

1 **WHEREAS**, pursuant to Government Code Sections 65350-65362, the Planning
2 Commission shall hold a public hearing for a proposed amendment to the General Plan and forward
3 a 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 GPA No. 2019-0007, ZC No.
6 2019-0005, 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 GPA No. 2019-0007, ZC No.
8 2019-0005, and TTM No. 20237; and closed the public hearing; and

9 **WHEREAS**, on February 26, 2020, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of GPA No. 2019-0007, ZC No. 2019-0005, and TTM No. 20237 to the City
11 Council; and

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

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

18 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves 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 Resolution 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 GPA No. 2019-0007, including written staff reports, verbal
23 testimony, project plans, other documents, and the conditions of approval stated herein, the City
24 Council hereby determines that GPA No. 2019-0007 satisfies the requirements of Government Code
25 Section 65358 pertaining to the findings which must be made precedent to amending a General Plan.
26 The findings are as follows:

- 27 1. That the proposed General Plan Amendment is in the public interest.
- 28

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

2 The Site is surrounded on the north and east by existing single-family residential
3 neighborhoods, and on the immediate south to a recently entitled single-family residential
4 neighborhood (Wagon Wheel) that will soon begin construction. The density of the proposed
5 development is similar to the densities of other single-family residential subdivisions in the
6 nearby area, including: (i) the adjacent Wagon Wheel neighborhood, which is scheduled to
7 begin construction soon, (ii) Pepper Ridge, which is located approximately 650 feet to the east
8 of the project site, and (iii) California Knolls, which is located approximately 75 feet to the
9 northwest of the project site. The Project will facilitate the development of detached single-
10 family residences in keeping with the character of the surrounding area.

11 The Project will facilitate the development of a neighborhood consisting of fifty-two (52)
12 detached single-family residences. Any member of the public seeking to purchase a new
13 home will be provided an opportunity to acquire a new high-quality residence within a high-
14 quality, well-maintained, gated neighborhood. An increase in the number of owner-occupied
15 single-family residences will likely positively affect the median income of the City of Rialto,
16 albeit insignificantly. Furthermore, the development of fifty-two (52) detached single-family
17 residences will contribute to an increase in revenues collected in form of permit fees,
18 development impact fees, sales tax, and property tax. In addition, the Site is mostly vacant
19 unimproved land, with the exception of one (1) single-family residence and an abandoned
20 poultry farm, and the general plan amendment and development of single-family residences
21 will reduce existing blight and adverse effects of an empty, vacant lot, and an abandoned
22 poultry farm surrounded by urban uses.

23 **SECTION 3.** An Initial Study (analyzing applicant's prior development of 60 single family
24 lots and accompanying residences) and an accompanying Consistency Analysis Memorandum
25 (analyzed the current development of 52 single family lots and accompanying residences)
26 (Environmental Assessment Review No. 2019-0082) has been prepared for GPA No. 2019-0007 in
27 accordance with the California Environmental Quality Act (CEQA). Based on the findings and
28 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

1 CEQA. Based on the Initial Study, Mitigated Negative Declaration, and accompanying Consistency
2 Analysis Memorandum, which found that the reduction in the number of dwelling units proposed will
3 serve to reduce the previously determined less than significant impacts analyzed by the prior proposal
4 even further, the City Council hereby adopts the Mitigated Negative Declaration and directs the
5 Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for
6 San Bernardino County.

7 **SECTION 4.** The City Council hereby approves GPA No. 2019-0007 to change the land
8 use designation of the Site from Residential 2 with an Animal Overlay to Residential 6, in accordance
9 with the applications on file with the Planning Division, subject to the following conditions:
10

- 11 1. GPA No. 2019-0007 is approved changing the land use designation of approximately 3.92
12 acres of land (APN: 0131-131-23) located on the east side of Acacia Avenue
13 approximately 775 feet north of Randall Avenue, and described in the legal description
14 attached as Exhibit A, from Residential 2 with an Animal Overlay to Residential 6. If the
15 Conditions of Approval specified herein are not satisfied or otherwise completed, the
16 Project shall be subject to revocation.
- 17 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
18 working hours to assure compliance with these conditions and other codes.
- 19 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
20 officers, or employees from any claims, damages, action, or proceeding against the City
21 or its agents, officers, or employees to attack, set aside, void, or annul any approval of
22 the City, its advisory agencies, appeal boards, or legislative body concerning GPA No.
23 2019-0007. The City will promptly notify the applicant of any such claim, action, or
24 proceeding against the City, and applicant will cooperate fully in the defense.
- 25 4. 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.
5. The applicant shall annex the Site within a Community Facilities District to offset
operational costs to the City's General Fund associated with GPA No. 2019-0007, prior
to the issuance of any building permits.

6. The applicant shall comply with all conditions of approval contained in ZC No. 2019-0005 and TTM No. 20237, to the extent they are not in conflict with any condition of approval herein.

SECTION 5. The Mayor 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 12th day of May, 2020.

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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19 _____
20 BARBARA MCGEE, CITY CLERK
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Exhibit 'A'

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Exhibit 'B'

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