

## **RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2019-0007 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 3.92 ACRES OF LAND (APN: 0131-131-23) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 775 FEET NORTH OF RANDALL AVENUE FROM RESIDENTIAL 2 WITH AN ANIMAL OVERLAY TO RESIDENTIAL 6.

WHEREAS, approximately 3.92 acres of land (APN: 0131-131-23) located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue, described in the legal description attached as Exhibit A (“Site”), is currently designated by the Land Use Element of the General Plan as Residential 2 with an Animal Overlay; and

WHEREAS, the applicant, Asian Pacific, Inc., proposes to change the land use designation of the Site to Residential 6 (“Project”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Zone Change No. 2019-0005 to change the zoning designation of the Site and two (2) parcels of land (APNs: 0131-131-13 & -14) immediately adjacent to the north of the Site (“Overall Site”), as described in the legal description attached as Exhibit B, to Multi-Family Residential (R-3) (“ZC No. 2019-0005”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Tentative Tract Map No. 2019-0004, also referred to as Tentative Tract Map No. 20237 ("TTM No. 20237") to subdivide the Overall Site into fifty-two (52) single-family residential lots and nine (9) common lots, and the Project is necessary to facilitate TTM No. 20237; and

WHEREAS, pursuant to Government Code Sections 65350-65362, the Project requires the approval of an amendment to the General Plan, and the applicant has agreed to apply for General Plan Amendment No. 2019-0007 (“GPA No. 2019-0007”); 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 forward  
3 a recommendation to the City Council for action; and

4        WHEREAS, on February 26, 2020, the Planning Commission of the City of Rialto  
5 conducted a duly noticed public hearing, as required by law, on GPA No. 2019-0007, ZC No.  
6 2019-0005, and TTM No. 20237, took testimony, at which time it received input from staff, the  
7 city attorney, and the applicant; heard public testimony; discussed GPA No. 2019-0007, ZC No.  
8 2019-0005, and TTM No. 20237; and closed the public hearing; and

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

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

12      SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth  
13 in the recitals above of this Resolution are true and correct and incorporated herein.

14      SECTION 2. Based on substantial evidence presented to the Planning Commission during  
15 the public hearing conducted with regard to GPA No. 2019-0007, including written staff reports,  
16 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the  
17 Planning Commission hereby determines that GPA No. 2019-0007 satisfies the requirements of  
18 Government Code Sections 65358 pertaining to the findings which must be made precedent to  
19 amending a General Plan. The findings are as follows:

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

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

23      The Site is surrounded on the north and east by existing single-family residential  
24 neighborhoods, and on the immediate south to a recently entitled single-family residential  
25 neighborhood (Wagon Wheel) that will soon begin construction. The density of the proposed  
26 development is similar to the densities of other single-family residential subdivisions in the  
27 nearby area, including: (i) the adjacent Wagon Wheel neighborhood, which is scheduled to  
28 begin construction soon, (ii) Pepper Ridge, which is located approximately 650 feet to the east  
of the project site, and (iii) California Knolls, which is located approximately 75 feet to the  
northwest of the project site. The Project will facilitate the development of detached single-  
family residences in keeping with the character of the surrounding area.

1 The Project will facilitate the development of a neighborhood consisting of fifty-two (52)  
2 detached single-family residences. Any member of the public seeking to purchase a new  
3 home will be provided an opportunity to acquire a new high-quality residence within a high-  
4 quality, well-maintained, gated neighborhood. An increase in the number of owner-occupied  
5 single-family residences will likely positively affect the median income of the City of Rialto,  
6 albeit insignificantly. Furthermore, the development of fifty-two (52) detached single-family  
7 residences will contribute to an increase in revenues collected in form of permit fees,  
8 development impact fees, sales tax, and property tax. In addition, the Site is mostly vacant  
9 unimproved land, with the exception of one (1) single-family residence and an abandoned  
10 poultry farm, and the general plan amendment and development of single-family residences  
11 will reduce existing blight and adverse effects of an empty, vacant lot, and an abandoned  
12 poultry farm surrounded by urban uses.

13 SECTION 3. An Initial Study (analyzing the prior development of 60 single family lots and  
14 accompanying residences) and an accompanying Consistency Analysis Memorandum (analyzing the  
15 current development of 52 single family lots and accompanying residences) (Environmental  
16 Assessment Review No. 2019-0082) has been prepared for GPA No. 2019-0007 in accordance with  
17 the California Environmental Quality Act (CEQA). Based on the findings and recommended  
18 mitigation with the Initial Study, staff determined that the project will not have an adverse impact on  
19 the environment, provided that mitigation measures are implemented, and a Mitigated Negative  
20 Declaration was prepared. The local newspaper published a copy of the Notice of Intent to adopt the  
21 Mitigated Negative Declaration for the project, and the City mailed the notice to all property owners  
22 within 300 feet of the project site for a public comment period held from June 20, 2019 to July 9,  
23 2019. The Mitigated Negative Declaration was prepared in accordance with CEQA. Based on the  
24 Initial Study, Mitigated Negative Declaration, and Consistency Analysis Memorandum, which found  
25 that the reduction in the number of dwelling units proposed will serve to reduce the previously  
26 determined less than significant impacts analyzed by the prior proposal even further, the Planning  
27 Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and  
28 direct the Planning Division to file the necessary documentation with the Clerk of the Board of  
Supervisors for San Bernardino County.

1        **SECTION 4.** The Planning Commission hereby recommends that the City Council approve  
2 GPA No. 2019-0007 to change the land use designation of the Site from Residential 2 with an Animal  
3 Overlay to Residential 6, in accordance with the applications on file with the Planning Division,  
4 subject to the following conditions:

- 5        1. GPA No. 2019-0007 is approved changing the land use designation of approximately 3.92  
6        acres of land (APN: 0131-131-23) located on the east side of Acacia Avenue  
7        approximately 775 feet north of Randall Avenue, and described in the legal description  
8        attached as Exhibit A, from Residential 2 with an Animal Overlay to Residential 6. If the  
9        Conditions of Approval specified herein are not satisfied or otherwise completed, the  
Project shall be subject to revocation.
- 10        2. City inspectors shall have access to the Site to reasonably inspect the Site during normal  
11        working hours to assure compliance with these conditions and other codes.
- 12        3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
13        officers, or employees from any claims, damages, action, or proceeding against the City  
14        or its agents, officers, or employees to attack, set aside, void, or annul any approval of  
15        the City, its advisory agencies, appeal boards, or legislative body concerning GPA No.  
16        2019-0007. The City will promptly notify the applicant of any such claim, action, or  
17        proceeding against the City, and applicant will cooperate fully in the defense.
- 18        4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
19        imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
20        subject to protest by the applicant at the time of approval or conditional approval of the  
21        Project or within 90 days after the date of the imposition of the fees, dedications,  
22        reservations, or exactions imposed on the Project.
- 23        5. The applicant shall annex the Site within a Community Facilities District to offset  
24        operational costs to the City's General Fund associated with GPA No. 2019-0007, prior  
25        to the issuance of any building permits.
- 26        6. The applicant shall comply with all conditions of approval contained in ZC No. 2019-  
27        0005 and TTM No. 20237, to the extent they are not in conflict with any condition of  
28        approval herein.

25        **SECTION 5.** The Chairman of the Planning Commission shall sign the passage and  
26        adoption of this resolution and thereupon the same shall take effect and be in force.

27        PASSED, APPROVED AND ADOPTED this 26th day of February, 2020.

**JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION**

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF RIALTO )

I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No.        was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the       th day of       , 2019.

Upon motion of Planning Commissioner\_\_\_\_\_, seconded by Planning Commissioner\_\_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

### Vote on the motion:

AYES:

## NOES:

## ABSENT.

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this    th day of   , 2019.

---

**ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT**

## Exhibit A

## Site – Legal Description

## Exhibit B

## Overall Site – Legal Description