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1       **WHEREAS**, as part of the Project, the applicant will submit a Precise Plan of Design  
2 application to allow the construction of sixty (60) single-family residences on the Site; and

3       **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act,  
4 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,  
5 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section  
6 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study  
7 (Environmental Assessment Review No. 2019-0002) prepared by Lilburn Corporation and  
8 determined that there is no substantial evidence that the approval of the Project would result in a  
9 significant adverse effect on the environment, provided appropriate mitigation measures are  
10 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof  
11 was given in the manner required by law; and

12       **WHEREAS**, a Notice of Intent to adopt the Mitigated Negative Declaration for the  
13 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners  
14 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from  
15 June 20, 2019 to July 9, 2019; and

16       **WHEREAS**, one (1) comment letter was received from Mr. and Mrs. Renfro, which was  
17 submitted on July 9, 2019; and

18       **WHEREAS**, the comment letter from Mr. and Mrs. Renfro expressed opposition to the  
19 requested general plan amendment and zone change, and more specifically opined that the  
20 project will create a significant amount of traffic, noise, and children attending local schools; and  
21 they requested the preparation of a traffic study while the local schools are in session; and

22       **WHEREAS**, on July 11, 2019, the applicant submitted a response letter to the Planning  
23 Division that noted that the traffic study prepared for the project was done while the local  
24 schools were in session and considered school traffic as part of its study, and that the study  
25 determined that the project will not create a significant impact related to traffic with the  
26 implementation of "fair-share" payments towards future roadway improvements; and

27       **WHEREAS**, the Noise Impact Study prepared for the project indicated that the project  
28 will not create any significant impact, as it relates to noise impacts, with the implementation of

1 the recommended mitigation measures including the installation of a six (6) foot high solid block  
2 wall around the perimeter of the Site; and

3 **WHEREAS**, the Planning Division engaged the Rialto Unified School District (RUSD)  
4 during the CEQA process, provided a copy of the Initial Study, the supporting technical studies,  
5 and the Notice of Intent, and at no point did the RUSD indicate to the Planning Division that the  
6 RUSD does not have the capacity to serve future students, but rather the RUSD will collect  
7 school fees from the applicant to provide for the educational services of students generated by  
8 the Project; and

9 **WHEREAS**, on July 23, 2019 the Planning Division mailed a copy of the response letter  
10 to Mr. and Mrs. Renfro; and

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

14 **WHEREAS**, on July 31, 2019, the Planning Commission of the City of Rialto conducted  
15 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, GPA  
16 No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237, took testimony, at which time it  
17 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed  
18 the proposed Mitigated Negative Declaration, GPA No. 2019-0001, ZC No. 2019-0001, and  
19 TTM No. 20237; and closed the public hearing; and

20 **WHEREAS**, on July 31, 2019, the Planning Commission voted 6-0 (1 absence) to  
21 recommend approval of the Mitigated Negative Declaration, GPA No. 2019-0001, ZC No. 2019-  
22 0001, and TTM No. 20237 to the City Council; and

23 **WHEREAS**, on September 10, 2019, the City Council conducted a public hearing, as  
24 required by law, on the Mitigated Negative Declaration, GPA No. 2019-0001, ZC No. 2019-  
25 0001, and TTM No. 20237, took testimony, at which time it received input from staff, the city  
26 attorney, and the applicant; heard public testimony, discussed the Mitigated Negative  
27 Declaration, GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237; and closed the  
28 public hearing; and

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

2       **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

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

5       **SECTION 2.** The City Council has independently reviewed and considered the  
6 proposed Mitigated Negative Declaration, the public comments upon it, and other evidence and  
7 finds that the Mitigated Negative Declaration was prepared in the manner required by law, and  
8 there is no substantial evidence, provided appropriate mitigation measures are imposed, that the  
9 Project would result in a significant adverse effect upon the environment.

10       **SECTION 3.** The Initial Study (Environmental Assessment Review No. 2019-0002)  
11 prepared for the project identified that the Site did not have suitable habitat for any threatened or  
12 endangered species, and therefore the proposed Project will have no individual or cumulative  
13 adverse impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code.

14       **SECTION 4.** The attached proposed Initial Study and Mitigated Negative Declaration,  
15 Exhibit “B” hereto, finds that there are no impacts or less than significant impacts to aesthetics,  
16 agriculture and forestry resources, air quality, biological resources, greenhouse gas emissions,  
17 hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources,  
18 population/housing, public services, recreation, tribal cultural resources, and utilities and service  
19 systems.

20       **SECTION 5.** With the imposition of mitigation measures that address potential impacts  
21 upon cultural resources, geology and soils, noise, traffic and transportation, and mandatory  
22 findings of significance in the community, and as set forth in the Mitigation Monitoring &  
23 Reporting Program, Exhibit “C” hereto, which is attached hereto and incorporated herein by this  
24 reference, the proposed Project’s potential significant impacts will be reduced below a level of  
25 significance.

26       **SECTION 6.** For the foregoing reasons and based on the information and findings  
27 included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation  
28 Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and

1 evidence in the administrative record of proceedings, the City Council has determined that the  
2 Project, as conditioned and mitigated, will not have a significant adverse impact on the  
3 environment and also finds that the preparation of the Initial Study and Mitigated Negative  
4 Declaration attached hereto complies with CEQA. Therefore, the City Council hereby certifies  
5 the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting  
6 Program, making certain environmental findings to allow the Project.

7 **SECTION 7.** The Mayor shall sign the passage and adoption of this resolution and  
8 thereupon the same shall take effect and be in force.

9 **PASSED, APPROVED AND ADOPTED** this 10th day of September, 2019.

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13 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  
2 STATE OF CALIFORNIA )  
3 COUNTY OF SAN BERNARDINO ) ss  
4 CITY OF RIALTO )  
5

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

9 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
10 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
16 of Rialto this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
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21 BARBARA MCGEE, CITY CLERK  
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Exhibit 'A'

## LEGAL DESCRIPTION

### GENERAL PLAN AMENDMENT & ZONE CHANGE

#### LEGAL DESCRIPTION

##### **APN 0131-131-13**

THE SOUTH  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

##### **APN 0131-131-14**

THE SOUTH  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

##### **APN 0131-131-23**

THE SOUTH  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF LOT 137, OF THE TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST 235 FEET OF THE SOUTH  $\frac{1}{2}$  OF THE ABOVE DESCRIBED PROPERTY.

**LOVE ENGINEERING**  
PLANNING ♦ ENGINEERING ♦ SURVEYING  
31915 RANCHO CALIFORNIA ROAD/SUITE 200-166  
TEMECULA, CA 92591  
TEL (951) 440 - 8149 / FAX (951) 303 - 6701

PREPARED UNDER THE SUPERVISION OF:

R.C.E. NO. 50993

EXP. DATE: 9-30-19

THOMAS S. LOVE

DATE



Exhibit 'B'

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Exhibit 'C'

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