

[illegible]

1       **WHEREAS**, pursuant to Section 18.06.030, the City Council is authorized to adopt a  
2 zone change within the City; and

3       **WHEREAS**, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the  
4 Planning Commission shall hold a public hearing for a proposed zone change and forward a  
5 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 ZC No. 2017-0004, GPA No.  
8 2018-0002, 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 ZC No. 2017-0004, GPA No.  
10 2018-0002, and TTM No. 20108; and closed the public hearing; and

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

14       **WHEREAS**, on January 29, 2019, the City Council opened the public hearing and  
15 continued it to February 12, 2019;

16       **WHEREAS**, on February 12, 2019, the City Council conducted the continued public  
17 hearing, as required by law, on ZC No. 2017-0004, GPA No. 2018-0002, and TTM No. 20108,  
18 took testimony, at which time it received input from staff, the city attorney, and the applicant;  
19 heard public testimony, discussed ZC No. 2017-0004, GPA No. 2018-0002, and TTM No.  
20 20108; and closed the public hearing; and

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

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

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

25       **SECTION 2.** Based on substantial evidence presented to the City Council during the  
26 public hearing conducted with regard to ZC No. 2017-0004, including written staff reports, verbal  
27 testimony, project plans, other documents, and the conditions of approval stated herein, the City  
28 Council hereby determines that ZC No. 2017-0004 satisfies the requirements of Section 18.06.030

1 of the Rialto Municipal Code pertaining to the findings which must be made precedent to amending  
2 a General Plan. The findings are as follows:

- 3  
4 1. That the proposed zone change is consistent with the General Plan of the City of  
5 Rialto; and

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

7 In conjunction with the Project, the applicant proposes GPA No. 2018-0002 to change the  
8 land use designation of the Site from Residential 6 to Residential 12. The Residential 12  
9 land use designation combined with the R-3 zone will allow single-family residential  
10 developments between 6.1 and 12.0 dwelling units per acre. GPA No. 2018-0002, ZC No.  
11 2017-0004, and TTM No. 20108 are proposed to facilitate the development of a thirty-two  
12 (32) single-family residence neighborhood with a density of 6.73 dwelling units per acre.  
The zone change and the subsequent development are therefore consistent with the proposed  
General Plan land use designation, provided that GPA No. 2018-0002 is approved prior to  
the 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  
16 subdivisions. The density of the proposed development is similar to the densities of other  
17 single-family residential subdivisions in the nearby area, including Pepper Ridge, which is  
18 located at northeast corner of Randall and Eucalyptus and California Knolls, which is  
19 located approximately 660 feet to the northeast of the project site. The Project will facilitate  
the development of detached single-family residences in keeping with the character of the  
surrounding area.

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

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

27 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2017-0066) has  
28 been prepared for the proposed project in accordance with the California Environmental Quality Act

1 (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance,  
2 provided that mitigation measures are implemented, and a Mitigated Negative Declaration has been  
3 prepared in accordance with CEQA. The City Council concurrently herewith has adopted the  
4 Mitigated Negative Declaration and directed the Planning Division to file the necessary  
5 documentation with the Clerk of the Board of Supervisors for San Bernardino County

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

- 9  
10 1. ZC No. 2017-0003 is approved changing the zoning designation of approximately 4.75  
11 acres of land (APNs: 0131-111-05, -07, -75 & -76) located east of Sycamore Avenue  
12 approximately 630 feet north of Randall Avenue, and described in the legal description  
13 attached as Exhibit A, from R-1C to R-3. If the Conditions of Approval specified herein  
14 are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 15 2. Prior to the issuance of building or grading permits for the proposed development, a  
16 Precise Plan of Design shall be approved by the City's Development Review Committee  
17 (DRC).
- 18 3. City inspectors shall have access to the Site to reasonably inspect the Site during  
19 normal working hours to assure compliance with these conditions and other codes.
- 20 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
21 officers, or employees from any claims, damages, action, or proceeding against the  
22 City or its agents, officers, or employees to attack, set aside, void, or annul any  
23 approval of the City, its advisory agencies, appeal boards, or legislative body  
24 concerning ZC No. 2017-0004. The City will promptly notify the applicant of any  
25 such claim, action, or proceeding against the City, and applicant will cooperate fully  
26 in the defense.
- 27 5. In accordance with the provisions of Government Code Section 66020(d)(1), the  
28 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
subject to protest by the applicant at the time of approval or conditional approval of  
the Project or within 90 days after the date of the imposition of the fees, dedications,  
reservations, or exactions imposed on the Project.
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.

- 1 7. Approval of Zone Change No. 2017-0004 is for the sole purpose of facilitating the  
2 development of a single-family residential subdivision on the Site. The development of  
3 the Site into any use other than single-family residential is not permitted without the  
4 prior approval of an amendment to this Resolution by both the Planning Commission  
5 and City Council.
- 6 8. The City shall prepare a Fiscal Impact Analysis report of the Development at the  
7 applicant's cost. The report shall analyze the Development's impact to the City's  
8 General Fund. The applicant shall be required to mitigate any negative fiscal impacts  
9 identified in the report through the formation of a Community Facilities District,  
10 payment of a Municipal Services Fee, or other acceptable mitigation method.
- 11 9. Applicant shall comply with all conditions of approval contained in GPA No. 2018-  
12 0002 and TTM No. 20108, to the extent they are not in conflict with any condition of  
13 approval herein.

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

17 **PASSED, APPROVED AND ADOPTED** this 12th day of February, 2019.

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19 DEBORAH ROBERTSON, MAYOR  
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**ATTEST:**

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BARBARA MCGEE, CITY CLERK

**APPROVED AS TO FORM:**

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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  
6 foregoing Ordinance No. \_\_\_\_ was duly passed and adopted at a regular meeting of the City  
7 Council of the 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  
15 of 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*