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WHEREAS, the Lytle Creek Ranch Specific Plan (“LCRSP”) and Lytle Creek Ranch Specific Plan Environmental Impact Report and Recirculated Portions of the Environmental Impact Report (State Clearinghouse #2009061113) (“LCRSP EIR”) were adopted by the City Council on August 14, 2012; and

WHEREAS, in conjunction with the Project, the Applicant also proposes to (i) eliminate Neighborhood I; (ii) modify the land use configurations of Neighborhood II and Neighborhood III, and update the text, tables, charts and maps of the LCRSP, both of which require a specific plan amendment (“Specific Plan Amendment”); and

WHEREAS, for the Project and Specific Plan Amendment, the Applicant requested approval of an Addendum to the LCRSP EIR (EA No. 2017-0053); and

WHEREAS, on January 23, 2017, the City Council conducted a duly noticed public hearing, as required by law, to consider the Planning Commission's recommendation to approve the Project, and

1 took testimony, at which time it received input from staff, the city attorney, and the applicant; heard
2 public testimony; discussed the Project; and closed the public hearing; and

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

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

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

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

- 12
13 1. That the proposed Tentative Tract Map is consistent with the General Plan of the City of
14 Rialto and the LCRSP; and

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

16 An analysis of the consistency between the Lytle Creek Ranch Specific Plan and the goals and
17 policies contained in the City of Rialto General Plan as required by Section 65454 of the California
18 Government Code is included in Appendix A of the Specific Plan. Based on the analysis the Lytle
19 Creek Ranch Specific Plan is consistent with the City of Rialto General Plan. The General Plan
20 consistency analysis is included with the agenda report as **EXHIBIT F**.

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

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

24 The Project will comply with all technical standards required by Subdivision Map Act, the General
25 Plan of the City of Rialto, and the LCRSP. The proposed parcels are consistent with and meet the
26 minimum lot area, lot width and lot depth as required by the LCRSP.

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

This finding is supported by the following facts:

1 The Site contains 188.6 acres, is fairly level, and adjacent to arterial streets, which will be able to
2 accommodate the proposed use. The site is compatible with the surrounding uses, which have a
3 zoning designation of residential development within the LCRSP. The Map will establish the grand
4 paseo design, the backbone street system (Oakdale Avenue), collector streets, and the entryway
5 into the main project entry at Country Club Drive. Safe access to and from the Project will require
6 a secondary project entry. The Applicant will be conditioned to construct an additional project
7 entry at Oakdale Avenue

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

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

15 The Project will create six (6) lots, one (1) remainder lot, and thirteen (13) lettered lots for public
16 open space, utilities and infrastructure. The Project will meet all criteria and development
17 standards of the Lytle Creek Specific Plan, as all subsequent maps to apportion Map 20092 into
18 separate residential areas totaling 672 developable residential lots will require separate approval by
19 the City Council. Therefore, the site is sufficient in size and shape to accommodate the proposed
20 density.

21
22 5. That the design of the land division is not likely to cause substantial environmental damage
23 or substantially injure fish or wildlife or their habitat.

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

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

29
30 6. That the design of the land division is not likely to cause serious public health problems.

31
32 *This finding is supported by the following facts:*

33 The Project is consistent with the General Plan, the LCRSP, and all subsequent maps to
34 apportion Map 20092 into separate residential areas totaling 672 developable residential lots will
35 require separate approval by the City Council to ensure that the design of the future developments

1 meet the City's Design Guidelines. As a result, the Project is not likely to cause any public
2 health problems.

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

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

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

9 SECTION 3. An Addendum to the previously certified LCRSP EIR has been prepared (EA No.
10 2017-0053), and the City coordinated the preparation of the Initial Study and accompanying technical
11 studies because the proposed Project will not result in any changes with respect to the circumstances or
12 require major revisions to the previously approved LCRSP EIR. The Addendum is being concurrently
13 reviewed and recommended for approval herewith.

14 SECTION 4. The City Council approves TTM No. 20092 to allow the creation of six (6) lots, one
15 (1) remainder lot, and thirteen (13) lettered lots for public open space, utilities and infrastructure within the
16 LCRSP, in accordance with the application on file with the Planning Division, subject to the following
17 conditions:

- 18 1. TTM No. 20092 is approved to create six (6) lots, one (1) remainder lot, and thirteen (13)
19 lettered lots for public open space, utilities and infrastructure within the LCRSP, as shown on
20 the tentative tract map submitted to the Planning Division on May 8, 2017, subject to all
21 requirements of the Lytle Creek Ranch Specific Plan. If the Conditions of Approval specified
22 herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 23 2. An active recreation area a minimum of 1.5 acres in size shall be constructed in Planning
24 Area 103 or 103A prior to the issuance of a Certificate of Occupancy for the 336th unit.
- 25 3. Prior to the issuance of the Certificate of Occupancy for Neighborhood II, documentation must
26 be provided from the Rialto Unified School District which demonstrates completion of the
27 following, as detailed in the Rialto Unified School District's letter dated January 8, 2017:
28 assign early comers to their home schools based on current attendance boundary, add portable
classrooms to the home schools as needed, overflow students to other schools as needed and
adjust attendance boundary as needed.

4. Street alignments shall be designed in a manner that is safe for passenger vehicles and pedestrians. Intersections shall be offset by a minimum of 150 linear feet or aligned as directed by the City Engineer.
5. A secondary entry to Neighborhood II shall be constructed at Oakdale Avenue. A Precise Plan of Design and/or revision to the Tentative Map may be required to construct the project entry.
6. The developer shall provide the City with documentation from the Federal Emergency Management Agency that the developable area covered by Tentative Tract Map 20092 is outside of the floodplain area.
7. A minimum of 10% of the homes within lots 3 and 5 of the Tentative Tract Map 20092 shall be constructed as a single story product.
8. 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.
9. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning TTM No. 20092. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
10. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
11. All conditions of approval for TTM No. 20092 shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.
12. The Applicant shall pay all applicable development impact fees in accordance with the Pre-annexation and Development Agreement between the City of Rialto and Lytle Development Company, a California corporation, and El Rancho Verde Golf, LLC, a Delaware limited liability company, and Pharris Sycamore Flats LLC, a California limited liability company.
13. A Precise Grading Plan shall be approved for the project by the City Engineer prior to the issuance of any building permits.
14. The Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of any building permits.

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

- 1 24. The Applicant shall submit sewer improvement plans prepared by a California registered civil
2 engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to
3 issuance of any building permits.
- 4 25. All sewer mains constructed by the applicant and to become part of the public sewer system
5 shall be pressure tested and digitally video recorded by the City's wastewater system operator
6 (Veolia) prior to acceptance of the sewer system for maintenance by the City. The developer
7 shall be responsible for all costs associated with testing and inspection services. Any defects of
8 the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer
9 prior to acceptance.
- 10 26. The Applicant shall provide certification from Rialto Water Services demonstrating that all
11 water and/or wastewater service accounts have been documented, prior to the issuance of a
12 Certificate of Occupancy.
- 13 27. The Applicant shall submit a Precise Grading Plan prepared by a California registered civil
14 engineer to the Engineering Division for review and approval. The Precise Grading Plan shall
15 be approved by the City Engineer prior to issuance of a building permit.
- 16 28. The Applicant shall submit a Water Quality Management Plan identifying site specific Best
17 Management Practices ("BMPs") in accordance with the Model Water Quality Management
18 Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific
19 WQMP shall be submitted to the City Engineer for review and approval with the Precise
20 Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property
21 owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed
22 pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved
23 prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
- 24 29. A Notice of Intent (NOI) to comply with the California General Construction Stormwater
25 Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via
26 the California Regional Water Quality Control Board online SMARTS system. A copy of the
27 executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to
28 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.
30. 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.
31. 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.

- 1 32. Prior to issuance of a certificate of occupancy or final City approvals, the Applicant shall
2 demonstrate that all structural BMP's have been constructed and installed in conformance with
3 approved plans and specifications, and as identified in the approved WQMP.
- 4 33. All stormwater runoff passing through the Site shall be accepted and conveyed across the
5 property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the
6 site, on-site detention or other facilities approved by the City Engineer shall be required to
7 contain the increased stormwater runoff generated by the development of the property. Provide
8 a hydrology study to determine the volume of increased stormwater runoff due to development
9 of the site, and to determine required stormwater runoff mitigation measures for the proposed
10 development. Final detention basin sizing and other stormwater runoff mitigation measures
11 shall be determined upon review and approval of the hydrology study by the City Engineer and
12 may require redesign or changes to site configuration or layout consistent with the findings of
13 the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be
14 determined by comparing the existing "pre-developed" condition and proposed "developed"
15 condition, using the 100-year frequency storm.
- 16 34. Direct release of on-site nuisance water or storm-water runoff shall not be permitted to the
17 adjacent public streets. Provisions for the interception of nuisance water from entering
18 adjacent public streets from the Project Site shall be provided through the use of a minor storm
19 drain system that collects and conveys nuisance water to landscape or parkway areas, and in
20 only a storm-water runoff condition, pass runoff directly to the streets through parkway or
21 under sidewalk drains.
- 22 35. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site
23 streets required by the proposed development shall be backfilled and repaired in accordance
24 with City of Rialto Standard Drawings. The Applicant shall be responsible for removing,
25 grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as
26 required by and at the discretion of the City Engineer, including additional pavement repairs to
27 pavement repairs made by utility companies for utilities installed for the benefit of the
28 proposed development (i.e. Fontana Water Company, Southern California Edison, Southern
California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and
other street cuts within existing asphalt concrete pavement of off-site streets required by the
proposed development may require complete grinding and asphalt concrete overlay of the
affected off-site streets, at the discretion of the City Engineer. The pavement condition of the
existing off-site streets shall be returned to a condition equal to or better than existed prior to
construction of the proposed development.
36. 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

1 City that they have been notified of the City's utility undergrounding requirement and their
2 intent to commence design of utility undergrounding plans. When available, the utility
3 undergrounding plan shall be submitted to the City Engineer identifying all above ground
4 facilities in the area of the project to be undergrounded.

5 37. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be
6 provided to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF
7 (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat) formats. Variation of the
8 type and format of the digital data to be submitted to the City may be authorized, upon prior
9 approval by the City Engineer.

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

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

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

21 41. Revisions to the Tentative Tract Map required by the Engineering Division or the Development
22 Review Committee shall be prepared by a California registered Land Surveyor or qualified
23 Civil Engineer and submitted to the Engineering Division for review and approval. A Title
24 Report prepared for subdivision guarantee for the subject property, the traverse closures for the
25 existing parcel and all lots created therefrom, and copies of record documents shall be
26 submitted with the Tract Map to the Engineering Division as part of the review of the Map.
27 The Final Tract Map shall be approved by the City Engineer and the City Council prior to
28 issuance of any building permits.

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

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

44. The Applicant shall submit traffic striping and signage plans prepared by a California
registered civil engineer, for review and approval by the City Engineer. All required traffic
striping and 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.

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45. 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.
46. 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 application for extension together with the required fee shall be filed with the Planning Division prior to the expiration date of TTM No. 20092.

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 23rd day of January 2018.

DEBORAH ROBERTSON, MAYOR

ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

1 _____
2 FRED GALANTE, CITY ATTORNEY
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8 STATE OF CALIFORNIA)
9 COUNTY OF SAN BERNARDINO) ss
10 CITY OF RIALTO)
11

12 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
13 Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the
14 City of Rialto held on the 23rd day of January, 2018.

15 Upon motion of Councilmember _____, seconded by Council member
16 _____, the foregoing Resolution No. _____ was duly passed and adopted.

17 Vote on the motion:

18 AYES:

19 NOES:

20 ABSENT:

21 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
22 Rialto this 23rd day of January, 2018.
23
24
25

26 _____
27 BARBARA MCGEE, CITY CLERK
28