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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 (“Site”) into thirty-two (32) single-family lots, one (1) common open space lot and a stormwater retention basin (“Project”); 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, as described in the legal description attached as Exhibit A, from Single-Family Residential (R-1C) to Multi-Family Residential (R-3) (“ZC No. 2017-0004”); 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,

1 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
2 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
3 (Environmental Assessment Review No. 2017-0066) prepared by and determined that there is no
4 substantial evidence that the approval of the Project would result in a significant adverse effect
5 on the environment, provided appropriate mitigation measures are imposed on the Project; thus,
6 a Mitigated Negative Declaration was prepared and notice thereof was given in the manner
7 required by law; and

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

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

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

17 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto
18 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
19 Declaration, GPA No. 2018-0002, ZC No. 2017-0004, and TTM No. 20108, took testimony, at
20 which time it received input from staff, the city attorney, and the Applicant; heard public
21 testimony; discussed the proposed GPA No. 2018-0002, ZC No. 2017-0004, and TTM No.
22 20108; and closed the public hearing; and

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

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

26 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true
27 and correct.
28

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

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

21 SECTION 4: Furthermore, the Initial Study and Mitigated Negative Declaration further
22 concluded that, with the imposition of mitigation measures that address potential impacts upon
23 cultural resources, geology/soils, tribal cultural resources, noise, and mandatory findings of
24 significance in the community, and as set forth in the Mitigation Monitoring & Reporting
25 Program, Exhibit “C” hereto, which is attached hereto and incorporated herein by this reference,
26 the proposed Project’s potential significant impacts will be reduced below a level of significance.

27 SECTION 5: For the foregoing reasons and based on the information and findings
28 included in the Initial Study and Staff Report, the Planning Commission has determined that the

1 Project, as conditioned and mitigated, will not have a significant adverse impact on the
2 environment and also finds that the preparation of the Mitigated Negative Declaration attached
3 hereto complies with CEQA. Therefore, the Planning Commission recommends that the City
4 Council certify the Mitigated Negative Declaration, which is attached hereto as Exhibit "B" and
5 incorporated herein by this reference, making certain environmental findings to allow the
6 Project.

7 SECTION 6: The Chairman of the Planning Commission shall sign the passage and
8 adoption of this resolution and thereupon the same shall take effect and be in force.

9 PASSED, APPROVED AND ADOPTED this 28th day of November, 2018.

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13 JOHN PEUKERT, CHAIR
14 CITY OF RIALTO PLANNING COMMISSION
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7 STATE OF CALIFORNIA)
8 COUNTY OF SAN BERNARDINO) ss
9 CITY OF RIALTO)
10

11 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
12 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
13 Planning Commission of the City of Rialto held on the ____th day of ____, 2018.

14 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
15 ____, the foregoing Resolution No. ____ was duly passed and adopted.

16 Vote on the motion:

17 AYES:

18 NOES:

19 ABSENT:

20 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
21 of Rialto this ____th day of ____, 2018.
22
23
24

25 _____
26 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
27
28

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

8 **PARCEL A:**

9 The North 60 feet of the West 330 feet of the South 210 feet of Lot 138,
10 Town of Rialto and adjoining subdivision, in the City of Rialto, County of
11 San Bernardino, State of California, as per map recorded in Book 4 Page
12 11, of Maps, in the office of the County Recorder of said County.

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

14 **PARCEL B:**

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

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

21 Also excepting therefrom the East 2 feet of the West 32 feet of said land
22 as conveyed to the City of Rialto in the deed recorded November 12,
23 1973, in Book 8305, Page 514, of Official Records.

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

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

26 **PARCEL C:**

27 Parcel 1 of Parcel Map Number 4596, in the City of Rialto, County of San
28 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'

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Exhibit 'C'

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