FINDINGS: GENERAL PLAN AMENDMENT W54-111/2004

1. The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised because the district change recognizes an area in transition from rural to urban uses and can be considered an urban in-fill project with all utilities existing and available. The project will increase the housing stock in the area, and the project will be connected to the public sanitary sewer system, rather than utilizing septic systems.

2. The Infrastructure Improvement Level is IL-1 which permits lot sizes less than one-half acre in size, thus, the reduction in lot size from 20,000 square feet to 7,200 square feet is consistent with the minimum lot size of the existing improvement level. The General Plan Amendment is consistent with the goals and policies of the General Plan, as follows:

   Goal D-43 – that encourages a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well integrated land uses that meet general social and economic needs.

   Goal D-48 – that encourages the distribution of land uses in such a way as to minimize the demand for energy consumption and maximize the effectiveness of energy consumed.

   Goal –D54 – that encourages future growth in areas where infrastructure facilities and public services exist or can easily, be provided or acquired and where other desired attributes of the land, such as open space, watershed areas and scenic resources, will not be adversely impacted.

   Policy LU-7h – which requires that general plan amendments be consistent with the Infrastructure Improvement Levels designated for the subject sites.

3. The proposed land use district change does not conflict with the provisions of the County Development Code, or any applicable planning area, as the subject site is already designated under Infrastructure Improvement Level 1 which is reserved for higher density single family residences on lot sizes less than one-half acre, so there is no need for a change in improvement level. The project has been designed to exceed the minimum requirements of the RS district because no parcel will be less than 10,000 square feet in area. In order to match the existing wall on the Applegate Subdivision to the north, the City of Montclair is requesting that the wall be 7'6" in height with intermediate 8' high columns. The project, as conditioned, is subject to all requirements that can be incorporated into the conditions of approval for Valley infrastructure level one improvements.

4. The proposed land use district change will not have a substantial adverse effect on surrounding property, as there is adequate area to comply with development standards.

5. An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval

FINDINGS: TENTATIVE PARCEL MAP 16511

1. The proposed subdivision together with the provisions for its design and improvements is consistent with the San Bernardino County General Plan because the design and improvements conform to the provisions of the Single Family Residential land use district including the location criteria. The proposed 10,000+ square foot parcels fall below density standards for the RS District. The General Plan Amendment that has been filed concurrently with the Tentative Parcel Map, if approved, will amend the General Plan from RS-20M to RS, reducing the minimum lot size from 20,000 square feet to 7,200 square feet. The Board must adopt this amendment before full compliance with the General Plan can be achieved. The project is consistent with General Plan goals and policies as follows:

   Policy LU-2 – that requires the design and siting of new residential development that meets locational and development standards that ensure compatibility with adjacent land use and community character and encourages the fostering of a variety of housing types and densities and more efficient use of the land;

   Policy LU-9 – that requires that new development be coordinated with cities' spheres of influence and encourages the consideration of the nature and intensity of the development and consistency with the cities' pre-zoning in their spheres of influence.

   Policy LU-11 –that encourages the promotion of urban infill projects to allow a more efficient use of existing infrastructure and decrease the need for extension of new services.

3. The site is physically suitable for the proposed type and density of development, as the land is adequate in size, shape and topography to accommodate the proposed land use, setbacks, walls, fences and other requirements.

4. The proposed subdivision design and improvements are not likely to cause substantial and environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because the site does not contain any suitable habitat for fish or wildlife.

5. The design of the subdivision and any related type of proposed improvements are not likely to cause serious public health problems or cause threat to life and property from a conflagration, because the design and density proposed are such that hazards from flood, fire, noise and other potential pubic health hazards are minimized.

6. The design of the subdivision and improvements associated with it will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

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

8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law. The General Plan Amendment that has been filed concurrently with the Tentative Parcel Map, if approved, will amend the General Plan from RS-20M to RS, reducing the minimum lot size from 20,000 square feet to 7,200 square feet. The Board must adopt this amendment before this project can be considered consistent with the density limitations of the Development Code for this site. NOTE: The parcel sizes will be 10,000+ square feet in size.

9. An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval.

<u>MAJOR VARIANCE #W54-111/2004</u> TO PERMIT a 7'5' decorative masonry block wall with 8' high intermediate columns along the Vernon Avenue side of Parcel 2, in lieu of the 4-foot high wall allowed in the RS Land Use District; to permit the wall along the Vernon Avenue side yard of Parcel 2 to be setback 8 feet from the ultimate right-of-way instead of the 15 feet required by Code; and to permit a 7'5" block wall along the west property line in lieu of the 6-foot high wall permitted by Code.

1. The granting of this variance will not be materially detrimental to other properties or land uses in the area. Allowing the wall height and alignment to match the wall height and alignment of Tract 16215 (Applegate Tract) to the north will allow a deeper side yard for the residence on Parcel 2, allow the lot to drain to Howard Street and provide a more visually pleasing view in the community as the wall will be uniform in height with the adjacent Applegate Tract. Increasing the wall height along the west property line of the site will benefit the adjacent property owner by allowing more privacy and by creating a barrier to protect her horses.

   The design of the project will not substantially interfere with the present or future ability to use solar energy systems.

2. There are exceptional or extraordinary circumstances applicable to the property that do not apply to other properties within the same vicinity because the alignment and height of the wall along Parcel 2, adjacent to Vernon Avenue, is necessary to allow the lot to drain to Howard Street without creating a downhill slope on an uphill lot. The wall height along the west property line of the site is necessary to protect and separate the existing agricultural use (horse raising) from the proposed residential subdivision, which does not enjoy agricultural type uses.

3. The strict application of the land use district deprives this property of privileges enjoyed by other properties in the vicinity or in the same land use district because the Applegate Tract to the north was granted a similar variance to allow increased wall height and to decrease the wall setback from 15 feet to 8 feet. Without the higher wall along the west side of the property, the residential subdivision may create conflicts and incompatibility with the adjoining agricultural use.

4. The granting of the variance is compatible with the following objectives, policies, general land uses and programs specified in the General Plan. Variances are available to address unusual circumstances such as this where granting of the variance will assist in promoting a more attractive residential community and will serve to mitigate some of the impacts of the project for the neighbor to the west. The use of a variance in this instance is compatible with the reason why variance procedures were created, to provide exceptions to standards, in special circumstances, to assure that each property owner is accorded the same privileges commonly enjoyed by other properties in the same vicinity and to ensure that that the rigid application of development standards do not result in situations where walls do not match and alignments of such walls are not maintained.