



# City of Rialto

## Legislation Text

File #: 20-0346, Version: 1

For City Council Meeting [May 12, 2020]

TO: Honorable City Council

APPROVAL: Rod Foster, City Manager

FROM: Matt Schneider, Community Development Director

Request City Council to Conduct a Public Hearing to consider Adoption of (1) **Resolution No. 7612** approving **General Plan Amendment No. 2019-0007**, which is a request to change the general plan land use designation of approximately 3.92 acres of land to Residential 6, (2) **Ordinance No. 1639** approving **Zone Change No. 2019-0005**, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2019-0005 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 8.67 ACRES OF LAND (APNS: 0131-131-13, -14, & -23) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 775 FEET NORTH OF RANDALL AVENUE FROM AGRICULTURAL (A-1) TO MULTI-FAMILY RESIDENTIAL (R-3)" [Reading by title only and waiving full reading thereof], (3) **Resolution No. 7613** approving **Tentative Tract Map No. 2019-0004 (TTM 20237)**, which is a request to allow the subdivision of approximately 8.67 acres of land into fifty-two (52) single-family lots and nine (9) common lots. **Resolution No. 7614** approving a Mitigated Negative Declaration (**Environmental Assessment Review No. 2019-0082**) is included for consideration in conjunction with the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue.

### (ACTION)

### **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 9.03 gross acres (8.67 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.

### *Prior Proposal*

The applicant previously submitted General Plan Amendment No. 2019-0001, Zone Change No. 2019-0001, and Tentative Tract Map No. 2019-0001 for the purposes of developing a private residential neighborhood consisting of sixty (60) detached single-family dwelling units, private streets, recreational amenities, and landscaping. On July 31, 2019, the Planning Commission held a public hearing and considered oral and written testimony for the project. After consideration, the Planning Commission voted 7-0 in favor of recommending approval of the project to the City Council. Subsequently, on September 24, 2019 the City Council held a public hearing and considered oral and written testimony for the project. After consideration, the City Council voted 5-0 in favor of directing staff to prepare a Resolution denying the project to be considered at the October 8, 2019 City Council meeting. In its decision, the City Council expressed concerns with the fiscal impacts of the project, the number of dwelling units proposed, the lack of lots capable of accommodating single-story product, and potential light glare from vehicle headlights that might shine directly into the windows of the existing residences across the street. The applicant chose to withdraw their applications rather than have the City Council formally adopt the Resolution denying the project and elected to revise and resubmit the project.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Asian Pacific, Inc., the applicant, filed a revised proposal to develop the 8.67-acre project site into a private (gated) residential neighborhood consisting of fifty-two (52) detached single-family dwelling units, private streets, recreational amenities, and landscaping. The project includes changing the general plan land use designation of project site's southern parcel from Residential 2 with an Animal Overlay to Residential 6, 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 fifty-two (52) single-family lots and nine (9) common lots for the private streets, common open space, common landscaping, and stormwater detention.

As described, the revised proposal contains eight (8) fewer dwelling units than previously proposed. The applicant chose to reduce the number of dwelling units to fifty-two (52) to address the City Council's concerns expressed at the September 24, 2019 public hearing and to reduce the proposed density of the project to below 6.0 dwelling units per acre thereby no longer requiring a General Plan Amendment for the project site's two (2) northern parcels, which currently envision the development of a single-family residential subdivision up to 6.0 dwelling units per acre.

### *Tentative Tract Map No. 2019-0004 (TTM 20237)*

The applicant filed a tentative tract map application to subdivide the project site into fifty-two (52) single-family lots, one (1) private street lot, one (1) stormwater detention lot, one (1) common open space lot, and six (6) common landscaping lots (**Exhibit B**). Lot sizes for the new single-family lots range from approximately 3,270 square feet to 11,532 square feet, with an average lot size of about 4,120 square feet. The lots have depths between 69.5 feet and 102 feet with an average depth of 80 feet, and widths between 47 feet and 88 feet with an average width of 49 feet.

### *Density*

As proposed, the residential neighborhood will have a density of 5.99 dwelling units per acre, which is less than the 6.0 dwelling units per acre maximum density allowed by the Residential 6 land use designation and the 21.0 dwelling units per acre allowed by the R-3 zone.

### *Neighborhood Site Design*

According to the tentative tract map, the applicant will place twenty-nine (29) of the single-family lots around the outer perimeter of the neighborhood and twenty-three (23) 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 near 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 full access driveway connected to Acacia Avenue will feature significant amounts of landscaping, decorative paving, neighborhood identification signage, and gated access. Internally, the full access driveway 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 southwest of the project site. These street stubs will allow for an extension/connection to a potential development in the future.

Of note, in the revised proposal, the applicant relocated the full access driveway six (6) feet to south to align the exit lane with an existing driveway across the street to mitigate vehicle headlights from

shining directly into the existing residences across the street as they exit the neighborhood. The applicant's revised tentative map includes a depiction of a vehicle exiting the neighborhood and the path of the vehicle's headlights. As shown in the depiction the headlights of vehicles exiting the neighborhood will not shine directly at any existing structure across the street.

The applicant will also place one (1) common open space lot within the neighborhood. According to the applicant's common open space plan (**Exhibit C**), the common open space lot will feature recreational amenities such as playground equipment, picnic/bbq areas, benches, and open turf areas. The common open space lot, located near the entrance to the neighborhood, will contain 26,550 square feet of area, which well exceeds the minimum requirement of 20,800 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. The neighborhood will also include a four (4) foot wide sidewalk on both sides of each private street to provide walkability throughout the neighborhood. Lastly, 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 fifty-two (52) 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. It is worth mentioning that the revised proposal now includes four (4) lots dedicated for a single-story product, as previously requested by the City Council. 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. 2019-0007 & Zone Change No. 2019-0005*

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). The current zoning of the entire project site and the current land use designation of the southern parcel of the project site do not allow for the development of single-family residential projects with the lot dimensions 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 southern parcel of the project site to Residential 6 and the zoning designation of the entire project site to Multi-Family Residential (R-3).

The Residential 6 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 two (2) northern parcels of the project site, the single-family residences adjacent to the north of the project site, and an existing single-family residential neighborhood approximately 75 feet to the northwest of the project site, known as California Knolls, all contain the land use designation of Residential 6 as proposed for the southern parcel of the project. California Knolls also features similar sized single-family lots with a slightly lower overall density of approximately 5.57 dwelling units per acre. Additionally, the 6.80 acres of vacant land immediately adjacent to the south of the project site contains the same zoning designation of R-3 as proposed for the entire project site. Furthermore, the City Council recently approved the development of a comparable private residential neighborhood with 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.

#### *Neighborhood Meeting*

On January 21, 2020, the Planning Division held a neighborhood meeting regarding the project. 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. Seven (7) residents attended the meeting, three (3) fewer than the Neighborhood Meeting held for the prior proposal. The attendance sheet and comment cards received are included as **Exhibits H & I**. At the meeting, Planning staff presented the revised proposal to the attendees and discussed the reduction in the number dwelling units proposed, the relocation of the driveway, and the incorporation of the single-story product. As evidenced in the comment cards, the majority of attendees believe that the density of the project needs to be further reduced, and those that attended mostly remained opposed to the project. Many of the comment cards also expressed concerns about the traffic that the project will generate, existing traffic issues in the vicinity of the project site, school capacity, and the location of the full access driveway.

#### *Economic Development Committee*

The Economic Development Committee (EDC) reviewed the project on January 29, 2020. At its meeting, the EDC expressed support for the project, and directed staff to ensure the appropriate implementation of the CFD with the \$302 per residential unit assessment.

#### *Transportation Commission*

Gandini Group, Inc. prepared a project-specific Traffic Impact Analysis (TIA), dated March 11, 2019, for the prior sixty (60) single-family lot proposal (**Exhibit J**). The TIA assessed potential impacts from the project onto local streets and local intersections. The Transportation Commission reviewed and approved the TIA on April 3, 2019. The TIA for the prior sixty (60) single-family lot proposal indicated that a project of that size will generate approximately 576 daily passenger car trips, with 45 AM peak hour trips and 60 PM peak hour trips. The TIA for the prior sixty (60) single-family lot proposal also determined that all intersections and street segments analyzed will continue to operate at an acceptable Level of Service (LOS) with the incorporation of mitigation, including a “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 reduction in dwelling units from sixty (60) to fifty-two (52) will reduce the number of daily vehicle trips that the project generates by thirteen percent (13%), which will result in an improvement to the already acceptable LOS of the intersections and street segments analyzed when compared to the prior proposal. Meanwhile, the

applicant will still provide the same “fair-share” contributions and striping improvements recommended by the TIA for the prior proposal.

Furthermore, 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 February 26, 2020, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 2019-0007, Zone Change No. 2019-0005, Tentative Tract Map No. 2019-0004 (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 February 26, 2020 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. 2019-0082) to assess the potential environmental impacts of the prior sixty (60) single-family lot proposal, in accordance with the requirements of the California Environmental Quality Act (CEQA) (**Exhibit P**). Based on the findings and recommended mitigation within the Initial Study, staff determined that the prior sixty (60) single-family lot proposal would 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 prior general plan amendment request and zone change request, 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 prior sixty (60) single-family lot proposal could have presented a significant effect with respect to Cultural Resources, Geology and Soils, Noise, Transportation and Traffic any potential impacts would be mitigated to a level of insignificance through the implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program (**Exhibit S**).

Upon revising the proposal, the applicant once again engaged Lilburn Corporation, this time to prepare a Consistency Analysis Memorandum to compare the potential environmental impacts analyzed in the prior sixty (60) single-family lot proposal to potential environmental impacts to the current fifty-two (52) single-family lot proposal (**Exhibit T**). As indicated in the Memorandum, the revisions to the project, specifically the reduction in the number of dwelling units proposed, will serve to reduce the previously determined less than significant impacts analyzed by the prior proposal even further.

#### *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 2018 and 2019 (**Exhibit U**), 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 applicant requests the approval of a General Plan Amendment to change the land use designation of the southern parcel of the project site to Residential 6 for the project to achieve consistency with the General Plan. As mentioned previously, the proposed Residential 6 land use designation for the southern parcel of the project site is consistent with the existing Residential 6 land use designation of the two (2) northern parcels of the project site, the single-family residences adjacent to the north of the project site, and the existing California Knolls single-family residential neighborhood approximately 75 feet to the northwest of the project site. Furthermore, 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, resolutions and ordinance. The City has made reasonable attempts to comply with the Brown Act and to afford interested persons their procedural due process rights at public hearings being held during the COVID-19 Emergency. However, given the Governor's suspension of certain provisions of the Brown Act (which remain untested in the courts), the necessity of complying with state and county public health orders, and the paramount need to prioritize the safety of the community, the City has informed the applicants that legal challenges based on Brown Act and due process may arise and that the applicants proceed at their own risk during the pendency of the emergency.

**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 fiscal impacts to the City of Rialto General Fund as a result of the project (**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 permit. To address the concerns raised at the September 24, 2019 City Council meeting regarding the project's fiscal impact, the applicant volunteered to increase the CFD assessment to \$302 per residential unit annually to ensure that the project will not negatively impact the General Fund. Additionally, the City's Finance Department will ensure that the funds collected from the CFD to cover the costs of services provided to the project are designated appropriately to each corresponding department budget. As identified in the Fiscal Impact Analysis prepared for the project, the Police Department will receive 39.6% of the revenues collected, the Fire Department will receive 26.4% of the revenues collected, and remainder of revenues collected will be distributed towards the various remaining departments and services as determined by the City Council.

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 \$1,779,600 for those one-time fees, as shown in the chart below:



<b><i>Fee</i></b>	<b><i>Capital</i></b>	<b><i>Operating</i></b>	<b><i>Total</i></b>
Development Impact Fees	\$1,352,000	-	\$1,352,000
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>\$1,478,100</b>	<b>\$301,500</b>	<b>\$1,779,600</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 conduct a Public Hearing to consider:

- Adoption of the attached Resolution (**Exhibit W**) approving the Mitigated Negative Declaration (Environmental Assessment Review No. 2019-0082) 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 X**) approving General Plan Amendment No. 2019-0007 to change the land use designation of approximately 3.92 acres of land, detailed in the legal description attached as **Exhibit Y**, to Residential 6, subject to the findings and conditions therein; and
- Adoption of the attached Ordinance (**Exhibit Z**) approving Zone Change No. 2019-0005 to change the zoning designation of approximately 8.67 acres of land, detailed in the legal description attached as **Exhibit AA**, to Multi-Family Residential (R-3), subject to the findings and conditions therein; and
- Adoption of the attached Resolution (**Exhibit BB**) approving Tentative Tract Map No. 2019-0004 to allow the subdivision of approximately 8.67 acres of land into fifty-two (52) single-family lots and nine (9) common lots, subject to the findings and conditions therein.