

1 public testimony; discussed the Project; and continued the public hearing to allow staff to prepare a
2 response to various public comments and letters; and

3 **WHEREAS**, on February 13, 2018, the City Council conducted a duly noticed public hearing, as
4 required by law, to consider the Planning Commission's recommendation to approve the Project, and
5 took testimony, at which time it received input from staff, the city attorney, and the applicant; heard
6 public testimony; discussed the Project, and the responses to public comments and letters; and closed the
7 public hearing; and

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

9 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rialto as follows:

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

12 **SECTION 2.** Based on substantial evidence presented to the City Council during the public hearing
13 conducted with regard to TTM No. 20092, including written staff reports, verbal testimony, project plans,
14 other documents, and the conditions of approval stated herein, the City Council hereby determines that TTM
15 No. 20092 satisfies the requirements of Government Code Section 66474 pertaining to the findings which
16 must be made precedent to granting a tentative map. The findings are as follows:

- 17
18 1. That the proposed Tentative Tract Map is consistent with the General Plan of the City of
19 Rialto and the LCRSP; and

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

21 An analysis of the consistency between the LCRSP and the goals and policies contained in the City
22 of Rialto General Plan, as required by Section 65454 of the California Government Code, is included
23 in Appendix A of the LCRSP. Based on the analysis the LCRSP is consistent with the City of Rialto
24 General Plan. The General Plan consistency analysis is included with the agenda report as
25 **EXHIBIT F**. Furthermore, TTM No. 20092 is consistent with the LCRSP, with the adoption of the
26 Specific Plan Amendment prior to or concurrently herewith. TTM No. 20092 will also ensure high-
27 quality planned developments in Rialto (General Plan Goal 2-21) by providing more developable
28 land. Furthermore, TTM No. 20092 serves to promote and encourage housing development that
adequately meets the needs of all socioeconomic segments of the community and region (General
Plan Goal 6-2) by increasing the housing stock and availability to all segments of the population.
TTM No. 20092 also increases and enhances open space within the City (General Plan Goal 2-24)
by replacing the intended golf course with open space, which may be used as parkland or recreational
areas (General Plan Policy 2-24.1) and will improve aesthetics (General Plan Policy 2-24.2). TTM

1 No. 20092 also meets the objectives of the LCRSP by establishing open space preservation areas
2 and minimize impacts to Lytle Creek Wash while accommodating growth and development
3 opportunities in the City, concentrating development within neighborhoods to promote greater
4 efficiency of land use, establishing a mix of land uses that meet the General Plan's objectives
5 concerning community character and pedestrian friendly design, and developing a project site in a
6 manner that is economically feasible and balanced to address the Applicant's and City's economic
7 concerns.

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11 2. That the design and improvement of the proposed Tentative Tract Map is consistent with the
12 Subdivision Ordinance, the General Plan of the City of Rialto, and the LCRSP.

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

14
15 TTM No. 20092 will comply with all technical standards required by Subdivision Map Act, the
16 General Plan of the City of Rialto, and the LCRSP. The proposed parcels are consistent with and
17 meet the minimum lot area, lot width and lot depth as required by the LCRSP.

- 18
19 3. The site for the proposed use is adequate in size, shape, topography, accessibility and other
20 physical characteristics to accommodate the proposed use in a manner compatible with
21 existing land uses; and

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

23
24 The Site contains 183.1 acres, is fairly level, and adjacent to arterial streets, which will be able to
25 accommodate the proposed use. The Site is compatible with the surrounding uses, which have a
26 zoning designation of residential development within the LCRSP. TTM No. 20092 will establish
27 collector streets, and the entryway into the main project entry at Country Club Drive. Safe access to
28 and from the Project will require street improvements. The Applicant will be conditioned to construct
right of way improvements at Oakdale Avenue into the Project area.

4. That the site is physically suitable for the proposed density of development.

This finding is supported by the following facts:

The Site is currently vacant and unimproved. TTM No. 20092 will create six (6) lots, one (1)
remainder lot, and thirteen (13) lettered lots for public open space, utilities and infrastructure. TTM
No. 20092 will meet all criteria and development standards of the LCRSP, as all subsequent maps to
apportion TTM No. 20092 into separate residential areas totaling 672 developable residential lots
will require separate approval by the City Council. Therefore, the Site is sufficient in size and shape
to accommodate the proposed density.

5. That the design of the land division is not likely to cause substantial environmental damage
or substantially injure fish or wildlife or their habitat.

This finding is supported by the following facts:

1 The LCRSP EIR was adopted by the City Council on August 14, 2012, in accordance with the
2 California Environmental Quality Act (CEQA). The Applicant prepared an Addendum to the
3 LCRSP EIR and associated technical studies to evaluate the potential impacts associated with the
4 Project. The Project will not cause substantial environmental damage or substantially injury fish
5 or wildlife or their habitat, as provided in the Addendum to the LCRSP EIR. The proposed Project
6 would not result in any new significant impacts that were not analyzed in the LCRSP EIR, nor
7 would the project because a substantial increase in the severity of any previously identified
8 environmental impacts. The potential impacts associated with this proposed Project would be the
9 same or less than those described in the LCRSP EIR. In addition, there are no substantial changes
10 to the circumstances under which the proposed Project would be undertaken that would result in
11 new or more severe environmental impacts than previously addressed in the LCRSP EIR, nor has
12 any new information regarding the potential for new or more severe significant environmental
13 impacts been identified. Implementation of mitigation measures identified in the LCRSP EIR
14 reduces potentially significant impacts to a level of insignificance.

15 6. That the design of the land division is not likely to cause serious public health problems.

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

17 To apportion TTM No. 20092 into separate residential areas totaling 672 developable residential lots
18 will require separate approval by the City Council to ensure that the design of the future
19 developments meet the City's Design Guidelines. As a result, the Project is not likely to cause
20 any public health problems.

21 7. That the design of the land division or proposed improvements will not conflict with
22 easements, acquired by the public at large, for access through or use of, property within the
23 proposed land division.

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

25 Upon completion of the Final Map and street dedication, all relevant easements provided will remain.

26 SECTION 3. An Addendum to the previously certified LCRSP EIR has been prepared (EA No.
27 2017-0053), and the City coordinated the preparation of the Initial Study and accompanying technical studies
28 because the proposed Project will not result in any changes with respect to the circumstances or require
major revisions to the previously approved LCRSP EIR. The Addendum is being concurrently reviewed
and recommended for approval herewith.

SECTION 4. The City Council approves TTM No. 20092 to allow the creation of six (6) lots, one
(1) remainder lot, and thirteen (13) lettered lots for public open space, utilities and infrastructure within the

1 LCRSP, in accordance with the application on file with the Planning Division, subject to the following
2 conditions:

3 1. TTM No. 20092 is approved to create six (6) lots, one (1) remainder lot, and thirteen (13) lettered
4 lots for public open space, utilities and infrastructure within the LCRSP, as shown on the
5 tentative tract map submitted to the Planning Division on May 8, 2017, subject to all
6 requirements of the Lytle Creek Ranch Specific Plan. If the Conditions of Approval specified
herein are not satisfied or otherwise completed, the Project shall be subject to revocation.

7 2. An active recreation area a minimum of 1.5 acres in size shall be constructed in Planning Area
8 103 or 103A prior to the issuance of a Certificate of Occupancy for the 336th unit.

9 3. Prior to the issuance of the Building Permit for Neighborhood II, the project master developer
10 must pay its fair share fees to the Rialto Unified School District as required by California state
law and/or enter into a mitigation agreement with the school district.

11 4. Upon the submittal of any subsequent map to apportion or revise TTM No. 20092, the developer
12 shall also submit final conceptual design plans for all designated Open Space/Recreation
13 Planning Areas within Neighborhood II. The Open Space/Recreation design plans shall specify
14 the location and size of either a 19,000 square foot clubhouse facility to be constructed as part of
the permitted golf course reconfiguration, or a recreation center of comparable size and utility to
be included as part of alternative recreational amenity to be subsequently approved by the City.

15 Prior to the issuance of the 500th Certificate of Occupancy within Neighborhood II, the recreation
16 center shall be constructed consistent with the design plans to be approved subsequently by the
17 City. The Planning Areas designated for Open Space/Recreation shall be completed pursuant to
the approved design as follows:

18 By the 500th Certificate of Occupancy – 58.5 acres
19 By the 1,026th Certificate of Occupancy – 117 acres
20 By the 1,540th Certificate of Occupancy – 175 acres
21 By the 2,053rd Certificate of Occupancy – 234 acres

22 5. Street alignments shall be designed in a manner that is safe for passenger vehicles and
23 pedestrians. Intersections shall be offset by a minimum of 150 linear feet or aligned as
24 directed by the City Engineer.

25 6. The developer shall acquire, or assist the City in acquiring, the necessary right-of-way, and
26 shall construct all right-of-way improvements for Oakdale Avenue, from East Highland
27 Avenue to the boundary of the LCRSP. If the developer desires to utilize Oakdale Avenue as
a second or main entry to Neighborhood II, a Precise Plan of Design and/or revision to the
Tentative Map, along with additional environmental review, may be required to construct the
28 project entry.

- 1 7. The developer shall provide the City with documentation from the Federal Emergency
2 Management Agency that the developable area covered by TTM No. 20092 is outside of the
3 floodplain area.
- 4 8. A minimum of 10% of the homes within lots 3 and 5 of the TTM No. 20092 shall be
5 constructed as a single story product.
- 6 9. City inspectors shall have access to the Site to reasonably inspect the Site during normal
7 working hours to assure compliance with these conditions and other codes.
- 8 10. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers,
9 or employees from any claims, damages, action, or proceeding against the City or its agents,
10 officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory
11 agencies, appeal boards, or legislative body concerning TTM No. 20092. The City will
12 promptly notify the applicant of any such claim, action, or proceeding against the City and
13 will cooperate fully in the defense.
- 14 11. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition
15 of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by
16 the applicant at the time of approval or conditional approval of the Project or within 90 days
17 after the date of the imposition of the fees, dedications, reservations, or exactions imposed on
18 the Project.
- 19 12. All conditions of approval for TTM No. 20092 shall be completed to the satisfaction of the City
20 Engineer prior to the issuance of a Certificate of Occupancy.
- 21 13. The Applicant shall pay all applicable development impact fees in accordance with the Pre-
22 annexation and Development Agreement between the City of Rialto and Lytle Development
23 Company, a California corporation, and El Rancho Verde Golf, LLC, a Delaware limited liability
24 company, and Pharris Sycamore Flats LLC, a California limited liability company.
- 25 14. A Precise Grading Plan shall be approved for the project by the City Engineer prior to the
26 issuance of any building permits.
- 27 15. The Applicant shall submit street improvement plans prepared by a registered California civil
28 engineer to the Engineering Division for review. The plans shall be approved by the City
Engineer prior to the issuance of any building permits.
16. The Applicant shall landscape and irrigation system improvement plans for review and approval
by the City Engineer. The median irrigation system shall be separately metered from the
parkway landscaping to be maintained by the developer, for future use by the City upon
acceptance of the median landscaping by the City. The plans shall be approved concurrently
with the street improvement plans for the median and prior to issuance of a building permit,
unless otherwise allowed by the City Engineer.

- 1 17. All median and/or parkway landscaping shall be guaranteed for a period of one year from the
2 date of acceptance by the City Engineer. Any landscaping that fails during the one year
3 landscape maintenance period shall be replaced with similar plant material to the satisfaction of
4 the City Engineer, and shall be subject to a subsequent one year landscape maintenance period.
- 5 18. All new street lights shall be installed on an independently metered, City-owned underground
6 electrical system. The developer shall be responsible for applying with Southern California
7 Edison ("SCE") for all appropriate service points and electrical meters. New meter pedestals
8 shall be installed and electrical service paid by the developer, until such time as the
9 improvements have been accepted and the underlying property is annexed into LLMD 2.
- 10 19. Any improvements within the public right-of-way require a City of Rialto Encroachment Permit.
- 11 20. The Applicant shall submit street improvement plans prepared by a registered California civil
12 engineer to the Engineering Division for review. The plans shall be approved by the City
13 Engineer prior to the issuance of any building permits.
- 14 21. The development of the Site is subject to the requirements of the National Pollution Discharge
15 Elimination System (NPDES) Permit for the City of Rialto, issued by the Santa Ana Regional
16 Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant to the NPDES Permit,
17 the Applicant shall ensure development of the site incorporates post-construction Best
18 Management Practices ("BMPs") in accordance with the Model Water Quality Management
19 Plan ("WQMP") approved for use for the Santa Ana River Watershed. The Applicant is advised
20 that applicable Site Design BMPs will be required to be incorporated into the final site design,
21 pursuant to a site specific WQMP submitted to the City Engineer for review and approval.
- 22 22. The minimum pavement section for all on-site pavements shall be 2½ inches asphalt concrete
23 pavement over 4 inches crushed aggregate base with a minimum subgrade of 24 inches at 95%
24 relative compaction, or equal. If an alternative pavement section is proposed, the proposed
25 pavement section shall be designed by a California registered Geotechnical Engineer using "R"
26 values from the project site and submitted to the City Engineer for approval.
- 27 23. An accessible pedestrian path of travel shall be provided throughout the site, as required by
28 applicable state and federal laws.
- 24 24. The Applicant shall connect the development to the City of Rialto sewer system and apply for a
25 sewer connection account with Rialto Water Services.
- 26 25. The Applicant shall submit sewer improvement plans prepared by a California registered civil
27 engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to
28 issuance of any building permits.
- 26 26. All sewer mains constructed by the applicant and to become part of the public sewer system shall
27 be pressure tested and digitally video recorded by the City's wastewater system operator (Veolia)
28 prior to acceptance of the sewer system for maintenance by the City. The developer shall be
responsible for all costs associated with testing and inspection services. Any defects of the sewer

main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

27. The Applicant shall provide certification from Rialto Water Services demonstrating that all water and/or wastewater service accounts have been documented, prior to the issuance of a Certificate of Occupancy.

28. The Applicant shall submit a Precise Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of a building permit.

29. The Applicant shall submit a Water Quality Management Plan identifying site specific Best Management Practices ("BMPs") in accordance with the Model Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to the City Engineer for review and approval with the Precise Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to issuance of a building permit, unless otherwise allowed by the City Engineer.

30. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The Applicant's contractor shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.

31. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of the Precise Grading Plan.

32. The Applicant shall provide pad elevation certifications for all building pads in conformance with the approved Precise Grading Plan, to the Engineering Division prior to construction of any building foundation.

33. Prior to issuance of a certificate of occupancy or final City approvals, the Applicant shall demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications, and as identified in the approved WQMP.

34. All stormwater runoff passing through the Site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site detention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide

1 a hydrology study to determine the volume of increased stormwater runoff due to development
2 of the site, and to determine required stormwater runoff mitigation measures for the proposed
3 development. Final detention basin sizing and other stormwater runoff mitigation measures shall
4 be determined upon review and approval of the hydrology study by the City Engineer and may
5 require redesign or changes to site configuration or layout consistent with the findings of the final
6 hydrology study. The volume of increased stormwater runoff to retain on-site shall be
7 determined by comparing the existing "pre-developed" condition and proposed "developed"
8 condition, using the 100-year frequency storm.

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10 35. Direct release of on-site nuisance water or storm-water runoff shall not be permitted to the
11 adjacent public streets. Provisions for the interception of nuisance water from entering adjacent
12 public streets from the Project Site shall be provided through the use of a minor storm drain
13 system that collects and conveys nuisance water to landscape or parkway areas, and in only a
14 storm-water runoff condition, pass runoff directly to the streets through parkway or under
15 sidewalk drains.

16
17 36. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site
18 streets required by the proposed development shall be backfilled and repaired in accordance with
19 City of Rialto Standard Drawings. The Applicant shall be responsible for removing, grinding,
20 paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by
21 and at the discretion of the City Engineer, including additional pavement repairs to pavement
22 repairs made by utility companies for utilities installed for the benefit of the proposed
23 development (i.e. Fontana Water Company, Southern California Edison, Southern California
24 Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts
25 within existing asphalt concrete pavement of off-site streets required by the proposed
26 development may require complete grinding and asphalt concrete overlay of the affected off-site
27 streets, at the discretion of the City Engineer. The pavement condition of the existing off-site
28 streets shall be returned to a condition equal to or better than existed prior to construction of the
proposed development.

37. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing electrical
distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all
telephone, television cable service, and similar service wires or lines, which are on-site, abutting,
and/or transecting, shall be installed underground. Utility undergrounding shall extend to the
nearest off-site power pole; no new power poles shall be installed unless otherwise approved by
the City Engineer. A letter from the owners of the affected utilities shall be submitted to the City
Engineer prior to approval of the Grading Plan, informing the City that they have been notified
of the City's utility undergrounding requirement and their intent to commence design of utility
undergrounding plans. When available, the utility undergrounding plan shall be submitted to the
City Engineer identifying all above ground facilities in the area of the project to be
undergrounded.

38. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be
provided to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF
(AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat) formats. Variation of the

1 type and format of the digital data to be submitted to the City may be authorized, upon prior
2 approval by the City Engineer.

3 39. The original improvement plans prepared for the proposed development and approved by the
4 City Engineer (if required) shall be documented with record drawing "as-built" information and
5 returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any
6 modifications or changes to approved improvement plans shall be submitted to the City Engineer
7 for approval prior to construction.

8 40. Nothing shall be constructed or planted in the corner cut-off area of any (intersection or)
9 driveway which does or will exceed 30 inches in height required to maintain an appropriate sight
10 distance, as required by the City Engineer.

11 41. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or
12 curb shall have City approved deep root barriers installed, as required by the City Engineer.

13 42. Revisions to the Tentative Tract Map required by the Engineering Division or the Development
14 Review Committee shall be prepared by a California registered Land Surveyor or qualified Civil
15 Engineer and submitted to the Engineering Division for review and approval. A Title Report
16 prepared for subdivision guarantee for the subject property, the traverse closures for the existing
17 parcel and all lots created therefrom, and copies of record documents shall be submitted with the
18 Tract Map to the Engineering Division as part of the review of the Map. The Final Tract Map
19 shall be approved by the City Engineer and the City Council prior to issuance of any building
20 permits.

21 43. A minimum of 48 inches of clearance for disabled access shall be provided on all public
22 sidewalks.

23 44. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping,
24 and street lights, associated with the proposed development shall be replaced as required by the
25 City Engineer prior to issuance of a Certificate of Occupancy.

26 45. The Applicant shall submit traffic striping and signage plans prepared by a California registered
27 civil engineer, for review and approval by the City Engineer. All required traffic striping and
28 signage improvements shall be completed concurrently with required street improvements, to
the satisfaction of the City Engineer, and prior to issuance of a building permit.

46. Construction signing, lighting and barricading shall be provided during all phases of construction
as required by City Standards or as directed by the City Engineer. As a minimum, all
construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary
Traffic Control" of the 2012 California Manual on Uniform Traffic Control Devices, or
subsequent editions in force at the time of construction.


47. Approval of TTM No. 20092 shall be granted for a period of twenty-four (24) months from
the effective date of this resolution. An extension of time for TTM No. 20092 may be granted
by the City Council for a period or periods not to exceed a total of thirty-six (36) months. An

1 application for extension together with the required fee shall be filed with the Planning
2 Division prior to the expiration date of TTM No. 20092.

3 SECTION 5. The Mayor shall sign the passage and adoption of this resolution and thereupon the
4 same shall take effect and be in force.
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DEBORAH ROBERTSON, Mayor

Barbara A. McGee
BARBARA A. McGEE, City Clerk


FRED GALANTE, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. 7278 was duly passed and adopted at a regular meeting of the City Council of the City
6 of Rialto held on the 13th day of February 2018.

7 Upon motion of Councilmember Baca Jr., seconded by Councilmember Trujillo, the
8 foregoing Resolution No. 7278 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Robertson, Councilmembers: Scott, Baca Jr., Trujillo, Carrizales

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto this 2nd day of March, 2018.

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16 BARBARA A. MCGEE, CITY CLERK
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