



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13 Commission on July 31, 2019 but subsequently withdrawn in September, 2019; and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 comment 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  
2 will 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**, on February 26, 2020, the Planning Commission voted 6-0 (1 absence) to  
8 recommend approval of the Mitigated Negative Declaration, GPA No. 2019-0007, ZC No. 2019-  
9 0005, and TTM No. 20237 to the City Council; and

10       **WHEREAS**, on May 12, 2020, the City Council conducted a public hearing, as required  
11 by law, on the Mitigated Negative Declaration, GPA No. 2019-0007, ZC No. 2019-0005, and TTM  
12 No. 20237, took testimony, at which time it received input from staff, the city attorney, and the  
13 applicant; heard public testimony, discussed the Mitigated Negative Declaration, GPA No. 2019-  
14 0007, ZC No. 2019-0005, and TTM No. 20237; and closed the public hearing; and

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

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

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

19       **SECTION 2.** The City Council has independently reviewed and considered the proposed  
20 Initial Study and Mitigated Negative Declaration (Environmental Assessment Review No. 2019-  
21 0082) attached hereto as Exhibit "C" and incorporated herein by this reference, the public  
22 comments upon it, and other evidence, and finds that the Mitigated Negative Declaration was  
23 prepared in the manner required by law, and there is no substantial evidence in the record to support  
24 a fair argument that the Project would result in a significant adverse effect upon the environment,  
25 provided appropriate mitigation measures are imposed as recommended below.

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

3 **SECTION 4.** The attached proposed Initial Study and Mitigated Negative Declaration  
4 finds that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry  
5 resources, air quality, biological resources, greenhouse gas emissions, hazards and hazardous  
6 materials, hydrology/water quality, land use/planning, mineral resources, population/housing,  
7 public services, recreation, tribal cultural resources, and utilities and service systems.

8 **SECTION 5.** With the imposition of mitigation measures that address potential impacts  
9 upon cultural resources, geology and soils, noise, traffic and transportation, and mandatory  
10 findings of significance in the community, and as set forth in the Mitigation Monitoring &  
11 Reporting Program, Exhibit "D" hereto, which is attached hereto and incorporated herein by this  
12 reference, the proposed Project's potential significant impacts will be reduced below a level of  
13 significance.

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

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

25 **PASSED, APPROVED AND ADOPTED** this 12th day of May, 2020.

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28 \_\_\_\_\_  
DEBORAH ROBERTSON, MAYOR

**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 Resolution No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council  
7 of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

8 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
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20 BARBARA MCGEE, CITY CLERK  
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Exhibit 'A'

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Exhibit 'B'

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Exhibit 'C'

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Exhibit 'D'

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