RESOLUTION NO. 18-63

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP NO. 2017-0006 (TTM No. 20108) TO ALLOW THE SUBDIVISION OF 4.75 ACRES OF LAND (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, described in the legal description attached as Exhibit A ("Site"), into thirty-two (32) single-family lots and 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, 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, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3) ("ZC No. 2017-0004"); and

WHEREAS, the Project will create thirty-two (32) detached single-family lots in accordance with the development standards of the R-3 zone, one (1) common open space lot and a stormwater retention basin in accordance with the development standards of the R-3 zone; and

WHEREAS, in conjunction with the Project, the applicant will also develop one (1) detached single-family residence on each of the thirty-two (32) single-family lots on the Site; 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

California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study (Environmental Assessment Review No. 2017-0066) prepared by and determined that there is no substantial evidence that the approval of the Project would result in a significant adverse effect on the environment, provided appropriate mitigation measures are imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof was given in the manner required by law; and

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

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

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

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

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

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

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

SECTION 2: The Initial Study and Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0066), Exhibit "B" hereto, prepared for the project concluded that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, and utilities and service systems. The Initial Study and Mitigated Negative Declaration also identified that the Site did not have suitable habitat for any threatened or endangered species, and therefore the proposed Project will have no individual or cumulative adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code. The Initial Study and Mitigated Negative Declaration further concluded that, after incorporation of the recommended mitigation measures, the Project's impacts on cultural resources, geology/soils, tribal cultural resources, noise, and mandatory findings of significance in the community would also be less than significant.

SECTION 3: The Planning Commission has independently reviewed and considered the Initial Study and proposed Mitigated Negative Declaration, related studies, the public comments upon it, and other evidence and finds that the Mitigated Negative Declaration was prepared in the manner required by law, and there is no substantial evidence supporting a fair argument that the Project would result in a significant adverse effect upon the environment, provided appropriate mitigation measures are imposed.

SECTION 4: Furthermore, the Initial Study and Mitigated Negative Declaration further concluded that, 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 5: For the foregoing reasons and based on the information and findings included in the Initial Study and Staff Report, the Planning Commission 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 Planning Commission recommends that the City Council certify 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.

SECTION 6: The Chairman of the Planning Commission 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 28th day of November, 2018.

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. **18-63** was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the 28th day of November, 2018.

Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Dale Estvander the foregoing Resolution No. **18-63** was duly passed and adopted.

Vote on the motion:

AYES: 6

NOES: 0

ABSENT: BarBara Chavez

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 28th day of November, 2018.

Adrianna Martinez, Administrative Assistant

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:

Exhibit 'A'

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

Exhibit 'B'

Exhibit 'C'