

1 **WHEREAS**, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the
2 Planning Commission shall hold a public hearing for a proposed zone change and forward a
3 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 ZC No. 2019-0001, GPA 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 ZC No. 2019-0001, GPA 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 ZC No. 2019-0001, GPA 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 ZC No. 2019-0001, GPA 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 ZC No. 2019-0001, GPA No. 2019-0001, and TTM No. 20237; and
16 closed the public hearing; and

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

18 **NOW, THEREFORE**, the City Council hereby finds, determines, and ordains 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 Ordinance 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 ZC 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 ZC No. 2019-0001 satisfies the requirements of Section 18.06.030
25 of the Rialto Municipal Code pertaining to the findings which must be made precedent to amending
26 a General Plan. The findings are as follows:
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1 1. That the proposed zone change is consistent with the General Plan of the City of
2 Rialto; and

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

4 In conjunction with the Project, the applicant proposes GPA No. 2019-0001 to change the
5 land use designation of the Site from Residential 2 with an Animal Overlay for the southern
6 parcel (APN: 0131-131-23) and Residential 6 for the two (2) northern parcels (APNs: 0131-
7 131-13 & -14) to Residential 12. The Residential 12 land use designation, combined with
8 the R-3 zone, will allow single-family residential developments between 6.1 and 12.0
9 dwelling units per acre. GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237 are
10 proposed to facilitate the development of a sixty (60) single-family residence neighborhood
11 with a density of 6.86 dwelling units per acre. The zone change and the subsequent
12 development are therefore consistent with the proposed General Plan land use designation,
13 provided that GPA No. 2019-0001 is approved prior to the proposed zone change.

14 2. That the proposed zone change will not adversely affect the surrounding properties.

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

16 The Site is surrounded on the north and east by existing single-family residential
17 subdivisions, and on the south by a planned single-family residential subdivision. The
18 density of the proposed development is 6.86 dwelling units per acre and similar to the
19 densities of other single-family residential subdivisions in the nearby area, including: (i) the
20 planned Wagon Wheel neighborhood, which will be located immediately adjacent to the
21 south of the project site and has a density of 7.35 dwelling units per acre, (ii) Pepper Ridge,
22 which is located approximately 650 feet to the east of the project site, and (iii) California
23 Knolls, which is located approximately 75 feet to the northwest of the project site and has a
24 density of 5.57 dwelling units per acre. The Project will facilitate the development of
25 detached single-family residences in keeping with the character of the surrounding area.

26 The proposed development, in conjunction with the project, will include the installation of a
27 six (6) foot solid block wall along all property lines adjacent to the surrounding
28 developments, as required by the Rialto Municipal Code. Additionally, each structure will
29 meet the minimum required building setbacks. These design features, as well as others, will
30 serve to make the proposed development as benign as possible.

31 Additionally, mitigation measures, included in the Initial Study prepared for the Project
32 (Environmental Assessment Review No. 2019-0001), will assist in mitigating any impacts
33 related to Cultural Resources, Geology and Soils, Noise and Transportation and Traffic to a
34 level of insignificance.

35 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2019-0002) has
36 been prepared for GPA No. 2019-0001 in accordance with the California Environmental Quality
37

1 Act (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff
2 determined that the project will not have an adverse impact on the environment, provided that
3 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
4 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
5 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
6 the project site for a public comment period held from June 20, 2019 to July 9, 2019. The Mitigated
7 Negative Declaration was prepared in accordance with CEQA. The City Council hereby adopts the
8 Mitigated Negative Declaration and directs the Planning Division to file the necessary
9 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

10 **SECTION 4.** The City Council hereby approves ZC No. 2019-0001 to change the zoning
11 designation of the Site to R-3, in accordance with the application on file with the Planning Division,
12 subject to the following conditions:
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- 14 1. ZC No. 2019-0001 is approved changing the zoning designation of approximately 8.74
15 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia
16 Avenue approximately 775 feet north of Randall Avenue, described in the legal
17 description attached as Exhibit A, to R-3. If the Conditions of Approval specified herein
18 are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 19 2. Prior to the issuance of building or grading permits for the proposed development, a
20 Precise Plan of Design shall be approved by the City's Development Review Committee
21 (DRC).
- 22 3. City inspectors shall have access to the Site to reasonably inspect the Site during
23 normal working hours to assure compliance with these conditions and other codes.
- 24 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
25 officers, or employees from any claims, damages, action, or proceeding against the
26 City or its agents, officers, or employees to attack, set aside, void, or annul any
27 approval of the City, its advisory agencies, appeal boards, or legislative body
28 concerning ZC 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.
5. 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

1 subject to protest by the applicant at the time of approval or conditional approval of
2 the Project or within 90 days after the date of the imposition of the fees, dedications,
reservations, or exactions imposed on the Project.

- 3 6. Approval of Zone Change No. 2019-0001 will not be valid until such time that the City
4 Council of the City of Rialto has approved General Plan Amendment No. 2019-0001,
5 which was prepared in conjunction with the Project.
- 6 7. Approval of Zone Change No. 2019-0001 is for the sole purpose of facilitating the
7 development of a single-family residential subdivision on the Site. The development of
8 the Site into any use other than single-family residential is not permitted without the
prior approval of an amendment to this Ordinance by both the Planning Commission
and City Council.
- 9 8. The applicant shall annex the Site within a Community Facilities District to offset
10 operational costs to the City's General Fund associated with ZC No. 2019-0001, as
11 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.
- 12 9. Applicant shall comply with all conditions of approval contained in GPA No. 2019-
13 0001 and TTM No. 20237, to the extent they are not in conflict with any condition of
14 approval herein.

15 **SECTION 5.** The Mayor shall sign the passage and adoption of this Ordinance and
16 thereupon the same shall take effect and be in force.

17 **PASSED, APPROVED AND ADOPTED** this 24th day of September, 2019.

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DEBORAH ROBERTSON, MAYOR
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ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

FRED GALANTE, CITY ATTORNEY

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

5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the
6 foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City
7 Council of the City of Rialto held on the _____ day of _____, 2019.

8 Upon motion of Councilmember _____, seconded by Councilmember
9 _____, the foregoing Ordinance 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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19 _____
20 BARBARA MCGEE, CITY CLERK
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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.

L 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
_____	EXP. DATE: 9-30-19
_____	DATE _____
THOMAS S. LOVE	