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alternatives which would substantially reduce one or more significant effects of the Project which the applicant declines to adopt; and

WHEREAS, the applicant, Lytle Development Company (“Applicant”), proposes to do the following:

- (i). Remove Neighborhood I from the Specific Plan, since the City did not annex that area from San Bernardino County into its jurisdiction, thereby reducing the land area in the LCRSP by 417-acres and removing 1,278 residential units,
 - (ii) Modify the configuration of Neighborhood II by replacing the golf course with open space, and removing the “senior citizens” age restrictions on residences and changing their distribution, without changing the total number of residences, acreage, or amount of open space,
 - (iii) Redistribute 2.2 acres of open space from Planning Area 62 to Planning Area 28 in Neighborhood III, thereby maintaining the same acreage of open space in Neighborhood III, and
 - (iv) Include an option to modify the levee improvements adjacent to Lytle Creek, including an option to end the levee construction at the LCRSP’s boundaries,
- (collectively, “Plan Amendment”); and

WHEREAS, as part of the Plan Amendment, the Applicant also proposes to create six (6) developable 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”) (Plan Amendment and TTM No. 20092 collectively called the “Project”); and

WHEREAS, because the Project will not result in any substantial changes to the LCRSP, or to the circumstances surrounding the LCRSP, or any new or more severe significant impacts, or require major revisions to the previously approved LCRSP EIR, the City coordinated the preparation of the Initial Study, an addendum to the LCRSP EIR, and accompanying technical studies (collectively “Addendum”); and

WHEREAS, the City Council considered the Plan Amendment, TTM No. 20092, and the Addendum at multiple public hearings in 2018; and

1 **WHEREAS**, the City Council adopted the Addendum via Resolution No. 7277, TTM No.
2 20092 via Resolution No. 7278 on February 13, 2018, and the Plan Amendment via Ordinance No.
3 1598 on February 27, 2018; and

4 **WHEREAS**, in March 2018, two environmental groups filed a lawsuit challenging the
5 adequacy of the Addendum in analyzing the proposed Project's impacts on the environment, alleging
6 that the Addendum was deficient on twelve (12) grounds relating to the Project's hydrological,
7 biological, groundwater, and traffic impacts; and

8 **WHEREAS**, on June 6, 2019, the Superior Court issued its ruling and stated that the
9 Addendum properly analyzed all of the Project's environmental impacts, except for the impacts on the
10 groundwater infiltration ponds located in Neighborhood II, as indicated in the LCRSP EIR; and

11 **WHEREAS**, the Superior Court required the City to further analyze the Project's impacts on
12 groundwater infiltration ponds in compliance with CEQA, vacate the prior approvals, and re-approve
13 the Project and entitlements, as necessary; and

14 **WHEREAS**, the City and applicant have prepared a revised addendum to the LCRSP EIR
15 ("Revised Addendum") to address the Project's impacts on the groundwater infiltration ponds; and

16 **WHEREAS**, the Revised Addendum found that the Plan Amendment removing the golf course
17 and replacing it with open space would have no significant effect on the ability of the LCRSP to
18 relocate the infiltration ponds adequately within the Neighborhood II, and would not result in any new
19 significant environmental effects or a substantial increase in the severity of previously identified
20 significant effects within the LCRSP EIR; and

21 **WHEREAS**, on August 28, 2019, the Planning Commission of the City of Rialto conducted a
22 duly noticed public hearing, as required by law, on the approval of the Revised Addendum, Plan
23 Amendment, and TTM No. 20092, and took testimony, at which time it received input from staff, the
24 city attorney, and the applicant; heard public testimony; discussed the Revised Addendum, Plan
25 Amendment, and TTM No. 20092; and closed the public hearing; and

26 **WHEREAS**, on September 10, 2019, the City Council conducted a duly noticed public hearing,
27 as required by law, to consider the recommendation to approve the Revised Addendum, Plan
28 Amendment, and TTM No. 20092, and took testimony, at which time it received input from staff, the

city attorney, and the applicant; heard public testimony, discussed the Revised Addendum, Plan Amendment, and TTM No. 20092; and

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

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

SECTION 1. 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. Resolution No. 7277 is hereby repealed.

SECTION 3. Based on the Revised Addendum 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 LCRSP EIR.
2. The Project will not result in new significant environmental effects or substantial increases in the severity of previously identified significant effects in the LCRSP EIR.
3. There is no new information of substantial importance, which was known or could have been known with the exercise of reasonable diligence at the time the LCRSP EIR was certified.
4. The Project will not have any significant effects that are not identified and discussed in the LCRSP 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 4. The City Council adopts the Revised Addendum to the LCRSP EIR, attached as Exhibit to the Staff Report, prepared in accordance with CEQA for the Project.

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 ____ day of _____, 2019.

DEBORAH ROBERTSON, Mayor

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ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM

FRED GALANTE, City Attorney

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

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of
6 the City of Rialto held on the _____ day of _____, 2019.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the Motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this _____ day of _____, 2019.

15
16 _____
17 Barbara A. McGee, City Clerk
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