

RESOLUTION NO. 17-54

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP NO. 20092 TO CREATE SIX (6) LOTS, ONE (1) REMAINDER LOT, AND THIRTEEN (13) LETTERED LOTS FOR PUBLIC OPEN SPACE, UTILITIES AND INFRASTRUCTURE WITHIN THE LYTLE CREEK RANCH SPECIFIC PLAN.

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, 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 (the "Project"); 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, the Project requires the approval of a tentative tract map, and the Applicant has agreed to apply for a Tentative Tract Map No. 20092 ("TTM No. 20092"), in accordance with Government Code Sections 66473.5 and 66474; 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 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, and took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the Project; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

1 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth in the
2 recitals above of this Resolution are true and correct and incorporated herein.

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

- 9
- 10 1. That the proposed Tentative Tract Map is consistent with the General Plan of the City of
11 Rialto and the LCRSP; and

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

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

- 18
- 19 2. That the design and improvement of the proposed Tentative Tract Map is consistent with the
20 Subdivision Ordinance, the General Plan of the City of Rialto, and the LCRSP.

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

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

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

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

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

1 secondary project entry. The Applicant will be conditioned to construct an additional project entry
2 at Oakdale Avenue

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

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

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

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

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

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

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

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

The Project is consistent with the General Plan, the LCRSP, and all subsequent maps to apportion
Map 20092 into separate residential areas totaling 672 developable residential lots will require
approval of a by the Planning Commission to ensure that the design of the future developments
meet the City's Design Guidelines. As a result, the Project is not likely to cause any public health
problems.

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

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

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

3
4 SECTION 3. An Addendum to the previously certified LCRSP EIR has been prepared (EA No.
5 2017-0053), and the City coordinated the preparation of the Initial Study and accompanying technical studies
6 because the proposed Project will not result in any changes with respect to the circumstances or require
7 major revisions to the previously approved LCRSP EIR. The Addendum is being concurrently reviewed
8 and recommended for approval herewith.

9 SECTION 4. The Planning Commission hereby recommends that the City Council approve TTM
10 No. 20092 to allow the creation of six (6) lots, one (1) remainder lot, and thirteen (13) lettered lots for public
11 open space, utilities and infrastructure within the LCRSP, in accordance with the application on file with
12 the Planning Division, subject to the following conditions:

- 13
14 1. TTM No. 20092 is approved to create six (6) lots, one (1) remainder lot, and thirteen (13) lettered
15 lots for public open space, utilities and infrastructure within the LCRSP, as shown on the
16 tentative tract map submitted to the Planning Division on May 8, 2017, subject to all
17 requirements of the Lytle Creek Ranch Specific Plan. If the Conditions of Approval specified
18 herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 19 2. An active recreation area a minimum of 1.5 acres in size shall be constructed in Planning Area
20 103 or 103A prior to the issuance of a Certificate of Occupancy for the 336th unit.
- 21 3. The developer shall provide a letter from the Rialto Unified School District that additional
22 school facilities shall not be required as a result of the deletion of the active adult designation
23 from Neighborhood II and replacement with family housing.
- 24 4. Street alignments shall be designed in a manner that is safe for passenger vehicles and
25 pedestrians. Intersections shall be offset by a minimum of 150 linear feet or aligned as
26 directed by the City Engineer.
- 27 5. A secondary entry to Neighborhood II shall be constructed at Oakdale Avenue. A Precise
28 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.

- 1 7. Development of a percentage of the homes shall be constructed as a single story product not
2 to exceed 10%. The exact percentage shall be determined by the City Council and specifically
3 listed in the Resolution.
- 4 8. City inspectors shall have access to the Site to reasonably inspect the Site during normal
5 working hours to assure compliance with these conditions and other codes.
- 6 9. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers,
7 or employees from any claims, damages, action, or proceeding against the City or its agents,
8 officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory
9 agencies, appeal boards, or legislative body concerning TTM No. 20092. The City will
10 promptly notify the applicant of any such claim, action, or proceeding against the City and
11 will cooperate fully in the defense.
- 12 10. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition
13 of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by
14 the applicant at the time of approval or conditional approval of the Project or within 90 days
15 after the date of the imposition of the fees, dedications, reservations, or exactions imposed on
16 the Project.
- 17 11. All conditions of approval for TTM No. 20092 shall be completed to the satisfaction of the City
18 Engineer prior to the issuance of a Certificate of Occupancy.
- 19 12. The Applicant shall pay all applicable development impact fees in accordance with the City of
20 Rialto fee ordinance in effect at the time the fees are due, prior to the issuance of any building
21 permits related to the Project.
- 22 13. A Precise Grading Plan shall be approved for the project by the City Engineer prior to the
23 issuance of any building permits.
- 24 14. The Applicant shall submit street improvement plans prepared by a registered California civil
25 engineer to the Engineering Division for review. The plans shall be approved by the City
26 Engineer prior to the issuance of any building permits.
- 27 15. The Applicant shall landscape and irrigation system improvement plans for review and approval
28 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.
24. The Applicant shall submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
25. All sewer mains constructed by the applicant and to become part of the public sewer system shall be pressure tested and digitally video recorded by the City's wastewater system operator (Veolia) 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.

- 1 26. The Applicant shall provide certification from Rialto Water Services demonstrating that all water
2 and/or wastewater service accounts have been documented, prior to the issuance of a Certificate
3 of Occupancy.
- 4 27. The Applicant shall submit a Precise Grading Plan prepared by a California registered civil
5 engineer to the Engineering Division for review and approval. The Precise Grading Plan shall
6 be approved by the City Engineer prior to issuance of a building permit.
- 7 28. The Applicant shall submit a Water Quality Management Plan identifying site specific Best
8 Management Practices ("BMPs") in accordance with the Model Water Quality Management
9 Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific WQMP
10 shall be submitted to the City Engineer for review and approval with the Precise Grading Plan.
11 A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to
12 appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the
13 approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to issuance
14 of a building permit, unless otherwise allowed by the City Engineer.
- 15 29. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit
16 (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the
17 California Regional Water Quality Control Board online SMARTS system. A copy of the
18 executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to
19 the City Engineer prior to issuance of a grading or building permit. The Applicant's contractor
20 shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by
21 the General Construction Permit. All appropriate measures to prevent erosion and water
22 pollution during construction shall be implemented as required by the SWPPP.
- 23 30. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be
24 required for and incorporated as an integral part of the grading plan for the proposed
25 development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering
26 Division with the first submittal of the Precise Grading Plan.
- 27 31. The Applicant shall provide pad elevation certifications for all building pads in conformance
28 with the approved Precise Grading Plan, to the Engineering Division prior to construction of any
building foundation.
32. 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.
33. 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
a hydrology study to determine the volume of increased stormwater runoff due to development
of the site, and to determine required stormwater runoff mitigation measures for the proposed
development. Final detention basin sizing and other stormwater runoff mitigation measures shall

1 be determined upon review and approval of the hydrology study by the City Engineer and may
2 require redesign or changes to site configuration or layout consistent with the findings of the final
3 hydrology study. The volume of increased stormwater runoff to retain on-site shall be
4 determined by comparing the existing "pre-developed" condition and proposed "developed"
5 condition, using the 100-year frequency storm.

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

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

25 36. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing electrical
26 distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all
27 telephone, television cable service, and similar service wires or lines, which are on-site, abutting,
28 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.

37. 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
type and format of the digital data to be submitted to the City may be authorized, upon prior
approval by the City Engineer.

- 1 38. The original improvement plans prepared for the proposed development and approved by the
2 City Engineer (if required) shall be documented with record drawing "as-built" information and
3 returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any
4 modifications or changes to approved improvement plans shall be submitted to the City Engineer
5 for approval prior to construction.
- 6 39. Nothing shall be constructed or planted in the corner cut-off area of any (intersection or)
7 driveway which does or will exceed 30 inches in height required to maintain an appropriate sight
8 distance, as required by the City Engineer.
- 9 40. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or
10 curb shall have City approved deep root barriers installed, as required by the City Engineer.
- 11 41. Revisions to the Tentative Tract Map required by the Engineering Division or the Development
12 Review Committee shall be prepared by a California registered Land Surveyor or qualified Civil
13 Engineer and submitted to the Engineering Division for review and approval. A Title Report
14 prepared for subdivision guarantee for the subject property, the traverse closures for the existing
15 parcel and all lots created therefrom, and copies of record documents shall be submitted with the
16 Tract Map to the Engineering Division as part of the review of the Map. The Final Tract Map
17 shall be approved by the City Engineer and the City Council prior to issuance of any building
18 permits.
- 19 42. A minimum of 48 inches of clearance for disabled access shall be provided on all public
20 sidewalks.
- 21 43. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping,
22 and street lights, associated with the proposed development shall be replaced as required by the
23 City Engineer prior to issuance of a Certificate of Occupancy.
- 24 44. The Applicant shall submit traffic striping and signage plans prepared by a California registered
25 civil engineer, for review and approval by the City Engineer. All required traffic striping and
26 signage improvements shall be completed concurrently with required street improvements, to
27 the satisfaction of the City Engineer, and prior to issuance of a building permit.
- 28 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.

1 SECTION 5. The Chair of the Planning Commission shall sign the passage and adoption of this
2 resolution and thereupon the same shall take effect and be in force.

3 **PASSED, APPROVED AND ADOPTED** this 13th day of December, 2017.

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8 JOHN PEUKERT, CHAIR
9 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. 17-54 was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 13th day of December, 2017.

8 Upon motion of Planning Commissioner Jerry Gutierrez seconded by Planning
9 Commissioner Dale Estvander, the foregoing Resolution No. 17-54 was duly passed and adopted.
10

11 Vote on the motion:

12 AYES: 7

13 NOES: 0

14 ABSENT: 0

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 13th day of December, 2017.
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21 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT
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