

RESOLUTION NO. 19-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2019-0001 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 8.74 NET ACRES OF LAND (APNS: 0131-131-13, -14, & -23) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 775 FEET NORTH OF RANDALL AVENUE TO RESIDENTIAL 12.

WHEREAS, approximately 8.74 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue, described in the legal description attached as Exhibit A ("Site"), is currently designated by the Land Use Element of the General Plan as Residential 2 with an Animal Overlay for the southern parcel (APN: 0131-131-23) and Residential 6 for the northern two (2) parcels (APNs 0131-131-13 & -14); and

WHEREAS, the applicant, Asian Pacific, Inc., proposes to change the land use designation of the entire Site to Residential 12 ("Project"); and

WHEREAS, in conjunction herewith, the applicant has also submitted Zone Change No. 2019-0001 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, to Multi-Family Residential (R-3) ("ZC No. 2019-0001"); and

WHEREAS, in conjunction herewith, the applicant has also submitted Tentative Tract Map No. 2019-0001, also referred to as Tentative Tract Map No. 20237 ("TTM No. 20237") to subdivide the Site into sixty (60) single-family residential lots and twelve (12) common lots, and the Project is necessary to facilitate TTM No. 20237; and

WHEREAS, pursuant to Government Code Sections 65350-65362, the Project requires the approval of an amendment to the General Plan, and the applicant has agreed to apply for General Plan Amendment No. 2019-0001 ("GPA No. 2019-0001"); and

WHEREAS, pursuant to Government Code Sections 65350-65362, the City Council is authorized to amend the General Plan within the City; and

1 WHEREAS, pursuant to Government Code Sections 65350-65362, the Planning
2 Commission shall hold a public hearing for a proposed amendment to the General Plan and
3 forward a recommendation to the City Council for action; and

4 WHEREAS, on July 31, 2019, the Planning Commission of the City of Rialto conducted
5 a duly noticed public hearing, as required by law, on GPA No. 2019-0001, ZC No. 2019-0001,
6 and TTM No. 20237, took testimony, at which time it received input from staff, the city attorney,
7 and the applicant; heard public testimony; discussed GPA No. 2019-0001, ZC No. 2019-0001,
8 and TTM No. 20237; 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 GPA No. 2019-0001, including written staff reports,
16 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
17 Planning Commission hereby determines that GPA No. 2019-0001 satisfies the requirements of
18 Government Code Sections 65358 pertaining to the findings which must be made precedent to
19 amending a General Plan. The findings are as follows:

- 20
21 1. That the proposed General Plan Amendment is in the public interest.

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

23 The Site is surrounded on the north and east by existing single-family residential
24 neighborhoods, and on the immediate south to a recently entitled single-family residential
25 neighborhood (Wagon Wheel) that will soon begin construction. The density of the
26 proposed development is similar to the densities of other single-family residential
27 subdivisions in the nearby area, including: (i) the adjacent Wagon Wheel neighborhood,
28 which is scheduled to begin construction soon, (ii) Pepper Ridge, which is located
approximately 650 feet to the east of the project site, and (iii) California Knolls, which is
located approximately 75 feet to the northwest of the project site, all of which are designated

1 Residential 12. The Project will facilitate the development of detached single-family
2 residences in keeping with the character of the surrounding area.

3 The Project will facilitate the development of a neighborhood consisting of sixty (60)
4 detached single-family residences. Any member of the public seeking to purchase a new
5 home will be provided an opportunity to acquire a new high-quality residence within a high-
6 quality, well-maintained, gated neighborhood. An increase in the number of owner
7 occupied single-family residences will likely positively affect the median income of the City
8 of Rialto, albeit insignificantly. Furthermore, the development of sixty (60) detached single-
9 family residences will contribute to an increase in revenues collected in form of permit fees,
10 development impact fees, sales tax, and property tax. In addition, the Site is mostly vacant
11 unimproved land, with the exception of one (1) single-family residence and an abandoned
12 poultry farm, and the general plan amendment and development of single-family residences
13 will reduce existing blight and adverse effects of an empty, vacant lot, and an abandoned
14 poultry farm surrounded by urban uses.

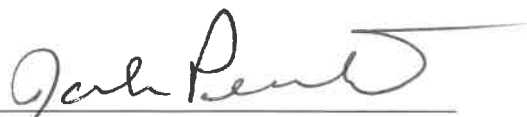
15 SECTION 3. An Initial Study (Environmental Assessment Review No. 2019-0002) has
16 been prepared for GPA No. 2019-0001 in accordance with the California Environmental Quality
17 Act (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff
18 determined that the project will not have an adverse impact on the environment, provided that
19 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
20 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
21 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
22 the project site for a public comment period held from June 20, 2019 to July 9, 2019. The Mitigated
23 Negative Declaration was prepared in accordance with CEQA. The Planning Commission hereby
24 recommends that the City Council adopt the Mitigated Negative Declaration and direct the Planning
25 Division to file the necessary documentation with the Clerk of the Board of Supervisors for San
26 Bernardino County.

27 SECTION 4. The Planning Commission hereby recommends that the City Council
28 approve GPA No. 2019-0001 to change the land use designation of the Site to Residential 12, in
accordance with the applications on file with the Planning Division, subject to the following
conditions:

1. GPA No. 2019-0001 is approved changing the land use designation of approximately 8.74 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue, and described in the legal description attached as Exhibit A, to Residential 12. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
2. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.
3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning GPA No. 2019-0001. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and applicant will cooperate fully in the defense.
4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
5. The applicant shall annex the Site within a Community Facilities District to offset operational costs to the City's General Fund associated with GPA No. 2019-0001, as determined by the Fiscal Impact Analysis prepared by Stanley R. Hoffman Associates, Inc., dated May 24, 2019, prior to the issuance of any building permits.
6. The applicant shall comply with all conditions of approval contained in ZC No. 2019-0001 and TTM No. 20237, to the extent they are not in conflict with any condition of approval herein.

SECTION 5. 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 31st day of July, 2019.


JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Edgar Gonzalez, Assistant Planner of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **19-41** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 31st day of July, 2019.

8 Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Al
9 Twine the foregoing Resolution No. **19-41** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 6

13 NOES: 0

14 ABSENT: Artist Gilbert

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 31st day of July, 2019.

17
18
19 

20 Edgar Gonzalez, Assistant Planner
21
22
23
24
25
26
27
28