

RESOLUTION NO. 19-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE NO. 2019-0001 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 8.74 NET ACRES OF LAND (APNS: 0131-131-13, -14, & -23) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 775 FEET NORTH OF RANDALL AVENUE TO MULTI-FAMILY RESIDENTIAL (R-3).

WHEREAS, approximately 8.74 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia Avenue approximately 775 feet north of Randall Avenue, described in the legal description attached as Exhibit A, ("Site") is currently zoned Agricultural (A-1) for the southern parcel (APN: 0131-131-23) and Single-Family Residential (R-1C) for the two (2) northern parcels (APNs: 0131-131-13 & -14); and

WHEREAS, the applicant, Asian Pacific, Inc., proposes to change the zoning designation of the entire Site to Multi-Family Residential (R-3) ("Project"); and

WHEREAS, in conjunction with the Project, the applicant has also submitted General Plan Amendment No. 2019-0001 to change the land use designation of the Site, described in the legal description attached as Exhibit A, to Residential 12 ("GPA No. 2019-0001"); and

WHEREAS, in conjunction with the Project, the applicant has also submitted Tentative Tract Map No. 2019-0001, also referred to as Tentative Tract Map No. 20237, to subdivide the Site into sixty (60) single-family residential lots and twelve (12) common lots for private streets, common open space, landscaping, and stormwater detention ("TTM No. 20237"), and the Project is necessary to facilitate TTM No. 20237; and

WHEREAS, pursuant to Section 18.06.030 of the Rialto Municipal Code, the Project requires the approval of a zone change, and the applicant has agreed to apply for Zone Change No. 2019-0001 ("ZC No. 2019-0001"); and

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

1 WHEREAS, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the
2 Planning 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 July 31, 2019, the Planning Commission of the City of Rialto conducted
5 a duly noticed public hearing, as required by law, on ZC No. 2019-0001, GPA No. 2019-0001,
6 and TTM No. 20237, took testimony, at which time it received input from staff, the city attorney,
7 and the applicant; heard public testimony; discussed ZC No. 2019-0001, GPA No. 2019-0001,
8 and TTM No. 20237; and closed the public hearing; and

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

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

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

14 SECTION 2. Based on substantial evidence presented to the Planning Commission during
15 the public hearing conducted with regard to ZC No. 2019-0001, including written staff reports,
16 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
17 Planning Commission hereby determines that ZC No. 2019-0001 satisfies the requirements of
18 Section 18.06.030 of the Rialto Municipal Code pertaining to the findings which must be made
19 precedent to adopting a zone change. The findings are as follows:

- 20
21 1. That the proposed zone change is consistent with the General Plan of the City of
22 Rialto; and

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

24 In conjunction with the Project, the applicant proposes GPA No. 2019-0001 to change the
25 land use designation of the Site from Residential 2 with an Animal Overlay for the southern
26 parcel (APN: 0131-131-23) and Residential 6 for the two (2) northern parcels (APNs: 0131-
27 131-13 & -14) to Residential 12. The Residential 12 land use designation, combined with
28 the R-3 zone, will allow single-family residential developments between 6.1 and 12.0
dwelling units per acre. GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237 are
proposed to facilitate the development of a sixty (60) single-family residence neighborhood
with a density of 6.86 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. 2019-0001 is approved prior to the proposed zone change.

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

This finding is supported by the following facts:

The Site is surrounded on the north and east by existing single-family residential subdivisions, and on the south by a planned single-family residential subdivision. The density of the proposed development is 6.86 dwelling units per acre and similar to the densities of other single-family residential subdivisions in the nearby area, including: (i) the planned Wagon Wheel neighborhood, which will be located immediately adjacent to the south of the project site and has a density of 7.35 dwelling units per acre, (ii) Pepper Ridge, which is located approximately 650 feet to the east of the project site, and (iii) California Knolls, which is located approximately 75 feet to the northwest of the project site and has a density of 5.57 dwelling units per acre. The Project will facilitate the development of detached single-family residences in keeping with the character of the surrounding area.

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

Additionally, mitigation measures, included in the Initial Study prepared for the Project (Environmental Assessment Review No. 2019-0001), will assist in mitigating any impacts related to Cultural Resources, Geology and Soils, Noise and Transportation and Traffic to a level of insignificance.

SECTION 3. An Initial Study (Environmental Assessment Review No. 2019-0002) has been prepared for GPA No. 2019-0001 in accordance with the California Environmental Quality Act (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined that the project will not have an adverse impact on the environment, provided that mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice to all property owners within 300 feet of the project site for a public comment period held from June 20, 2019 to July 9, 2019. The Mitigated Negative Declaration was prepared in accordance with CEQA. The Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and direct the Planning

1 Division to file the necessary documentation with the Clerk of the Board of Supervisors for San
2 Bernardino County.

3 SECTION 4. The Planning Commission hereby recommends that the City Council
4 approve ZC No. 2019-0001 to change the zoning designation of the Site to R-3, in accordance with
5 the application on file with the Planning Division, subject to the following conditions:
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- 7 1. ZC No. 2019-0001 is approved changing the zoning designation of approximately 8.74
8 net acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia
9 Avenue approximately 775 feet north of Randall Avenue, described in the legal
10 description attached as Exhibit A, 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
16 normal 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
19 City or its agents, officers, or employees to attack, set aside, void, or annul any
20 approval of the City, its advisory agencies, appeal boards, or legislative body
21 concerning ZC No. 2019-0001. The City will promptly notify the applicant of any
22 such claim, action, or proceeding against the City, and applicant will cooperate fully
23 in the defense.
- 24 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
25 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
26 subject to protest by the applicant at the time of approval or conditional approval of
27 the Project or within 90 days after the date of the imposition of the fees, dedications,
28 reservations, or exactions imposed on the Project.
6. Approval of Zone Change No. 2019-0001 will not be valid until such time that the City
Council of the City of Rialto has approved General Plan Amendment No. 2019-0001,
which was prepared in conjunction with the Project.
7. Approval of Zone Change No. 2019-0001 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 applicant shall annex the Site within a Community Facilities District to offset
2 operational costs to the City's General Fund associated with ZC No. 2019-0001, as
3 determined by the Fiscal Impact Analysis prepared by Stanley R. Hoffman Associates,
4 Inc., dated May 24, 2019, prior to the issuance of any building permits.
- 5 9. Applicant shall comply with all conditions of approval contained in GPA No. 2019-
6 0001 and TTM No. 20237, to the extent they are not in conflict with any condition of
7 approval herein.

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

10 PASSED, APPROVED AND ADOPTED this 31st day of July, 2019.

11 
12
13 JOHN PEUKERT, CHAIR
14 CITY OF RIALTO PLANNING COMMISSION

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

5 I, Edgar Gonzalez, Assistant Planner of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **19-42** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 31st day of July, 2019.

8 Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Al
9 Twine the foregoing Resolution No. **19-42** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 6

13 NOES: 0

14 ABSENT: Artist Gilbert

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 31st day of July, 2019.

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20 Edgar Gonzalez, Assistant Planner
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