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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 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, and
8 TTM No. 20237; and closed the public hearing; and

9 **WHEREAS**, on July 31, 2019, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of ZC No. 2019-0001, GPA No. 2019-0001, and TTM No. 20237 to the City
11 Council; and

12 **WHEREAS**, on September 10, 2019, the City Council conducted a public hearing, as
13 required by law, on ZC No. 2019-0001, GPA No. 2019-0001, and TTM No. 20237, took testimony,
14 at which time it received input from staff, the city attorney, and the applicant; heard public
15 testimony, discussed ZC No. 2019-0001, GPA No. 2019-0001, and TTM No. 20237; and closed
16 the public 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. 2019-0001, 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. 2019-0001 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:
27
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. 2019-0001 to change the
5 land use designation of the Site from Residential 2 with an Animal Overlay for the southern
6 parcel (APN: 0131-131-23) and Residential 6 for the two (2) northern parcels (APNs: 0131-
7 131-13 & -14) to Residential 12. The Residential 12 land use designation, combined with the
8 R-3 zone, will allow single-family residential developments between 6.1 and 12.0 dwelling
9 units per acre. GPA No. 2019-0001, ZC No. 2019-0001, and TTM No. 20237 are proposed
10 to facilitate the development of a sixty (60) single-family residence neighborhood with a
11 density of 6.86 dwelling units per acre. The zone change and the subsequent development are
12 therefore consistent with the proposed General Plan land use designation, provided that GPA
13 No. 2019-0001 is approved prior to the proposed zone change.

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

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

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

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

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

35 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2019-0002) has
36 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 City Council hereby adopts the Mitigated Negative Declaration and directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. The City Council hereby approves ZC No. 2019-0001 to change the zoning designation of the Site to R-3, in accordance with the application on file with the Planning Division, subject to the following conditions:

1. ZC No. 2019-0001 is approved changing 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, described in the legal description attached as Exhibit A, to R-3. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
2. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan of Design shall be approved by the City's Development Review Committee (DRC).
3. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.
4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning ZC No. 2019-0001. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and applicant will cooperate fully in the defense.
5. In accordance with the provisions of Government Code Section 66020(d)(1), the 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

1 Project or within 90 days after the date of the imposition of the fees, dedications,
2 reservations, or exactions imposed on the Project.

- 3 6. Approval of Zone Change No. 2019-0001 will not be valid until such time that the City
4 Council of the City of Rialto has approved General Plan Amendment No. 2019-0001,
5 which was prepared in conjunction with the Project.
- 6 7. Approval of Zone Change No. 2019-0001 is for the sole purpose of facilitating the
7 development of a single-family residential subdivision on the Site. The development of
8 the Site into any use other than single-family residential is not permitted without the prior
9 approval of an amendment to this Ordinance by both the Planning Commission and City
10 Council.
- 11 8. The applicant shall annex the Site within a Community Facilities District to offset
12 operational costs to the City's General Fund associated with ZC No. 2019-0001, as
13 determined by the Fiscal Impact Analysis prepared by Stanley R. Hoffman Associates,
14 Inc., dated May 24, 2019, prior to the issuance of any building permits.
- 15 9. Applicant shall comply with all conditions of approval contained in GPA No. 2019-0001
16 and TTM No. 20237, to the extent they are not in conflict with any condition of approval
17 herein.

18 **SECTION 5.** The Mayor shall sign the passage and adoption of this Ordinance and
19 thereupon the same shall take effect and be in force.

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

21 _____
22 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
7 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 of
15 Rialto this _____ day of _____, 2019.
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19 _____
20 BARBARA MCGEE, CITY CLERK
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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