

RESOLUTION NO. 19-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2019-0002) FOR A PROJECT CONSISTING OF A GENENERAL PLAN AMENDMENT, A ZONE CHANGE, AND A TENTATIVE TRACT MAP FOR THE SUBDIVISION OF 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 INTO SIXTY (60) SINGLE-FAMILY LOTS AND TWELVE (12) COMMON LOTS, AND THE DEVELOPMENT OF SIXTY (60) SINGLE-FAMILY RESIDENCES THEREON.

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 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 ("Site") into sixty (60) single-family lots and twelve (12) common lots ("Project"); and to construct sixty (60) single-family residences thereon; and

WHEREAS, in conjunction with the Project, the applicant has also submitted General Plan Amendment No. 2019-0001 to change the land use designation of the Site, as described in the legal description attached as Exhibit A, from a mix of Residential 2 (0.1-2.0 du/acre) with an Animal Overlay and Residential 6 (2.1-6.0 du/acre) to Residential 12 (6.1-12.0 du/acre) ("GPA No. 2019-0001"); and

WHEREAS, in conjunction with the Project, 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, from a mix of Agricultural (A-1) and Single-Family Residential (R-1C) to Multi-Family Residential (R-3) ("ZC No. 2019-0001"); and

WHEREAS, the Project within the R-3 zone requires the approval of a tentative tract map, and the Applicant has agreed to apply for a Tentative Tract Map No. 2019-0001, also referred to as Tentative Tract Map No. 20237, ("TTM No. 20237"), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

1 WHEREAS, as part of the Project, the applicant will submit a Precise Plan of Design
2 application to allow the construction of sixty (60) single-family residences on the Site; and

3 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
4 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
5 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
6 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
7 (Environmental Assessment Review No. 2019-0002) prepared by Lilburn Corporation and
8 determined that there is no substantial evidence that the approval of the Project would result in a
9 significant adverse effect on the environment, provided appropriate mitigation measures are
10 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof
11 was given in the manner required by law; and

12 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the
13 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners
14 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from
15 June 20, 2019 to July 9, 2019; and

16 WHEREAS, one (1) comment letter was received from Mr. and Mrs. Renfro, which was
17 submitted on July 9, 2019; and

18 WHEREAS, the common letter from Mr. and Mrs. Renfro expressed opposition to the
19 requested general plan amendment and zone change, and more specifically opined that the
20 project will create a significant amount of traffic, noise, and children attending local schools; and
21 they requested the preparation of a traffic study while the local schools are in session; and

22 WHEREAS, on July 11, 2019, the applicant submitted a response letter to the Planning
23 Division that noted that the traffic study prepared for the project was done while the local
24 schools were in session and considered school traffic as part of its study, and that the study
25 determined that the project will not create a significant impact related to traffic with the
26 implementation of "fair-share" payments towards future roadway improvements; and

27 WHEREAS, the Noise Impact Study prepared for the project indicated that the project
28 will not create any significant impact, as it relates to noise impacts, with the implementation of

1 the recommended mitigation measures including the installation of a six (6) foot high solid block
2 wall around the perimeter of the Site; and

3 WHEREAS, the Planning Division engaged the Rialto Unified School District (RUSD)
4 during the CEQA process, provided a copy of the Initial Study, the supporting technical studies,
5 and the Notice of Intent, and at no point did the RUSD indicate to the Planning Division that the
6 RUSD does not have the capacity to serve future students, but rather the RUSD will collect
7 school fees from the applicant to provide for the educational services of students generated by
8 the Project; and

9 WHEREAS, on July 23, 2019 the Planning Division mailed a copy of the response letter
10 to Mr. and Mrs. Renfro; and

11 WHEREAS, the City mailed public hearing notices for the proposed Project to all
12 property owners within 300 feet of the project site, and published the public hearing notice in the
13 San Bernardino Sun newspaper as required by State law; and

14 WHEREAS, on July 31, 2019, the Planning Commission of the City of Rialto conducted
15 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, GPA
16 No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237, took testimony, at which time it
17 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed
18 the proposed Mitigated Negative Declaration, GPA No. 2019-0001, ZC No. 2019-0001, and
19 TTM No. 20237; and closed the public hearing; and

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

21 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
22 Rialto as follows:

23 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true
24 and correct.

25 SECTION 2: The Planning Commission has independently reviewed and considered the
26 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review
27 No. 2019-0002) attached hereto as Exhibit "B" and incorporated herein by this reference, the
28 public comments upon it, and other evidence, and finds that the Mitigated Negative Declaration

1 was prepared in the manner required by law, and there is no substantial evidence in the record to
2 support a fair argument that the Project would result in a significant adverse effect upon the
3 environment, provided appropriate mitigation measures are imposed as recommended below.

4 SECTION 3: The Initial Study (Environmental Assessment Review No. 2019-0002)
5 prepared for the project identified that the Site did not have suitable habitat for any threatened or
6 endangered species, and therefore the proposed Project will have no individual or cumulative
7 adverse impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code.

8 SECTION 4: The attached proposed Initial Study and Mitigated Negative Declaration
9 finds that there are no impacts or less than significant impacts to aesthetics, agriculture and
10 forestry resources, air quality, biological resources, greenhouse gas emissions, hazards and
11 hazardous materials, hydrology/water quality, land use/planning, mineral resources,
12 population/housing, public services, recreation, tribal cultural resources, and utilities and service
13 systems.

14 SECTION 5: With the imposition of mitigation measures that address potential impacts
15 upon cultural resources, geology and soils, noise, traffic and transportation, and mandatory
16 findings of significance in the community, and as set forth in the Mitigation Monitoring &
17 Reporting Program, Exhibit "C" hereto, which is attached hereto and incorporated herein by this
18 reference, the proposed Project's potential significant impacts will be reduced below a level of
19 significance.

20 SECTION 6: For the foregoing reasons and based on the information and findings
21 included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation
22 Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and
23 evidence in the administrative record of proceedings, the Planning Commission has determined
24 that the Project, as conditioned and mitigated, will not have a significant adverse impact on the
25 environment and also finds that the preparation of the Initial Study and Mitigated Negative
26 Declaration attached hereto complies with CEQA. Therefore, the Planning Commission
27 recommends that the City Council certify the Initial Study, Mitigated Negative Declaration, and
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1 Mitigation Monitoring and Reporting Program, making certain environmental findings to allow
2 the Project.

3 SECTION 7: The Chairman of the Planning Commission shall sign the passage and
4 adoption of this resolution and thereupon the same shall take effect and be in force.

5 PASSED, APPROVED AND ADOPTED this 31st day of July, 2019.

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9 JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Edgar Gonzalez, Assistant Planner of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **19-40** 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. **19-40** 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.
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20 Edgar Gonzalez, Assistant Planner
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