



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: August 9, 2018**

**AGENDA ITEM: 3**

Project Description:

Vicinity Map **N↑**

**APNs:** 1003-281-08 & 09  
**Applicant:** Vic Arabian  
**Community:** San Antonio Heights  
**Location:** North side of 26<sup>th</sup> Street, Approximately 800 feet east of Holly Drive  
**Project No.:** P201800259  
**Staff:** Chris Warrick  
**Rep.:** Sitetech, Inc.  
**Proposal:** Planned Development Permit (PDP) and Tentative Parcel Map 19985 to subdivide 7 acres into four parcels for single family residential development.



**Hearing Notices Sent On: July 27, 2018**

**Report Prepared By: Chris Warrick**

**SITE INFORMATION:**

Parcel Size: 7.01 Net Acres.  
 Terrain: Very steep with most of the site exceeding 40% grade.  
 Vegetation: Relatively dense natural vegetation consisting of chaparral, scrub and scattered outlying trees.

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING/OVERLAY DISTRICTS
Site	Vacant	Special Development-Residential (SD-RES) & Fire Safety Overlay (FS)
North	Vacant	Special Development-Residential (SD-RES) & Fire Safety Overlay (FS)
South	Single family residential units on lots ranging from approximately ½ acre to 1 acre in size	Rural Living (RL-5) and Single Residential (RS-14M) & Fire Safety Overlay (FS)
East	One Single Family House	Rural Living (RL-5) & Fire Safety Overlay (FS)
West	Vacant, San Bernardino County Flood Control Facility	Rural Living (RL-5) & Fire Safety Overlay (FS)

	<u><b>AGENCY</b></u>	<u><b>COMMENT</b></u>
City Sphere of Influence:	City of Upland	N/A
Water Service:	San Antonio Mutual Water Company	N/A
Septic/Sewer Service:	On Site Septic Proposed	N/A

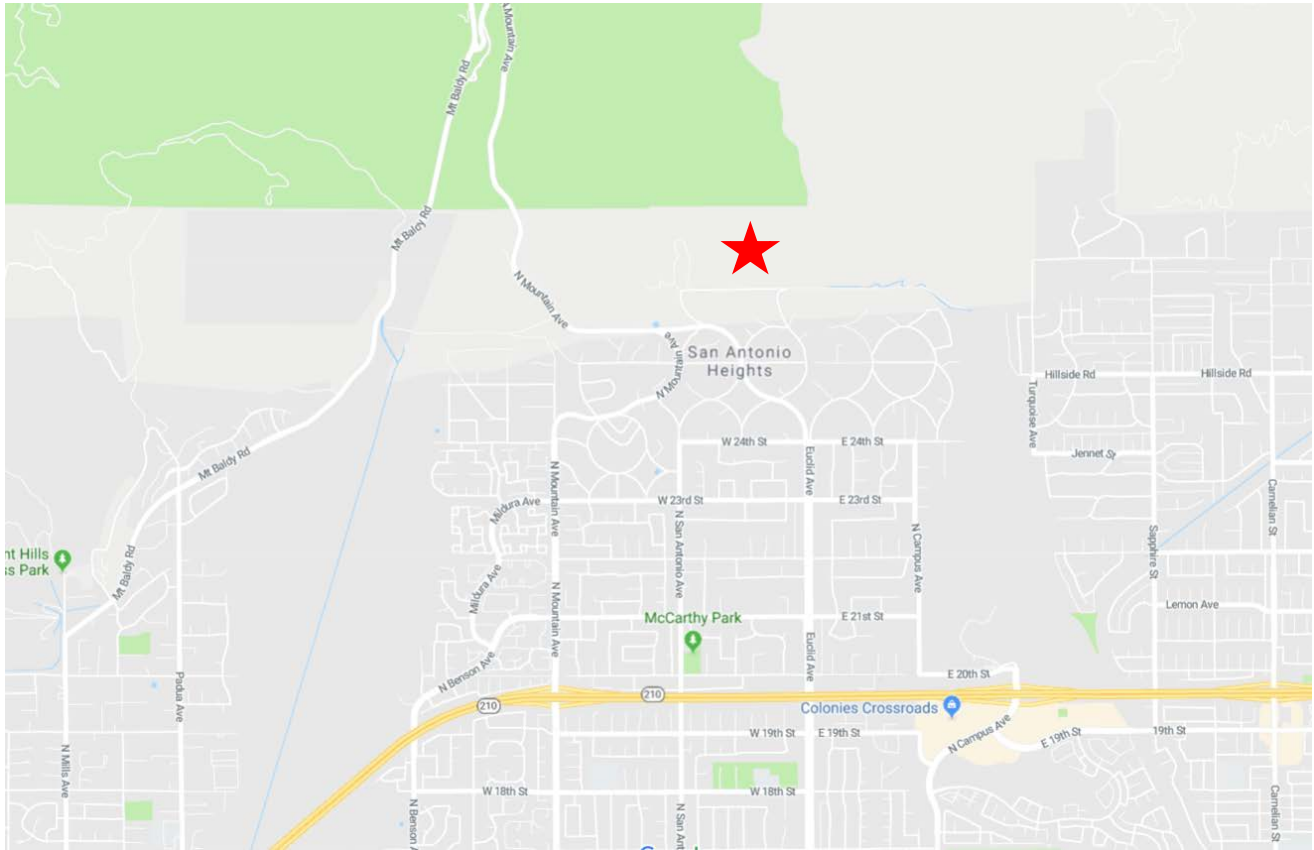
**STAFF RECOMMENDATION:** That the Planning Commission **RECOMMEND** that the Board of Supervisors **DENY** the Planned Development Permit (PDP) and Tentative Parcel Map 19985 to subdivide 7.01 acres into four parcels for single family residential development.

This project shall be referred to the Board of Supervisors for final action. Therefore, the recommendation of the Planning Commission is not the final action and cannot be appealed.

Vic Arabian  
P201800259  
APN: 1003-281-08 & 09  
Planning Commission Staff Report  
Date of Hearing: August 9, 2018

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# VICINITY MAP (Regional)



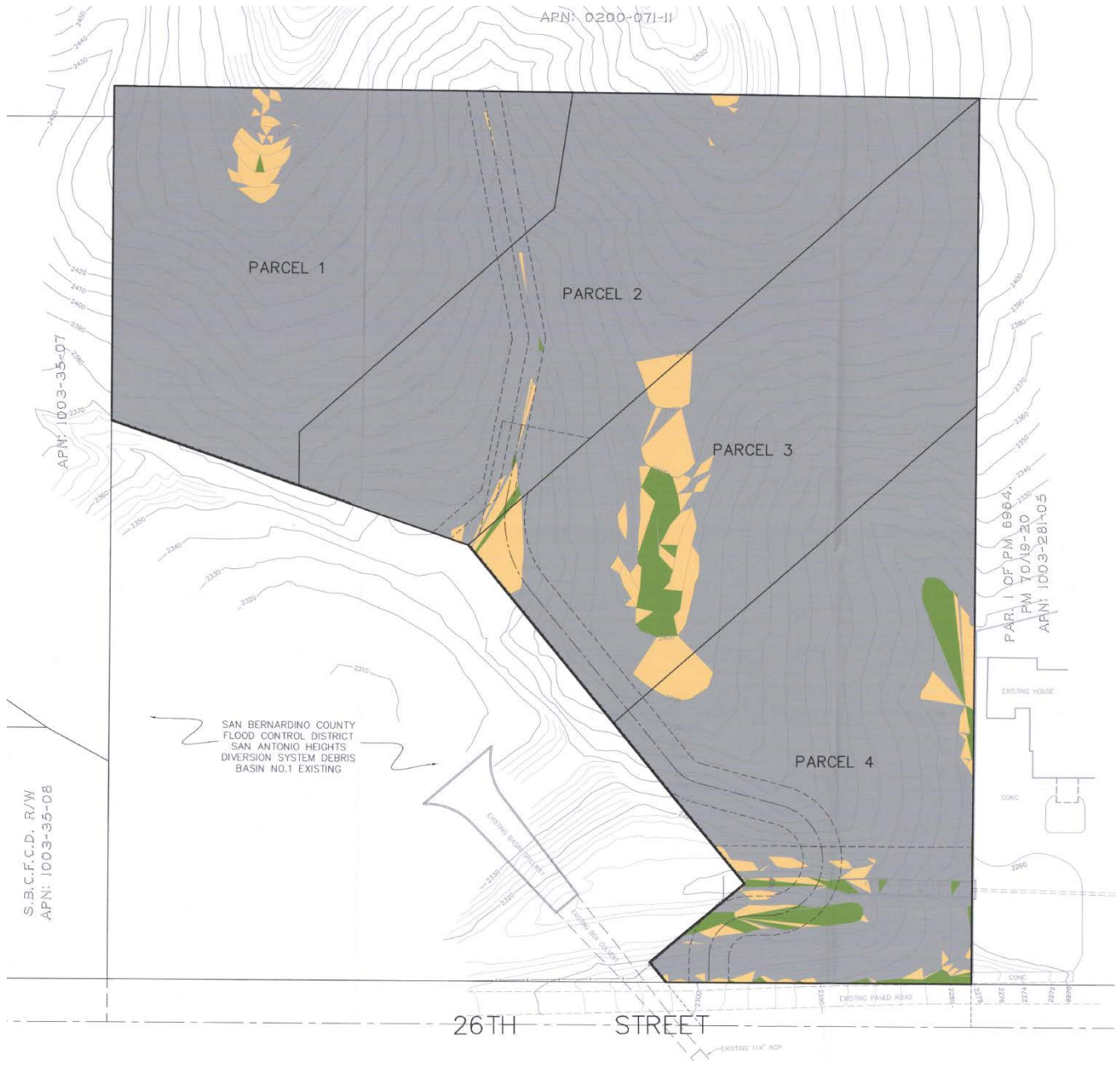
# OFFICIAL LAND USE DISTRICT MAP




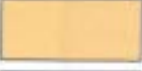
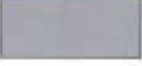
# AERIAL MAPS



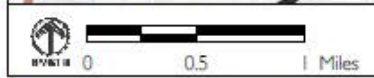
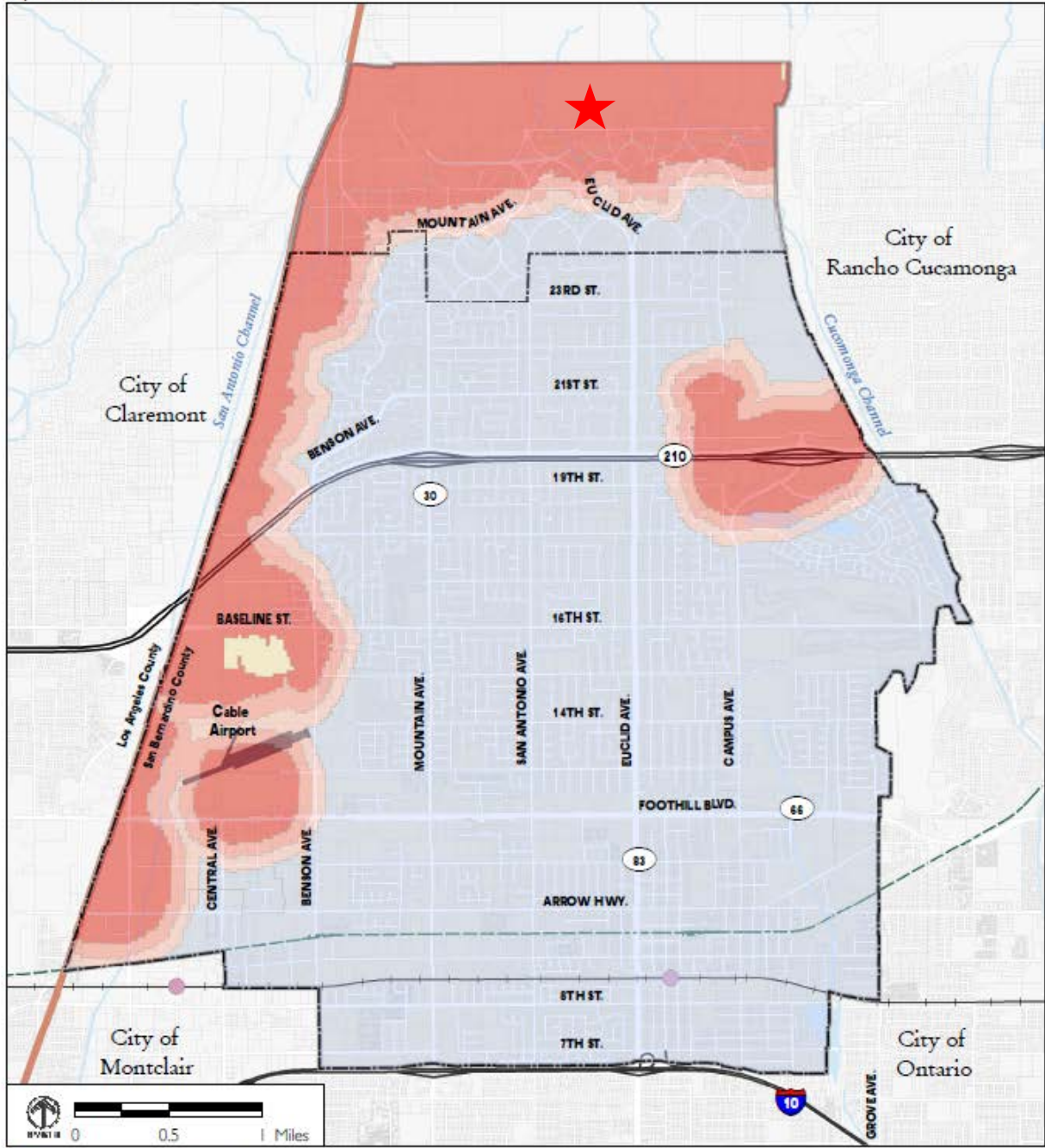
# SLOPE ANALYSIS



**SLOPE ANALYSIS – COMPUTED DATA:**

	INDICATES NATURAL SLOPE OF 0% TO 15% (7,298 S.F. – 2.4% OF SITE)
	INDICATES NATURAL SLOPE OF 15% TO 30% (15,838 S.F. – 5.2% OF SITE)
	INDICATES NATURAL SLOPE OF 30% AND GREATER (282,086 S.F. – 92.4% OF SITE)

Map Date: 07/31/12



- |                        |                        |
|------------------------|------------------------|
| County Boundary        | <b>FireHazardZones</b> |
| Spheres of Influence   | Very High              |
| City Limits            | High                   |
| Upland Parcel          | Moderate               |
| Southern Pacific Trail | Non-Wildland/Non-Urban |
| Rail Line              | Urban Unzoned          |
| Metrolink Station      |                        |

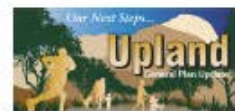
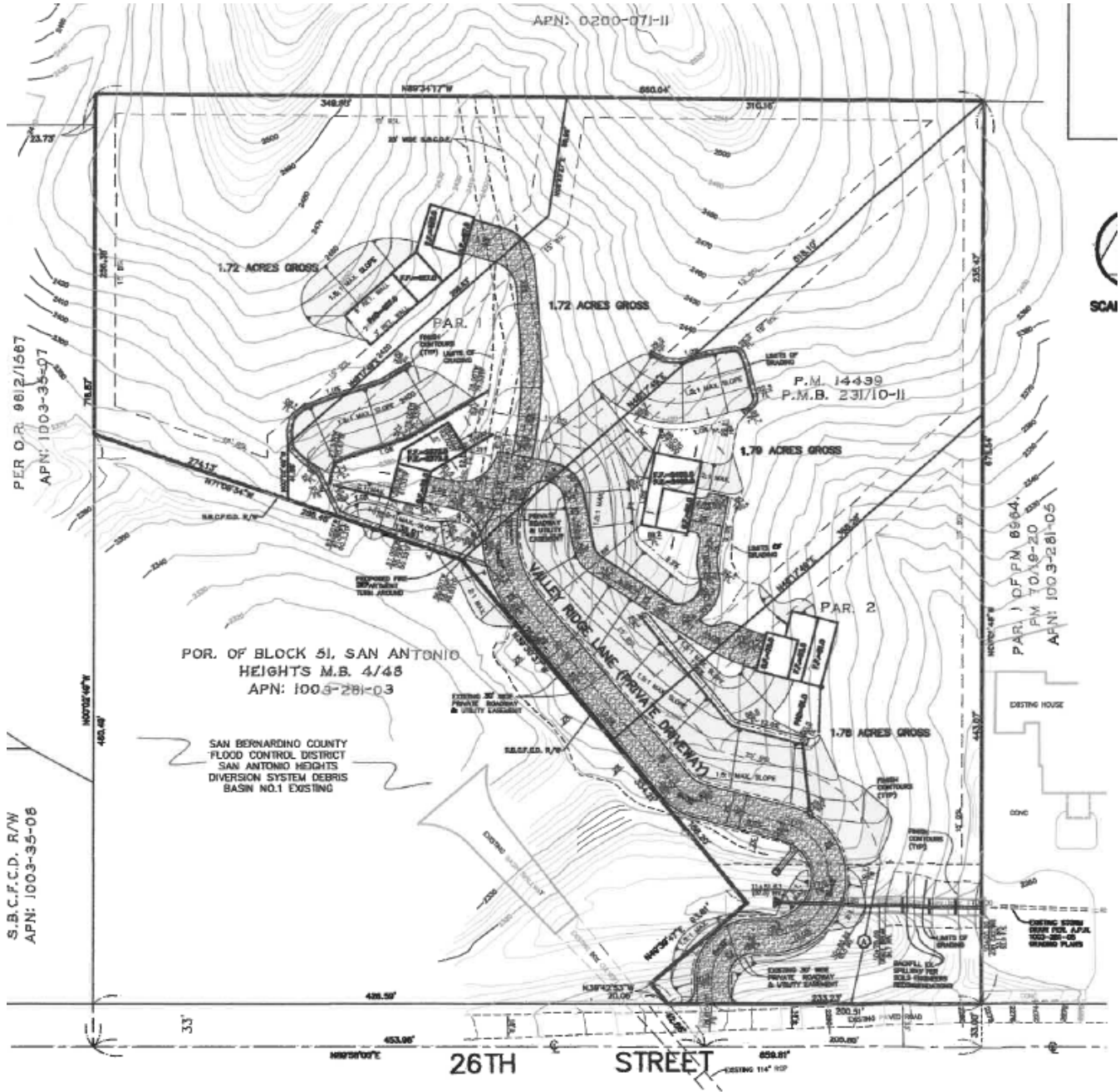


FIGURE SAF-3  
HIGH FIRE HAZARD ZONES

# PLANNED DEVELOPMENT PARCEL MAP 19985





# SITE PHOTOS



**Looking northeast from 26<sup>th</sup> Street  
at westerly property boundary**



**Looking north from 26<sup>th</sup> Street  
Across the middle of site**

# SITE PHOTOS



**Looking northwest from 26<sup>th</sup> Street  
at the easterly property boundary**

**PROJECT DESCRIPTION AND BACKGROUND:**

**Project.** The applicant is requesting approval of a Planned Development Permit (PDP) and a Tentative Parcel Map (TPM) to subdivide the 7.01 acre site into four parcels for single family residential development. The PDP and TPM are collectively referred to as the “Project.” The proposed Project includes four parcels with an average size of 1.75 acres; the smallest being 1.72 acres.

The Project is located in the foothills along the northerly limits of the unincorporated community commonly known as San Antonio Heights--more specifically, on the north side of 26<sup>th</sup> Street, approximately 800 feet east of Holly Drive. The Project is located in the Special Development Residential Zoning District, which requires a minimum lot size of 5 acres. The Project is also within the Fire Safety (FS) Overlay District. The Project is in the Second Supervisorial District and the City of Upland Sphere of Influence.

**Project History.** In 2006 the Board of Supervisors (Board) approved a PDP and TPM 14439 to subdivide this same property into two parcels. TPM 14439 was subsequently recorded in November, 2008. The 2006 approval included a density transfer from a nearby 57-acre property (see Official Land Use District Map, above). The 57-acre site is located in the Recourse Conservation (RC) District, which allows a density of one dwelling unit per 40 acres. With the Board’s approval of the PDP in 2006, it allowed the subject site to be subdivided into two parcels and required the 57-acre site to be preserved as open space, which prohibited any future development on that property.

**GENERAL PROJECT ANALYSIS:**

**Planned Development Permit.** PDP’s are intended to provide for flexibility in the application of County Development Code (Development Code) Standards under limited and unique circumstances. The PDP process is intended to allow consideration of innovation in site planning and other aspects of project design, to facilitate effective design responses to topographic features of a site, as well environmental constraints. The County expects each PDP project to be of significantly higher quality than would be achieved through conventional design practices and development standards. Pursuant to Section 85.10.040 (b) of the Development Code, the Board shall act upon all applications for PDPs, following a recommendation from the Planning Commission.

**Slope Analysis.** The Project site contains very steep terrain with approximately 92 percent of the site having natural grades that exceed 30%, and another significant portion that exceeds 60%. Only 7,300 square feet of the site contains slopes that are less than 15% gradient and only 15,800 square feet of the site contains slopes ranging from 15% to 30% gradient. The following is the slope analysis table provided by the applicant:

<b>SLOPE ANALYSIS TABLE</b>		
<b>Slope Category</b>	<b>Area (Sq. Ft.)</b>	<b>Percent of Site</b>
0 – 15%	7,298	2.4%
15% - 30%	15,838	5.2%
30% +	282,086 (6.48 Acres)	92.4%

**Fire Safety (FS) Overlay.** The Project site is located in the FS Overlay District and the City of Upland High Fire Hazard Zone. Based on the slope analysis prepared by Sitetech, Inc., the Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the Fire Safety Ordinance, Chapter 82.13 of the Development Code (below), the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. Specifically, Subdivision (e) of Section 82.13.050 provides the following residential slope density requirements:

- (e) **Residential slope density.** In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map in hillside areas shall be in compliance with the following criteria:
- (1) One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0- <15%);
  - (2) Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15- <30%);
  - (3) One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;
  - (4) One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;
  - (5) In the Rancho Cucamonga Sphere of Influence, zero density is allowed for any portion of a proposed Tentative Parcel Map or Tentative Tract Map on slopes of greater than 30 percent gradient.

The proposed density of the Project is one unit per 1.75 gross acres, which does not comply with the residential slope density standards of one dwelling unit per three gross acres on slopes of greater than 30 percent gradient as required by the FS Overlay District.

**California Environmental Quality Act (CEQA).** An environmental finding is not required for a project denial. (Public Resources Code Section 21080(b)(5).) This exemption reflects a CEQA policy that public agencies should not be forced to commit resources to environmental review of proposed private projects slated for rejection, whatever the reason for disapproval. Therefore, because staff is recommending denial of the Project, a full environmental review pursuant to the requirements of CEQA has not been completed for this Project.

**Public Comments.** The Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 84.27.070, for project sites of 20 acres or less. The Planning Division has not received any comments from the surrounding property owners.

### **PROJECT ANALYSIS SUMMARY:**

The proposed Project is not consistent with the County General Plan because the design, siting and density of the proposed development is not consistent with the goals and policies of the Safety Element. Specifically, General Plan Safety Element Policy S 3.3 reads as follows:

*“Minimize the fire hazard posed by expanding development in wildland/urban intermix areas”*

The implementation program noted in the General Plan for Policy S 3.3 is:

*“Apply the regulations of the Fire Safety Overlay Ordinance, as found in the Development Code, to all County areas subject to wildland/urban intermix fire hazards, including all mountain and foothill areas.”*

The proposed Project would allow for an increase in residential density in an area with very steep terrain in the FS Overlay District, which allows a maximum density of one dwelling unit per three gross acres on slopes of 30% to 40% percent gradient. The design flexibility offered by the PDP application process is intended to allow achievement of a superior project through site-specific design consideration. It is not consistent with the General Plan to utilize a PDP in a way that conflicts with public safety standards and policies. Therefore, staff recommends denial of this Project.

**RECOMMENDATION:** That the Planning Commission **RECOMMEND** that the Board of Supervisors:

**DENY** the Planned Development Permit (PDP) and Tentative Parcel Map 19985 to subdivide 7.01 acres into four parcels for single family residential development.

**ATTACHMENTS:**

Exhibit A: Findings

# EXHIBIT A

## Findings

## FINDINGS

**Planned Development Permit:** A Planned Development Permit (PDP) and a Tentative Parcel Map to subdivide a 7.01 acre site into four parcels for single family residential development (Project).

Per Section 85.10.050 of the County Development Code, a PDP may be approved only if specific findings can be made in the affirmative. However, where staff cannot make the findings in the affirmative, the findings are written in the negative, as applicable to each finding.

**1. The proposed development is not consistent with the General Plan or any applicable plan.**

The proposed Project is not consistent with General Plan Policy S 3.3, which states as follows: "Minimize the fire hazard posed by expanding development in wildland/urban intermix areas." General Plan Policy S 3.3 requires the County to "[a]pply the regulations of the Fire Safety (FS) Overlay Ordinance, as found in the Development Code; to all County areas subject to wildland/urban intermix fire hazards including all mountain and foothill areas."

The Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance and General Plan Policy S 3.3.

**2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is not adequate in terms of shape and size to accommodate the use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features.**

The Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance.

Since the Project does not conform to the basic requirements of the FS Overlay Ordinance and is being recommended for denial, the Project has not been fully evaluated to determine if the proposed development is adequate in terms of shape and size to accommodate all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features unassociated with residential slope density.

**3. The site for the proposed development has adequate access, in that the site design and development plan conditions consider the limitations of existing streets and**

**highways and provides improvements to accommodate the anticipated requirements of the proposed development.**

The Project site is adjacent to 26<sup>th</sup> Street, which is a public road that is maintained by the County of San Bernardino. 26<sup>th</sup> Street provides direct access to the site that is adequately improved to accommodate the proposed development.

- 4. Adequate public services and facilities do not exist, or will not be provided, in compliance with the conditions of development plan approval, to serve the proposed development and the approval of the proposed development will result in a reduction of public services to properties in the vicinity that would be to the detriment to public health, safety, and general welfare.**

Since the Project does not conform to the basic requirements of the FS Overlay Ordinance and is being recommended for denial, the Project has not been fully evaluated to determine if adequate public services and facilities exist to serve the proposed Project. Conditions of approval have not been prepared for the Project, because the Project is being recommended for denial.

- 5. The proposed development will have substantial adverse effects on surrounding property or their allowed use, and will not be compatible with the planned land use character of the surrounding area.**

The proposed Project is located in the FS Overlay District. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance. All properties in the surrounding area are also within the FS Overlay District and are subject to the same standards, which determines residential density based on the natural topography of the site. Allowing this property, or any other property in the FS Overlay District, to be developed with a higher density than that allowed by the FS District could have adverse effects on surrounding property, because of potential fire hazards posed by expanding development in wildland/urban intermix areas. Further, allowing this property, or any other property in the FS Overlay District, to be developed at a higher density than that allowed by the FS District is not compatible with the planned land use character of the surrounding area.

- 6. The improvements required by the proposed conditions of development plan approval, and the manner of development do not adequately address all natural and manmade hazards associated with the proposed development and the project site including fire, flood, seismic, and slope hazards.**

Since the Project does not conform to the basic requirements of the FS Overlay Ordinance and is being recommended for denial, the Project has not been fully evaluated to determine if all natural and manmade hazards associated with the proposed development and the project site including fire, flood, seismic, and slope hazards have been addressed. Conditions of approval have not been prepared for the Project, because the Project is being recommended for denial.



- 7. The proposed development does not carry out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.**

The Project does not include excellence in design greater than that which would be achieved through the application of conventional development standards because the Project design contemplates a residential slope density that fails to minimize the fire hazard posed by expanding development in a wildland/urban intermix area.

- 8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The amenities may include landscaping, private open space, private or separated entrances, etc.**

The Project, as proposed, is a conventional subdivision that does not include amenities such as landscaping, private open space or private entrances.

**Tentative Parcel Map 19985:** Tentative Parcel Map 19985 to subdivide 7.01 acres into four parcels for single family residential development.

Per Section 87.02.060 of the County Development Code, a Tentative Map may be approved only if specific findings can be made in the affirmative. However, where staff cannot make the findings in the affirmative, the findings are written in the negative, as applicable to each finding.

**1. The proposed map, subdivision design, and improvements are not consistent with the General Plan, any applicable community plan, and any applicable specific plan.**

The proposed Project is not consistent with General Plan Policy S 3.3, which states as follows: "Minimize the fire hazard posed by expanding development in wildland/urban intermix areas." General Plan Policy S 3.3 requires the County to "[a]pply the regulations of the FS Overlay Ordinance, as found in the Development Code; to all County areas subject to wildland/urban intermix fire hazards including all mountain and foothill areas."

The Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance and General Plan Policy S 3.3.

**2. The site is not physically suitable for the type and proposed density of development.**

The Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance.

**3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure to fish or wildlife or their habitat.**

An environmental finding is not required for a project denial. (Public Resources Code § Section 21080(b)(5).) Therefore, because staff is recommending denial of the project, a full environmental review and determination of whether the design of the subdivision and proposed improvements would cause substantial environmental damage has not been completed for this Project.

**4. The design of the subdivision or type of improvements could cause serious public health or safety problems.**

Allowing this property, in the FS Overlay District, to be developed with a higher density than that allowed by the FS District could have adverse effects on surrounding property because of potential fire hazards posed by the Project, which is expanding development in

wildland/urban intermix areas. With the proposed density of one dwelling unit per 1.75 acres within the FS Overlay District, the Project would be detrimental to the public health, safety, and general welfare.

- 5. The design of the subdivision has not been fully evaluated to determine if the type of improvements will or will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.**

Since the Project does not conform to the basic requirements of the FS Overlay Ordinance and is being recommended for denial, the Project has not been fully evaluated to determine if improvements will or will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- 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.**

Any future development as a result of the proposed subdivision would require the construction of an on-site septic system, because this area is not provided with sanitary sewer. Any future residential development in this area must obtain approval from the Public Health Department, Environmental Health Services Division, which requires adherence to the requirements prescribed by the Regional Water Quality Control Board for on-site wastewater treatment systems.

- 7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.**

Any future development of the site would be required to comply with the building setback requirements which promote optimum spacing of structures to create adequate opportunity for the use of solar technology.

- 8. The proposed subdivision, its design, density, and type of development and improvements does not conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.**

The Project does not conform to the regulations of the Development Code and specifically the FS Overlay Ordinance. The site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the FS Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient. The proposed density of the Project is one dwelling unit per 1.75 gross acres, which does not comply with the density standards of the FS Overlay Ordinance.