

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA APPROVING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2017-0066) FOR A PROJECT CONSISTING OF A GENERAL PLAN AMENDMENT, A ZONE CHANGE, THE SUBDIVISION OF 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75 & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE INTO THIRTY-TWO (32) SINGLE-FAMILY LOTS, ONE (1) COMMON OPEN SPACE LOT AND A STORMWATER RETENTION BASIN.

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 acres of land (Portions APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore Avenue approximately 630 feet north of Randall Avenue (“Site”) into thirty-two (32) single-family lots, one (1) common open space lot and a stormwater retention basin (“Project”); and

WHEREAS, in conjunction with the Project, the applicant has also submitted General Plan Amendment No. 2018-0002 to change the land use designation of the Site, as described in the legal description attached as Exhibit A, from Residential 6 (2.1-6 du/acre) to Residential 12 (6.1-12.0 du/acre) (“GPA No. 2018-0002”); and

WHEREAS, in conjunction with the Project, the applicant has also submitted Zone Change No. 2017-0004 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3) (“ZC No. 2017-0004”); 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. 2017-0006, also referred to as Tentative Tract Map No. 20108, (“TTM No. 20108”), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, as part of the Project, the applicant will submit a Precise Plan of Design application to allow the construction of thirty-two (32) single-family residences on the Site; and

1 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act,
2 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
3 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
4 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
5 (Environmental Assessment Review No. 2017-0066) prepared by and determined that there is no
6 substantial evidence that the approval of the Project would result in a significant adverse effect
7 on the environment, provided appropriate mitigation measures are imposed on the Project; thus,
8 a Mitigated Negative Declaration was prepared and notice thereof was given in the manner
9 required by law; and

10 **WHEREAS**, a Notice of Intent to adopt the Mitigated Negative Declaration for the
11 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners
12 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from
13 October 24, 2018 to November 12, 2018; and

14 **WHEREAS**, The Planning Division received no public comment letters during the
15 twenty (20) day public comment period; and

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

19 **WHEREAS**, on November 28, 2018, the Planning Commission of the City of Rialto
20 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
21 Declaration, GPA No. 2018-0002, ZC No. 2017-0004, and TTM No. 20108, took testimony, at
22 which time it received input from staff, the city attorney, and the Applicant; heard public
23 testimony; discussed the proposed GPA No. 2018-0002, ZC No. 2017-0004, and TTM No.
24 20108; and closed the public hearing; and

25 **WHEREAS**, on November 28, 2018, the Planning Commission voted 6-0 (1 absence) to
26 recommend approval of the Mitigated Negative Declaration, GPA No. 2018-0002, ZC No. 2017-
27 0004, and TTM No. 20108 to the City Council; and

1 **WHEREAS**, on January 29, 2019, the City Council opened the public hearing and
2 continued it to February 12, 2019;

3 **WHEREAS**, on February 12, 2019, the City Council conducted the continued public
4 hearing, as required by law, on the Mitigated Negative Declaration, GPA No. 2018-0002, ZC
5 No. 2017-0004, and TTM No. 20108, took testimony, at which time it received input from staff,
6 the city attorney, and the applicant; heard public testimony, discussed the Mitigated Negative
7 Declaration, GPA No. 2018-0002, ZC No. 2017-0004, and TTM No. 20108; and closed the
8 public hearing; and

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

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

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

13 **SECTION 2.** The City Council has independently reviewed and considered the
14 proposed Mitigated Negative Declaration, the public comments upon it, and other evidence and
15 finds that the Mitigated Negative Declaration was prepared in the manner required by law, and
16 there is no substantial evidence, provided appropriate mitigation measures are imposed, that the
17 Project would result in a significant adverse effect upon the environment.

18 **SECTION 3.** The Initial Study (Environmental Assessment Review No. 2017-0066)
19 prepared for the project identified that the Site did not have suitable habitat for any threatened or
20 endangered species, and therefore the proposed Project will have no individual or cumulative
21 adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

22 **SECTION 4:** The attached proposed Mitigated Negative Declaration, Exhibit "B"
23 hereto, finds that there are no impacts or less than significant impacts to aesthetics, agriculture
24 and forestry resources, air quality, biological resources, geology/soils, greenhouse gas emissions,
25 hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources,
26 population/housing, public services, recreation, transportation/traffic, tribal cultural resources,
27 and utilities and service systems.

SECTION 5. With the imposition of mitigation measures that address potential impacts upon cultural resources, geology/soils, tribal cultural resources, noise, and mandatory findings of significance in the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit “C” hereto, which is attached hereto and incorporated herein by this reference, the proposed Project’s potential significant impacts will be reduced below a level of significance.

SECTION 6. For the foregoing reasons and based on the information and findings included in the Initial Study and Staff Report, the City Council has determined that the Project, as conditioned and mitigated, will not have a significant adverse impact on the environment and also finds that the preparation of the Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the City Council hereby certifies the Mitigated Negative Declaration, which is attached hereto as Exhibit “B” and incorporated herein by this reference, making certain environmental findings to allow the Project. The City Council further directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 7. The Mayor 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 12th day of February, 2019.

DEBORAH ROBERTSON, MAYOR

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5 **ATTEST:**
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9 BARBARA MCGEE, CITY CLERK
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11 **APPROVED AS TO FORM:**
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14 FRED GALANTE, CITY ATTORNEY
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5 STATE OF CALIFORNIA)
6 COUNTY OF SAN BERNARDINO) ss
7 CITY OF RIALTO)
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9 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the
10 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
11 City Council of the City of Rialto held on the _____ day of _____, 2019.

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

14 Vote on the motion:

15 AYES:

16 NOES:

17 ABSENT:

18 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
19 of Rialto this _____ day of _____, 2019.
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24 BARBARA MCGEE, CITY CLERK
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Exhibit 'A'

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

PARCEL A:

The North 60 feet of the West 330 feet of the South 210 feet of Lot 138, Town of Rialto and adjoining subdivision, in the City of Rialto, County of San Bernardino, State of California, as per map recorded in Book 4 Page 11, of Maps, in the office of the County Recorder of said County.

Assessor's Parcel No: 0131-111-07

PARCEL B:

The South 330 feet of Farm Lot 138, Town of Rialto and adjoining subdivisions, in the City of Rialto, County of San Bernardino, State of California, as per map recorded in Book 4, Page 11 of Maps, in the Office of the County Recorder of said County.

Excepting therefrom the East 525 feet and the North 310 feet of the West 330 feet thereof.

Also excepting therefrom the East 2 feet of the West 32 feet of said land as conveyed to the City of Rialto in the deed recorded November 12, 1973, in Book 8305, Page 514, of Official Records.

Note: Areas and distances are computed to the street centers.

Assessor's Parcel No: 0131-111-05

PARCEL C:

Parcel 1 of Parcel Map Number 4596, in the City of Rialto, County of San Bernardino, State of California, as per map recorded in Book 53, of Parcel Maps, Page 94, in the Office of the County Recorder of said County.

Assessor's Parcel No: 0131-111-76

PARCEL D:

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6 **Parcel 2 of Parcel Map 4596, in the City of Rialto, County of San**
Bernardino, State of California, as per map recorded in Book 53 Page 94,
of Parcel Maps, in the office of the County Recorder of said County.
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8 ***Assessor's Parcel No: 0131-111-75***
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Exhibit 'B'

Exhibit 'C'