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1 WHEREAS, pursuant to Government Code Sections 65350-65362, the City Council is  
2 authorized to amend the General Plan within the City; and

3 WHEREAS, pursuant to Government Code Sections 65350-65362, the Planning  
4 Commission shall hold a public hearing for a proposed amendment to the General Plan and  
5 forward a recommendation to the City Council for action; and

6 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto  
7 conducted a duly noticed public hearing, as required by law, on GPA No. 2018-0002, ZC No.  
8 2017-0004, and TTM No. 20108, took testimony, at which time it received input from staff, the  
9 city attorney, and the applicant; heard public testimony; discussed GPA No. 2018-0002, ZC No.  
10 2017-0004, and TTM No. 20108; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
17 the public hearing conducted with regard to GPA No. 2018-0002, including written staff reports,  
18 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the  
19 Planning Commission hereby determines that GPA No. 2018-0002 satisfies the requirements of  
20 Government Code Sections 65358 pertaining to the findings which must be made precedent to  
21 amending a General Plan. The findings are as follows:

- 22  
23 1. That the proposed General Plan Amendment is in the public interest.

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

25 The Site is surrounded on the west, north and south by single-family residential  
26 subdivisions. The density of the proposed development is similar to the densities of other  
27 single-family residential subdivisions in the nearby area, including Pepper Ridge, which is  
28 located at northeast corner of Randall and Eucalyptus and California Knolls, which is  
located approximately 660 feet to the northeast of the project site. The Project will facilitate

1 the development of detached single-family residences in keeping with the character of the  
2 surrounding area.

3 The Project will facilitate the development of a neighborhood consisting of thirty-two (32)  
4 detached single-family residences. Any member of the public seeking to purchase a new  
5 home will be provided an opportunity to acquire a new high-quality residence within a high-  
6 quality, well-maintained, gated neighborhood. An increase in the number of owner  
7 occupied single-family residences will likely positively affect the median income of the City  
8 of Rialto, albeit insignificantly. Furthermore, the development of thirty-two (32) detached  
9 single-family residences will contribute to an increase in revenues collected in form of  
permit fees, development impact fees, sales tax, and property tax. In addition, the Site is  
currently vacant unimproved land, and the general plan amendment and development of  
single-family residences will reduce existing blight and adverse effects of an empty, vacant  
lot surrounded by urban uses.

10 SECTION 3. An Initial Study (Environmental Assessment Review No. 2017-0066) has  
11 been prepared for GPA No. 2018-0002 in accordance with the California Environmental Quality  
12 Act (CEQA) and it has been determined that any impacts will be reduced to a level of  
13 insignificance, provided that mitigation measures are implemented, and a Mitigated Negative  
14 Declaration has been prepared in accordance with CEQA. The Planning Commission hereby  
15 recommends that the City Council adopt the Mitigated Negative Declaration and direct the Planning  
16 Division to file the necessary documentation with the Clerk of the Board of Supervisors for San  
17 Bernardino County.

18 SECTION 4. The Planning Commission hereby recommends that the City Council  
19 approve GPA No. 2018-0002 to change the land use designation of the Site from Residential 6 to  
20 Residential 12, in accordance with the applications on file with the Planning Division, subject to the  
21 following conditions:  
22

- 23 1. GPA No. 2018-0002 is approved changing the land use designation of approximately  
24 4.75 acres of land (APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore  
25 Avenue approximately 630 feet north of Randall Avenue, and described in the legal  
26 description attached as Exhibit A, from Residential 6 to Residential 12. If the  
27 Conditions of Approval specified herein are not satisfied or otherwise completed, the  
28 Project shall be subject to revocation.

- 1 2. City inspectors shall have access to the Site to reasonably inspect the Site during  
2 normal working hours to assure compliance with these conditions and other codes.
- 3 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
4 officers, or employees from any claims, damages, action, or proceeding against the  
5 City or its agents, officers, or employees to attack, set aside, void, or annul any  
6 approval of the City, its advisory agencies, appeal boards, or legislative body  
7 concerning GPA No. 2018-0002. The City will promptly notify the applicant of any  
8 such claim, action, or proceeding against the City, and applicant will cooperate fully  
9 in the defense.
- 10 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
11 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
12 subject to protest by the applicant at the time of approval or conditional approval of  
13 the Project or within 90 days after the date of the imposition of the fees, dedications,  
14 reservations, or exactions imposed on the Project.
- 15 5. The City shall prepare a Fiscal Impact Analysis report at the applicant's cost. The report  
16 shall analyze the Project's impact to the City's General Fund. The applicant shall be  
17 required to mitigate any negative fiscal impacts identified in the report through the  
18 formation of a Community Facilities District, payment of a Municipal Services Fee, or  
19 other acceptable mitigation method.
- 20 6. The applicant shall comply with all conditions of approval contained in ZC No. 2017-  
21 0004 and TTM No. 20108, to the extent they are not in conflict with any condition of  
22 approval herein.

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

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

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JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
6 the foregoing Resolution No. **18-61** was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the 28<sup>th</sup> day of November, 2018.

8 Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Dale  
9 Estvander the foregoing Resolution No. **18-61** was duly passed and adopted.  
10

11 Vote on the motion:

12 AYES: 6

13 NOES: 0

14 ABSENT: BarBara Chavez

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
16 Rialto this 28<sup>th</sup> day of November, 2018.  
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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***