibit W - Draft Resolution for TTM 2017-0006 (TTM 20108)

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 2/12/2019 | 1    | City Council |        |        |

For City Council Meeting [February 12, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean T. Grayson, Interim City Administrator

FROM: Robb Steel, Assistant CA/Development Services Director

Request City Council to Conduct a Public Hearing to consider Adoption of (1) **Resolution No. 7459** Approving **General Plan Amendment No. 2018-0002**, which is a request to change the land use

designation of approximately 4.75 acres of land from Residential 6 to Residential 12, (2) **Resolution No. 7460** Approving ***Tentative Tract Map No. 2017-0006 (TTM 20108)***, which is a request to allow the subdivision of approximately 4.75 acres of land into thirty-two (32) single-family lots, one common lot and stormwater retention basin, and (3) introduce for first reading **Ordinance No. 1613** approving ***Zone Change No. 2017-0004***, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75, & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1C) TO MULTI-FAMILY RESIDENTIAL (R-3)” [Reading by title only and waiving full reading thereof], and (4) **Resolution No. 7461** Approving a Mitigated Negative Declaration (***Environmental Assessment Review No. 2017-0066***) included for consideration in conjunction with the project.

### **(ACTION)**

### **BACKGROUND:**

#### *Applicant*

*Asian Pacific, Inc., 22632 Golden Springs Dr., #280, Diamond Bar, CA 91765.*

#### *Location*

The project site consists of four (4) parcels of land located east of Sycamore Avenue approximately 630 feet north of Randall Avenue (APNs: 0131-111-05, -07, -75, & -76) (Refer to the attached Location Map (**Exhibit A**)).

#### *Site Characteristics*

The project site is a relatively flat, semi rectangular-shaped piece of land comprised of four (4) parcels. The parcels as a whole are approximately 4.75 gross-acres in size with approximate dimensions of 730 feet (east to west) by 330 feet (north to south). The entire project site is vacant and covered by natural grasses and shrubs. There are two existing houses fronting Sycamore Avenue, which are not part of the project site. To the north are gated town-homes and single-family residential units. To the west, south, and east are all single-family residential units. The zoning of the project site and the properties to the west and south are Single Family Residential (R-1C). The zoning of the properties to the north is Planned Residential Development-Detached (PRD-D) and the zoning of the properties to the east is Agricultural (A-1).

#### *Surrounding Land Use and Zoning*

| <b>Location</b> | <b>Existing Land Use</b>             | <b>Zoning</b>  |
|-----------------|--------------------------------------|--|
| Site            | Vacant Land                          | Single Family Residential (R-1C)   |
| North           | Gated Town-homes/Single-Family Homes | Planned Residential Development-Detached (PRD-D)/ Single Family Residential (R-1C) |
| East            | Single-Family Residences             | Agricultural (A-1)   |
| South           | Single-Family Residences             | Single Family Residential (R-1C)   |
| West            | Single-Family Residences             | Single Family Residential (R-1C)   |

#### *General Plan Designations*

| <b>Location</b> | <b>General Plan Designation</b>                   |
|-----------------|---|
| Site            | Residential 6 (2.1 - 6 du/acre)                   |
| North           | Residential 6 (2.1 - 6 du/acre)                   |
| East            | Residential 2 with Animal Overlay (0 - 2 du/acre) |
| South           | Residential 6 (2.1 - 6 du/acre)                   |
| West            | Residential 6 (2.1 - 6 du/acre)                   |

## **ANALYSIS/DISCUSSION:**

### *Tentative Tract Map No. 2017-0006 (TTM 20108)*

Asian Pacific, Inc. proposes to subdivide the project site and develop 32 detached single-family lots, one (1) common open space lot and a stormwater retention basin (**Exhibit B**). Lot sizes for the new single-family lots range from approximately 3,437 square feet to 4,058 square feet. The lots have depths between 75 feet and 76 feet, and widths between 45 feet and 53 feet. Per Section 18.16.030A of the Rialto Municipal Code, the minimum lot size allowed in the Single-Family Residential (R-1C) zone is 7,700 square feet. The request to change the zoning designation to Multi-Family Residential (R-3) zone will allow for the development of single-family residential units at a reduced lot size.

The total common open space area provided is 14,084 square feet, which exceeds the minimum requirement of 12,800 square feet. According to the Common Open Space plan (**Exhibit C**), recreational amenities consist of a tot-lot playground and picnic/bbq areas. Eight (8) 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 five (5) foot wide sidewalk on both sides of each private street to provide walkability throughout the subdivision, except adjacent to the stormwater retention basin. The subdivision is planned to be gated and enclosed with a six-foot high masonry block wall to provide exclusivity to the residents. A Home Owner's Association will maintain the common open space and all other private common areas during the life of the development.

A new private street, connected directly to Sycamore Avenue, will provide access to all 32 lots. The applicant will locate a distinctive entryway east of Sycamore Avenue. This new entryway will feature a landscaped median, decorative paving, and neighborhood identification signage. A new 36-foot wide private street system, connected directly to the Sycamore Avenue entryway, will provide access throughout the inside of the project site. The street system includes two (2) street stubs that will terminate at the property lines of the parcels to the northwest corner of the subject site. These street stubs will allow for an extension/connection to a potential development in the future.

### *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 thirty-two (32) 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 three (3) different floor plans, each with at least three (3) distinct elevation themes. Additionally, the project will require the installation of a six (6) foot high decorative masonry wall around the perimeter of the project site. 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. 2017-0003 & Zone Change No. 2017-0003*

As previously noted, the project site has a General Plan land use designation of Residential 6 (2.1 - 6 du/acre) and a zoning designation of Single-Family Residential (R-1C). Per Section 18.08.030A of the Rialto Municipal Code, the minimum lot size allowed in the R-1C zone is 7,700, while the Residential 6 general plan designation limits development of the project site to a maximum of six dwelling units per acre. Thus, the current zoning and general plan designations cannot accommodate the proposed subdivision.

In order to develop the proposed project, the developer applied for a General Plan Amendment and a Zone Change. A General Plan land use designation of Residential 12 (6.1 - 12.0 du/ac) and a zoning designation of Multi-Family Residential (R-3) are the most logical designations to accommodate the project. Although the R-3 zone is entitled "Multi-Family Residential" it does permit for the development of a single-family residential subdivision with the applicant's desired density. As a result, the applicant designed the project to comply with all of the required development standards of the R-3 zone.

The R-3 zone and the Residential 12 General Plan land use designation are consistent with the surrounding developments. For instance, there is a single-family residential subdivision on the northeast corner of Randall and Eucalyptus Avenue, also known as Pepper Ridge, which has similar sized single-family lots and a similar overall density of 7.06 dwelling units per acre. Additionally, there is another single-family residential subdivision approximately 660 feet to the northeast of the project site, also known as California Knolls, which is comprised of similar sized single-family lots and a slightly lower overall density of approximately 5.57 dwelling units per acre.

Exhibits demonstrating the existing and proposed General Plan land use designations and the zoning designations of the project site are included to the staff report as **Exhibits D & E**.

### *Economic Development Committee*

On July 25, 2018, The Economic Development Committee (EDC) reviewed the project. The EDC supported the project, subject to the incorporation of a one-story plan type when plans are submitted for the development of the project.

### *Neighborhood Meeting*

On February 15, 2018, the Planning Division held a community meeting to introduce the project to the public. The meeting took place at the Morris Elementary School located at 1900 W. Randall Avenue in Colton, California, which is southeast of the project site. Staff mailed flyers (**Exhibit F**) to all ninety-five (95) property owners within 300 feet of the project site. Five (5) members of the public attended the meeting. The attendance sheet and comment cards received are included as **Exhibits G & H**. The attendees generally reacted positively to the project. The main issues of concern centered around a potential development of an apartment complex and issues of trash dumped on the vacant land. Staff and the applicant's representatives addressed the audience's comments at the meeting by explaining that the applicant will only be developing a single-family residential product as specified on all project plans and has been taking care of any trash problem on the property. The applicant also gave the members of the public his business card to contact him, if there is any problems in the future.

### *Development Review Committee*

On August 15, 2018, the Development Review Committee (DRC) reviewed the project. The DRC recommended approval of the project. The DRC did not have any additional comments, as the

applicant was working with different departments prior to the DRC meeting, in which the plans were revised to accommodate DRC requirements.

#### *Transportation Commission*

Kunzman Associates, Inc. prepared a traffic exemption letter, dated July 30, 2018, to show that the project is below the requirements for a Traffic Impact Analysis report (TIA). The project will generate approximately 302 daily passenger car trips, with 24 AM peak hour trips and 32 PM peak hour trips. The Scoping Agreement provided that no additional study was required other than to determine the fair share contribution to the signal at Sycamore Avenue and Randall Avenue. The Transportation Commission reviewed and approved the project on November 7, 2018. Recommended conditions of approval include a fair-share payment in the amount of 13.5% (approximately \$53,800) towards the cost of a new traffic signal at the intersection of Randall Avenue and Sycamore Avenue.

#### *Planning Commission*

On November 28, 2018, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 2018-0002, Zone Change No. 2017-0004, Tentative Tract Map No. 2017-0006 (TTM 20108), and the associated Mitigated Negative Declaration (Environmental Assessment Review No. 2018-0066). After consideration, the Planning Commission voted 6-0 (One Absence) to recommend approval of the project to the City Council. The staff report from the November 28, 2018 meeting, the adopted Planning Commission Resolutions and the Planning Commission minutes are attached (**Exhibits I - N**).

#### **ENVIRONMENTAL IMPACT:**

##### *California Environmental Quality Act*

The applicant engaged Lilburn Corporation to prepare an Initial Study (Environmental Assessment Review No. 2017-0066) 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 O**). Although the Initial Study indicates that the project could present a significant effect with respect to Cultural Resources, Geology/Soils, Tribal Cultural Resources and Noise, 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 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, provided mitigation measures are implemented, 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 mandatory twenty (20) day public comment period took place from October 24, 2018 to November 12, 2018. The City received no public comment letters during the public comment period.

##### *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 twenty (20) 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 August 2, 2018 to November 2, 2018 to request consultation on the proposed project. Four (4) tribes responded to the notice; Agua Caliente Band of Cahuilla Indians, Augustine Band of Cahuilla Indians, San Manuel Band of Mission Indians and Gabrieleño Band of Mission Indians-Kizh Nation (Kizh Nation). Agua Caliente Band of Cahuilla Indians response, was to defer to other tribes, as the project site was not

within their Tribal area. Augustine Band of Cahuilla Indians and San Manuel Band of Mission Indians requested a certified Native American Monitor on-site during all ground disturbance activities and to be notified if any items are encountered. 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 August 9, 2018. 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. 2017-0006 (TTM 20108) includes Conditions of Approval requiring the applicant to coordinate with the tribes mentioned above, 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) habitat. Powell Environmental Consultants, on behalf of the applicant, conducted surveys of the project site in 2017 and 2018 (**Exhibit Q & R**), and each survey found no presence of DSF on the project site. The Draft Resolution of Approval for Tentative Tract Map No. 2017-0006 (TTM 20108) 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.

#### **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.

#### **FINANCIAL 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 \$1,233,500 for those one-time fees, as shown in the chart below:

| Fee                                | Capital     | Operating | Total       |
|------------------------------------|-------------|-----------|-------------|
| Development Impact Fees            | \$1,056,000 | -         | \$1,056,000 |
| Building Plan Check/Permit Fees    | -           | \$96,000  | \$96,000    |
| Planning Fees                      | -           | \$16,500  | \$16,500    |
| Engineering Plan Check/Permit Fees | -           | \$65,000  | \$65,000    |
| One Time Fee Revenues              | \$1,056,000 | \$177,500 | \$1,233,500 |

Fiscal impact reports for similar developments within the City projected an average annual net

operating cost of \$288 per residential unit with the Utility Tax. At stabilized occupancy, the proposed project of thirty-two (32) homes would cost the City General Fund approximately \$9,216 more per year to service than the revenues derived. Staff recommends, as a condition of approval, that the applicant pay for the preparation of an operating fiscal impact report and mitigate the impacts, if any, through the annexation into the Community Facilities District.

#### 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 conduct a Public Hearing to consider:

- Adoption of the attached Resolution (**Exhibit S**) approving the Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0066) prepared for the proposed project and authorization of staff to file a Notice of Determination with the Clerk of the Board of San Bernardino County; and
- Adoption of the attached Resolution (**Exhibit T**) approving General Plan Amendment No. 2018-0002 to change the land use designation of approximately 4.75 acres of land, described in the legal description attached as **Exhibit U**, from Residential 6 to Residential 12, subject to the findings and conditions therein; and
- Conduct the first reading of the attached Ordinance (**Exhibit V**) approving Zone Change No. 2017-0004 to change the zoning designation of approximately 4.75 acres of land, described in the legal description attached as **Exhibit U**, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3), subject to the findings and conditions therein; and
- Adoption of the attached Resolution (**Exhibit W**) approving Tentative Tract Map No. 2017-0006 (TTM 20108) to allow the subdivision of approximately 4.75 acres of land, described in the legal description attached as **Exhibit U**, into thirty-two (32) detached single-family lots, one (1) common lot and a stormwater retention basin, subject to the findings and conditions therein.