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1 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
2 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
3 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
4 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
5 (Environmental Assessment Review No. 2019-0082) prepared by Lilburn Corporation and
6 determined that there is no substantial evidence that the approval of the Project would result in a
7 significant adverse effect on the environment, provided appropriate mitigation measures are
8 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof
9 was given in the manner required by law; and

10 WHEREAS, the Initial Study analyzed the subdivision of the Site into sixty (60) single-
11 family lots and twelve (12) common lots, and the development of sixty (60) single-family
12 residences, as part of applicant's prior development that was considered by the Planning
13 Commission on July 31, 2019 but subsequently withdrawn in September, 2019; and

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

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

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

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

1 WHEREAS, the Noise Impact Study prepared for the project indicated that the project will
2 not create any significant impact, as it relates to noise impacts, with the implementation of the
3 recommended mitigation measures including the installation of a six (6) foot high solid block wall
4 around the perimeter of the Site; and

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

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

13 WHEREAS, after applicant's withdrawal of its initial development, in October 2019, the
14 applicant submitted the current development Project, which reduced the number of single-family
15 lots proposed from sixty (60) to fifty-two (52), reduced the number of common lots proposed from
16 twelve (12) to nine (9), and reduced the number of single-family residences proposed from sixty
17 (60) to fifty-two (52); and

18 WHEREAS, on December 5, 2019, Lilburn Corporation prepared a Consistency Analysis
19 Memorandum to compare the potential environmental impacts analyzed in the prior sixty (60)
20 single-family lot proposal to the potential environmental impacts analyzed in the current fifty-two
21 (52) single-family lot proposal; and

22 WHEREAS, as indicated in the Consistency Analysis Memorandum prepared for the
23 Project, the reduction in the number of single-family lots and single-family residences will not
24 increase, but rather decrease the environmental impacts analyzed in the Initial Study prepared for
25 the Project; and

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

1 WHEREAS, on February 26, 2020, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
3 Declaration, GPA No. 2019-0007, ZC No. 2019-0005, and TTM No. 20237, took testimony, at
4 which time it received input from staff, the city attorney, and the Applicant; heard public
5 testimony; discussed the proposed Mitigated Negative Declaration, GPA No. 2019-0007, ZC No.
6 2019-0005, and TTM No. 20237; and closed the public hearing; and

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

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

10 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true
11 and correct.

12 SECTION 2: The Planning Commission has independently reviewed and considered the
13 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review
14 No. 2019-0082) attached hereto as Exhibit “B” and incorporated herein by this reference, the
15 public comments upon it, and other evidence, and finds that the Mitigated Negative Declaration
16 was prepared in the manner required by law, and there is no substantial evidence in the record to
17 support a fair argument that the Project would result in a significant adverse effect upon the
18 environment, provided appropriate mitigation measures are imposed as recommended below.

19 SECTION 3: The Initial Study (Environmental Assessment Review No. 2019-0082)
20 prepared for the project identified that the Site did not have suitable habitat for any threatened or
21 endangered species, and therefore the proposed Project will have no individual or cumulative
22 adverse impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code.

23 SECTION 4: The attached proposed Initial Study and Mitigated Negative Declaration
24 finds that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry
25 resources, air quality, biological resources, greenhouse gas emissions, hazards and hazardous
26 materials, hydrology/water quality, land use/planning, mineral resources, population/housing,
27 public services, recreation, tribal cultural resources, and utilities and service systems.
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SECTION 5: With the imposition of mitigation measures that address potential impacts upon cultural resources, geology and soils, noise, traffic and transportation, and mandatory findings of significance in the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit “C” hereto, which is attached hereto and incorporated herein by this reference, the proposed Project’s potential significant impacts will be reduced below a level of significance.

SECTION 6: For the foregoing reasons and based on the information and findings included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and evidence in the administrative record of proceedings, the Planning Commission has determined that the Project, as conditioned and mitigated, will not have a significant adverse impact on the environment and also finds that the preparation of the Initial Study and Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission recommends that the City Council certify the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, making certain environmental findings to allow the Project.

SECTION 7: The Chairman of the Planning Commission shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2020.

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. ____ was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the ____th day of ____, 2020.

8 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
9 ____, the foregoing Resolution 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 ____th day of ____, 2020.

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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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