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RESOLUTION NO. 7258

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING THE DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED IN CONJUNCTION WITH THE PROPOSED PEPPER AVENUE SPECIFIC PLAN (SPECIFIC PLAN 2017-0001) IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 AND CITY ENVIRONMENTAL GUIDELINES.

BE IT RESOLVED by the City Council of the City of Rialto as follows:

WHEREAS, the Pepper Avenue Specific Plan facilitates the development of a master planned community consisting of commercial development that capitalizes on proximity to a major arterial and the I-210 freeway; and

WHEREAS, the plan consists of a 101.7-acres with zoning for 462,000 square feet of retail shopping center, 125,000 square feet of business park uses, 29.5 acres of natural open space, and 13.7 acres of water facilities, including water wells, a pump station, a reservoir and option to develop up to 275 multi-family dwelling units ("the Project"); and

WHEREAS, the intent is to develop "main-street" retail located on both sides of Pepper Avenue to create a destination hub. The Project will create an entry gateway statement to Rialto. The Project will also provide a new source of tax revenue to the City, utilize predominantly vacant land to its highest and best use, serve the City's commercial needs and preserve the site's natural habitat; and

WHEREAS, the City of Rialto, acting in compliance with the State of California Environmental Quality Act (CEQA) of 1970 and City Environmental Guidelines, required the preparation of a Draft Environmental Impact Report (DEIR) in conjunction with the proposed development of the Project. The City of Rialto is the Lead Agency as defined by CEQA and coordinated the preparation of the Draft EIR, which describes and evaluates the proposed project; and

1 **WHEREAS**, a scoping meeting to prepare the DEIR was held on February 4, 2016. The
2 DEIR public comment began on March 7, 2017 and ended on April 24, 2017. The City received
3 comments on the DEIR and responses were prepared and made a part of the public record; and

4 **WHEREAS** on November 8, 2017, the City of Rialto Planning Commission conducted a
5 duly noticed public meeting in accordance with the provisions of Government Code Section
6 65090 *et. seq.* and the City of Rialto Municipal Code and considered all written and oral
7 testimony.

8 **NOW THEREFORE**, based on existing evidence, facts and public input, the City Council
9 finds as follows with respect to the DEIR:

10 **SECTION 1.** The DEIR is adequate and prepared in compliance with California
11 Environmental Quality Act (CEQA) and City of Rialto Environmental Guidelines. The DEIR
12 identified significant effects associated with the proposed project that can't be mitigated to levels
13 that are less than significant in the following areas: Operational Cumulative Traffic Noise
14 Impacts. These significant and unavoidable impacts cannot be reduced to less than significant
15 after mitigation. The City Council must consider the adoption of a Statement of Overriding
16 Considerations (Attachment 'A') for the Significant Impacts in conjunction with the certification
17 of the EIR.

18 **SECTION 2.** Based upon direction received from the City Council on December 12,
19 2017 language, the Mitigation Monitoring and Reporting Plan shall be modified to include the
20 following:

21
22 ***Mitigation Measure NOISE-1:** Prior to approval of design review permits for sensitive uses, to*
23 *reduce and/or ensure exterior noise levels are at or below 65 CNEL at potential outdoor*
24 *sensitive uses (i.e., residential courtyards, parks, and passive recreation areas) proposed by the*
25 *Specific Plan, a combination of sound barrier walls, earthen berms, and landscaping shall be*
26 *designed and implemented by a qualified acoustical consultant, as necessary. Alternatively,*
27 *outdoor uses shall be located behind buildings (not facing traffic corridors) in a manner that*
28 *shields outdoor sensitive uses from roadway noise and reduces the exterior noise level to 65*

1 CNEL or below. Also, an acoustical engineer shall submit evidence, along with the application
2 for a building permit, any design plans or features of sound insulation sufficient to mitigate
3 interior noise levels below a CNEL of 45 dBA in any habitable room.

4 Furthermore, to reduce potential impacts to off-site sensitive receptors, sound walls (that may or
5 may not be transparent) shall be offered to be constructed on all properties sited on the bluff
6 abutting Shirley Bright Road within the Pepper Avenue 60 dB noise contour prior to the issuance
7 of any Building Permit for commercial or residential occupancy. Said properties that will
8 receive the offer shall have a direct line of sight to Pepper Avenue, without any intervening
9 single-family properties. Walls are not required be offered to properties that already have sound
10 walls. Specifically, the following properties are identified as being eligible to receive a sound
11 wall:

- 12 - 1550 Shirley Bright Road (APN: 0133-321-01),
- 13 - 1518 N. Ash Avenue (APN: 0133-321-12),
- 14 - 1519 N. Ash Avenue (APN: 0133-321-11),
- 15 - 856 E. Scott Street (APN: 0133-321-08), and
- 16 - 1499 N. Birch Road (APN: 0133-321-07).

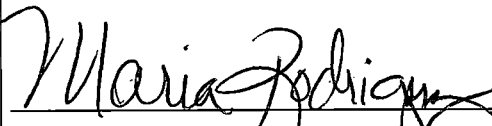
17 Should the property owner accept the offer from the City, the sound walls shall be constructed
18 prior to the issuance of any Occupancy Permit for commercial or residential occupancy. The
19 City shall allocate funds from the Capital Improvement Budget to pay for the cost of an
20 acoustical engineer and the construction of the walls.

21 **SECTION 3.** The Mayor shall sign the passage and adoption of this resolution and
22 thereupon the same shall take effect and be in force.

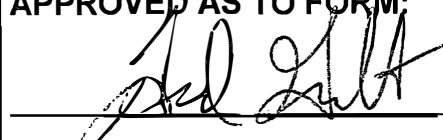
1 PASSED, APPROVED AND ADOPTED this 12th day of December, 2017.
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5 DEBORAH ROBERTSON, MAYOR
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7 **ATTEST:**
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10 MARIA RODRIGUEZ, DEPUTY CITY CLERK
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14 **APPROVED AS TO FORM:**

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16 FRED GALANTE, CITY ATTORNEY
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, MARIA RODRIGUEZ, Deputy City Clerk of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. 7258 was duly passed and adopted at a regular meeting of the City
7 Council of the City of Rialto held on the 12th day of December, 2017.

8 Upon motion of Councilmember Trujillo, seconded by Councilmember Baca Jr, the
9 foregoing Resolution No. 7258 was duly passed and adopted.

10 Vote on the motion:

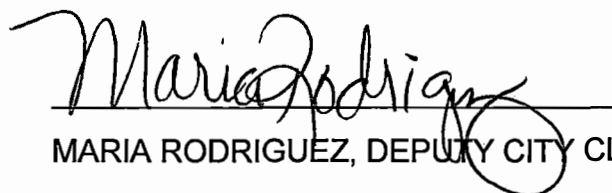
11 AYES: Mayor Robertson, Council members: Baca Jr., Trujillo, Scott

12 NOES: None

13 ABSENT: None

14 ABSTAIN: Council Member Carrizales

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
16 this 19th day of December, 2017.
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21 MARIA RODRIGUEZ, DEPUTY CITY CLERK
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