



# City of Rialto

## Legislation Text

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For the Planning Commission Meeting of December 8, 2021

TO: Honorable Chairman and Planning Commissioners  
APPROVAL: Sean M. Moore, AICP, Director of Community Development  
FROM: Dionne Harris, Senior Planner

**Precise Plan of Design No. 2021-0043:** A request to allow the development of a 204-unit apartment complex comprised of seven three-story buildings with a maximum height of 40 feet. The proposed residential units would consist of one- to three-bedroom units, ranging between 702 square feet to 1,106 square feet, configured in four buildings that contain twenty-four (24) units and three buildings that contain thirty-six (36) units. The project includes construction of a 3,210-square foot leasing office and clubhouse building, with a recreational pool and barbeque area for residential use. The pool and barbeque area would include an in-ground pool and Jacuzzi, firepits and barbeque grill areas, shaded cabanas, and pool-side lounge areas. The project site consists of 8.02± acres of land (APNs: 0133-171-07, -08, -09, and -31) located at 534 E Foothill Boulevard, which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU) zone of the Foothill Boulevard Specific Plan. A Mitigated Negative Declaration (**Environmental Assessment Review No. 2021-0045**) has been prepared for consideration in conjunction with the project.

**Variance No. 2021-0001:** A request to allow a variance from Section 18.58.060B of the Rialto Municipal Code (RMC) to reduce the minimum required parking from 459 parking spaces to 367 parking spaces, as it relates to a proposal to develop a 204-unit apartment complex on 8.02± acres of land (APNs: 0133-174-07, -08, -09, and -31) located at 534 E Foothill Boulevard, which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU) land use district of the Foothill Boulevard Specific Plan. A Mitigated Negative Declaration (**Environmental Assessment Review No. 2021-0045**) has been prepared for consideration in conjunction with the project.

**APPLICANT:**

Frontier Enterprises, LLC, 2151 E Convention Center Way Suite 222, Ontario, California 91764

**LOCATION:**

The project site consists of four (4) parcels of land located at 534 E Foothill Boulevard on the north side of the street approximately 200 feet east of Acacia Avenue (APNs: 0133-171-07, -08, -09, & -31) (Refer to the attached Location Map (**Exhibit A**)).

## **BACKGROUND:**

### *Surrounding Land Use and Zoning*

<b>Location</b>	<b>Existing Land Use</b>	<b>Zoning</b>
Site	Vacant Land	Residential-Mixed Use (R-MU)
North	Single-Family Residences	Residential-Mixed Use (R-MU) / Single-Family Residential (R-1C)
East	Apartment Complex / Used Car Dealership	Multi-Family Residential (R-3) / Residential-Mixed Use (R-MU)
South	Shopping Center	Commercial Pedestrian (C-P)
West	Single-Family Residences / Auto Repair Facility	Residential-Mixed Use (R-MU) / Commercial Pedestrian (C-P)

### *General Plan Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	Specific Plan (Foothill Boulevard SP)
North	Specific Plan (Foothill Boulevard SP) / Residential 6
East	Specific Plan (Foothill Boulevard SP) / Residential 21
South	Specific Plan (Foothill Boulevard SP)
West	Specific Plan (Foothill Boulevard SP)

### *Site Characteristics*

The project site is a relatively flat, asymmetrical-shaped piece of land comprised of four (4) parcels. The parcels are 8.02± gross acres with approximate dimensions of 689 feet (east-west) by 610 feet (north-south) at the widest extents. The property is undeveloped and covered by vegetation.

### *Surrounding Area*

To the north of the project site are several single-family residences, and to the east is a 48-unit apartment complex and a used car dealership. To the south, across Foothill Boulevard, is the Acacia Plaza shopping center comprised of several structures totaling approximately 87,500 square feet in size, and to the west are several single-family residences and an auto repair facility.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Frontier Enterprises, LLC, proposes to consolidate four (4) parcels of land into one (1) new 8.02± acre parcel and then construct a 204-unit apartment complex on the project site (**Exhibit B**). The proposed development is comprised of seven three-story residential buildings with a maximum height of 40 feet. The proposed residential units would consist of one- to three-bedroom units, ranging between 702 square feet to 1,106 square feet, configured in four buildings that contain twenty-four (24) units and three buildings that contain thirty-six (36) units. The project includes construction of a third, 3,210- square feet leasing office and clubhouse building, with a recreational pool and barbeque

area for residential use. The pool and barbeque area would include an in-ground pool and Jacuzzi, firepits and barbeque grill areas, shaded cabanas, and pool-side lounge areas.

### *Floor Plan*

The proposed residential units would consist of one- to three-bedroom units, ranging between 722 square feet to 1,132 square feet, configured in four buildings that contain 24 units and three buildings that contain 36 units. Each floor plan will have a washer and dryer, the first floor apartments will have 100 square foot balconies and the second floor and third floor apartments will have a 60 square foot balconies (**Exhibit C**).

### *Entitlement Requirements*

Per Table 3.1 (Permitted Uses) of the Foothill Boulevard Specific Plan, the establishment of 204-apartment units within the R-MU zone is permitted by right. The request to reduce parking from 2.25 to 1.8 per dwelling unit, within the R-MU zone is subject to the approval of a variance by the Planning Commission, pursuant to RMC Section 18.64.040. The applicant complied with this requirement and filed a Variance application on September 10, 2021. The application was deemed complete on November 29, 2021.

### *Lot Merger*

The applicant has filed Lot Line Adjustment No. 2021-0007 to facilitate the merger of four (4) existing parcels of land that comprise the project site into one (1) 8.02 net acre parcel of land. Pursuant to Table 3.2 (Development Standards) (R-MU) requires a minimum lot size of 10,000 square feet. The proposed parcel greatly exceeds the minimum parcel size requirement for the R-MU zone. Lot Line Adjustment No. 2021-0007 does not require Planning Commission action. The Community Development Department and Public Works Department will process Lot Line Adjustment No. 2021-0007 upon completion of the entitlement process for the applicant's Conditional Development Permit and Precise Plan of Design applications.

### *Site Layout*

In total, the project site includes eight buildings. The southern portion of the lot adjacent to Foothill Boulevard includes three. They are two residential buildings and a third building that includes the leasing office and a clubhouse. The southern portion of the site also includes a pool and Jacuzzi, firepits, an outdoor kitchen with barbeque grills and table seating, shaded cabanas, pool-side lounge areas, a tot lot playground area and a yoga lawn outside the clubhouse.

The northern portion of the site includes two residential buildings to the west and a three-building cluster on the east side. In addition, an enclosed dog park is located in the northwest corner and two additional outdoor BBQ grills and table seating are located near the three-building cluster on the east side of the project site.

Parking areas are distributed throughout the site with surface parking along the perimeter of the project site (along the west, north, and east boundaries) and the perimeter of building clusters.

The proposed site plan includes landscaping, which serve as common greenspace for residents, in and around the buildings, as well as landscaping around the perimeter of the site by designated parking areas. A variety of trees would be planted throughout the site and parking areas to provide ample shade cover. The driveway entrances include decorative pavers, and the frontage of the project site would include a landscape mesh screen, consistent with the design elements identified in

the Foothill Boulevard Specific Plan to create a distinct sense of place that is compatible with existing development in the vicinity of the project site. All of the buildings will be set back at least ten (10) feet from the property lines of any of the adjacent residential uses. Additionally, a six (6) foot high perimeter block wall, five (5) foot landscape planters, and the parking and drive-aisle areas are placed around the perimeter of the project site, serving as an additional buffer from the surrounding uses.

#### *Floor Plan*

The proposed residential units would consist of one- to three-bedroom units, ranging between 722 square feet to 1,132 square feet, configured in four buildings that contain 24 units and three buildings that contain 36 units. Each floor plan will have a washer and dryer, the first floor apartments will have 100 square foot balconies and the second floor and third floor apartments will have a 60 square foot balconies (**Exhibit C**).

#### *Architectural Design*

Each building will feature an articulated footprint through the incorporation of recessed niches on all four (4) sides of each building. All buildings will have an exterior stucco finish painted with a palette of three (3) different colors. The main wall sections and recessed wall sections will be painted a light tan, the projecting wall sections will be painted a dark tan, and the trim lines and roof lines will be painted brown. All buildings feature concrete tile roofs over all building entrances, select second floor windows and at building corners. Other key features include wrought iron accents, metal guardrail, and corbels (**Exhibit D**).

#### *Access*

The project will have two (2) points of access along Foothill Boulevard. The westerly driveway will be limited to right-in/right-out access only, while the easterly driveway will have full access through a median break and for access through the easterly driveway a traffic signal will be installed. Each driveway will connect to a drive-aisle system that loops around the interior of the property and around all the buildings. Access to the driveways will be provided via new half-width street improvements along the entire project frontage.

#### *Parking*

The Foothill Boulevard Specific Plan refers to parking space requirements as specified in the RMC. Pursuant to RMC Section 18.58.060, two parking spaces are required for each dwelling unit and one guest parking space is required for every four dwelling units. At 2.25 spaces per dwelling unit, 459 parking spaces are required for a 204-unit project. The proposed site plan includes a total of 367 parking spaces, which is ninety-two (92) spaces short (or a 20% proposed reduction) and amounts to 2.05 parking spaces per dwelling unit.

<b>Type of Use</b>	<b>Parking Ratio</b>	<b>Number of spaces</b>
Multiple-Family Residential Required Pursuant to 18.58.060		
Parking Spaces (at least 1 covered)	2 per dwelling unit	408
Guest Spaces	1 per 4 dwelling units	51
Proposed Site Plan		

Parking Spaces (includes covered spaces)	1.8 per dwelling unit	316
Guest Spaces	1 per 4 dwelling units	51
<b>Total Required/Total Provided</b>		<b>459/367</b>
<b>Proposed Reduction</b>		<b>20%</b>

### *Variance*

As described in the previous section, the project does not meet the 459 parking spaces (or 2.25 spaces per dwelling unit) required pursuant to RMC Section 18.58.060. The applicant is requesting a 20% parking reduction. Justification for the parking reduction is based on the Institute of Transportation Engineers (ITE) Parking Generation Manual 5<sup>th</sup> Edition, which surveyed 62 sites with an average parking supply of 1.7 spaces per unit. Based on the survey the weekday peak parking demand for multifamily developments was determined to be 1.31 spaces per unit.

The purpose of a Variance is to provide flexibility to prevent practical difficulties or unnecessary hardships that occur through the strict enforcement of development standards. However, the following findings from Section 18.64.020 of the RMC must be made prior to Planning Commission approval of the Variance.

1. That there are exceptional circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district.

*The City requires on-site retention of stormwater. Due to the size, slope, and location of the site, a large retention basin is required. Due to the high demand for multi-family residential in the City, the applicant elected to not reduce the total number of dwelling units to accommodate the retention basin and the applicant is requesting a reduction in parking instead.*

2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant as possessed by other property owners in the same vicinity and district.

*Developing a residentially zoned property for residential purposes in a manner consistent with allowed densities is a substantial property right. Given that a large retention basin is required, reduction of parking is necessary for the applicant to preserve and enjoy that right.*

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

*According to the survey conducted by the ITE, multi-family development peak weekday parking demand is 1.3 parking spaces per dwelling unit. At 1.8 parking spaces per dwelling unit, as proposed, the project will supply sufficient parking. Moreover, the development is well designed and will not be unsightly or otherwise injurious to the property or improvements in the vicinity or detrimental to public welfare.*

4. That the granting of such variance will not adversely affect the master plan.

*Granting the variance will facilitate the development of a high-quality apartment complex in keeping with General Plan Land Use Element Goal 2-20, which directs the City to “Require high-quality multi-unit design, landscaping, and architecture.”*

#### *Landscaping*

The landscape coverage for the project is 18.1 percent, which greatly exceeds the minimum required amount of 5.0 percent. The landscape setback will feature undulating berms and an abundant amount of trees, shrubs, and ground cover (**Exhibit E**).

#### *Floor Area Ratio*

Per Table 3.2 (Development Standards) of the Foothill Boulevard Specific Plan, the maximum allowable Floor Area Ratio (FAR) for an R-MU project site is 4.0 or 400%. The FAR for the proposed project is 0.66 or 66%, which is far below the maximum allowed.

#### *Economic Development Committee*

The *Economic Development Committee* (EDC) reviewed the project on June 23, 2021. The project was presented by the applicant, Frontier Enterprises, showing conceptual plans for the 204-unit apartment complex. The presentation included several examples of apartment projects in the Inland Empire that provided an average of 1.72 parking spaces per dwelling unit on average. The EDC considered the presentation, including the necessary reduction in parking spaces, and recommended approval of the project.

#### *Transportation Commission*

Urban Crossroads Associates, Inc. prepared a traffic study for the project, dated August 13, 2021. The study assessed potential impacts to local streets and intersections. The Transportation Commission reviewed and approved the traffic study on November 3, 2021. A total of 1,110 daily Passenger Car Equivalent (PCE) trips are anticipated, with 73 AM peak hour trips and 90 PM peak hour trips. The traffic study determined that the project is responsible for “fair-share” payments towards improvements at the intersections of Riverside Avenue and Foothill Boulevard and Sycamore Avenue and Foothill Boulevard. While the intersection of the Project’s easterly driveway & Foothill Boulevard is anticipated to operate at an unacceptable LOS during EAPC (2024) conditions

and is warranted for a traffic signal under Existing (2021) conditions, installing a traffic signal or additional lane improvements beyond those to be implemented by the Project, have not been recommended. Installing a traffic signal would improve the intersection to an acceptable LOS and it would serve both the Project as well as the existing commercial retail property to the south, but it is important to note that the deficiency of the intersection is entirely caused by the high side street delays of vehicles waiting to turn onto Foothill Boulevard at the Project easterly driveway (Driveway 2) and the southern property's driveway. The through traffic on Foothill Boulevard will not be affected under EAPC (2024) traffic conditions and as delays increase, traffic at these locations may opt to utilize a different driveway (and will operate with acceptable LOS).

Upon approval of the traffic study, the Transportation Commission conditioned the applicant to install a raised median and a traffic signal within Foothill Boulevard from Acacia Avenue to the east end of the project site prior to the issuance of a Certificate of Occupancy. As identified in the Foothill Boulevard Specific Plan, a median break will be provided at the easterly driveway. This median break and traffic signal will continue to provide full access movements to and from the Acacia Plaza shopping center and for access through the easterly driveway a traffic signal will be installed (**Exhibit F**).

Half-width street improvements, previously noted, and payment of development impact fees related to traffic are also required. All street improvements and "fair-share" payments, as established by the traffic study, must be paid and/or completed prior to occupancy.

#### *Land Use Compatibility*

The project is consistent with the R-MU zone of the Foothill Boulevard Specific Plan and the surrounding land uses. The most sensitive uses near the project site are the single-family residences to the north and west of the project site. The project is not expected to negatively impact any uses since measures, such as landscape buffering, increased setbacks, and the installation of solid walls, will be implemented. The project is anticipated to be a benefit to the community and an improvement to the surrounding area. Upon completion of the project, the site will be enhanced aesthetically with new structures and landscaping that comply with the City's Design Guidelines.

#### **GENERAL PLAN CONSISTENCY:**

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

**Goal 2-16:** Improve the architectural and design quality of development in Rialto.

**Goal 2-20:** Require high-quality multi-unit design, landscaping, and architecture.

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

#### **ENVIRONMENTAL IMPACT:**

Lilburn Corporation prepared an Initial Study (Environmental Assessment Review No. 2021-0045) for 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 G**). 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. A Notice of

Intent to adopt the Mitigated Negative Declaration for the project was published in the San Bernardino Sun newspaper and mailed to all property owners within 660 feet of the project site. A twenty (20) day public comment period was held from November 10, 2021, to November 29, 2021. The Planning Division did not receive any public comment letters during the twenty (20) day public comment period.

Additionally, in accordance with California Assembly Bill 52, notices were mailed 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 October 4, 2021, to November 4, 2021, to request consultation on the proposed project. One (1) letter was received from the Gabrieleño Band of Mission Indians-Kizh Nation. In the letter, the Kizh Nation requested the ability to place a certified Native American Monitor on-site during all ground disturbing activities. A Condition of Approval is included within the Draft Resolution of Approval for Precise Plan of Design No. 2021-0043 and Variance No. 2021-0001 requiring the applicant to coordinate with the Gabrieleño Band of Mission Indians-Kizh Nation to allow access during all ground disturbance activities. The Gabrieleño Band of Mission Indians-Kizh Nation was informed of the Condition of Approval, to which their response indicated satisfaction.

Although the Initial Study indicates that the project could present a significant effect with respect to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Noise, 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 (**Exhibit H**).

### **PUBLIC NOTICE:**

Public hearing notices for the proposed project were mailed to all property owners within 660 feet of the project site, and the public hearing notice was published in the San Bernardino Sun newspaper as required by State law.

### **RECOMMENDATION:**

It is recommended that the Planning Commission:

- Adopt the attached Resolution (**Exhibit I**) to approve the Mitigated Negative Declaration 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 the attached Resolution (**Exhibit J**) to approve Precise Plan of Design No. 2021-0043 to allow the development of 204-unit apartment complex comprised of seven three-story buildings with a maximum height of 40 feet and a 3,210-square foot leasing office and clubhouse building, with a recreational pool and barbeque area subject to the findings and conditions therein; and
- Adopt the attached Resolution (**Exhibit K**) to approve Variance No. 2021-0001 to allow a 20% parking reduction from the required 459 parking spaces to 367 parking spaces subject to the findings and conditions therein.