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WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 gross acres of land (APNs: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone (“Site”) into eighteen (18) single-family lots and three (3) common lots (“Project”); and to construct eighteen (18) single-family residences thereon; and

WHEREAS, as part of the Project, the applicant has also submitted Variance No. 2017-0002 to reduce the minimum required lot width of two lots (Lots 17 and 18) from seventy (70) feet to fifty-eight (58) feet, as it relates to TTM No. 20087 (“VAR No. 2017-0002”); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City prepared an Initial Study (Environmental Assessment Review No. 2017-0022) and determined that there is no substantial

1 evidence that the approval of the Project would result in a significant adverse effect on the  
2 environment, provided appropriate mitigation measures are imposed on the Project; thus, a  
3 Mitigated Negative Declaration was prepared and notice thereof was given in the manner  
4 required by law; and

5 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the  
6 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners  
7 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from  
8 October 13, 2017 to November 1, 2017; and

9 WHEREAS, no comment letters were received during the public comment period; and

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

13 WHEREAS, on November 29, 2017, the Planning Commission of the City of Rialto  
14 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative  
15 Declaration, TTM No. 20087, and VAR No. 2017-0002, took testimony, at which time it  
16 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed  
17 the proposed TTM No. 20087, and VAR No. 2017-0002; closed the public hearing, and  
18 continued the item to December 13, 2017; and

19 WHEREAS, on December 13, 2017, the Planning Commission of the City of Rialto  
20 reopened the public hearing on the Mitigated Negative Declaration, TTM No. 20087, and VAR  
21 No. 2017-0002, took testimony, at which time it received input from staff, the city attorney, and  
22 the Applicant; heard additional public testimony; discussed the proposed TTM No. 20087 and  
23 VAR No. 2017-0002; closed the public hearing, approved TTM No. 20087 and VAR No. 2017-  
24 0002; and directed staff to prepare revised Resolutions of Approval for review and approval on  
25 January 10, 2018; and

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

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

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

3        SECTION 2: The Planning Commission has independently reviewed and considered the  
4 proposed Mitigated Negative Declaration, the public comments upon it, and other evidence and  
5 finds that the Mitigated Negative Declaration was prepared in the manner required by law, and  
6 there is no substantial evidence, provided appropriate mitigation measures are imposed, that the  
7 Project would result in a significant adverse effect upon the environment.

8        SECTION 3: The Initial Study (Environmental Assessment Review No. 2017-0022)  
9 prepared for the Project identified that the Site did have suitable habitat for the endangered Delhi  
10 Sands Flower-Loving Fly (DSF), however, supplemental surveys of the Site conducted in 2015,  
11 2016, and 2017 determined that that the DSF is not present on the Site, and therefore the  
12 proposed Project will have no individual or cumulative adverse impacts upon resources, as  
13 defined in Section 711. 2 of the State Fish and Game Code. The Initial Study prepared for the  
14 Project also includes a mitigation measure requiring documentation of clearance from the United  
15 States Fish & Wildlife Service with respect to the DSF. Implementation of this mitigation  
16 measure will reduce any potential impacts on biological resources to a less than significant level.

17        SECTION 4: The attached proposed Mitigated Negative Declaration, Exhibit "A"  
18 hereto, finds that there are no impacts or less than significant impacts to aesthetics, agriculture  
19 and forestry resources, air quality, geology/soils, greenhouse gas emissions, hazards and  
20 hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise,  
21 population/housing, public services, recreation, transportation/traffic, utilities and service  
22 systems, and mandatory findings of significance.

23        SECTION 5: With the imposition of mitigation measures that address potential impacts  
24 upon biological resources and cultural resources in the community and as set forth in the  
25 Mitigation Monitoring & Reporting Program, Exhibit "B" hereto, which is attached hereto and  
26 incorporated herein by this reference, the proposed project's potential significant impacts will be  
27 reduced below a level of significance.  
28

SECTION 3: 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 hereby certifies the Mitigated Negative Declaration, which is attached hereto as Exhibit “A” and incorporated herein by this reference, making certain environmental findings to allow the Project.

SECTION 4: 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 10th day of January, 2018.

JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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4 STATE OF CALIFORNIA )  
5 COUNTY OF SAN BERNARDINO ) ss  
6 CITY OF RIALTO )  
7

8 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the  
9 foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the Planning  
10 Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2018.

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

13 Vote on the motion:

14 AYES:

15 NOES:

16 ABSENT:

17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
18 of Rialto this \_\_\_\_th day of \_\_\_\_, 2018.  
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22 \_\_\_\_\_  
23 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT  
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