

**ORDINANCE NO. 1623****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA REPEALING ORDINANCE NO. 1598 AND RE-APPROVING A LYTLE CREEK RANCH SPECIFIC PLAN AMENDMENT TO (A) ELIMINATE NEIGHBORHOOD I; AND (B) MODIFY THE LAND USE CONFIGURATIONS OF NEIGHBORHOODS II AND III, TEXTS, TABLES, AND MAPS TO THE LYTLE CREEK RANCH SPECIFIC PLAN**

**WHEREAS**, California Government Code Sections 65450 and 65450.1 authorize local jurisdictions to prepare, adopt, and implement specific plans for territory covered by its General Plan; and

**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, 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

1           **WHEREAS**, as part of the Plan Amendment, the Applicant also proposes to create six (6)  
2 developable lots, one (1) remainder lot, and twelve (12) 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 (Plan Amendment  
5 and TTM No. 20092 collectively called the “Project”), and the related addendum to the LCRSP EIR  
6 (“Addendum”) at multiple public hearings in 2018; and

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

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

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

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

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

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

27           **WHEREAS**, on August 28, 2019, the Planning Commission of the City of Rialto conducted a  
28 duly noticed public hearing, as required by law, on the adoption of the Revised Addendum and approval

1 of the Project, and took testimony, at which time it received input from staff, the city attorney, and the  
2 Applicant; heard public testimony; discussed the Revised Addendum and the Project; closed the public  
3 hearing; and recommended approval of the Revised Addendum, repeal of the prior entitlements, and  
4 approval of the Project; and

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

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

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

12 **SECTION 1.** All of the facts set forth in the recitals above of this Ordinance are true and correct and  
13 incorporated herein.

14 **SECTION 2.** The City Council hereby repeals Ordinance No. 1598.

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

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

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

24 An analysis of the consistency between the LCRSP and the goals and policies contained in the City  
25 of Rialto General Plan, as required by Section 65454 of the California Government Code, is included  
26 in Appendix A of the LCRSP. Based on the analysis the Plan Amendment is consistent with the City  
27 of Rialto General Plan. The proposed Plan Amendment meets the goals and policies of the General  
28 Plan by assisting to improve architectural and design quality of development within 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

1 encourage housing development that adequately meets the needs of all socioeconomic segments of  
2 the community and region (Goal 6-2) by increasing the housing stock and availability to all segments  
3 of the population. The Plan Amendment also increases and enhances open space within the City  
(Goal 2-24) by replacing the intended golf course with open space, which may be used as parkland  
4 or recreational areas (Policy 2-24.1) and will improve aesthetics (Policy 2-24.2).

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

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

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

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

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

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

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

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

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

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

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

26 The Plan Amendment allow for more efficient and meaningful development of vacant and  
27 unimproved areas of land adjacent to Lytle Creek. The Plan Amendment respects the  
28 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.

*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 approves the Plan Amendment.

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 24<sup>th</sup> day of September, 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. 1623 was duly passed and adopted at a regular meeting of the City Council of the City of  
6 Rialto held on the 24<sup>th</sup> day of September, 2019.

7 Upon motion of Councilmember Baca Jr., seconded by Councilmember Truillo, the foregoing  
8 Ordinance No. 1623 was duly passed and adopted.

9 Vote on the Motion:

10 AYES: Mayor Robertson, Council Member Scott, Trujillo, Baca Jr. and Carrizales

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
14 Rialto, this 25<sup>th</sup> day of September, 2019.

15  
16 Barbara A. McGee

17 Barbara A. McGee, City Clerk  
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