

1 **WHEREAS**, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the Planning
2 Commission shall hold a public hearing for a proposed zone change and forward a
3 recommendation to the City Council for action; and

4 **WHEREAS**, on November 28, 2018, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on ZC No. 2017-0004, GPA No.
6 2018-0002, and TTM No. 20108, took testimony, at which time it received input from staff, the
7 city attorney, and the applicant; heard public testimony; discussed ZC No. 2017-0004, GPA No.
8 2018-0002, and TTM No. 20108; and closed the public hearing; and

9 **WHEREAS**, on November 28, 2018, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of ZC No. 2017-0004, GPA No. 2018-0002, and TTM No. 20108 to the City
11 Council; and

12 **WHEREAS**, on January 29, 2019, the City Council conducted a public hearing, as required
13 by law, on ZC No. 2017-0004, GPA No. 2018-0002, and TTM No. 20108, took testimony, at
14 which time it received input from staff, the city attorney, and the applicant; heard public testimony,
15 discussed ZC No. 2017-0004, GPA No. 2018-0002, and TTM No. 20108; and closed the public
16 hearing; and

17 **WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

18 **NOW, THEREFORE**, the City Council hereby finds, determines, and ordains as follows:

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

21 **SECTION 2.** Based on substantial evidence presented to the City Council during the public
22 hearing conducted with regard to ZC No. 2017-0004, including written staff reports, verbal testimony,
23 project plans, other documents, and the conditions of approval stated herein, the City Council hereby
24 determines that ZC No. 2017-0004 satisfies the requirements of Section 18.06.030 of the Rialto
25 Municipal Code pertaining to the findings which must be made precedent to amending a General
26 Plan. The findings are as follows:
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28

- 1 1. That the proposed zone change is consistent with the General Plan of the City of
2 Rialto; and

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

4 In conjunction with the Project, the applicant proposes GPA No. 2018-0002 to change the
5 land use designation of the Site from Residential 6 to Residential 12. The Residential 12 land
6 use designation combined with the R-3 zone will allow single-family residential
7 developments between 6.1 and 12.0 dwelling units per acre. GPA No. 2018-0002, ZC No.
8 2017-0004, and TTM No. 20108 are proposed to facilitate the development of a thirty-two
9 (32) single-family residence neighborhood with a density of 6.73 dwelling units per acre. The
10 zone change and the subsequent development are therefore consistent with the proposed
11 General Plan land use designation, provided that GPA No. 2018-0002 is approved prior to the
12 proposed zone change.

- 13 2. That the proposed zone change will not adversely affect the surrounding properties.

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

15 The Site is surrounded on the west, north and south by single-family residential subdivisions.
16 The density of the proposed development is similar to the densities of other single-family
17 residential subdivisions in the nearby area, including Pepper Ridge, which is located at
18 northeast corner of Randall and Eucalyptus and California Knolls, which is located
19 approximately 660 feet to the northeast of the project site. The Project will facilitate the
20 development of detached single-family residences in keeping with the character of the
21 surrounding area.

22 The proposed development, in conjunction with the project, will include the installation of a
23 six (6) foot solid block wall along all property lines adjacent to the surrounding developments.
24 Additionally, each structure will meet the minimum required building setbacks. These design
25 features, as well as others, will serve to make the proposed development as benign as possible.

26 Additionally, mitigation measures, included in the Initial Study prepared for the Project
27 (Environmental Assessment Review No. 2017-0066), will assist in mitigating any impacts
28 related to Cultural Resources, Geology/Soils, Tribal Cultural Resources and Noise to a level
29 of insignificance.

30 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2017-0066) has
31 been prepared for the proposed project in accordance with the California Environmental Quality Act
32 (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance,
33 provided that mitigation measures are implemented, and a Mitigated Negative Declaration has been
34 prepared in accordance with CEQA. The City Council concurrently herewith has adopted the

1 Mitigated Negative Declaration and directed the Planning Division to file the necessary
2 documentation with the Clerk of the Board of Supervisors for San Bernardino County

3 **SECTION 4.** The City Council hereby approves ZC No. 2017-0004 to change the zoning
4 designation of the Site from R-1C to R-3, in accordance with the application on file with the Planning
5 Division, subject to the following conditions:

- 6
7 1. ZC No. 2017-0003 is approved changing the zoning designation of approximately 4.75
8 acres of land (APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore Avenue
9 approximately 630 feet north of Randall Avenue, and described in the legal description
10 attached as Exhibit A, from R-1C to R-3. If the Conditions of Approval specified herein
11 are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 12 2. Prior to the issuance of building or grading permits for the proposed development, a
13 Precise Plan of Design shall be approved by the City's Development Review Committee
14 (DRC).
- 15 3. City inspectors shall have access to the Site to reasonably inspect the Site during normal
16 working hours to assure compliance with these conditions and other codes.
- 17 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
18 officers, or employees from any claims, damages, action, or proceeding against the City
19 or its agents, officers, or employees to attack, set aside, void, or annul any approval of
20 the City, its advisory agencies, appeal boards, or legislative body concerning ZC No.
21 2017-0004. The City will promptly notify the applicant of any such claim, action, or
22 proceeding against the City, and applicant will cooperate fully in the defense.
- 23 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
24 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
25 subject to protest by the applicant at the time of approval or conditional approval of the
26 Project or within 90 days after the date of the imposition of the fees, dedications,
27 reservations, or exactions imposed on the Project.
- 28 6. Approval of Zone Change No. 2017-0004 will not be valid until such time that the City
Council of the City of Rialto has approved General Plan Amendment No. 2018-0002,
which was prepared in conjunction with the Project.
7. Approval of Zone Change No. 2017-0004 is for the sole purpose of facilitating the
development of a single-family residential subdivision on the Site. The development of
the Site into any use other than single-family residential is not permitted without the prior
approval of an amendment to this Resolution by both the Planning Commission and City
Council.

1 8. The City shall prepare a Fiscal Impact Analysis report of the Development at the
2 applicant's cost. The report shall analyze the Development's impact to the City's General
3 Fund. The applicant shall be required to mitigate any negative fiscal impacts identified in
4 the report through the formation of a Community Facilities District, payment of a
5 Municipal Services Fee, or other acceptable mitigation method.

6 9. Applicant shall comply with all conditions of approval contained in GPA No. 2018-0002
7 and TTM No. 20108, to the extent they are not in conflict with any condition of approval
8 herein.

9 **SECTION 5.** The Mayor shall sign the passage and adoption of this Ordinance and
10 thereupon the same shall take effect and be in force thirty (30) days after its adoption on second
11 reading.

12 **PASSED, APPROVED AND ADOPTED** this 29th day of January, 2019.

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14 DEBORAH ROBERTSON, MAYOR

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ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

FRED GALANTE, CITY ATTORNEY

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance No. ____ was duly passed and adopted at a regular meeting of the City Council of the
7 City of Rialto held on the ____ day of _____, 2019.

8 Upon motion of Councilmember _____, seconded by Councilmember
9 _____, the foregoing Ordinance No. ____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this ____ day of _____, 2019.
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20 BARBARA MCGEE, CITY CLERK
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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:

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