

ORDINANCE NO. MC-1603

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
ADOPTING THE MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING AND
REPORTING PROGRAM, AND APPROVING
DEVELOPMENT CODE AMENDMENT (ZONING MAP
AMENDMENT) 21-05 CHANGING THE ZONING
DISTRICT CLASSIFICATION OF A PARCEL (APN: 0261-
151-10) CONTAINING APPROXIMATELY 6.10 ACRES
FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL
SUBURBAN (RS).**

WHEREAS, together, Development Code Amendment (Zoning Map Amendment) 21-05 and Subdivision 21-11 (Tentative Tract Map 20421) constitute the Belmont Residential Subdivision Project ("Project"); and

WHEREAS, Development Code Amendment (Zoning Map Amendment) 21-05 is a request to allow the change of the Zoning District Classification of a parcel (APN: 0261-151-10) containing approximately 6.10 acres from Residential Low (RL) to Residential Suburban (RS); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code, § 21000 et seq.), Section 21067, and State CEQA Guidelines (California Code of Regulations, § 15000 et seq.), Section 15367, the City of San Bernardino is the lead agency for the Project; and

WHEREAS, City staff determined that pursuant to State CEQA Guidelines Section 15073, preparation of a Mitigated Negative Declaration was the appropriate environmental review procedure under CEQA, because all potential significant impacts of the Project can be mitigated to a level of less than significant; and

WHEREAS, a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit A, were prepared for the Project; and

WHEREAS, on September 8, 2022, in accordance with State CEQA Guidelines Sections 15072 and 15073, a Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI") was mailed to all organizations and individuals who previously requested such notice in writing, and notice was also made by way of publication consistent with CEQA's requirements; and

WHEREAS, on September 10, 2022, in accordance with State CEQA Guidelines Section 15072(d), the NOI was also posted by the Clerk for the County of San Bernardino Board of Supervisors to begin the 20-day public review period; and

WHEREAS, on November 8, 2022, the Planning Commission of the City of San Bernardino held a duly-noticed public hearing to consider public testimony and the staff report, and adopted Resolution No. 2022-048 recommending the adoption of the Mitigated Negative

Declaration and Mitigation Monitoring and Reporting Program, and the approval of Development Code Amendment (Zoning Map Amendment) 21-05 and Subdivision 21-11 (Tentative Tract Map 20421 to the Mayor and City Council; and

WHEREAS, notice of the December 7, 2022 public hearing for the Mayor and City Council's consideration of this proposed Ordinance was published in The Sun newspaper on **November 26, 2022**, and was mailed to the owners and tenants of the properties located within 1,000 feet of the subject property in accordance with Development Code Chapter 19.52 (Hearing and Appeals); and

WHEREAS, no comments made in the public hearing conducted by the Mayor and City Council, and no additional information submitted to the Mayor and City Council, has produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review under State CEQA Guidelines Section 15073.5; and

WHEREAS, pursuant to the requirements of Chapter 19.52 (Hearing and Appeals), Chapter 19.42 (Development Code Amendments), and Chapter 19.74 (Zoning Map Amendments) of the City of San Bernardino Development Code, the Mayor and City Council have the authority to take action on Development Code Amendment (Zoning Map Amendment) 21-05; and

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Compliance with the California Environmental Quality Act. The City Council having independently reviewed and analyzed the record before it, including the adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and written and oral testimony, and having exercised their independent judgment, finds that there is no substantial evidence supporting a fair argument that approval of the Project will result in a significant effect on the environment.

SECTION 3. Finding of Facts – Development Code Amendment (Zoning Map Amendment) 19-08

Finding No. 1: The proposed amendment is consistent with the General Plan.

Finding of Fact: The proposed amendment will change the Zoning District Classification from Residential Low (RL) to Residential Suburban (RS) for the entirety of the project site containing approximately 6.10 acres. The Residential Suburban (RS) Zoning District Classification is intended to provide for residential development with a maximum of 4.5 units residences per net acre. The proposed amendment will allow for the future development of a single-family subdivision comprised of twenty-five (25) detached single-family residences, which provides a density of 4.1 residences per acre, and is consistent with the surrounding single-family residential developments

within the project area. Therefore, the proposed project is consistent with the following General Plan goals and policies:

General Plan Land Use Element Policy 2.2.1: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.

General Plan Land Use Element Goal 2.4: Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.

General Plan Community Design Element Goal 5.4: Ensure individual projects are well designed and maintained.

Finding No. 2: The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the proposed amendment to change the Zoning District Classification of the entirety of the project site from residential Low (RL) to Residential Suburban (RS) will facilitate the future development of a single-family subdivision comprised of twenty-five (25) detached single-family residences which is consistent with the surrounding single-family residential developments. The project site is generally flat, with access from W. Belmont Avenue and N. Olive Avenue, fully served by utility providers, and will not result in the need for the excessive provision of services. Additionally, any potential impacts created by the proposed amendment have been addressed in the Draft Initial Study/Mitigated Negative Declaration and appropriate mitigation measures have been included within the Mitigation Monitoring and Reporting Program.

Finding No. 3: The proposed amendment would maintain the appropriate balance of land uses within the City.

Finding of Fact: The proposed amendment would result in the entirety of the project site having the Residential Suburban (RS) Zoning District Classification to allow for the future development of a single-family subdivision comprised of twenty-five (25) detached single-family residences. The subject property is located adjacent to an existing single-family residential neighborhood developed under the Residential Suburban (RS) classification, and would continue the established street pattern and lot configuration. Therefore, the proposed change from Residential Low (RL) to Residential Suburban (RS) for the project site would allow the proposed

project nearby existing residential uses, thereby providing for an appropriate balance of land uses within the City.

Finding No. 4: The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

Finding of Fact: The project site is currently comprised of one (1) parcel that is proposed to be subdivided into twenty-five (25) single-family residential lots which will be consistent with the surrounding development. The project site is generally flat, with access from W. Belmont Avenue and N. Olive Avenue. Utilities are available directly from the adjacent public rights-of-way. There are no physical constraints on the site, such as steep slopes or watercourses.

SECTION 4. Development Code Amendment (Zoning Map Amendment) 21-05 is a request to allow the change of the Zoning District Classification of a parcel (APN: 0261-151-10) containing approximately 6.10 acres from Residential Low (RL) to Residential Suburban (RS), attached hereto and incorporated herein by reference as Exhibit B, is hereby approved.

SECTION 6. The documents and materials associated with this Resolution and that constitute the record of proceedings on which these findings are based are located at 290 North D Street, San Bernardino, CA 92401. The City Clerk is the custodian of the record of proceedings.

SECTION 5. Notice of Determination: The Planning Division of the Community and Economic Development Department is hereby directed to file a Notice of Determination with the County Clerk of the County of San Bernardino within five (5) working days of final project approval certifying the City's compliance with the California Environmental Quality Act in approving the Project.

SECTION 6. Severability: If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 8. Notice of Adoption. The City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under Section 36933 of the Government Code of the State of California.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of _____, 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1603, adopted by the City Council of the City of San Bernardino, California, at a regular meeting held at the ____ day of _____, 2022 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____, 2022.

Genoveva Rocha, CMC, City Clerk