

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD CHAPTER 18.116 ESTABLISHING A RESIDENTIAL OVERLAY ZONE TO ACCOMMODATE HOUSING AND MODIFYING PERMITTED LAND USES AND RESIDENTIAL DENSITIES IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT AND APPLYING THE RESIDENTIAL OVERLAY TO PROPERTIES IN THE VICINITY OF BASELINE ROAD AND RIVERSIDE AVENUE, IN THE GATEWAY SPECIFIC PLAN, AND THE CENTRAL AREA SPECIFIC PLAN.

WHEREAS, on March 8, 2022, the City Council adopted the 2021-2029 (6th Cycle) General Plan Housing Element, a mandatory element of the City's General Plan and the City's main housing policy and planning document that identifies housing needs and constraints, sets forth goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels based on the City's assigned Regional Housing Needs Allocation (RHNA); and

WHEREAS, the 2021-2029 (6th Cycle) General Plan Housing Element identified a shortage of affordable housing within the City of Rialto ("City"); and

WHEREAS, California Government Code Section 65580(d) states that all cities have a responsibility to use the powers vested in them to facilitate the improvement and development of housing and to make adequate provisions for the housing needs of all economic segments of the community; and

WHEREAS, the Housing Element includes a Sites Inventory, which identifies suitable sites throughout the City that can adequately accommodate the required capacity set forth by the City's RHNA for the 2021-2029 (6th Cycle) planning period totaling 8,272 housing units; and

1 **WHEREAS**, consistent with State Law, Housing Goal #2 is to “Promote and encourage
2 housing development that adequately meets the needs of all socioeconomic segments of the
3 community and region”; and

4 **WHEREAS**, in order to implement Housing Element Goal #2, Housing Program 2B,
5 referred to as the Rezone Program, the City will need to rezone parcels to provide adequate sites
6 to accommodate RHNA; and

7 **WHEREAS**, the City’s Rezone Program includes a provision to allow multi-family uses
8 by-right for developments in which twenty percent or more of the units are affordable to lower-
9 income households; and

10 **WHEREAS**, the City’s Rezone Program includes a provision to permit at least thirty units
11 per acre on sites identified in the latest housing element; and

12 **WHEREAS**, on January 11, 2023, the Planning Commission of the City of Rialto
13 conducted a duly noticed public hearing, as required by law; received public testimony; discussed
14 Zoning Code Amendment (ZCA) No. 2022-0004; and closed the public hearing; and

15 **WHEREAS**, the Planning Commission voted 5-0 to recommend the City Council approve
16 the amendment to the Zoning Code Amendment; and

17 **WHEREAS**, on February 14, 2023, the City Council conducted a duly noticed public
18 hearing, as required by law, on ZCA No. 2022-0004, took testimony at which time it received
19 input from staff and the city attorney; heard public testimony; closed the public hearing; and
20 continued the item for discussion and first reading at its February 28, 2023, meeting to assess
21 appropriate action to remove any potential conflict of interest issues; and

22 **WHEREAS**, on February 28, 2023, the City Council conducted a duly noticed public
23 hearing, as required by law, on ZCA No. 2022-0004, took testimony at which time it received
24 input from staff and the city attorney; heard public testimony, discussed ZCA No. 2022-0004; and
25 closed the public hearing; and

1 **WHEREAS**, on July 25, 2023, the City Council conducted a duly noticed public hearing,
2 as required by law, on ZCA No. 2022-0004, took testimony at which time it received input from
3 staff and the city attorney; heard public testimony, discussed ZCA No. 2022-0004; and closed the
4 public hearing; and

5 **NOW, THEREFORE**, the City Council of the City of Rialto does ordain as follows:

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

8 **SECTION 2.** In conjunction with the Project, the City has prepared an addendum to the
9 previously adopted Mitigated Negative Declaration for the 2021-2029 (6th Cycle) General Plan
10 Housing Element (“MND 6th Cycle Housing Element”) under the California Environmental Quality
11 Act (“CEQA”) because the proposed Specific Plan Amendment will not result in any change with
12 respect to the circumstances or require major revisions to the previously approved MND 6th Cycle
13 Housing Element.

14 **SECTION 3.** The City Council hereby approves an amendment to the Rialto
15 Municipal Code to revise each of the following code sections in the manner shown, with underlined
16 text representing added language. All unmarked text shall remain unmodified and in full force and
17 effect:

18 **“18.22.020 Permitted uses.**

19

20 H. Development projects consisting of any number of units, in which 20
21 percent or more of the residential units are affordable to lower-income
22 households are permitted by-right and subject to the provisions of
23 Government Code Section 65583.2 subdivisions (h) and (i).”

24 **“18.56.090 – Affordable Housing Projects.**

25 When a non-vacant lot has been identified in a prior housing element and at
26 least twenty percent of the proposed units are affordable to lower income

1 households, the maximum density shall be thirty (30) dwelling units per
2 acre.”

3 **SECTION 4.** The City Council hereby amends the Rialto Municipal Code to add a new
4 chapter 18.116, entitled “Residential Overlay” to read as follows:

5 “Chapter 18.116 RESIDENTIAL OVERLAY

6 18.116.010 Purpose.

7 The intent of the residential overlay is to allow for attractive high density residential development
8 in appropriate areas of the city while allowing existing development to remain and retain the
9 development potential of the underlying zoning. All underlying uses, legally permitted, may
10 remain and the underlying zoning shall remain intact. The residential overlay is an additional layer
11 of permitted uses that can be utilized. Property owners will retain full discretion to use the
12 residential overlay, if they choose, to pursue development of residential units. The residential
13 overlay does not impose any obligation on property owners to convert or change the use of their
14 commercial or other non-residential uses. There is no mechanism proposed by the rezone program
15 to mandate or impose an obligation on existing property owners to redevelop their properties for
16 residential uses.

17 The purpose of the residential overlay is to accomplish the following objectives:

- 18 A. To provide an overlay zone which will implement the goals and policies of the General
19 Plan;
20 B. To provide additional housing options for people, including but not limited to, students,
21 young professionals and older people, who want to live near their workplace and/or near
22 retail and other non-residential uses;
23 C. To ensure compatibility of residential projects with surrounding uses and development
24 patterns;
25 D. To create additional opportunities, but not impose any obligation, for development
26 beyond those uses allowed in the underlying zoning district; and
27 E. To protect underlying land uses and the established character of existing neighborhoods.

28 18.116.020 Application.

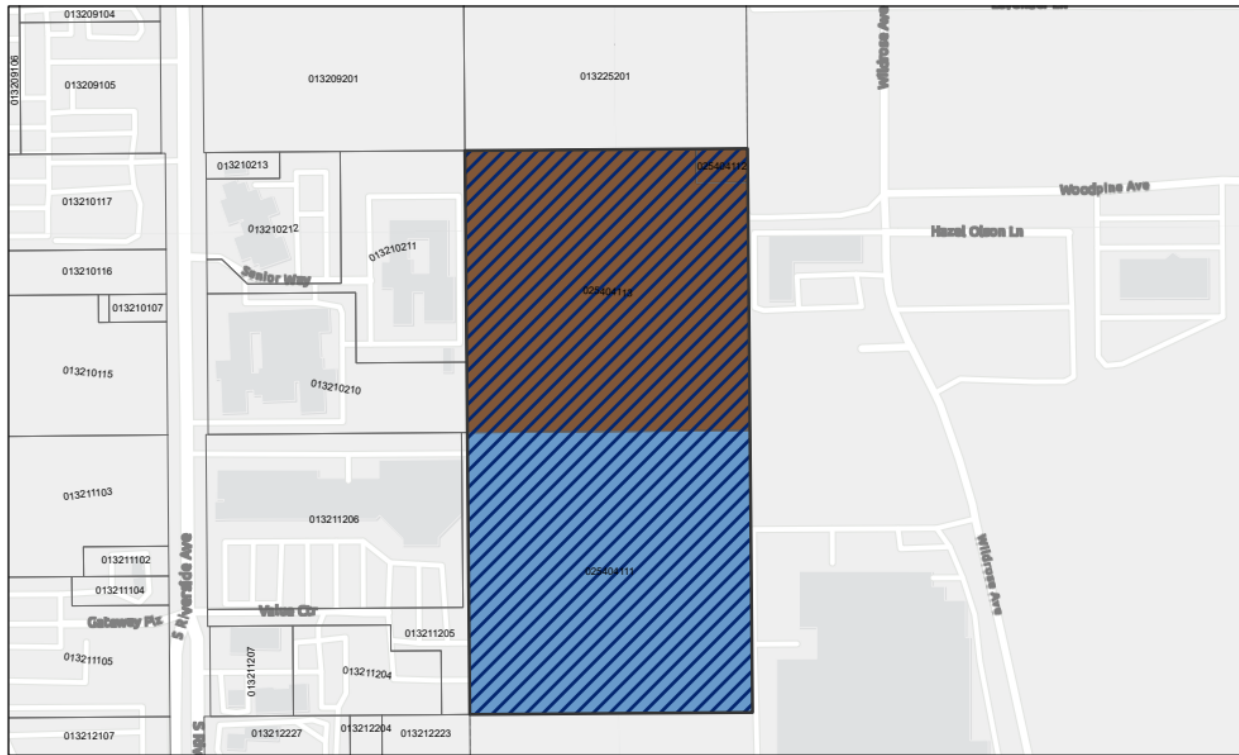
The regulations in this chapter apply only to residential development located within the
residential overlay. All non-residential development shall conform to the regulations of the

underlying zone. The residential overlay applies in certain portions of the city as shown in the maps provided herein.

A. Properties located near Baseline Road and Riverside Avenue



B. Properties within the Gateway Specific Plan



Land Use Designation

- Gateway Specific Plan Industrial Park (I-P)
- Gateway Specific Plan Retail Commercial (R-C)

Proposed Overlay
City of Rialto
Parcels

C. Properties within the Central Area Specific Plan



1 18.116.050 Regulations—Adoption by reference.

2 The regulations of the R-4 High Density Multiple Family Zone, outlined in Chapter 18.24 of this
3 title, apply to residential structures in the Residential Overlay zone, except as otherwise provided
4 in this chapter.

5 18.116.060 Regulations—Exceptions.

6 The exceptions to the R-4 High Density Multiple Family Zone regulations, as set forth in this
7 section, are applicable to residential structures in the Residential Overlay.

8 A. Maximum density.

9 1. 50 dwelling units per acre for properties identified in:

10 a. 18.116.020(A) located near Baseline Road and Riverside Avenue,

11 b. 18.116.020(B) located in the Gateway Specific Plan area.

12 c. 18.116.020(C) located within the Central Area Specific Plan.

13 B. Minim density, 20 units per acre.

14 C. Maximum building coverage, seventy percent of the lot area.

15 D. Building height limit, five stories or sixty feet.”

16 **SECTION 5.** The City hereby approves ZCA No. 2022-0004 to establish a residential overlay
17 to accommodate housing and modify permitted land uses and residential densities in accordance with
18 the Housing Element Rezone Program Implementation Project.

19 **SECTION 6.** Every section, provision, or part of this ordinance is declared severable from
20 every other section, provision, or part of this ordinance. If any section, provision, or part of this
21 ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not
22 invalidate any other section, provision, or part of this ordinance.

23 **SECTION 7.** The Mayor shall sign the passage and adoption of this Ordinance and thereupon
24 the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this _____ day of July, 2023.

DEBORAH ROBERTSON, MAYOR

ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

ERIC S. VAIL, CITY ATTORNEY

1 State of California)
2 County of San Bernardino)
3 City of Rialto)
4

5 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance was introduced and first read on the ____ day of _____ 2023, and had its second
7 reading at the regular meeting of the Rialto City Council on the ____ day of _____, 2023,
8 and was passed by the following vote:
9

10
11 **AYES:**

12 **NOES:**

13 **ABSTAIN:**

14 **ABSENT:**
15
16

17 _____
18 Barbara McGee, City Clerk
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