

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting - Final

Wednesday, September 14, 2016

6:00 PM

Planning Commission

*Jerry Gutierrez Chair
John Peukert Vice Chair
Pauline Tidler Commissioner
Dale Estvander Commissioner
Artist Gilbert Commissioner
Al Twine Commissioner
Frank Gonzalez Commissioner
Pam Lee Asst. City Attorney
Gina Gibson Planning Manager
Angela Morales Commission Secretary*

Call To Order

Pledge of Allegiance

Roll Call

Chair Jerry Gutierrez, Vice-Chair John Peukert, Artist Gilbert, Al Twine, Dale Estvander, Pauline Tidler, Frank Gonzalez

Oral Communications from the Audience on items not on the Agenda

Planning Commission Minutes

Minutes from the August 31, 2016 Planning Commission meeting will be considered at the September 28, 2016 meeting.

Public Hearings

[16-642](#)

General Plan Amendment No. 15-05: A request to change the general plan land use designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Zone Change No. 334: A request to change the zoning designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Conditional Development Permit No. 798: A request to allow the development of a sixty-eight (68) unit apartment complex on 4.67 gross-acres of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Attachments:

[Exhibit A - Location Map](#)

[Exhibit B - Draft Resolution Recommending Denial of GPA No. 15-05](#)

[Exhibit C - Draft Resolution Recommending Denial of ZC No. 334](#)

[Exhibit D - Draft Resolution Recommending Denial of CDP No. 798](#)

[Exhibit E - Agenda Report from August 31, 2016](#)

[16-643](#)

General Plan Amendment No. 15-02: A request to change the general plan land use designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

Zone Change No. 333: A request to change the zoning designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet east of Base Line Road from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project

Conditional Development Permit No. 800: A request to allow the development of an eighty-four (84) unit apartment complex on 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

Attachments:[Exhibit A - Location Map](#)[Exhibit B - Draft Resolution Recommending Denial of GPA No. 15-05](#)[Exhibit C - Draft Resolution Recommending Denial of ZC No. 333](#)[Exhibit D - Draft Resolution Recommending Denial of CDP No. 800](#)[Exhibit E - Agenda Report from August 31, 2016](#)**Action Items****Planning Division Comments**

Next meeting: September 28, 2016

Planning Commission Comments**Adjournment**



Legislation Text

File #: 16-642, **Version:** 1

For the Planning Commission Meeting of September 14, 2016

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson, Planning Manager
FROM: Daniel Casey, Associate Planner

General Plan Amendment No. 15-05: A request to change the general plan land use designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Zone Change No. 334: A request to change the zoning designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Conditional Development Permit No. 798: A request to allow the development of a sixty-eight (68) unit apartment complex on 4.67 gross-acres of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

APPLICANT:

Emaar Enterprise, 998 S. Teakwood Avenue, Bloomington, CA 92316.

LOCATION:

The entire project site consists of two (2) parcels of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

On August 31, 2016, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 15-05, Zone Change No. 334, and Conditional

Development Permit No. 798. After consideration, the Planning Commission voted unanimously to recommend denial of General Plan Amendment No. 15-05, Zone Change No. 334, and Conditional Development Permit No. 798. The Planning Commission must adopt the attached Resolutions of Denial (**Exhibits B-D**) to complete the action taken at the August 31, 2016 hearing.

ANALYSIS/DISCUSSION:

See attached staff report from August 31, 2016 (**Exhibit E**).

GENERAL PLAN CONSISTENCY:

The project is not consistent with the following goal of the Land Use Element of the Rialto General Plan:

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

ENVIRONMENTAL IMPACT:

The Planning Commission denied General Plan Amendment No. 15-05, Zone Change No. 334, and Conditional Development Permit No. 798, and therefore no environmental determination is necessary.

PUBLIC NOTICE:

For the public hearing held on August 31, 2016, the City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt the attached resolution (**Exhibit B**) recommending denial of General Plan Amendment No. 15-05 subject to the findings and conditions therein; and
- Adopt the attached resolution (**Exhibit C**) recommending denial of Zone Change No. 334 subject to the findings and conditions therein; and
- Adopt the attached resolution (**Exhibit D**) recommending denial of Conditional Development Permit No. 798 subject to the findings and conditions therein.



Project Location Map



1 WHEREAS, on August 31, 2016, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on GPA No. 15-05, ZC No. 334,
3 and CDP No. 798, took testimony, at which time it received input from staff, the city attorney,
4 and the applicant; heard public testimony; discussed GPA No. 15-05, ZC No. 334, and CDP No.
5 798; and closed the public hearing; and

6 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

7 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
8 Rialto as follows:

9 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
10 forth in the recitals above of this Resolution are true and correct and incorporated herein.

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to GPA No. 15-05, including written staff reports, verbal
13 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
14 Commission hereby determines that GPA No. 15-05 does not satisfy the requirements of
15 Government Code Sections 65358 pertaining to the findings which must be made precedent to
16 amending a General Plan. The findings are as follows:

- 17
18 1. That the proposed General Plan Amendment is *not* in the public interest.

19 *This finding is supported by the following facts:*

20 The Project is incompatible with the surrounding land uses. The land immediately adjacent
21 to the south and west of the Site contains a land use designation of Residential 6 and one-
22 story single-family residences. Lands approximately 400 feet to the northwest contain a
23 land use designation of Residential 2 and one-story single-family residences. The
24 applicant's request will increase the allowable density of the Site by three and one-half (3 ½)
25 times and will allow the development of structures above one-story on the Site. This
26 particular type of development and land use is inconsistent with the existing character of the
27 area. Additionally, an increase in the allowable density will, by default, increase traffic,
28 exacerbate parking problems, and contribute to adverse secondary effects such as crime in
the area. For these reasons, the Project will not be in the public interest.

1 WHEREAS, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the
2 Planning Commission shall hold a public hearing for a proposed amendment to an adopted
3 specific plan and forward a recommendation to the City Council for action; and

4 WHEREAS, on August 31, 2016, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on ZC No. 334, GPA No. 15-05,
6 and CDP No. 798, took testimony, at which time it received input from staff, the city attorney,
7 and the applicant; heard public testimony; discussed ZC No. 334, GPA No. 15-05, and CDP No.
8 798; and closed the public hearing; and

9 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

10 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
11 Rialto as follows:

12 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
13 forth in the recitals above of this Resolution are true and correct and incorporated herein.

14 SECTION 2. Based on substantial evidence presented to the Planning Commission during
15 the public hearing conducted with regard to ZC No. 334, including written staff reports, verbal
16 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
17 Commission hereby determines that ZC No. 334 does not satisfy the requirements of Section
18 18.06.030 of the Rialto Municipal Code pertaining to the findings which must be made precedent to
19 adopting a zone change. The findings are as follows:

- 20
21 1. That the proposed zone change is *not* consistent with the General Plan of the City of
22 Rialto; and

23 *This finding is supported by the following facts:*

24 The Project is not consistent with Goal 2-8 of the Land Use Element of the General Plan,
25 which requires the Planning Commission and City Council to “Preserve and improve
26 established residential neighborhoods in Rialto.” The surrounding area is primarily
27 developed with one-story single-family residences. The Project would allow for the
28 development of a multi-story multi-family development on the Site, which is out of
character with the surrounding area. The Project, if completed, will create an extreme
change in scale between structures. Therefore, the proposed zone change is not consistent
with the General Plan.

1 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
2 Rialto as follows:

3 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
4 forth in the recitals above of this Resolution are true and correct and incorporated herein.

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to CDP No. 798, including written staff reports, verbal
7 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that CDP No. 798 does not satisfy the requirements of Section
9 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to
10 granting a conditional development permit. The findings are as follows:

- 11 1. The proposed use is *not* deemed essential or desirable to provide a service or facility
12 which will contribute to the convenience or general well-being of the neighborhood
13 or community; and

14 *This finding is supported by the following facts:*

15 The Project is not deemed essential or desirable. The development of the Project will
16 increase the allowable density of the Site and alter the character of the area. Additionally,
17 multi-family developments, such as the Project, are known to create significant increases in
18 traffic, parking problems, and adverse secondary effects such as crime.

- 19 2. The proposed use *will be* detrimental or injurious to health, safety, or general welfare
20 of persons residing or working in the vicinity; and

21 *This finding is supported by the following facts:*

22 The Project will be detrimental to the surrounding land uses. The land immediately adjacent
23 to the south and west of the Site contains a land use designation of Residential 6 and one-
24 story single-family residences. Lands approximately 400 feet to the northwest contain a
25 land use designation of Residential 2 and one-story single-family residences. The
26 applicant's request will increase the allowable density of the Site by three and one-half (3 ½)
27 times and will allow the development of structures above one-story on the Site. This
28 particular type of development and land use is inconsistent with the existing character of the
area. Additionally, an increase in the allowable density will, by default, increase traffic,
exacerbate parking problems, and contribute to secondary adverse effects such as crime in
the area. For these reasons, the Project will be detrimental to the surrounding area.

- 1 3. The site for the proposed use is adequate in size, shape, topography, accessibility
2 and other physical characteristics to accommodate the proposed use in a manner
3 compatible with existing land uses; and

4 *This finding is supported by the following facts:*

5 The Site contains 4.67 gross acres, is rectangular, fairly level, and adjacent to two (2) public
6 streets, all of which will be able to accommodate the proposed development. The Project
7 will have two (2) points of access – one (1) via Randall Avenue and one (1) via Alice
8 Avenue, the latter being restricted to emergency access only.

- 9 4. The site has adequate access to those utilities and other services required for the
10 proposed use; and

11 *This finding is supported by the following facts:*

12 The Site will have adequate access to all utilities and services required through main water,
13 electric, sewer, and other utility lines that will be hooked up to the Site.

- 14 5. The proposed use will **not** be arranged, designed, constructed, and maintained so as
15 it will not be injurious to property or improvements in the vicinity or otherwise be
16 inharmonious with the General Plan and its objectives, or any zoning ordinances,
17 and

18 *This finding is supported by the following facts:*

19 The Project proposes the development of two-story multi-unit buildings throughout the site.
20 All of the surrounding properties contain one-story single-family residences. As arranged,
21 the Project will sacrifice the privacy and seclusion familiar to the adjacent property owners.
22 Additionally, the project contains only one (1) entrance and exit, thereby requiring the
23 occupants of all sixty-eight (68) units to utilize Randall Avenue to access the Site. This will
24 result in a significant increase in vehicular traffic on Randall Avenue.

- 25 6. Any potential adverse effects upon the surrounding properties **will not** be minimized
26 to every extent practical and the adverse effects **will** outweigh the benefits conferred
27 upon the community or neighborhood as a whole.

28 *This finding is supported by the following facts:*

 Multi-Family developments, such as the Project, are known to contribute to increases in
 traffic, parking problems, and adverse secondary effects such as crime. The increase in
 services that will be required to preserve the current traffic flows and crime levels in the area
 will far outweigh any contribution provided by the Project. The Project will also likely
 lower the property values of the single-family residences in the area, as living adjacent to or
 near a multi-family development is generally not desirable. The benefits conferred upon the
 community by the Project will not outweigh the adverse effects.

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SECTION 3. The Planning Commission hereby recommends denial of CDP No. 798 to allow the development of a sixty-eight (68) unit apartment complex on 4.67 gross acres of land located on the south side of Randall Avenue approximately 300 feet south of Willow Avenue (APNs: 0132-031-13 & -14).

SECTION 4. The Chairman of the Planning Commission shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 14th day of September, 2016.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION



Legislation Text

File #: 16-604, Version: 1

For the Planning Commission Meeting of August 31, 2016

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson, Planning Manager
FROM: Daniel Casey, Associate Planner

General Plan Amendment No. 15-05: A request to change the general plan land use designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Zone Change No. 334: A request to change the zoning designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

Conditional Development Permit No. 798: A request to allow the development of a sixty-eight (68) unit apartment complex on 4.67 gross-acres of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-70) has been prepared for consideration in conjunction with the project.

APPLICANT:

Emaar Enterprise, 998 S. Teakwood Avenue, Bloomington, CA 92316.

LOCATION:

The entire project site consists of two (2) parcels of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

Location	Existing Land Use	Zoning
Site	Two (2) Single-Family Residences	Single-Family Residential (R-1C)
North	Milor High School	Agricultural (A-1)
East	One (1) Single Family Residence	Multi-Family Residential (R-3)
South	Single Family Residences	Single-Family Residential (R-1C)
West	Single Family Residences	Single-Family Residential (R-1C)

General Plan Designations

Location	General Plan Designation
Site	Residential 6 (2.1-6 dwelling units per acre)
North	School Facility
East	Residential 21 (12.1-21.0 dwelling units per acre)
South	Residential 6 (2.1-6 dwelling units per acre)
West	Residential 6 (2.1-6 dwelling units per acre)

Site Characteristics

The project site is a relatively flat, rectangular-shaped piece of land comprised of two parcels. The parcels as a whole are approximately 4.67 gross acres in size with approximate dimensions of 330 feet (east-west) by 630 feet (north-south). The majority of the project site is undeveloped and covered by natural grasses, shrubs and a few trees. However, two single-family residences are located within the northern portion of the project site.

The project site is bound on the north by Randall Avenue. To the north, across Randall Avenue, is Milor High School, and to the east is a 1,200 square foot single-family residence. To the south and west, the project site is surrounded by several single-family residences. The current zoning of the project site and the properties to the south and west is Single-Family Residential (R-1C). The zoning of the property to the north is Agricultural (A-1), and the zoning of the property to the east is Multi-Family Residential (R-3).

ANALYSIS/DISCUSSION:

General

Emaar Enterprise proposes to develop a market-rate apartment complex on the project site. According to the applicant’s site plan (**Exhibit B**), the complex will be comprised of eight (8) buildings containing sixty-eight (68) dwelling units, one (1) leasing office, and one (1) recreation facility. The proposed density of the project is 14.56 dwelling units per acre. The complex will feature four (4) 8,536 square foot two-story buildings each containing eight (8) units, and three (3) 13,384 square foot two-story buildings each containing twelve (12) units. In addition to the residential buildings, the complex will also contain a 540 square foot leasing office and a 1,508 square foot recreation building. The combined floor area of all buildings will be 76,344 square feet.

The floor plans (**Exhibit C**) indicate that the complex will have a mix of unit types - 50 two

bedroom/two bathroom apartments (1,065-1,110 square feet) and 18 three bedroom/two bathroom apartments (1,120 square feet). Each unit will additionally contain living areas, a kitchen, laundry equipment, storage closets, and a private patio.

Site Layout

In accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the project has been designed so that the buildings and landscaping dominate the street scene, as opposed to parking. Two buildings are shown placed at the required front building setback. Between these buildings is a noteworthy drive-entrance containing decorative paving and a landscaped median. The remaining buildings are located within the center of the project site, surrounded by a drive-aisle, which loops around the inside of the project site. Spread throughout the center of the complex, between buildings, is 48,311 square feet of common open space. According to the site plan, the common open space will include a community pool, two tot-lots, and a recreation building.

Additionally, residents and guests will have access to 161 parking spaces, of which 80 parking spaces will be underneath carports. Sidewalks throughout the development will connect buildings and allow residents to walk completely around the complex. Finally, the complex will be gated and enclosed with a six-foot high decorative masonry wall to provide exclusivity and security to the residents.

Architectural Design

Each building will feature an articulated footprint through the incorporation of projected elements and 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 (**Exhibit D**). The main walls will have a two-tone color scheme consisting of a medium brown along the base and off-white above, while the projected elements will feature a contrasting dark tan color. Other key features of the buildings include concrete tile roofing, foam molding, wood shutters, and generous amounts of stone veneer. Each apartment building will be two (2) stories in height, with a maximum building height of twenty-seven (27) feet.

Access

An existing portion of Randall Avenue will provide access to the new apartment complex. A new distinctive driveway, featuring a landscaped median, decorative paving, and signage, will be located within the center of the project site street frontage. An additional access point will be provided at the south end of the project site, which will connect to Alice Avenue. This particular access point will be restricted to emergency access only.

Parking

The development will have 161 parking spaces. These quantities meet the minimum parking requirement as shown in the parking calculation chart below and as required under Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code:

Type of Use	Floor Area (square feet)	Parking Ratio	Number of spaces required
<u>Multiple-Family Residential</u>			

Parking Spaces (Covered Included)	N/A	2 / 1 dwelling unit	136
Guest Spaces	N/A	1 / 4 dwelling units	17
<u>Office</u>	550	1 / 250	3
Total Required/Total Provided			156/161

Landscaping

The landscape coverage for the project is 28.0 percent, which exceeds the minimum required amount of 10.0 percent. This includes a thirty-five (35) foot wide landscape setback adjacent to the public right-of-way along Randall Avenue, as well as a fifteen (15) foot landscape planter along the rear property line and five (5) planters along both side property lines. The landscape planters will feature undulating berms, twenty-four (24) inch box trees every thirty (30) feet, and an abundant amount of shrubs and ground cover.

General Plan Amendment No. 15-05 & Zone Change No. 334

As previously noted, the project site has a General Plan land use designation of Residential 6 (2.1 - 6.0 du/acre) and a zoning designation of Single-Family Residential (R-1C). Per Section 18.10.020 of the Rialto Municipal Code, multi-family residential apartment complexes are not permitted within the R-1C zone, while the Residential 6 general plan designation limits development of the project site to a maximum of six (6) dwelling units per acre. Thus, the current general plan land use designation and the current zoning designation cannot accommodate the density of the proposed subdivision.

In order to develop the proposed project, the developer has applied for a Zone Change and a General Plan Amendment. A General Plan land use designation of Residential 21 (12.1 - 21.0 du/ac) and a zoning designation of Multi-Family Residential (R-3) are the most logical designations to accommodate the project. These designations can allow the desired density while maintaining consistency with the character of the surrounding area.

The R-3 zone and the Residential 12 General Plan land use designation are consistent with the surrounding land use designations and several of the surrounding developments. For instance, the land immediately adjacent to the east of the project site is similarly zoned R-3 and contains a Residential 21 general plan designation. Additionally, Autumn Ridge Apartments, a 140-unit apartment complex, is located immediately adjacent to the southeast corner of the project site, and Spring Creek Apartments, a 78-unit apartment complex, is located approximately 650 feet to the southeast of the project site.

Exhibits demonstrating the existing and proposed General Plan land use designations and the zoning designations of the project site are attached to the staff report as **Exhibits E-H**.

Economic Development Committee

The Economic Development Committee (EDC) reviewed the project on September 23, 2015. The EDC supported the project, and instructed the applicant to file all necessary entitlement applications.

Development Review Committee

The Development Review Committee (DRC) reviewed the project on January 13, 2016. The DRC recommended approval of the project subject to the applicant revising the design. The DRC required revisions included enhanced articulation, incorporation of additional colors, and an enhancement of the project entrance. All of the DRC's revisions have been incorporated into the project plans.

Transportation Commission

A traffic study was prepared for the project by Mizuta Traffic Consulting, dated May 15, 2016, to assess potential impacts to local streets and intersections. The Transportation Commission reviewed and approved the traffic study on July 6, 2016. A total of 453 daily passenger car trips are anticipated, with 35 AM peak hour trips and 43 PM peak hour trips. The traffic study determined that the project will not result in any reduction to the level of service of any local streets beyond acceptable levels and no significant traffic impact will occur with development of the project.

Fiscal Analysis

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 \$2,169,700 for those one-time fees, as shown in the chart below:

Fee	Capital	Operating	Total
<i>Development Impact Fees</i>	\$2,040,000	-	\$2,040,000
<i>Building Plan Check / Permit Fees</i>	-	\$75,000	\$75,000
<i>Planning Fees</i>	-	\$14,700	\$14,700
<i>Engineering Plan Check / Permit Fees</i>	-	\$40,000	\$40,000
One Time Fee Revenues	\$2,040,000	\$129,700	\$2,169,700

According to Fiscal Impact Analysis reports prepared for similar developments with the City, the project will place an annual net operating cost of approximately \$508 per residential unit with the Utility Tax in effect and approximately \$844 per residential unit without the Utility Tax on the City. Prior to the issuance of any building permits, the applicant will be required to prepare a Fiscal Impact Analysis report to determine the actual net operating cost of the project on the City. Based upon the results of the report, the applicant will either annex the project into a Community Facilities District or pay a Municipal Services Fee to offset the operating cost.

GENERAL PLAN CONSISTENCY:

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

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

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

ENVIRONMENTAL IMPACT:

Under contract with the Applicant, Kinsinger Environmental Consulting prepared an Initial Study (Environmental Assessment Review No. 15-70) for the project 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 I**). 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 prepared a Mitigated Negative Declaration. The City published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the *San Bernardino Sun* newspaper, and mailed it to all property owners within 300 feet of the project site. A twenty (20) day public comment period was held from July 29, 2016 to August 17, 2016. The City did not receive any public comments regarding the Initial Study during the required twenty (20) day review period.

Additionally, in accordance with California Assembly Bill 52 and California Senate Bill 18, the City mailed notices to twelve (12) Native American tribes informing them of the project and allowing them opportunity to request consultation on the project. The Gabrieleño Band of Mission Indians-Kizh Nation submitted a letter. In the letter, the Kizh Nation requested the ability to place a certified Native American Monitor on-site during all ground disturbance activities. Staff included a Condition of Approval within the Draft Resolution of Approval for Conditional Development Permit No. 798 requiring to the applicant to coordinate with the Kizh Nation to allow access during all ground disturbance activities. Staff informed the Kizh Nation 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 Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities, implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program will mitigate any potential impacts to a level of insignificance (**Exhibit J**).

PUBLIC NOTICE:

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

RECOMMENDATION:

It is recommended that the Planning Commission:

- Forward to the City Council a recommendation to adopt a Mitigated Negative Declaration for the proposed project and authorize staff to file the attached Notice of Determination (**Exhibit K**) with the Clerk of the Board of San Bernardino County; and
- Adopt a resolution (**Exhibit L**) forwarding to the City Council a recommendation to approve General Plan Amendment No. 15-05 to change the land use designation of approximately 4.67 gross acres of land, detailed in the legal description attached as **Exhibit M**, from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre) subject to the findings and conditions

therein; and

- Adopt a resolution (**Exhibit N**) forwarding to the City Council a recommendation to approve Zone Change No. 334 to change the zoning designation of approximately 4.67 gross acres of land, detailed in the legal description attached as **Exhibit M**, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3) subject to the findings and conditions therein; and
- Adopt a resolution (**Exhibit O**) forwarding to the City Council a recommendation to approve Conditional Development Permit No. 798 allowing the development of a sixty-eight (68) unit apartment complex on approximately 4.67 gross acres of land (APNs: 0132-031-13 & -14), subject to the findings and conditions therein.



Legislation Text

File #: 16-643, Version: 1

For the Planning Commission Meeting of September 14, 2016

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson, Planning Manager
FROM: Daniel Casey, Associate Planner

General Plan Amendment No. 15-02: A request to change the general plan land use designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

Zone Change No. 333: A request to change the zoning designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet east of Base Line Road from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project

Conditional Development Permit No. 800: A request to allow the development of an eighty-four (84) unit apartment complex on 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

APPLICANT:

BM Investments, Inc., 440 N. Mountain Avenue, #224, Upland, CA 91786.

LOCATION:

The project site consists of one (1) parcel of land located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road (APN: 0127-281-01) (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

On August 31, 2016, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 15-02, Zone Change No. 333, and Conditional

Development Permit No. 800. After consideration, the Planning Commission voted 5-1 (1 abstention) to recommend denial of General Plan Amendment No. 15-02, Zone Change No. 333, and Conditional Development Permit No. 800. The Planning Commission must adopt the attached Resolutions of Denial (**Exhibits B-D**) to complete the action taken at the August 31, 2016 hearing.

ANALYSIS/DISCUSSION:

See attached staff report from August 31, 2016 (**Exhibit E**).

GENERAL PLAN CONSISTENCY:

The project is not consistent with the following goal of the Land Use Element of the Rialto General Plan:

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

ENVIRONMENTAL IMPACT:

The Planning Commission denied General Plan Amendment No. 15-02, Zone Change No. 333, and Conditional Development Permit No. 800, and therefore no environmental determination is necessary.

PUBLIC NOTICE:

For the public hearing held on August 31, 2016, the City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

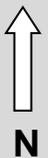
RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt the attached resolution (**Exhibit B**) recommending denial of General Plan Amendment No. 15-02 subject to the findings and conditions therein; and
- Adopt the attached resolution (**Exhibit C**) recommending denial of Zone Change No. 333 subject to the findings and conditions therein; and
- Adopt the attached resolution (**Exhibit D**) recommending denial of Conditional Development Permit No. 800 subject to the findings and conditions therein.



Project Location Map



1 WHEREAS, on August 31, 2016, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on GPA No. 15-02, ZC No. 333,
3 and CDP No. 800, took testimony, at which time it received input from staff, the city attorney,
4 and the applicant; heard public testimony; discussed GPA No. 15-02, ZC No. 333, and CDP No.
5 800; and closed the public hearing; and

6 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

7 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
8 Rialto as follows:

9 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
10 forth in the recitals above of this Resolution are true and correct and incorporated herein.

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to GPA No. 15-02, including written staff reports, verbal
13 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
14 Commission hereby determines that GPA No. 15-02 does not satisfy the requirements of
15 Government Code Sections 65358 pertaining to the findings which must be made precedent to
16 amending a General Plan. The findings are as follows:

- 17
18 1. That the proposed General Plan Amendment is *not* in the public interest.

19 *This finding is supported by the following facts:*

20 The Project is incompatible with the surrounding land uses. The land immediately adjacent
21 to the north, east, and west of the Site contains a land use designation of Residential 6.
22 Additionally, the lands immediately adjacent to the north, east, and west of the Site are
23 developed into single-family subdivisions in character with the Residential 6 designation.
24 The applicant's request will increase the allowable density of the Site by three and one-half
25 (3 ½) times and will allow the development of structures as high as three-stories on the Site.
26 This particular type of development and land use is inconsistent with the existing character
27 of the area. Additionally, an increase in the allowable density will, by default, increase
28 traffic, exacerbate parking problems, and contribute to adverse secondary effects such as
crime in the area. For these reasons, the Project will not be in the public interest.

1 WHEREAS, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the
2 Planning Commission shall hold a public hearing for a proposed amendment to an adopted
3 specific plan and forward a recommendation to the City Council for action; and

4 WHEREAS, on August 31, 2016, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on ZC No. 333, GPA No. 15-02,
6 and CDP No. 800, took testimony, at which time it received input from staff, the city attorney,
7 and the applicant; heard public testimony; discussed ZC No. 333, GPA No. 15-02, and CDP No.
8 800; and closed the public hearing; and

9 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

10 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
11 Rialto as follows:

12 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
13 forth in the recitals above of this Resolution are true and correct and incorporated herein.

14 SECTION 2. Based on substantial evidence presented to the Planning Commission during
15 the public hearing conducted with regard to ZC No. 333, including written staff reports, verbal
16 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
17 Commission hereby determines that ZC No. 333 does not satisfy the requirements of Section
18 18.06.030 of the Rialto Municipal Code pertaining to the findings which must be made precedent to
19 adopting a zone change. The findings are as follows:

- 20
21 1. That the proposed zone change is *not* consistent with the General Plan of the City of
22 Rialto; and

23 *This finding is supported by the following facts:*

24 The Project is not consistent with Goal 2-8 of the Land Use Element of the General Plan,
25 which requires the Planning Commission and City Council to “Preserve and improve
26 established residential neighborhoods in Rialto.” The surrounding area is primarily
27 developed with single-family residences. The Project would allow for the development of a
28 three-story multi-family development on the Site, which is out of character with the
surrounding area. The Project, if completed, will create an extreme change in scale between
structures. Therefore, the proposed zone change is not consistent with the General Plan.

1 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
2 Rialto as follows:

3 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
4 forth in the recitals above of this Resolution are true and correct and incorporated herein.

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to CDP No. 800, including written staff reports, verbal
7 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that CDP No. 800 does not satisfy the requirements of Section
9 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to
10 granting a conditional development permit. The findings are as follows:

- 11 1. The proposed use is *not* deemed essential or desirable to provide a service or facility
12 which will contribute to the convenience or general well-being of the neighborhood
13 or community; and

14 *This finding is supported by the following facts:*

15 The Project is not deemed essential or desirable. The development of the Project will
16 increase the allowable density of the Site and alter the character of the area. Additionally,
17 multi-family developments, such as the Project, are known to create significant increases in
18 traffic, parking problems, and adverse secondary effects such as crime.

- 19 2. The proposed use *will be* detrimental or injurious to health, safety, or general welfare
20 of persons residing or working in the vicinity; and

21 *This finding is supported by the following facts:*

22 The Project is incompatible with the surrounding land uses. The land immediately adjacent
23 to the north, east, and west of the Site contains a land use designation of Residential 6.
24 Additionally, the lands immediately adjacent to the north, east, and west of the Site are
25 developed into single-family subdivisions in character with the Residential 6 designation.
26 The applicant's request will increase the allowable density of the Site by three and one-half
27 (3 ½) times and will allow the development of structures as high as three-stories on the Site.
28 This particular type of development and land use is inconsistent with the existing character
of the area. Additionally, an increase in the allowable density will, by default, increase
traffic, exacerbate parking problems, and contribute to adverse secondary effects such as
crime in the area. For these reasons, the Project will be detrimental to the surrounding area.

- 1 3. The site for the proposed use is adequate in size, shape, topography, accessibility
2 and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

3 *This finding is supported by the following facts:*

4 The Site contains 4.65 gross acres, is rectangular, fairly level, and adjacent to one (1) public
5 street, which will be able to accommodate the proposed development. The Project will have
6 two (2) points of access along Cactus Avenue, one of which will be restricted to emergency
access only.

- 7 4. The site has adequate access to those utilities and other services required for the
8 proposed use; and

9 *This finding is supported by the following facts:*

10 The Site will not have adequate access to all utilities and services required through main
11 water, electric, sewer, and other utility lines that will be hooked up to the Site.

- 12 5. The proposed use will **not** be arranged, designed, constructed, and maintained so as
13 it will not be injurious to property or improvements in the vicinity or otherwise be
14 inharmonious with the General Plan and its objectives, the Renaissance Specific
Plan, or any zoning ordinances, and

15 *This finding is supported by the following facts:*

16 The Project proposes the development of two and three-story multi-unit buildings
17 throughout the site. All of the surrounding properties contain one or two-story single-family
18 residences. As arranged, the Project will sacrifice the privacy and seclusion familiar to the
19 adjacent property owners. Additionally, the project contains only one (1) entrance and exit,
20 thereby requiring the occupants of all eighty-four (84) units to utilize Cactus Avenue to
access the Site. This will result in a significant increase in vehicular traffic on Randall
Avenue.

21 Overall, the project can be characterized as a high-quality multi-family development.

- 22 6. Any potential adverse effects upon the surrounding properties **will not** be minimized
23 to every extent practical and the adverse effects **will** outweigh by the benefits
24 conferred upon the community or neighborhood as a whole.

25 *This finding is supported by the following facts:*

26 Multi-Family developments, such as the Project, are known to contribute to increases in
27 traffic, parking problems, and adverse secondary effects such as crime. The increase in
28 services that will be required to preserve the current traffic flows and crime levels in the area
will far outweigh any contribution provided by the Project. The Project will also likely

1 lower the property values of the single-family residences in the area, as living adjacent to or
2 near a multi-family development is generally not desirable. The benefits conferred upon the
community by the Project will not outweigh the adverse effects.

3 SECTION 3. The Planning Commission hereby recommends denial of CDP No. 800 to
4 allow the development of an eight-four (84) unit apartment complex on 4.65 gross acres of land
5 located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road (APN:
6 0127-281-01).
7

8 SECTION 4. The Chairman of the Planning Commission shall sign the passage and
9 adoption of this resolution and thereupon the same shall take effect and be in force.

10 PASSED, APPROVED AND ADOPTED this 14th day of September, 2016.
11

12
13 _____
14 JERRY GUTIERREZ, CHAIR
15 CITY OF RIALTO PLANNING COMMISSION
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Legislation Text

File #: 16-605, Version: 1

For the Planning Commission Meeting of August 31, 2016

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson, Planning Manager
FROM: Daniel Casey, Associate Planner

General Plan Amendment No. 15-02: A request to change the general plan land use designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

Zone Change No. 333: A request to change the zoning designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet east of Base Line Road from Single-Family Residential (R-1C) to Multi-Family Residential (R-3). A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project

Conditional Development Permit No. 800: A request to allow the development of an eighty-four (84) unit apartment complex on 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road. A Mitigated Negative Declaration (Environmental Assessment Review No. 15-60) has been prepared for consideration in conjunction with the project.

APPLICANT:

BM Investments, Inc., 440 N. Mountain Avenue, #224, Upland, CA 91786.

LOCATION:

The project site consists of one (1) parcel of land located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road (APN: 0127-281-01) (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

Location	Existing Land Use	Zoning
Site	Vacant	Single-Family Residential (R-1C)
North	Single-Family Residences	Multi-Family Residential (R-3)
East	Single-Family Residences	Single-Family Residential (R-1C)
South	Various Commercial Developments	Neighborhood Commercial (C-1)
West	Single Family Residences	Single-Family Residential (R-CL)

General Plan Designations

Location	General Plan Designation
Site	Residential 6 (2.1-6 dwelling units per acre)
North	Residential 6 (2.1-6 dwelling units per acre)
East	Residential 6 (2.1-6 dwelling units per acre)
South	Community Commercial
West	Residential 6 (2.1-6 dwelling units per acre)

Site Characteristics

The project site is a relatively flat, rectangular-shaped piece of land comprised of one parcel. The parcel is approximately 4.65 gross-acres in size with approximate dimensions of 607 feet (east-west) by 333 feet (north-south). The entire the project site is vacant and covered by natural grasses and shrubs, though it did previously contain one single-family residence that was recently demolished.

The project site is bound on the west by Cactus Avenue. The project site is surrounded on the north, east, and west, across Cactus Avenue, by single-family residential subdivisions. To the south are several commercial developments including a 7-Eleven gas station, a 4,898 square foot multi-tenant retail building, an 8,580 square foot multi-tenant retail building, a 1,938 square foot fast-food restaurant, and a 6,635 square foot day-care facility. The zoning of the project site and the properties to the east is Single-Family Residential (R-1C). The zoning of the properties to the north is Multi-Family Residential (R-3), the zoning of the properties to the south is Neighborhood Commercial (C-1), and the zoning of the property to the west is Single-Family Residential (R-CL) within the Rialto Airport Specific Plan.

ANALYSIS/DISCUSSION:

General

BM Investments, Inc. proposes to develop a market-rate apartment complex on the project site. According to the applicant’s site plan (**Exhibit B**), the complex will be comprised of eight (8) buildings containing eighty-four (84) dwelling units and one (1) manager/recreation building. The proposed density of the project is 18.42 dwelling units per acre. The complex will feature six (6) 15,651 square foot two-story buildings each containing nine (9) units and two (2) 24,178 square foot three-story buildings each containing fifteen (15) units. In addition to the residential buildings, the complex will also contain a 1,711 square foot manager/recreation building. The combined floor area of all buildings will be 143,973 square feet.

The floor plans (**Exhibit C**) indicate that the complex will have a mix of unit types - 14 one-bedroom apartments (710-860 square feet), 38 two-bedroom apartments (948-1,200 square feet), 20 three-bedroom apartments (1,072-1,164 square feet), and 12 four bedroom apartments (1,278 square feet). Each unit will additionally contain living areas, a kitchen, laundry equipment, storage closets, and a private patio.

Site Layout

In accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the project has been designed so that the buildings and landscaping dominate the street scene, as opposed to parking. Two buildings are shown placed at the required front building setback. Between these buildings is a noteworthy drive-entrance containing decorative paving and a landscaped median. The remaining buildings are located within the center of the project site, surrounded by a drive-aisle which loops around the inside of the project site. It should be noted, that the buildings nearest the single-family residences to the north and east are all two-story in size, as opposed to three-story. The three-story buildings are shown adjacent to the commercial developments located to the south. This configuration will ensure that the scale of the buildings is consistent with that of the adjacent residences. Additionally, spread throughout the center of the complex, between buildings, is 34,115 square feet of common open space. According to the site plan, the common open space will include a community pool, a tot-lot, and a recreation building.

Additionally, residents and guests will have access to 201 parking spaces, of which 134 parking spaces will be within enclosed garages. Sidewalks throughout the development will connect the buildings and allow residents to walk throughout the complex. Finally, the complex will be gated and enclosed with a six foot high decorative masonry wall to provide exclusivity and security to the residents.

Architectural Design

The exterior of all buildings is consistent with a Mediterranean multi-family architectural style (**Exhibit D**). Each building will feature an articulated footprint through the incorporation of projected elements and recessed niches on all four (4) sides of each building. All buildings will have an exterior stucco finish painted in a light tan color. Other key features of the buildings include concrete tile roofing, foam molding, and exposed rafter tails. The apartment buildings will vary in height from two (2) stories to three (3) stories, with a maximum building height of thirty-five (35) feet.

Access

An existing portion of Cactus Avenue will provide access to the new apartment complex. A new distinctive driveway, featuring a landscaped median, decorative paving, and signage, will be located within the center of the project site street frontage. An additional access point will be provided at the southerly end of the Cactus Avenue frontage. This particular access point will be restricted to emergency access only.

Parking

The development will have 201 parking spaces. These quantities meet the minimum parking requirement as shown in the parking calculation chart below and as required under Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code:

Type of Use	Floor Area (square feet)	Parking Ratio	Number of spaces required
Multiple-Family Residential			
Parking Spaces (Covered Included)	N/A	2 / 1 dwelling unit	168
Guest Spaces	N/A	1 / 4 dwelling units	21
<u>Office</u>	404	1 / 250	2
Total Required/Total Provided			191/201

Landscaping

The landscape coverage for the project is 24.9 percent, which exceeds the minimum required amount of 10.0 percent. This includes a thirty-five (35) foot wide landscape setback adjacent to the public right-of-way along Cactus Avenue, as well as a fifteen (15) foot landscape planter along the rear property line and five (5) planters along both side property lines. The landscape planters will feature undulating berms, twenty-four (24) inch box trees every thirty (30) feet, and an abundant amount of shrubs and ground cover.

General Plan Amendment No. 15-02 & Zone Change No. 333

As previously noted, the project site has a General Plan land use designation of Residential 6 (2.1 - 6.0 du/acre) and a zoning designation of Single-Family Residential (R-1C). Per Section 18.10.020 of the Rialto Municipal Code, multi-family residential apartment complexes are not permitted within the R-1C zone, while the Residential 6 general plan designation limits development of the project site to a maximum of six (6) dwelling units per acre. Thus, the current general plan land use designation and the current zoning designation cannot accommodate the density of the proposed subdivision.

In order to develop the proposed project, the developer has applied for a Zone Change and a General Plan Amendment. A General Plan land use designation of Residential 21 (12.1 - 21.0 du/ac) and a zoning designation of Multi-Family Residential (R-3) are the most logical designations to accommodate the project. These designations can allow the desired density and provide for a quality multi-family development.

The R-3 zone and the Residential 21 General Plan land use designation are consistent with the surrounding land use designations and some developments in the nearby area. For example, the land immediately adjacent to the north and northwest of the project site is similarly zoned R-3, although it does have an inconsistent Residential 6 land use designation and is developed with single-family residences. Meanwhile, nearby at the southeast corner of Cactus Avenue and Base Line Road there is approximately 31.8 acres of land with a Residential 21 designation, although most of this land is a part of the Elm Park single-family subdivision. Several large apartment complexes exist in the nearby area including Willow Village, a 100-unit apartment complex located approximately 1,050 east of the project site, Cactus Grove Apartments a 53-unit apartment complex is located approximately 1,300 feet directly south of the project site, and Bella Vista Apartments, a 50-unit apartment complex located approximately 1,300 feet to the southeast of the project site.

The project site is fully surrounded by developed land, and it has remained historically undeveloped, notwithstanding the one residence that previously occupied the site. Given the dimensions of the project site, at most 16 single-family lots could be created under the current R-1C zoning. An R-1C single-family residential subdivision is not a viable option for the project site in today's market, which favors small lot, clustered developments, or multi-family developments.

Exhibits demonstrating the existing and proposed General Plan land use designations and the zoning designations of the project site are attached to the staff report as **Exhibits E-H**.

Economic Development Committee

The Economic Development Committee (EDC) reviewed the project on October 21, 2016. The EDC supported the project, but instructed the applicant and staff to conduct a public meeting to introduce the surrounding area to the project. Staff subsequently held a public meeting for the project at the Rialto United Methodist Church on November 12, 2015.

Development Review Committee

The Development Review Committee (DRC) reviewed the project on January 13, 2016. The DRC recommended approval of the project subject to the applicant revising the design. The DRC required revisions to the building heights, building setbacks, drive-aisle widths, and the incorporation of additional architectural features. All of the DRC's revisions have been incorporated into the project plans.

Community Meeting

On November 12, 2015, the applicant and the Planning Division conducted a meeting to introduce the project to all property owners within 660 feet of the project site. The City mailed notices to 276 property owners inviting each of them to attend the meeting. The City held the meeting at Rialto United Methodist Church located at 1230 N. Lilac Avenue. Seven (7) groups of residents attended the meeting (**Exhibit I**) with one (1) providing written comments about the project (**Exhibit J**). The main topics discussed were the building heights, buffering and setbacks between the neighboring residences, affordable versus market-rate housing, and pest control during construction. Generally, the City answered each question to the attendee's satisfaction.

Fiscal Analysis

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 \$2,667,200 for those one-time fees, as shown in the chart below:

Fee	Capital	Operating	Total
Development Impact Fees	\$2,520,000	-	\$2,040,000
Building Plan Check / Permit Fees	-	\$92,500	\$92,500
Planning Fees	-	\$14,700	\$14,700
Engineering Plan Check / Permit Fees	-	\$40,000	\$40,000

One Time Fee Revenues	\$2,520,000	\$147,200	\$2,667,200
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According to Fiscal Impact Analysis reports prepared for similar developments within the City, the project will place an annual net operating cost of approximately \$508 per residential unit with the Utility Tax in effect and approximately \$844 per residential unit without the Utility Tax on the City. Prior to the issuance of any building permits, the applicant will be required to prepare a Fiscal Impact Analysis report to determine the actual net operating cost of the project on the City. Based upon the results of the report, the applicant will either annex the project into a Community Facilities District or pay a Municipal Services Fee to offset the operating cost.

GENERAL PLAN CONSISTENCY:

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

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

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

ENVIRONMENTAL IMPACT:

The Planning Division prepared an Initial Study (Environmental Assessment Review No. 15-60) for the project 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 K**). 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 prepared a Mitigated Negative Declaration. The City published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the *San Bernardino Sun* newspaper, and mailed it to all property owners within 660 feet of the project site. A twenty (20) day public comment period extended from July 29, 2016 to August 17, 2016. The City received no public comments regarding the Initial Study during the required twenty (20) day review period.

Additionally, in accordance with California Assembly Bill 52 and California Senate Bill 18, the City mailed notices to twelve (12) Native American tribes informing them of the project and allowing them opportunity to request consultation on the project. The Gabrieleño Band of Mission Indians-Kizh Nation submitted a letter. In the letter, the Kizh Nation requested the ability to place a certified Native American Monitor on-site during all ground disturbance activities. The City staff included a Condition of Approval within the Draft Resolution of Approval for Conditional Development Permit No. 800 requiring to the applicant to coordinate with the Kizh Nation to allow access during all ground disturbance activities. The City informed Kizh Nation 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 Gases, and Noise, implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program will mitigate any potential impacts to a level of insignificance (**Exhibit L**).

PUBLIC NOTICE:

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

RECOMMENDATION:

It is recommended that the Planning Commission:

- Forward to the City Council a recommendation to adopt a Mitigated Negative Declaration for the proposed project and authorize staff to file the attached Notice of Determination (**Exhibit M**) with the Clerk of the Board of San Bernardino County; and
- Adopt a resolution (**Exhibit N**) forwarding to the City Council a recommendation to approve General Plan Amendment No. 15-02 to change the land use designation of approximately 4.65 gross acres of land, detailed in the legal description attached as **Exhibit O**, from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre) subject to the findings and conditions therein; and
- Adopt a resolution (**Exhibit P**) forwarding to the City Council a recommendation to approve Zone Change No. 333 to change the zoning designation of approximately 4.67 gross acres of land, detailed in the legal description attached as **Exhibit O**, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3) subject to the findings and conditions therein; and
- Adopt a resolution (**Exhibit Q**) forwarding to the City Council a recommendation to approve Conditional Development Permit No. 800 allowing the development of an eighty-four (84) unit apartment complex on approximately 4.65 gross acres of land (APN: 0127-281-01), subject to the findings and conditions therein.