

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING 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 a 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**, on February 26, 2020, the Planning Commission voted 6-0 (1 absence) to
10 recommend approval of ZC No. 2019-0005, GPA No. 2019-0007, 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 ZC No. 2019-0005, GPA No. 2019-0007, 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 ZC No. 2019-0005, GPA No. 2019-0007, and TTM No. 20237; and closed the public
16 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. 2019-0005, 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. 2019-0005 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:
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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. 2019-0007 to change the
5 land use designation of the southern parcel (APN: 0131-131-23) of the Site from Residential
6 2 with an Animal Overlay to Residential 6. The two (2) northern parcels (APNs: 0131-131-
7 13 & -14) of the Site contain a land use designation of Residential 6. The Residential 6 land
8 use designation, combined with the R-3 zone, will allow single-family residential
9 developments between 2.1 and 6.0 dwelling units per acre. GPA No. 2019-0007, ZC No.
10 2019-0005, and TTM No. 20237 are proposed to facilitate the development of a fifty-two (52)
11 single-family residence neighborhood with a density of 5.99 dwelling units per acre. The
12 zone change and the subsequent development are therefore consistent with the proposed
13 General Plan land use designation, provided that GPA No. 2019-0007 is approved prior to the
14 proposed zone change.

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

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

17 The Site is surrounded on the north and east by existing single-family residential subdivisions,
18 and on the south by a planned single-family residential subdivision. The density of the
19 proposed development is 5.99 dwelling units per acre and similar to the densities of other
20 single-family residential subdivisions in the nearby area, including: (i) the planned Wagon
21 Wheel neighborhood, which will be located immediately adjacent to the south of the project
22 site and has a density of 7.35 dwelling units per acre, (ii) Pepper Ridge, which is located
23 approximately 650 feet to the east of the project site, and (iii) California Knolls, which is
24 located approximately 75 feet to the northwest of the project site and has a density of 5.57
25 dwelling units per acre. The Project will facilitate the development of detached single-family
26 residences in keeping with the character of the surrounding area.

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

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

SECTION 3. An Initial Study (analyzing applicant's prior development of 60 single family
lots and accompanying residences) and an accompanying Consistency Analysis Memorandum

1 (analyzed the current development of 52 single family lots and accompanying residences)
2 (Environmental Assessment Review No. 2019-0082) has been prepared for GPA No. 2019-0007 in
3 accordance with the California Environmental Quality Act (CEQA). Based on the findings and
4 recommended mitigation with the Initial Study, staff determined that the project will not have an
5 adverse impact on the environment, provided that mitigation measures are implemented, and a
6 Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice
7 of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice
8 to all property owners within 300 feet of the project site for a public comment period held from June
9 20, 2019 to July 9, 2019. The Mitigated Negative Declaration was prepared in accordance with
10 CEQA. Based on the Initial Study, Mitigated Negative Declaration, and accompanying Consistency
11 Analysis Memorandum, which found that the reduction in the number of dwelling units proposed will
12 serve to reduce the previously determined less than significant impacts analyzed by the prior proposal
13 even further, the City Council hereby adopts the Mitigated Negative Declaration and directs the
14 Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for
15 San Bernardino County.
16

17 **SECTION 4.** The City Council hereby approves ZC No. 2019-0005 to change the zoning
18 designation of the Site to R-3, in accordance with the application on file with the Planning Division,
19 subject to the following conditions:
20

- 21 1. ZC No. 2019-0005 is approved changing the zoning designation of approximately 8.67
22 acres of land (APNs: 0131-131-13, -14, & -23) located on the east side of Acacia Avenue
23 approximately 775 feet north of Randall Avenue, described in the legal description
24 attached as Exhibit A, to R-3. If the Conditions of Approval specified herein are not
25 satisfied or otherwise completed, the Project shall be subject to revocation.
26
- 27 2. Prior to the issuance of building or grading permits for the proposed development, a
28 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.

- 1 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
2 officers, or employees from any claims, damages, action, or proceeding against the City
3 or its agents, officers, or employees to attack, set aside, void, or annul any approval of
4 the City, its advisory agencies, appeal boards, or legislative body concerning ZC No.
5 2019-0005. The City will promptly notify the applicant of any such claim, action, or
6 proceeding against the City, and applicant will cooperate fully in the defense.
7
8 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
9 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
10 subject to protest by the applicant at the time of approval or conditional approval of the
11 Project or within 90 days after the date of the imposition of the fees, dedications,
12 reservations, or exactions imposed on the Project.
13
14 6. Approval of Zone Change No. 2019-0005 will not be valid until such time that the City
15 Council of the City of Rialto has approved General Plan Amendment No. 2019-0007,
16 which was prepared in conjunction with the Project.
17
18 7. Approval of Zone Change No. 2019-0005 is for the sole purpose of facilitating the
19 development of a single-family residential subdivision on the Site. The development of
20 the Site into any use other than single-family residential is not permitted without the prior
21 approval of an amendment to this Ordinance by both the Planning Commission and City
22 Council.
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24 8. The applicant shall annex the Site within a Community Facilities District to offset
25 operational costs to the City's General Fund associated with ZC No. 2019-0005, prior to
26 the issuance of any building permits.
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28 9. Applicant shall comply with all conditions of approval contained in GPA No. 2019-0007
and TTM No. 20237, to the extent they are not in conflict with any condition of approval
herein.

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

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

26 _____
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 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 _____, 2020.

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 _____, 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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