

1 **RESOLUTION NO. _____**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIALTO, CALIFORNIA, APPROVING GENERAL PLAN
4 AMENDMENT NO. 2018-0002 TO CHANGE THE LAND USE
5 DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND
6 (PORTIONS OF APNS: 0131-111-05, -07, -75 & -76) LOCATED
7 EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET
8 NORTH OF RANDALL AVENUE FROM RESIDENTIAL 6 TO
9 RESIDENTIAL 12.

10 **WHEREAS**, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 acres of land
11 (Portions APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore Avenue approximately
12 630 feet north of Randall Avenue, described in the legal description attached as Exhibit A (“Site”),
13 is currently designated Residential 6 by the Land Use Element of the General Plan; and

14 **WHEREAS**, the applicant, Asian Pacific, Inc., proposes to change the land use
15 designation of the Site from Residential 6 (2.1-6 du/acre) to Residential 12 (6.1-12.0 du/acre)
16 (“Project”); and

17 **WHEREAS**, in conjunction herewith, the applicant has also submitted Zone Change No.
18 2017-0004 to change the zoning designation of the Site, as described in the legal description
19 attached as Exhibit A, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3)
20 (“ZC No. 2017-0004”); and

21 **WHEREAS**, in conjunction herewith, the applicant has also submitted Tentative Tract
22 Map No. 2017-0006, also referred to as Tentative Tract Map No. 20108 (“TTM No. 20108”) to
23 subdivide the Site into thirty-two (32) single-family residential lots, one (1) common open space
24 lot, and a stormwater retention basin, as the Project is necessary to facilitate TTM No. 20108;
25 and

26 **WHEREAS**, pursuant to Government Code Sections 65350-65362, the Project requires
27 the approval of an amendment to the General Plan, and the applicant has agreed to apply for
28 General Plan Amendment No. 2018-0002 (“GPA No. 2018-0002”); 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 November 28, 2018, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on GPA No. 2018-0002, ZC No.
6 2017-0004, and TTM No. 20108, took testimony, at which time it received input from staff, the
7 city attorney, and the applicant; heard public testimony; discussed GPA No. 2018-0002, ZC No.
8 2017-0004, and TTM No. 20108; and closed the public hearing; and

9 **WHEREAS**, on November 28, 2018, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of GPA No. 2018-0002, ZC No. 2017-0004, and TTM No. 20108 to the
11 City Council; and

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

14 **WHEREAS**, on February 12, 2019, the City Council conducted the continued public
15 hearing, as required by law, on GPA No. 2018-0002, ZC No. 2017-0004, and TTM No. 20108,
16 took testimony, at which time it received input from staff, the city attorney, and the applicant;
17 heard public testimony, discussed GPA No. 2018-0002, ZC No. 2017-0004, and TTM No.
18 20108; and closed the public hearing; and

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

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

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

23 **SECTION 2.** Based on substantial evidence presented to the City Council during the
24 public hearing conducted with regard to GPA No. 2018-0002, including written staff reports, verbal
25 testimony, project plans, other documents, and the conditions of approval stated herein, the City
26 Council hereby determines that GPA No. 2018-0002 satisfies the requirements of Government
27 Code Section 65358 pertaining to the findings which must be made precedent to amending a
28 General Plan. The findings are as follows:

1
2 1. That the proposed General Plan Amendment is in the public interest.

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

4 The Site is surrounded on the west, north and south by single-family residential
5 subdivisions. The density of the proposed development is similar to the densities of other
6 single-family residential subdivisions in the nearby area, including Pepper Ridge, which is
7 located at northeast corner of Randall and Eucalyptus and California Knolls, which is
8 located approximately 660 feet to the northeast of the project site. The Project will facilitate
9 the development of detached single-family residences in keeping with the character of the
10 surrounding area.

11 The Project will facilitate the development of a neighborhood consisting of thirty-two (32)
12 detached single-family residences. Any member of the public seeking to purchase a new
13 home will be provided an opportunity to acquire a new high-quality residence within a high-
14 quality, well-maintained, gated neighborhood. An increase in the number of owner
15 occupied single-family residences will likely positively affect the median income of the City
16 of Rialto, albeit insignificantly. Furthermore, the development of thirty-two (32) detached
17 single-family residences will contribute to an increase in revenues collected in form of
18 permit fees, development impact fees, sales tax, and property tax. In addition, the Site is
19 currently vacant unimproved land, and the general plan amendment and development of
20 single-family residences will reduce existing blight and adverse effects of an empty, vacant
21 lot surrounded by urban uses.

22 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2017-0066) has
23 been prepared for GPA No. 2018-0002 in accordance with the California Environmental Quality
24 Act (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance
25 and a Mitigated Negative Declaration has been prepared in accordance with CEQA. The City
26 Council concurrently herewith has adopted the Mitigated Negative Declaration and directed the
27 Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors
28 for San Bernardino County.

SECTION 4. The City Council hereby approves GPA No. 2018-0002 to change the land
use designation of the Site from Residential 6 to Residential 12, in accordance with the applications
on file with the Planning Division, subject to the following conditions:

- 1 1. GPA No. 2018-0002 is approved changing the land use designation of approximately
2 4.75 acres of land (APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore
3 Avenue approximately 630 feet north of Randall Avenue, and described in the legal
4 description attached as Exhibit A, from Residential 6 to Residential 12. If the
5 Conditions of Approval specified herein are not satisfied or otherwise completed, the
6 Project shall be subject to revocation.
- 7 2. City inspectors shall have access to the Site to reasonably inspect the Site during
8 normal working hours to assure compliance with these conditions and other codes.
- 9 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
10 officers, or employees from any claims, damages, action, or proceeding against the
11 City or its agents, officers, or employees to attack, set aside, void, or annul any
12 approval of the City, its advisory agencies, appeal boards, or legislative body
13 concerning GPA No. 18-0002. The City will promptly notify the applicant of any
14 such claim, action, or proceeding against the City, and applicant will cooperate fully
15 in the defense.
- 16 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
17 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
18 subject to protest by the applicant at the time of approval or conditional approval of
19 the Project or within 90 days after the date of the imposition of the fees, dedications,
20 reservations, or exactions imposed on the Project.
- 21 5. The City shall prepare a Fiscal Impact Analysis report of the proposed Development at
22 the applicant's cost. The report shall analyze the Development's impact to the City's
23 General Fund. The applicant shall be required to mitigate any negative fiscal impacts
24 identified in the report through the formation of a Community Facilities District,
25 payment of a Municipal Services Fee, or other acceptable mitigation method.
- 26 6. The applicant shall comply with all conditions of approval contained in ZC No. 2017-
27 0004 and TTM No. 20108, to the extent they are not in conflict with any condition of
28 approval herein.

SECTION 5. 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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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 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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19 _____
20 BARBARA MCGEE, CITY CLERK
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4 Exhibit 'A'

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

7 **PARCEL A:**

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

12 *Assessor's Parcel No: 0131-111-07*

13 **PARCEL B:**

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

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

20 **Also excepting therefrom the East 2 feet of the West 32 feet of said land**
21 **as conveyed to the City of Rialto in the deed recorded November 12,**
22 **1973, in Book 8305, Page 514, of Official Records.**

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

24 *Assessor's Parcel No: 0131-111-05*

25 **PARCEL C:**

26 **Parcel 1 of Parcel Map Number 4596, in the City of Rialto, County of San**
27 **Bernardino, State of California, as per map recorded in Book 53, of**
28 **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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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.

Assessor's Parcel No: 0131-111-75