
FINDINGS: Policy Plan Amendment, Zoning Amendment, Tentative Tract Map, and Conditional Use Permit

A POLICY PLAN AMENDMENT TO AMEND THE LAND USE CATEGORY DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND ZONING AMENDMENT TO AMEND THE LAND USE ZONING DISTRICT DESIGNATION FROM SINGLE RESIDENTIAL (RS) TO MULTIPLE RESIDENTIAL (RM) ON TWO PARCELS TOTALING 4.85 ACRES, TOGETHER WITH TENTATIVE TRACT MAP NO. 20727 TO SUBDIVIDE TWO PARCELS INTO 68 LOTS FOR CONDOMINIUM DEVELOPMENT AND A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 68-UNIT CONDOMINIUM COMPLEX WITH ASSOCIATED COMMUNITY AMENITIES AND INFRASTRUCTURE (COLLECTIVELY THE PROJECT), LOCATED AT 8428 BANANA AVENUE, FONTANA; 2ND SUPERVISORIAL DISTRICT; APN 0230-031-67 AND 0230-031-68 (PROJECT SITE)

Findings for Policy Plan Amendment and Zoning Amendment

In accordance with Section 86.12.060(a) of the San Bernardino County Development Code (Development Code), the following findings are made in the affirmative in support of the Project's Policy Plan Amendment and Zoning Amendment (collectively the Proposed Amendment):

1. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE RESPECTIVE PLAN, THE POLICY PLAN OR AN APPLICABLE SPECIFIC PLAN.

Table 2 of the Planning Commission Staff Report entitled "Policy Plan Consistency" is incorporated by reference as supporting facts of the Proposed Amendment's consistency with the goals and policies of the Policy Plan. The Proposed Amendment will facilitate the proposed Project which is consistent with the development standards of Medium Density Residential land uses established in the Countywide Plan's Policy Plan. Medium Density Residential land uses are required to have a development density of 5 to 20 dwelling units per acre (du/ac). The Project proposed a density of approximately 14 du/ac.

2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY.

The Proposed Amendment does not propose any uses or actions which would diminish or remove County resources, including those which have public interest, promote health, and provide safety, convenience, or welfare to the County. The Proposed Amendment will facilitate the proposed Project which has been determined to be in the best interest of the public and will not be detrimental to the public health, safety, convenience, or welfare of the County.

3. THE PROPOSED AMENDMENT IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED.

The Proposed Amendment would facilitate the Proposed Project and allow for greater housing stock within the County, providing additional housing opportunities for County residents.

Additionally, the increased housing stock would assist with the County's ability to meet its Regional Housing Needs Assessment projections.

4. THE PROPOSED AMENDMENT WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA.

The Proposed Amendment would expand the existing land uses immediately adjacent to the site without creating land use islands or implementing spot zoning. The extension of the higher density to the Project Site is a logical extension of the existing land use pattern.

5. THE PROPOSED AMENDMENT DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE.

The Proposed Amendment is consistent with the development standards of Multiple Residential zones established in the Development Code. Multiple Residential zones are required to have a minimum density of 11 du/ac. The Project proposed a density of approximately 14 du/ac. Additionally, the site meets the minimum parcel size requirements and development standards identified in Table 82-8A and Table 82-9A of the Development Code.

6. THE PROPOSED AMENDMENT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY.

The Proposed Amendment would expand the existing land uses immediately adjacent to the site without creating land use islands or implementing spot zoning. The potential impacts of the Proposed Amendment was analyzed, together with the implementing Project, as part of the County's preparation of an Initial Study/Mitigated Negative Declaration (MND). The MND concludes that the Project will not have a substantial impact with the implementation of feasible mitigation measures. Reasonable conditions of approval have been adopted to ensure the Project will not have a substantial adverse effect on surrounding property.

7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.

The Project site is bounded by three roadways: Seville Avenue, Banana Avenue, and Buena Vista Drive. Additionally, proposed improvements in the site include two points of access with one on Buena Vista Drive and another on Banana Avenue. Accordingly, the Project as conditioned is suitable to ensure that the development would not endanger, jeopardize, or otherwise constitute a hazard to properties in the vicinity of the Project.

FINDINGS FOR TENTATIVE MAPS (Development Code Section 87.02.060(a)(1))

In accordance with Section 87.02.060(a) of the Development Code, the following findings are made in the affirmative in order to approve the Project's Tentative Tract Map:

1. THE PROPOSED MAP, SUBDIVISION DESIGN, AND IMPROVEMENTS ARE CONSISTENT WITH THE POLICY PLAN, ANY APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN.

The proposed Project is consistent with the goals, policies, and development standards of the Countywide Plan's Policy Plan and Development Code. Table 2 of the Planning Commission Staff Report entitled "Policy Plan Consistency" is incorporated by reference as supporting facts of the Project's consistency with the goals and policies of the Policy Plan. No community or specific plans have been established for the site.

2. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND PROPOSED DENSITY OF DEVELOPMENT.

The subject property is largely vacant and undeveloped with a single residential structure and two storage structures on the eastern side. The subject property is bound on the north by Seville Avenue, on the east by Banana Avenue, and on the west by Buena Vista Drive and would maintain public access to both Banana Avenue, and Buena Vista Drive. The site would allow for adequate access and spacing for the proposed structures.

3. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The subject property does not contain sensitive species noted by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service. Furthermore, a MND was prepared for the Project which concluded that the implementation of the Tentative Tract Map would not create a significant impact which could not be reduced through mitigation.

4. THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.

The Tentative Tract Map would not alter the surrounding area in a manner that would create additional hazards or impede emergency services in the vicinity of the Project. The Project includes two points of access into the site designed to be suitable for emergency vehicle ingress and egress.

5. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The Project would be implemented on a parcel which does not currently contain access easements. The subject property is bound on the north by Seville Avenue, on the east by Banana Avenue, and on the west by Buena Vista Drive and would maintain public access to both Banana Avenue, and Buena Vista Drive.

6. THE DISCHARGE OF SEWAGE FROM THE PROPOSED SUBDIVISION INTO THE COMMUNITY SEWER SYSTEM WILL NOT RESULT IN VIOLATION OF EXISTING REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD.

The Project does not propose uses which would directly or intentionally discharge sewage or wastewater in a manner that would result in a violation of wastewater effluent regulations.

7. THE DESIGN OF THE SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The subdivision would allow for the development of modern condominium structures along with internal Heating, Ventilation, and Air Conditioning (HVAC) system. Additionally, the Project includes the provision of shaded outdoor structures and balconies for residents and guests which provide passive cooling locations throughout the site.

8. THE PROPOSED SUBDIVISION, ITS DESIGN, DENSITY, AND TYPE OF DEVELOPMENT AND IMPROVEMENTS CONFORMS TO THE REGULATIONS OF THIS DEVELOPMENT CODE AND THE REGULATIONS OF ANY PUBLIC AGENCY HAVING JURISDICTION BY LAW.

The proposed Project would facilitate the creation of 68 condominium lots on a 4.85-acre parcel with amended Medium Density Residential land use and Multiple Residential zoning designations. Medium Density Residential land uses are required to have a development density of 5 to 20 dwelling units per acre (du/ac) and Multiple Residential zones are required to have a minimum density of 11 du/ac. The Project proposed a density of approximately 14 du/ac meeting both the requirements of the Countywide Plan's Policy Plan and the Development Code. Additionally, the site meets the minimum parcel size requirements and development standards identified in Table 82-8A and Table 82-9A of the Development Code.

FINDINGS FOR CONDITIONAL USE PERMIT (Development Code Section 85.06.040(a))

In accordance with Section 85.06.040(a) of the Development Code, the following findings are made in the affirmative in order to approve the Project's Conditional Use Permit:

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The proposed Project would occupy the entirety of the subject parcel on previously unimproved surfaces. Existing improvements currently occupying the proposed structure area include a single family residential and two storage structures as well as a driveway and irrigation system. The Project has been designed to include walls, open space, and landscaping as required by the Development Code. This includes required amenities for multiple family residential projects listed in Development Code Section 84.16.070(b)(4). Additionally, the site meets the minimum parcel size requirements and development standards identified in Table 82-8A and Table 82-9A of the Development Code.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The subject property is bound on the north by Seville Avenue, on the east by Banana Avenue, and on the west by Buena Vista Drive and would maintain public access to both Banana Avenue, and Buena Vista Drive. The Project includes two points of access into the site designed to be suitable for emergency vehicle ingress and egress.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY,

WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE. IN ADDITION, THE USE WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS.

The proposed use would not generate disturbances which would affect nearby properties. The nature and design of the Project would not inhibit future potential for residential solar energy uses on the site.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE POLICY PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

5. The proposed Project is consistent with the goals, policies, and development standards of the Countywide Plan's Policy Plan and Development Code. Table 2 of the Planning Commission Staff Report entitled "Policy Plan Consistency" is incorporated by reference as supporting facts of the Project's consistency with the goals and policies of the Policy Plan. No community or specific plans have been established for the site. **THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.**

The proposed Project would be accommodated by the existing water, sewer, electrical, and telecommunication infrastructure of the area.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

This facility was reviewed and conditioned by various County agencies and divisions to ensure compliance with County development standards. Therefore, the conditions stated in the approval are deemed necessary to protect public health, safety, and general welfare.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The proposed Project was designed in a manner to not interfere with the future ability of the property owner to install a solar energy system. The project would not impede the development of solar energy generation systems on adjacent parcels.

FINDINGS FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT, SUBJECT TO IMPLEMENTATION OF THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, an Initial Study/Mitigated Negative Declaration (MND) was prepared for the Project. The County finds that there is no substantial evidence in light of the whole record that the Project may have a significant effect on the environment with implementation of feasible mitigation measures identified in the MND. The

MND represents the independent judgment and analysis of the County acting as the lead agency for the Project.