

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA REPEALING RESOLUTION NO. 7277 AND ADOPTING A REVISED ADDENDUM TO THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LYTLE CREEK RANCH SPECIFIC PLAN FOR A PROJECT CONSISTING OF: (A) ELIMINATION OF NEIGHBORHOOD I; (B) MODIFICATION OF THE LAND USE CONFIGURATIONS OF NEIGHBORHOODS II AND III, TEXTS, TABLES, AND MAPS TO THE LYTLE CREEK RANCH SPECIFIC PLAN; AND (C) THE CREATION OF SIX (6) DEVELOPABLE LOTS, ONE (1) REMAINDER LOT, AND TWELVE (12) 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 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, Sections 21166 of the Public Resources Code and Section 15162 of the California Environmental Quality Act (“CEQA”) Guidelines 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:

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
3. There is 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 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 twelve (12) 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

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

3 **WHEREAS**, the City Council adopted the Addendum via Resolution No. 7277, TTM No.
4 20092 via Resolution No. 7278 on February 13, 2018, and the Plan Amendment via Ordinance No.
5 1598 on February 27, 2018; and

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

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

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

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

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

23 **WHEREAS**, on August 28, 2019, the Planning Commission of the City of Rialto conducted a
24 duly noticed public hearing, as required by law, on the approval of the Revised Addendum and the
25 Project, and took testimony, at which time it received input from staff, the city attorney, and the
26 Applicant; heard public testimony; discussed the Revised Addendum and the Project; closed the public
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1 hearing; and recommended approval of the Revised Addendum, repeal of the prior entitlements, and
2 approval of the Project; and

3 **WHEREAS**, on September 10, 2019, the City Council of the City of Rialto conducted a duly
4 noticed public hearing, as required by law, on the adoption of the Revised Addendum and approval of
5 the Project, and took testimony, at which time it received input from staff, the city attorney, and the
6 Applicant; heard public testimony; discussed the Revised Addendum and the Project; and closed the
7 public hearing; and

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

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

10 SECTION 1. All of the facts set forth in the recitals above of this Resolution are true and
11 correct and incorporated herein.

12 SECTION 2. The City Council hereby repeals Resolution No. 7277.

13 SECTION 3. Based on the Revised Addendum and the accompanying technical studies, it has
14 been determined that:

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

25 SECTION 4. The City Council hereby adopts the Revised Addendum to the LCRSP EIR,
26 attached as Attachment F to the Staff Report, prepared in accordance with CEQA for the Project.
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1 SECTION 5. The Mayor shall sign the passage and adoption of this Resolution and thereupon the
2 same shall take effect and be in force.

3 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2019.

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5 _____
6 DEBORAH ROBERTSON, Mayor

7 ATTEST:

8 _____
9 BARBARA McGEE, City Clerk

10 APPROVED AS TO FORM

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12 _____
13 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.

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16 _____
17 Barbara A. McGee, City Clerk
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