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RESOLUTION NO.\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA TO ADOPT AN ADDENDUM TO THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EAR 2017-0053) FOR THE LYTLE CREEK RANCH **CONSISTING SPECIFIC PLAN AMENDMENT** OF: ELIMINATION OF NEIGHBORHOOD I; (B) MODIFICATION OF THE LAND USE CONFIGURATIONS OF NEIGHBORHOODS II AND III, TEXTS, TABLES, AND CHARTS TO THE LYTLE CREEK RANCH SPECIFIC PLAN; AND (C) THE CREATION OF SIX (6) LOTS, ONE (1) REMAINDER LOT, AND THIRTEEN LETTERED LOTS FOR PUBLIC OPEN SPACE, UTILITIES, AND INFRASTRUCTURE TO THE LYTLE CREEK SPECIFIC PLAN.

**WHEREAS**, the Lytle Creek Ranch Specific Plan ("LCRSP") and Lytle Creek Ranch Specific Plan Environmental Impact Report ("LCRSP EIR") were approved and certified by the Rialto City Council on August 14, 2012; and

WHEREAS, the applicant, Lytle Development Company ("Applicant"), 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,** the Applicant also proposes to create six (6) lots, one (1) remainder lot, and thirteen (13) lettered lots for public open space, utilities and infrastructure within the LCRSP, which requires a Tentative Tract Map ("TTM No. 20092"); and

**WHEREAS**, the Specific Plan Amendment and TTM No. 20092 are collectively referred to as the "Project"; and

**WHEREAS,** on November 15, 2017, the Economic Development Committee (EDC) authorized staff to begin the public hearing process for the Project; and

**WHEREAS**, Sections 21166 and 15162 of CEQA identify the conditions for preparation of additional environmental documentation when the Lead Agency has previously certified an EIR. According to CEQA, an Addendum to a previously certified EIR may be prepared if:

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- 1. No substantial changes are proposed in the Project which will require major revisions of a previous EIR due to an involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects; or
- 2. No substantial changes will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR; or
- No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified; or
- 4. The Project will have not have any significant effects that are not discussed in the previous EIR, and there are no newly feasible, or considerably different, mitigation measures or alternatives which would substantially reduce one or more significant effects of the Project which the applicant declines to adopt; and

**WHEREAS**, the City of Rialto, acting as the Lead Agency, required, for the Project, the preparation of an Addendum to the previously certified EIR for the LCRSP and coordinated the preparation of the Initial Study and accompanying technical studies because the proposed Project will not result in any changes with respect to the circumstances or require major revisions to the previously approved EIR of the LCRSP("Addendum to the LCRSP EIR No. EA 2017-0053"); and

**WHEREAS**, on December 13, 2017, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on the approval of the Project, including Addendum to the LCRSP EIR No. EA 2017-0053, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the Project and Addendum to the LCRSP EIR No. EA 2017-0053; closed the public hearing; and by 7-0 vote recommended approval of the Project, including the Addendum to the LCRSP EIR No. EA 2017-0053 to the City Council; 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 Addendum to the LCRSP EIR No. EA 2017-0053, and took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the Addendum to the LCRSP EIR No. EA 2017-0053; and closed the public hearing; and

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

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

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

SECTION 2. The City of Rialto is the Lead Agency as determined by CEQA. Based on Addendum to the LCRSP EIR No. EA 2017-0053 prepared for the Project and the accompanying technical studies, it has been determined that:

- 1. There are no substantial changes to the Project or the circumstances under which the Project will be carried out that the will require major revisions to the previously certified EIR.
- 2. The Project will not result in new significant environmental effects or substantial increases in the severity of previously identified significant effects.
- 3. There is no new information substantial importance, which was known or could have been known with the exercise of reasonable diligence at the time the previous EIR was certified.
- 4. The project will not have any significant effects that are not identified and discussed in the previously certified EIR, and there are no newly feasible, or considerably different, mitigation measures or alternatives which would substantially reduce one or more significant effects of the Project which the applicant declines to adopt.

SECTION 3. The City Council hereby adopts Addendum to the LCRSP EIR No. EA 2017-0053, attached as Exhibit B to the Staff Report, prepared in accordance with CEQA for the Project.

<u>SECTION 4.</u> The Mayor shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

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PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of January 2018.

DEBORAH ROBERTSON, MAYOR

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5	STATE OF CALIFORNIA )
6	COUNTY OF SAN BERNARDINO ) ss
7	CITY OF RIALTO )
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9	I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
10	Resolution No was duly passed and adopted at a regular meeting of the City Council of the
11	City of Rialto held on the 23 <sup>rd</sup> day of January, 2018.
12	Upon motion of Councilmember, seconded by Council member
13	, the foregoing Resolution No was duly passed and adopted.
14	Vote on the motion:
15	AYES:
16	NOES:
17	ABSENT:
18	IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
19	Rialto this 23 <sup>rd</sup> day of January, 2018.
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23	BARBARA MCGEE, CITY CLERK
24	DARDARA MICOLL, CIT I CLLRIX
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