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1       **WHEREAS**, as part of the Plan Amendment, the Applicant also proposes to create six (6)  
2 developable lots, one (1) remainder lot, and thirteen (13) lettered lots for public open space, utilities, and  
3 infrastructure within the LCRSP, which requires a tentative tract map (“TTM No. 20092”); and

4       **WHEREAS**, the City Council considered the Plan Amendment, TTM No. 20092, and the related  
5 addendum to the LCRSP EIR (“Addendum”) at multiple public hearings in 2018; and

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

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

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

16       **WHEREAS**, the Superior Court required the City to further analyze the Project’s impacts on  
17 groundwater infiltration ponds in compliance with the California Environmental Quality Act (“CEQA”),  
18 vacate the prior approvals, and re-approve the Project and entitlements, as necessary; and

19       **WHEREAS**, the City and applicant have prepared a revised addendum to the LCRSP EIR  
20 (“Revised Addendum”) to address the Project’s impacts on the groundwater infiltration ponds; and

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

26       **WHEREAS**, on August 28, 2019, the Planning Commission of the City of Rialto conducted a  
27 duly noticed public hearing, as required by law, on the approval of the Revised Addendum, Plan  
28 Amendment, and TTM No. 20092, and took testimony, at which time it received input from staff, the

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

3 **WHEREAS**, on September 10, 2019, the City Council conducted a duly noticed public hearing,  
4 as required by law, to consider the recommendation to approve the Revised Addendum, Plan  
5 Amendment, and TTM No. 20092, and took testimony, at which time it received input from staff, the  
6 city attorney, and the applicant; heard public testimony, discussed the Revised Addendum, Plan  
7 Amendment, and TTM No. 20092; and

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

9 **NOW THEREFORE**, based on existing evidence, facts and public input, the City Council finds  
10 and resolves as follows:

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

13 SECTION 2. Ordinance No. 1598 is hereby repealed.

14 SECTION 3. Based on substantial evidence presented to the City Council during the public  
15 hearing conducted with regard to the Plan Amendment, including written staff reports, verbal testimony,  
16 project plans, other documents, and the conditions of approval stated herein, the City Council hereby  
17 determines that the Plan Amendment satisfies the requirements of Government Code Sections 65358 and  
18 65453 and of Section 18.78.060 I of the Rialto Municipal Code pertaining to the findings which must be  
19 made precedent to amending a Specific Plan. The findings are as follows

- 20 1. The proposed Plan Amendment is consistent with the goals and policies of the General  
21 Plan and its purposes, standards and land use guidelines.

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

23 An analysis of the consistency between the LCRSP and the goals and policies contained in the City  
24 of Rialto General Plan, as required by Section 65454 of the California Government Code, is  
25 included in Appendix A of the LCRSP. Based on the analysis, the Plan Amendment is consistent  
26 with the City of Rialto General Plan. The proposed Plan Amendment meets the goals and policies  
27 of the General Plan by assisting to improve architectural and design quality of development within  
28 the City (Goal 2-16). The Plan Amendment will also ensure high-quality planned developments in  
Rialto (Goal 2-21) by providing more developable land. Furthermore, the Plan Amendment serves  
to promote and encourage housing development that adequately meets the needs of all  
socioeconomic segments of the community and region (Goal 6-2) by increasing the housing stock

1 and availability to all segments of the population. The Plan Amendment also increases and  
2 enhances open space within the City (Goal 2-24) by replacing the intended golf course with open  
3 space, which may be used as parkland or recreational areas (Policy 2-24.1) and will improve  
4 aesthetics (Policy 2-24.2).

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2. The proposed Plan Amendment will help achieve a balanced community of all races, age groups, income levels and ways of life.

*This finding is supported by the following facts:*

The Plan Amendment will not alter the balanced community of residential, commercial and industrial development achieved by the current land use configuration within the LCRSP.

3. The proposed Plan Amendment results in development of desirable character, which will be compatible with existing and proposed development in the surrounding neighborhood.

*This finding is supported by the following facts:*

The Plan Amendment will improve the safety and efficiency of vehicular and pedestrian traffic, as well as facilitate the development of residential units within the LCRSP, which will be compatible with surrounding uses and the neighborhood and provide economic vitality and high quality retail and commercial opportunities.

4. The proposed Plan Amendment contributes to a balance of land uses that will enable local residents to work and shop in the community in which they live.

*This finding is supported by the following facts:*

The Plan Amendment will allow the development of the Project, which will expand retail and commercial opportunities for the community, increased employment opportunities, and provide additional alternatives for social and business-related gatherings.

5. The proposed Plan Amendment respects the environmental and aesthetic assets of the community consistent with economic realities.

*This finding is supported by the following facts:*

The Plan Amendment allow for more efficient and meaningful development of vacant and unimproved areas of land adjacent to Lytle Creek. The Plan Amendment respects the environmental and aesthetic assets of the community be following the design guidelines of the LCRSP.

6. The proposed Plan Amendment incorporates, where feasible, active and passive energy conservation measures.

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*This finding is supported by the following facts:*

The Plan Amendment will allow for the development of a high-quality and well-designed residential units and open space that is environmentally sustainable and is energy-conscious.

SECTION 4. Because the proposed Plan Amendment 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, the Revised Addendum, and accompanying technical studies. The Revised Addendum is being reviewed and considered for adoption concurrently herewith.

SECTION 5. The City Council hereby re-approves the Plan Amendment, attached as Exhibit \_\_ to the Staff Report.

SECTION 6. The Mayor shall sign the passage and adoption of this Ordinance, which shall take effect 30 days from adoption.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DEBORAH ROBERTSON, Mayor

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 Ordinance No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the  
6 City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

7 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
8 \_\_\_\_\_, the foregoing Ordinance 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.

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16 \_\_\_\_\_  
17 Barbara A. McGee, City Clerk  
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