

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE NO. 2019-0005 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 8.67 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 8.67 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. 2019-0007 to change the land use designation of the southern parcel (APN: 0131-131-23) of the Site (“GPA Site”), described in the legal description attached as Exhibit B, from Residential 2 with an Animal Overlay to Residential 6 (“GPA No. 2019-0007”); and

WHEREAS, in conjunction with the Project, the applicant has also submitted Tentative Tract Map No. 2019-0004, also referred to as Tentative Tract Map No. 20237, to subdivide the Site into fifty-two (52) single-family residential lots and nine (9) 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 an zone change, and the applicant has agreed to apply for Zone Change No. 2019-0005 (“ZC No. 2019-0005”); 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 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 February 26, 2020, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on ZC No. 2019-0005, GPA No.
6 2019-0007, and TTM No. 20237, took testimony, at which time it received input from staff, the
7 city attorney, and the applicant; heard public testimony; discussed ZC No. 2019-0005, GPA No.
8 2019-0007, 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 Rialto
11 as follows:

12 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth
13 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. 2019-0005, including written staff reports, verbal
16 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
17 Commission hereby determines that ZC No. 2019-0005 satisfies the requirements of Section
18 18.06.030 of the Rialto Municipal Code pertaining to the findings which must be made precedent to
19 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. 2019-0007 to change the
25 land use designation of the southern parcel (APN: 0131-131-23) of the Site from Residential
26 2 with an Animal Overlay to Residential 6. The two (2) northern parcels (APNs: 0131-131-
27 13 & -14) of the Site contain a land use designation of Residential 6. The Residential 6 land
28 use designation, combined with the R-3 zone, will allow single-family residential
developments between 2.1 and 6.0 dwelling units per acre. GPA No. 2019-0007, ZC No.
2019-0005, and TTM No. 20237 are proposed to facilitate the development of a fifty-two (52)
single-family residence neighborhood with a density of 5.99 dwelling units per acre. The

1 zone change and the subsequent development are therefore consistent with the proposed
2 General Plan land use designation, provided that GPA No. 2019-0007 is approved prior to the
proposed zone change.

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

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

5 The Site is surrounded on the north and east by existing single-family residential subdivisions,
6 and on the south by a planned single-family residential subdivision. The density of the
7 proposed development is 5.99 dwelling units per acre and similar to the densities of other
8 single-family residential subdivisions in the nearby area, including: (i) the planned Wagon
9 Wheel neighborhood, which will be located immediately adjacent to the south of the project
10 site and has a density of 7.35 dwelling units per acre, (ii) Pepper Ridge, which is located
11 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.

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

16 Additionally, mitigation measures, included in the Initial Study prepared for the Project
17 (Environmental Assessment Review No. 2019-0082), will assist in mitigating any impacts
18 related to Cultural Resources, Geology and Soils, Noise and Transportation and Traffic to a
level of insignificance.

19 SECTION 3. An Initial Study (analyzing applicant's prior development of 60 single family
20 lots and accompanying residences) and an accompanying Consistency Analysis Memorandum
21 (analyzed the current development of 52 single family lots and accompanying residences)
22 (Environmental Assessment Review No. 2019-0082) has been prepared for GPA No. 2019-0007 in
23 accordance with the California Environmental Quality Act (CEQA). Based on the findings and
24 recommended mitigation with the Initial Study, staff determined that the project will not have an
25 adverse impact on the environment, provided that mitigation measures are implemented, and a
26 Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice
27 of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice
28

1 to all property owners within 300 feet of the project site for a public comment period held from June
2 20, 2019 to July 9, 2019. The Mitigated Negative Declaration was prepared in accordance with
3 CEQA. Based on the Initial Study, Mitigated Negative Declaration, and accompanying Consistency
4 Analysis Memorandum, which found that the reduction in the number of dwelling units proposed will
5 serve to reduce the previously determined less than significant impacts analyzed by the prior proposal
6 even further, the Planning Commission hereby recommends that the City Council adopt the Mitigated
7 Negative Declaration and direct the Planning Division to file the necessary documentation with the
8 Clerk of the Board of Supervisors for San Bernardino County.

9 SECTION 4. The Planning Commission hereby recommends that the City Council approve
10 ZC No. 2019-0005 to change the zoning designation of the Site to R-3, in accordance with the
11 application on file with the Planning Division, subject to the following conditions:
12

- 13 1. ZC No. 2019-0005 is approved changing the zoning designation of approximately 8.67
14 acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia Avenue
15 approximately 775 feet north of Randall Avenue, described in the legal description
16 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.
- 17 2. Prior to the issuance of building or grading permits for the proposed development, a
18 Precise Plan of Design shall be approved by the City's Development Review Committee
(DRC).
- 19 3. City inspectors shall have access to the Site to reasonably inspect the Site during normal
20 working hours to assure compliance with these conditions and other codes.
- 21 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
22 officers, or employees from any claims, damages, action, or proceeding against the City
23 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.
24 2019-0005. 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.
- 25 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
26 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
27 subject to protest by the applicant at the time of approval or conditional approval of the
28 Project or within 90 days after the date of the imposition of the fees, dedications,
reservations, or exactions imposed on the Project.

- 1 6. Approval of Zone Change No. 2019-0005 will not be valid until such time that the City
2 Council of the City of Rialto has approved General Plan Amendment No. 2019-0007,
3 which was prepared in conjunction with the Project.
- 4 7. Approval of Zone Change No. 2019-0005 is for the sole purpose of facilitating the
5 development of a single-family residential subdivision on the Site. The development of
6 the Site into any use other than single-family residential is not permitted without the prior
7 approval of an amendment to this Resolution by both the Planning Commission and City
8 Council.
- 9 8. The applicant shall annex the Site within a Community Facilities District to offset
10 operational costs to the City's General Fund associated with ZC No. 2019-0001, prior to
11 the issuance of any building permits.
- 12 9. Applicant shall comply with all conditions of approval contained in GPA No. 2019-0007
13 and TTM No. 20237, to the extent they are not in conflict with any condition of approval
14 herein.

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

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

18 
19 FRANK GONZALEZ, VICE CHAIR
20 CITY OF RIALTO PLANNING COMMISSION
21
22
23
24
25
26
27
28

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. **20-05** was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 26th day of February 2020.

8 Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Dale
9 Estvander the foregoing Resolution No. **20-05** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 6

13 NOES: 0

14 ABSENT: 1

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 26th day of February 2020.

17
18
19
20 _____
Adrianna Martinez, Administrative Assistant
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A
Site – Legal Description

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit B
GPA Site – Legal Description