

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**, on July 31, 2019, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237 to the
11 City Council; and

12 **WHEREAS**, on September 24, 2019, the City Council conducted a public hearing, as
13 required by law, on GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237, took
14 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
15 public testimony, discussed GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237; and
16 closed the public hearing; and

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

18 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

19 **SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in the
20 recitals above of this Resolution are true and correct and incorporated herein.

21 **SECTION 2.** Based on substantial evidence presented to the City Council during the
22 public hearing conducted with regard to GPA No. 2019-0001, including written staff reports, verbal
23 testimony, project plans, other documents, and the conditions of approval stated herein, the City
24 Council hereby determines that GPA No. 2019-0001 satisfies the requirements of Government
25 Code Section 65358 pertaining to the findings which must be made precedent to amending a
26 General Plan. The findings are as follows:

- 27
28 1. That the proposed General Plan Amendment is in the public interest.

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

2 The Site is surrounded on the north and east by existing single-family residential
3 neighborhoods, and on the immediate south to a recently entitled single-family residential
4 neighborhood (Wagon Wheel) that will soon begin construction. The density of the
5 proposed development is similar to the densities of other single-family residential
6 subdivisions in the nearby area, including: (i) the adjacent Wagon Wheel neighborhood,
7 which is scheduled to begin construction soon, (ii) Pepper Ridge, which is located
8 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
 Residential 12. The Project will facilitate the development of detached single-family
 residences in keeping with the character of the surrounding area.

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

17 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2019-0002) has
18 been prepared for GPA No. 2019-0001 in accordance with the California Environmental Quality
19 Act (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff
20 determined that the project will not have an adverse impact on the environment, provided that
21 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
22 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
23 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
24 the project site for a public comment period held from June 20, 2019 to July 9, 2019. The Mitigated
25 Negative Declaration was prepared in accordance with CEQA. The City Council hereby adopts the
26 Mitigated Negative Declaration and directs the Planning Division to file the necessary
27 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
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1 **SECTION 4.** The City Council hereby approves GPA No. 2019-0001 to change the land
2 use designation of the Site to Residential 12, in accordance with the applications on file with the
3 Planning Division, subject to the following conditions:

- 4
- 5 1. GPA No. 2019-0001 is approved changing the land use designation of approximately
6 8.74 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of
7 Acacia Avenue approximately 775 feet north of Randall Avenue, and described in the
8 legal description attached as Exhibit A, to Residential 12. If the Conditions of Approval
9 specified herein are not satisfied or otherwise completed, the Project shall be subject to
10 revocation.
- 11 2. City inspectors shall have access to the Site to reasonably inspect the Site during
12 normal working hours to assure compliance with these conditions and other codes.
- 13 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
14 officers, or employees from any claims, damages, action, or proceeding against the
15 City or its agents, officers, or employees to attack, set aside, void, or annul any
16 approval of the City, its advisory agencies, appeal boards, or legislative body
17 concerning GPA No. 2019-0001. The City will promptly notify the applicant of any
18 such claim, action, or proceeding against the City, and applicant will cooperate fully
19 in the defense.
- 20 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
21 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
22 subject to protest by the applicant at the time of approval or conditional approval of
23 the Project or within 90 days after the date of the imposition of the fees, dedications,
24 reservations, or exactions imposed on the Project.
- 25 5. The applicant shall annex the Site within a Community Facilities District to offset
26 operational costs to the City's General Fund associated with GPA No. 2019-0001, as
27 determined by the Fiscal Impact Analysis prepared by Stanley R. Hoffman Associates,
28 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.

1 **ATTEST:**

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5 BARBARA MCGEE, CITY CLERK

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7 **APPROVED AS TO FORM:**

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10 FRED GALANTE, CITY ATTORNEY

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
7 City Council of the City of Rialto held on the _____ day of _____, 2019.

8 Upon motion of Councilmember _____, seconded by Councilmember
9 _____, the foregoing Resolution No. _____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
15 of Rialto this _____ day of _____, 2019.

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BARBARA MCGEE, CITY CLERK

LEGAL DESCRIPTION

GENERAL PLAN AMENDMENT & ZONE CHANGE

LEGAL DESCRIPTION

APN 0131-131-13

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

APN 0131-131-14

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

APN 0131-131-23

THE SOUTH 1/2 OF THE WEST 1/2 OF LOT 137, OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST 235 FEET OF THE SOUTH 1/2 OF THE ABOVE DESCRIBED PROPERTY.

LOVE ENGINEERING	
PLANNING ♦ ENGINEERING ♦ SURVEYING	
31915 RANCHO CALIFORNIA ROAD/SUITE 200-166	
TEMECULA, CA 92591	
TEL (951) 440 - 8149 / FAX (951) 303 - 6701	
PREPARED UNDER THE SUPERVISION OF:	R.C.E. NO. 50993
THOMAS S. LOVE	EXP. DATE: 9-30-19
	DATE _____