THE CITY OF RANCHO CUCAMONGA

THE REGULAR MEETINGS OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

JUNE 22, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance

Roll Call

Chairman Wimberly ___ Vice Chairman Oaxaca ___

Munoz ___ Macias ___ Fletcher ___

II. PUBLIC COMMUNICATIONS

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III. ANNOUNCEMENTS AND PRESENTATIONS

IV. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

A. Consideration of Regular Meeting minutes dated June 8, 2016

B. Consideration of Adjourned Meeting (Workshop) minutes dated June 8, 2016

V. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

C. TIME EXTENSION DRC2016-00356 - GOLDEN MEADOWLAND, LLC. AND RANCH HAVEN, LLC. - A request for a time extension for previously approved Tentative Tract Map (SUBTT16072) to subdivide 150.79 acres into 359 lots in the Low (2-4 dwelling units per acre) Residential District, with an average density of 2.3 dwelling units per acre for the entire project, in the Upper Etiwanda Neighborhood of the Etiwanda North Specific Plan, located at northeast corner of Wilson Avenue and Etiwanda Avenue. APNs: 1087-081-12, and 19 through 24. Related Files: Development Agreement DRC2002-00156, Annexation DRC2002-00865, and Tree Removal Permit DRC2003-00461. Staff has found the project to be within the scope of the project covered by a prior Environmental Impact Report certified by the City Council on June 16, 2004 by Resolution 04-204 and does not raise or create new environmental impacts not already considered in the Environmental Impact Report.

VI. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION

D. INTER-AGENCY UPDATES

E. COMMISSION ANNOUNCEMENTS

VII. ADJOURNMENT

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on June 16, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.

If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

INFORMATION FOR THE PUBLIC

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APPEALS

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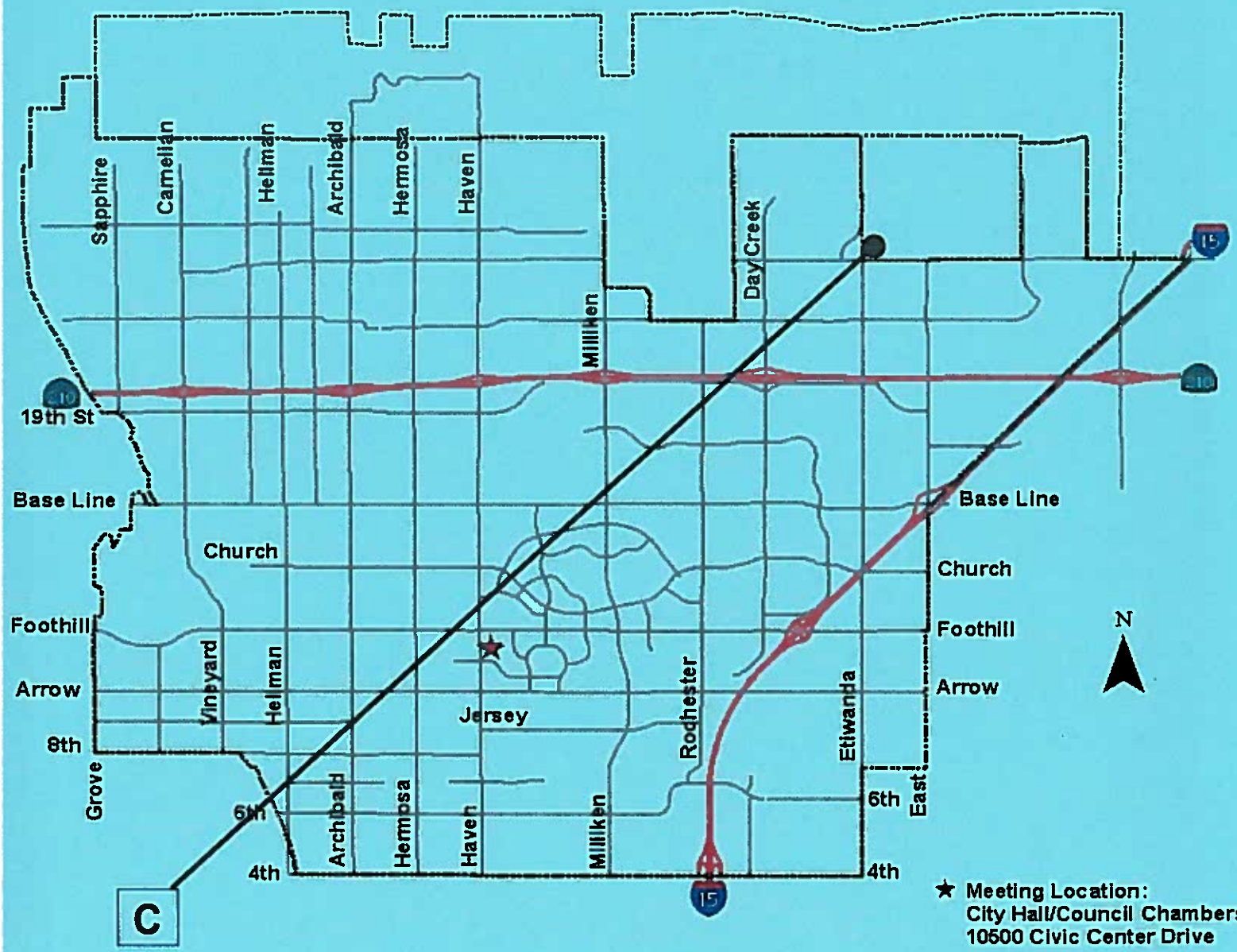
Vicinity Map
Historic Preservation and Planning Commission Meeting
JUNE 22, 2016



Item C - Time Extension DRC2016-00356—Golden Meadowland, LLC and Ranch Haven , LLC

THE CITY OF RANCHO CUCAMONGA

THE *MINUTES* OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

JUNE 8, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance *7:03 PM*

Roll Call

Chairman Wimberly _X_ Vice Chairman Oaxaca _X_

Munoz _X_ Macias _X_ Fletcher _A_

Additional Staff Present: Candyce Burnett, Planning Director; Steven Flower, Assistant City Attorney; Brian Sandona, Associate Engineer; Jennifer Nakamura, Associate Planner; Lois Schrader, Planning Commission Secretary

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None

III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

A. Consideration of minutes dated May 25, 2016

Moved by Munoz, seconded by Macias, carried 3-0-1-1 (Oaxaca abstain, Fletcher absent)

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

B. CONDITIONAL USE PERMIT DRC2016-00042 – SUNNY'S PERFECTION - A request to allow for a massage establishment within a 2,055 square foot unit in an existing shopping center located within the Neighborhood Commercial (NC) District at the southeast corner of Haven Avenue and Lemon Avenue; APN: 0201-272-06. The project is categorically exempt under Section 15301 as a Class 1 exemption (Existing Facilities) for the California Environmental Quality Act guidelines.

Jennifer Nakamura, Associate Planner, gave the staff report and a brief PowerPoint presentation (copy on file). She said one person called with some questions regarding the regulations and conditions. Ms. Nakamura also explained revocation could commence if the business is not operated in a lawful manner. The caller was satisfied with her answers.

Chairman Wimberly opened the public hearing and seeing and hearing no comment, closed the public hearing.

Mr. Dong said he will try to follow the business laws and he is mindful of the preserving the reputation of the City of Rancho Cucamonga.

Moved by Macias, seconded by Munoz, carried 4-0-1 (Fletcher absent)

V. ADJOURNMENT

7:13 PM

THE PLANNING COMMISSION WILL IMMEDITATELY ADJOURN TO THE RAINS ROOM TO DISCUSS PRE-APPLICATION REVIEW DRC2016-00361-LVD TERRA VISTA, LLC

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on June 2, 2016, at least 72 hours prior to

the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.

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THE CITY OF RANCHO CUCAMONGA

WORKSHOP *MINUTES*

THE PLANNING COMMISSION

JUNE 8, 2016 - 7:00 PM*

Rancho Cucamonga Civic Center
*****RAINS ROOM*****
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

7:20 PM

Roll Call

Chairman Wimberly X Vice Chairman Oaxaca X

Munoz X Macias X Fletcher A

Additional Staff Present: Candyce Burnett, Planning Director; Brian Sandona, Associate Engineer; Tabe van der Zwaag; Associate Planner; Donald Granger, Senior Planner; Lois Schrader, Planning Commission Secretary

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None

III. ITEMS FOR DISCUSSION

A. PRE-APPLICATION REVIEW DRC2016-00361 – LVD TERRA VISTA, LLC - A request for conceptual site plan and architectural review of a 214-unit, multi-family residential development on 11.8 acres of land within the Medium High (MH) zoning district of the Terra Vista Community Plan located at the southeast corner of Haven Avenue and Church Street; APN: 1077-422-97.

Tabe van der Zwaag, Associate Planner, briefly outlined the purpose of the workshop and gave a brief PowerPoint presentation and staff report (copy on file). He introduced the applicant's team.

Adam Collier, Project Manager, Jonathon Siemsen, Sr. Project Manager Van Daele Homes, Michael Van Daele, President Van Daele Homes, and Scott Adams of Bassenian Lagoni, Architects

Michael Van Daele said the project is innovative, unique and affordable and benefits the City bringing modern tasteful modern architecture in the range of 1400-1600 square foot housing product. He said some units have an elevator option and the front units function as detached homes.

Commissioner Comments:

Commissioner Munoz asked about the units fronting the street on the east side of the project and if they would have walkup stairs.

Mr. Van Daele said they are not designed to be a "Brownstone" walkup.

Scott Adams (Architect) and Jonathan Siesman talked about the amenities, spaces provided to engage the community, gathering areas, ADA compliance, gated areas that are resident accessible using key fobs, pedestrian connectivity, paseos and the fact that 2-car garages are provided for each unit.

Mr. Van Daele reported that with Mr. Lewis' permission, he conducted a focus group of residents from the Santa Barbara development to help determine what the residents prefer in the way of amenities.

Commissioner Munoz pointed out that there are no amenities near the Terra Vista side (southerly) portion of the site.

Mr. Van Daele said there are some pockets of space that are not planned yet.

Mr. Collier said they are aware of the reductions needed i.e. building separations, parking, open space with respect to balcony/patios and setbacks. He noted the private open space calculation does not include the roof deck option.

Vice Chairman Oaxaca asked with respect to the focus group if the concept of open space was discussed and was the opinion that there is a value added with that.

Mr. Van Daele said the group focused more on community amenities. He said this project is more reflective of another complex already built; the discussion of roof decks did not come up.

Mr. Collier reviewed the parking noting 502 spaces are provided and 574 are required. He said they may eliminate the optional bedroom space in Unit 3 – which gives a 19 space reduction; eliminate the small office of Unit 2 –which gives another 18 space reduction. He said if we allow 27 spaces on Terra Vista Parkway it would be parallel parking; the total Minor Exception request is for 35 spaces – which would be a 7% overall reduction from the number of spaces required.

Mr. Van Daele said the total need is based upon the most optional rooms being selected for example, most bungalow buyers choose the 2 bedroom option rather than 3 bedroom unit.

Mr. Siemsen said the project is actually overparked based on the floorplan count without any options. He said they have conducted preliminary traffic counts and the LOS remains same even when fully developed with another new school.

Mr. Adams said they looked at the parking ratio in Terra Vista. They said a 2.5:1 resident to guest ratio is most common with many municipalities.

Chairman Wimberly said with respect to their trying to attract a new demographic; he said the flow of guests on weekends can be very high.

Mr. Van Daels said they surveyed all their homeowners and they rarely hear anything negative about the parking provided.

Mr. Adams said the buyer profile is younger or move down buyers; the emphasis is not on cars, i.e.-extra bedrooms often become a nursery. They are not dealing with teenage drivers, that may also include boats, jet skis etc...

Mr. Van Daele said there will be an HOA with CCR's and enforcement. He said the garages must be kept clear to park 2 cars and they would have a parking management plan that would allow periodic inspections of the garages.

Commissioner Macias said he had a concern about the parking but he generally agrees

with the analysis. He said he likes the layout, it is unique and this is good work.

Vice Chairman Oaxaca agreed and said he thought the developer has addressed the parking concern. He said the street parking at Santa Barbara has not affected traffic much. He noted that they looked at who their market is; not teenagers with a million cars, i.e. young families, newlyweds, and singles. He said the reduction requests are the reality of this type of product. He said he likes the treatment along Terra Vista and the interaction along the street and sidewalk. He said he would like to see more in terms of recreational amenities in different areas of the site - perhaps smaller ones interspersed around project site.

Commissioner Munoz said he did not have much to add. He is satisfied with the parking proposal, he likes the design, it is new and fresh, and he supports the change in density. He said the City needs this type of housing.

Chairman Wimberly said he did not have much to add: he concurs with the other Commissioners and said he is excited about the architecture. He said this project should spruce up the area- it is very different. He said his major concern was about the parking but he believes their plan may have put him more at ease. He said he looks forward to the plans coming forward for the Design Review Committee.

Mr. Van Daele thanked Mr. van der Zwaag and Ms. Burnett for ideas, advice and their help.

Candyce Burnett, Planning Director said that staff asked for something different and contemporary but to also be respectful of the neighborhood and also add an edge in terms of design. She said this is friendly product that lives well. She said the gathering spaces vs larger patios can work. She said she investigated the affordability of roof top decks and it is more reasonable than she first believed. It was noted that the top deck option might result in high sales.

IV. ADJOURNMENT

8:12 PM

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STAFF REPORT

PLANNING DEPARTMENT

RANCHO CUCAMONGA

DATE: June 22, 2016

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Dominick Perez, Associate Planner

SUBJECT: TIME EXTENSION DRC2016-00356 - GOLDEN MEADOWLAND, LLC. AND RANCH HAVEN, LLC. - A request for a time extension for a previously approved Tentative Tract Map (SUBTT16072) to subdivide 150.79 acres into 359 lots in the Low (2-4 dwelling units per acre) Residential District, with an average density of 2.3 dwelling units per acre for the entire project, in the Upper Etiwanda Neighborhood of the Etiwanda North Specific Plan, located at northeast corner of Wilson Avenue and Etiwanda Avenue. APNs: 1087-081-12, and 19 through 24. Related Files: Development Agreement DRC2002-00156, Annexation DRC2002-00865, and Tree Removal Permit DRC2003-00461. Staff has found the project to be within the scope of the project covered by a prior Environmental Impact Report certified by City Council in June 16, 2004 by Resolution 04-204 and does not raise or create new environmental impacts not already considered in the Environmental Impact Report.

RECOMMENDATION: Staff recommends approval of Time Extension DRC2016-00356 by adoption of the attached Resolution of Approval with conditions.

BACKGROUND: Tentative Tract Map SUBTT16072, with the recommendation of approval by the Planning Commission, was initially approved by the City Council on June 16, 2004. Subsequently, this map went through a series of discretionary time extension requests and automatic time extensions granted through Senate and Assembly Bills, as shown in the table below. The most recent Assembly Bill, AB 116, which granted an automatic extension of 2 years to the approval period of this map, changed the expiration date to June 16, 2016.

Approving Authority	Approval/Extension Type	Approval Period	Approval Date	Expiration Date
City Council	Tentative Tract Map Approval	3 Years	June 16, 2004	June 16, 2007
Planning Commission	Time Extension	1 Year	June 13, 2007	June 16, 2008
Planning Commission	Time Extension	1 Year	May 28, 2008	June 16, 2009
Senate Bill 1185	Automatic Extension	1 Year	June 16, 2009	June 16, 2010
Assembly Bill 333	Automatic Extension	2 Years	June 16, 2010	June 16, 2012
Assembly Bill 208	Automatic Extension	2 Years	June 16, 2012	June 16, 2014
Assembly Bill 116	Automatic Extension	2 Years	June 16, 2014	June 16, 2016
Planning Commission	Time Extension	1 Year	*June 22, 2016	* June 16, 2017

*Projected dates to be determined.

SITE DESCRIPTION:

A. Surrounding Land Use and Zoning – Etiwanda North Specific Plan unless otherwise noted:

Project Site - Vacant; Very Low (VL) and Low (L) Residential Districts (the land use districts are divided by the Etiwanda Avenue Scarp of the Red Hill Fault Zone)
North - Power line corridor and vacant land; Utility Corridor (UC) District and Very Low (VL) Residential District
South - Cucamonga Valley Water District (CVWD) Water Treatment facility and vacant land; Very Low (VL) Residential District, Etiwanda Specific Plan
East - Vacant; Very Low (VL) Residential District
West - Single-family residential development; Low (L) Residential District

B. General Plan Designations:
Project Site - Low Residential and Very Low Residential (the land use designations are split along the fault).
North - Utility Corridor and Very Low Residential
South - Very Low Residential
East - Low Residential
West - Low Residential

C. Site Characteristics: The site generally slopes from north to south at approximately 6 percent gradient and currently contains the remains of a foundation from a residential structure, remnants of low stonewalls, and irrigation flumes. The site is otherwise undeveloped and dominated by a variety of native vegetation including California Buckwheat White Sage, White Sage, Scalebroom Scrub, and Riversidean Alluvial Fan Sage Scrub, and a variety of non-native vegetation. There are single-family residential homes located to the west and south of the site. A portion of the property to the south contains a Cucamonga Valley Water District (CVWD) Water Treatment facility. There is an approved Tentative Tract Map (SUBTT14749) for 269 single-family lots for the undeveloped property to the north. The undeveloped property to the east is currently in review for (i) a General Plan Amendment (DRC2016-00167) to change the land use designation from Very Low Residential to Low Residential, (ii) a Specific Plan Amendment (DRC2016-00168) to change the zoning district from Very Low Residential (VL) District to Low Residential (L) District, and (iii) a Tentative Tract Map (SUBTT19992) for a proposed subdivision to create 113 single-family residential lots. The site is divided generally from southwest to northeast by the Etiwanda Avenue Fault Scarp.

ANALYSIS:

A. Subdivision Map: On January 6, 1999, the City Council amended the City's Subdivision Ordinance to establish a 3-year initial approval period for tract and parcel maps (increased from 2 years previously). The amendment also allows the Planning Commission to grant time extensions in 12-month increments for up to an additional 5 years (a maximum of 8 years from the original time approval), which is the maximum allowed under the State Subdivision Map Act Section 66452.69 (e). This application involves a third 1-year time extension request, which would set the expiration date to June 16, 2017. Including the previously mentioned Senate and Assembly Bills that accounted for 7 years of automatic extensions, the maximum approval period of this project would be up to 15 years from the date of approval (final expiration on June 16, 2019).

B. Environmental Assessment: Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City certified an Environmental Impact Report on June 16, 2004 in connection with the City's approval of Tentative Tract Map SUBTT16072. Pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts. Staff has evaluated the Time Extension DRC2016-00356 and concludes that substantial changes to the project or the circumstances surrounding the project have not occurred which would create new or more severe impacts than those evaluated in the previously certified EIR. The proposal only involves a request to extend the approval period of a previously approved Tentative Tract Map. The proposal does not involve any changes or modifications to the design of the previously approved subdivision. Staff further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. The Director of Biological and Regulatory Services for ESA PCR, Beth Jolie Martinez, submitted a memorandum on May 20, 2016 stating the site conditions remain consistent with previous site assessments. The site was surveyed prior to October 2003 for biological resources in preparation of the EIR. The site was found to contain California Buckwheat-White Sage (44.1 acres), White Sage (82.5 acres) Scalebroom Scrub (11.2 acres), and other non-native and disturbed areas that total 12.2 acres. Overall, the site was found to contain 147.7 acres of various forms of Riversidean Alluvial Fan Sage scrub for which the project will be required to obtain off-site mitigation lands. Although focused surveys were performed for Sensitive Wildlife Species, including the San Bernardino Kangaroo Rat and the Coastal California Gnatcatcher, the results of all such surveys were negative. She confirmed via a memorandum, received on May 20, 2016, that the site conditions remained consistent with those previously assessed. The letter also concludes, based on observations made in our recent site visit, no substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts and no new important information shows the project will have new or more severe impacts than previously considered, and that, no additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts. Therefore, pursuant to CEQA, staff recommends that the Planning Commission concur with the staff determination that no additional environmental review is required in connection with the City's consideration of the Time Extension DRC2016-00356.

CORRESPONDENCE: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site.

Respectfully submitted,

Candyce Burnett
Planning Director

CB:DP/ls

Attachments: Exhibit A - Aerial Photo
Exhibit B - Tentative Tract Map SUBTT16072
Exhibit C - Tentative Tract Map SUBTT16072 Staff Report (June 16, 2004)
Exhibit D - Resolution of Approval with Conditions for SUBTT16072 (June 16, 2004)
Exhibit E - May 20, 2016 Memorandum from ESA PCR

Draft Resolution of Approval for Time Extension DRC2016-00356

Aerial Photo

Time Extension DRC2016-00356

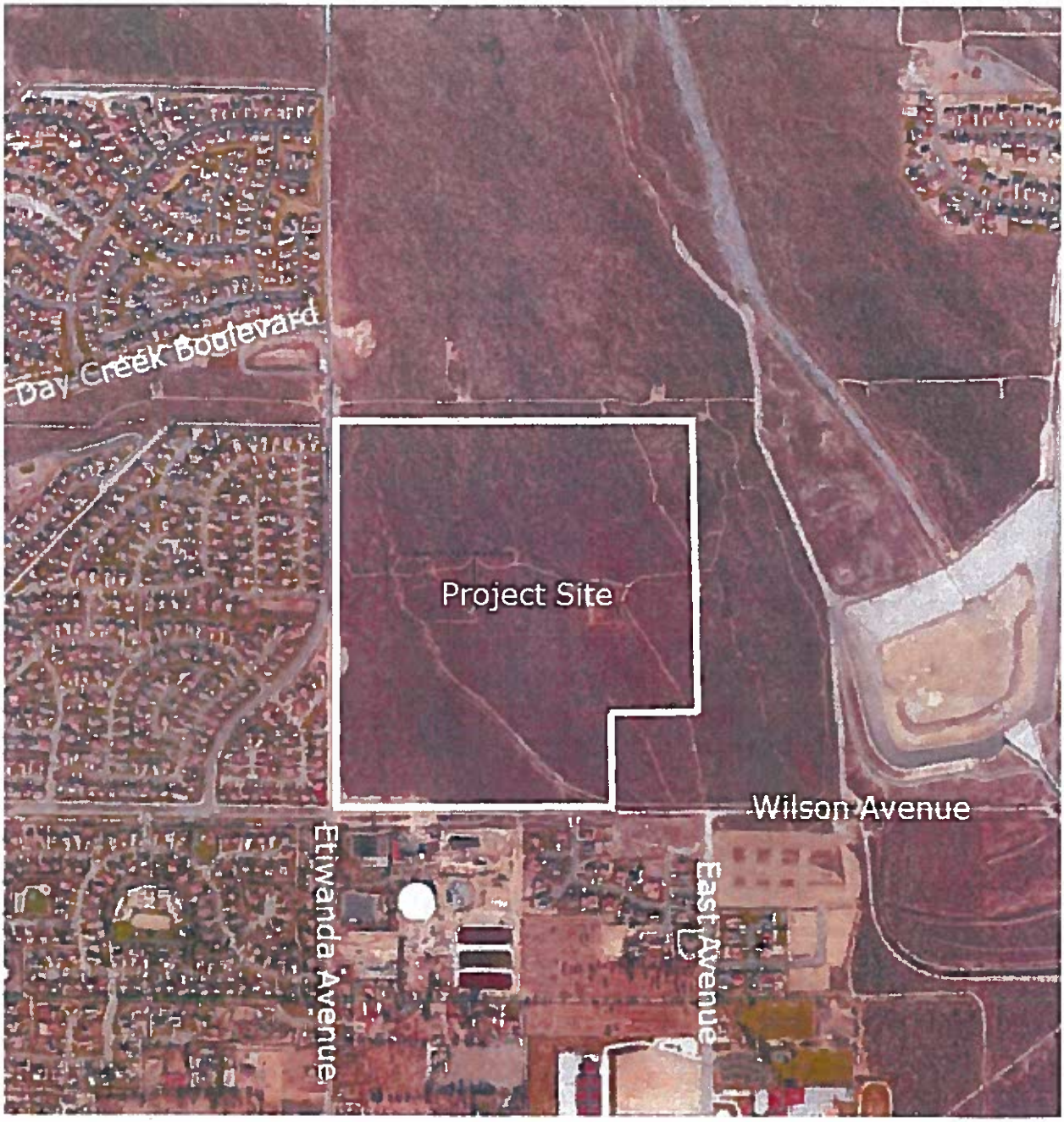
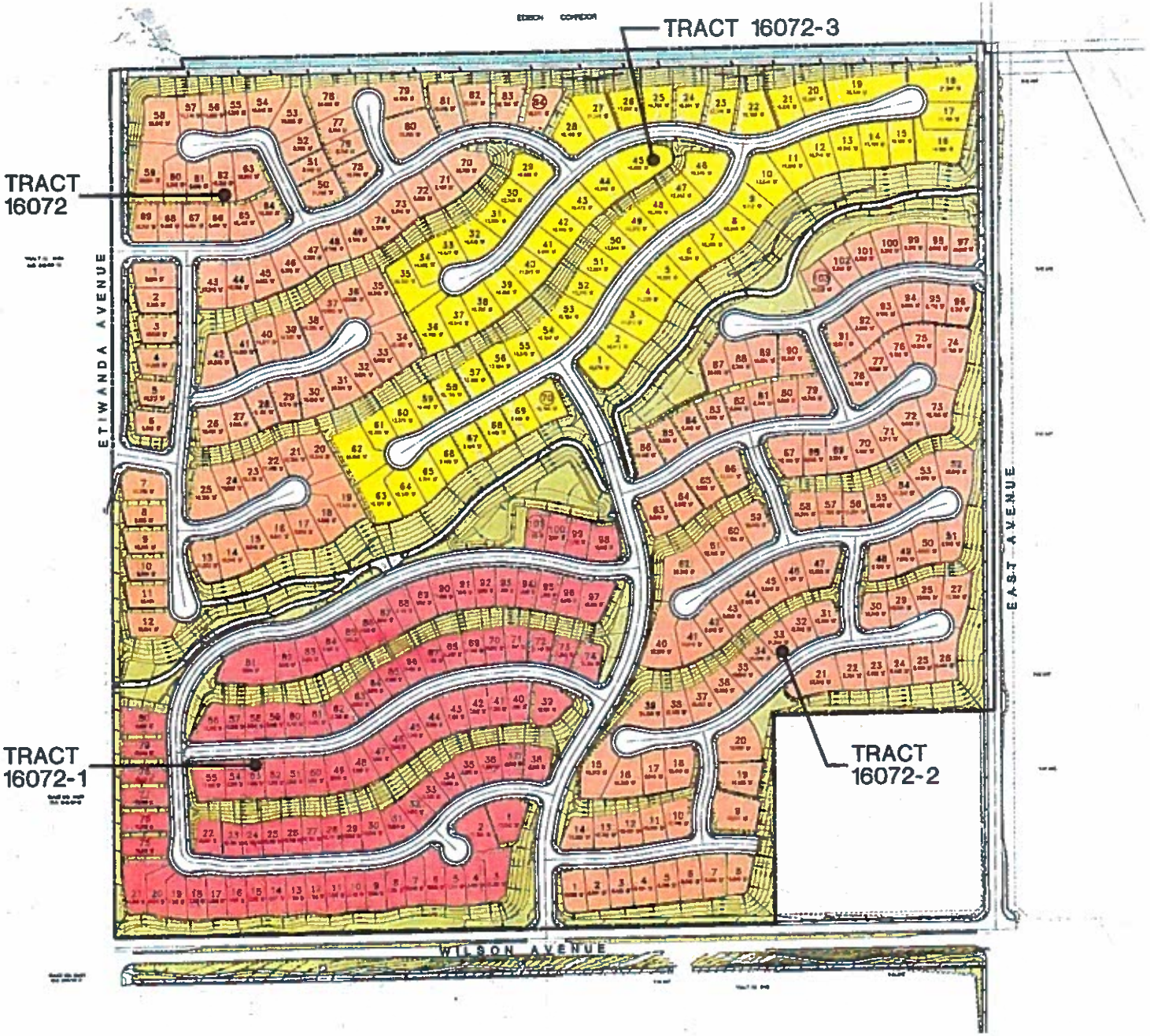


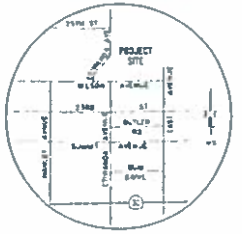
EXHIBIT A

EXHIBIT B

Item C-6



VICINITY MAP



LOT SUMMARY:

80' WIDE LOTS (70 LOTS TOTAL)

MINIMUM SF:	9,408
MAXIMUM SF:	26,866
AVERAGE SF:	13,697

70' WIDE LOTS (187 LOTS TOTAL)

MINIMUM SF:	7,866
MAXIMUM SF:	29,042
AVERAGE SF:	11,479

60' WIDE LOTS (101 LOTS TOTAL)

MINIMUM SF:	7,200
MAXIMUM SF:	17,094
AVERAGE SF:	9,779

OVERALL

MINIMUM SF:	7,200
MAXIMUM SF:	29,042
AVERAGE SF:	11,433

PREPARED FOR:
Richland Communities
4100 NEWPORT PLACE, STE. 800
NEWPORT BEACH, CA. 92660
PHONE: (949) 261-7010
FAX: (949) 261-7018

PREPARED BY:
MDS CONSULTING

TENTATIVE TRACT NO. 16072

60 FOOT, 70 FOOT AND 80 FOOT WIDE LOTS

CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
DATE PREPARED: NOV. 2, 2010

THE CITY OF
RANCHO CUCAMONGA

Staff Report

DATE: June 16, 2004

TO: Mayor and Members of the City Council
Jack Lam, AICP, City Manager

FROM: Brad Buller, City Planner

BY: Larry Henderson AICP, Principal Planner

SUBJECT: ENVIRONMENTAL IMPACT REPORT AND ANNEXATION DRC2002-00865 - RICHLAND PINEHURST INC. - A proposed Annexation of 160.0 acres of land into the City of Rancho Cucamonga, located within the Etiwanda North Specific Plan on the north side of Wilson Avenue between Etiwanda Avenue and East Avenue - APN: 0225-083-01, 12, 13, 14, 15, 16 and 20. Related Files: Tentative Tract Map SUBTT16072, Tree Removal Permit DRC2003-00461, and Development Agreement DRC2002-00156.

CONSIDERATION OF APPEAL OF ENVIRONMENTAL IMPACT REPORT AND TENTATIVE TRACT MAP SUBTT16072 - RICHLAND PINEHURST INC. - The proposed residential subdivision of approximately 150.8 acres into 359 lots in the Low (2-4 dwelling units per acre) and Very-Low (.1-2 dwelling units per acre) Residential Districts, with an average density of 2.3 dwelling units per acre for the entire project, in the Upper Etiwanda Neighborhood of the Etiwanda North Specific Plan, located on the north side of Wilson Avenue between Etiwanda Avenue and East Avenue - APN: 0225-083-01,12,13,15,16 and 20. Related Files: Development Agreement DRC2001-00156; Annexation DRC2002-00865, and Tree Removal Permit DRC2003-00461.

ENVIRONMENTAL IMPACT REPORT AND DEVELOPMENT AGREEMENT DRC2002-00156 - RICHLAND PINEHURST INC. - A proposed Development Agreement to address specific conditions of development and annexation for 150.8 acres of land located on the north side of Wilson Avenue between Etiwanda Avenue and East Avenue - APN: 0225-083-01, 12, 13, 15, 16 and 20. Related Files: Tentative Tract Map SUBTT16072, Annexation DRC2002-00865, and Tree Removal Permit DRC2002-00461.

EXHIBIT C

RECOMMENDATION: Staff recommends that the City Council take the following actions in the order presented:

A. Approve the Resolution certifying the Final EIR for SUBTT16072, Development Agreement DRC2002-00156, and Annexation DRC2003-00865;

B. Approve the Resolution to initiate proceedings for the annexation of 160 acres of land generally located on the north side of Wilson Avenue between Etiwanda Avenue and East Avenue.

C. Deny the Appeal to the Planning Commission's decision to approve Tentative Tract Map No. 16072, as submitted by Craig A. Sherman, attorney for the Spirit of the Sage Council and the Habitat Trust for Wildlife, Inc., dated May 19, 2004, and approve Tentative Tract Map SUBTT16072.

D. Adopt the Ordinance to enter into Development Agreement DRC2002-00156, a Development Agreement between the City of Rancho Cucamonga and Richland Pinehurst for the purpose of developing an approximate 150.8-acre site with up to 359 residential lots.

BACKGROUND/ANALYSIS:

A. Project Summary

The proposed project is located within the Upper Etiwanda Neighborhood of the Etiwanda North Specific Plan (Exhibit "A" - Regional Map). The Etiwanda Avenue Scarp of the Red Hill Fault divides the 150.8 acre site, with the area north of fault designated Very Low Residential and the area south of the fault designated Low Residential. The combined net density of the project is 2.93 dwelling units per acre, and the overall gross density of the project is 2.38 dwelling units per acre. The minimum lot area within the project is 8,400 square feet with an average lot size of approximately 11,400 square feet (Exhibit "B" - Site Plan). The Specific Plan identifies a Community Trail along the Fault Zone, connecting the Etiwanda Avenue Community Trail and the Regional Trail within the Southern California Edison (SCE) corridor north of the site.

The internal street pattern has been designed following the naturally trending terrain, which slopes at approximately 6 percent northwest to southeast. Access to the site is provided by two street intersections on Etiwanda Avenue, and one each on East Avenue and Wilson Avenue. All perimeter streets will require some level of improvement with development of the project, including the south side of Wilson Avenue, which includes a Community Trail within the Metropolitan (MWD) strict right-of-way.

The project will require flood protection improvements, including the 25th Street Diversion Channel along the north boundary of the project, as well as two on-site interim Detention Basins. The proposed storm drain improvements are individual components of the Etiwanda/San Sevaine Area 3 Master Plan of Storm Drain facilities. The proposed improvements would protect the site from upstream flows and would result in a modification of the current Federal Emergency Managements Agency (FEMA) and Flood Insurance Rate Map (FIRM) designation of Zone D ("area of undetermined flood hazard") to "no significant flood hazard."

B. Summary of Planning Commission Meeting on May 12, 2004

Larry Henderson, Principal Planner, presented the staff report and suggested revisions to the resolution and the Development Agreement to include a statement that private landscape maintenance be the responsibility of a Homeowners Association or the formation of a new Landscape Maintenance District and to delete the requirement for a gated community. He stated staff would like to add Engineering Conditions to require the applicant to provide written approval from Metropolitan Water District for any activity within Metropolitan's fee property prior to any improvements to Wilson Avenue and clarified the Mitigation Measures to indicate that the property owner could transfer mitigation land to any qualified conservation entity approved by the City or to the County of San Bernardino Special Districts.

Commissioner Fletcher observed the Site Plan shows cul-de-sac streets and not through streets. Mr. Henderson replied they were trying to limit access to Etiwanda Avenue and no lots are to front onto Etiwanda Avenue. Brad Buller, City Planner, stated that typically better neighborhoods are not along long streets, and that larger lots at the end of cul-de-sacs often become prime lots.

Craig Sherman, Attorney representing Spirit of the Sage Council, presented two alternate site plans that he felt were environmentally superior and were more sensitive to the earthquake fault that runs through the property. Mr. Sherman indicated that generally Development Agreements included a provision allowing amendment to the Agreement by the City Planning Department. He believed such a provision is an attempt to rewrite the legislation under the Government Code that allows the City to enact Development Agreements. He also indicated concern about a number of projects coming forward piecemeal with respect to the General Plan Amendments and Specific Plan Amendments.

With respect to alternatives submitted by Mr. Sherman, Kevin Ennis, Assistant City Attorney, said that the EIR discussed three alternatives to the project: 1) a no project alternative; 2) a less intensive development alternative; and 3) an alternative that would preserve more of the Riversidian Sage Scrub. Mr. Ennis indicated that the EIR and the Findings in the Resolution state why those particular alternatives do not satisfy the objectives of the project or are not feasible. With respect to the Development Agreement and the assertion that it provides an opportunity for staff to amend the Agreement in contravention to State law, he stated the Development Agreement provides for the opportunity for staff and the developer to enter into implementing agreements, but those agreements must be found consistent with the Development Agreement. He said the staff is not authorized to enter into agreements that are inconsistent with or modify or undercut the basic provisions of the Development Agreement. With regards to piecemeal projects, Mr. Ennis stated that in the EIR for this project and for another project on the agenda (Henderson Creek Properties), there is a discussion about the other projects occurring in the vicinity so as to consider the cumulative impacts of this project as well as the other projects so there is an acknowledgement and an interrelationship between all of the projects in terms of environmental impacts.

The tentative tract map, associated development agreement, and annexation for the project were reviewed and approved at the May 12, 2004, Planning Commission meeting.

C. Project Analysis

Tentative Tract Map 16072 - The proposed project is located within the Upper Etiwanda Neighborhood of the Etiwanda North Specific Plan. The Etiwanda Avenue Scarp of the Red Hill Fault divides the 150.8 acre site, with the area north of the fault designated Very Low Residential and the area south of the fault designated Low Residential. The combined net density of the project is 2.93 dwelling units per acre, and the overall gross density of the project is 2.38 dwelling units per acre. The minimum lot area within the project is 8,400 square feet with an average lot size of approximately 11,400 square feet. The Specific Plan identifies a Community Trail along the Fault Zone, connecting the Etiwanda Avenue Community Trail and the Regional Trail within the Southern California Edison (SCE) corridor north of the site.

An Appeal to the Planning Commission approval of the Tentative Tract Map was submitted by Craig A. Sherman, attorney for Spirit of the Sage Council and the Habitat Trust for Wildlife, Inc., dated May 19, 2004. The appeal letter was based on the adequacy of the Environmental Impact Report. A response to this matter is included in Exhibit "E" – Responses to Correspondence.

The Development Agreement - The Development Agreement has been prepared in order to address project-specific improvements, fees, and other development standards and expectations for the benefit of the Property Owner and the City. The Development Agreement allows the applicant to identify all improvements and fees that will be required by the City upon Annexation. The Development Agreement has been reviewed by the City Attorney for form and content.

The basic points of the Development Agreement are summarized below:

1. Term of the Agreement: 10 years

2. Minor deviations from the Engineering Division standards: a) cul-de-sac design and b) a reduction in the standard centerline radius for a specific internal local street segment.

3. Minor deviations to the Etiwanda North Specific Plan Phasing and Implementation Program: The property owner will construct East Avenue southerly between Wilson Avenue and Banyan Street, in lieu of extending Wilson Avenue easterly to connect to Wardman-Bullock Road.

4. Minor deviations from the Etiwanda/San Sevaine Drainage Policy: With the construction of an interim detention basin to attenuate the developed storm flows from the project.

5. Fees: a) The property owner shall pay a sum totaling $358,000 (based upon $1,000 per unit) for equestrian mitigation purposes; b) The property owner shall pay a sum totaling $2,362,800 ($6,600 per unit) for park purposes (the applicant may request park credit for improvements to the Community Trail that traverses the site within the Fault Zone, in accordance with General Policy); and c) In exchange for the construction of the landscaping improvements on the south side of Wilson Avenue within the MWD right-of-

way, the property owners shall not be required to pay City Beautification Fee of $0.20 per square foot for residential construction.

6. The project shall be designed in accordance with the Etiwanda North Specific Plan Development standards.

7. Clarification of the actual boundaries of the Red Hill Fault Zone as determined by the Geotechnical Analysis: The Red Hill Fault Zone is depicted as a Land Use District in the Etiwanda North Specific Plan. The fault location and boundary has been refined through further trenching and on-site investigation that was conducted through the preparation of the Geotechnical Evaluation. The Fault Setback Zone, which precludes the development of habitable structures, does allow a portion of the lot area to intersect with the Setback Zone. In each case, a substantial buildable area remains available within the lot.

8. Open Space Transfer Plan: The Property Owners shall transfer to the County of San Bernardino Special Districts OS-1, other qualified conservation entity approved by the City in fee, a minimum of 150-acres of off-site land for permanent open space and habitat preservation; along with funding in an amount to be determined by County of San Bernardino Special Districts (or other conservation entity), to provide for long-term maintenance of said land. The preferred location of the off-site land is in the environment surrounding the North Etiwanda Preserve in the CITY Sphere of Influence, other properties may be considered based the review of appropriate Biological Habitat Assessments and concurrence of the City Planner. The transfer and funding shall occur prior to recording of the first final map of the Project.

9. The Development Agreement establishes timeframes for completion of key infrastructure and community amenities, including the following: a) the perimeter landscaping and the Upper Etiwanda Neighborhood Monumentation, as well as the Community Trail Improvements within the Fault Zone, will be completed prior to release of occupancy of the 150th dwelling (a small segment of the Etiwanda Avenue frontage north of the Fault Zone must be complete prior to release of occupancy of the 250th dwelling); b) all perimeter street improvements shall be completed prior to release of occupancy of the first dwelling within the project, including Wilson Avenue, Etiwanda Avenue, and East Avenue; and, c) all master plan storm drain improvements will also be completed prior to the release of occupancy for the first dwelling in the project.

The Annexation - The proposed Annexation will include the entire 160 acres, which constitutes the southwest quadrant of Section 21, located north of Wilson Avenue between Etiwanda Avenue and East Avenue. The 10 acres at the corner of Wilson Avenue and East Avenue will require the review and approval of a separate Tentative Tract Map at a future time after the annexation process has been completed. City staff will forward the annexation application and all associated documentation to the Local Agency Formation Commission following City Council Certification of the EIR and approval of the project.

CORRESPONDENCE: Additional comments were sent via e-mail to the Planning Department, after the Planning Commission meeting of May 12, 2004 was called to order (after 7PM). Therefore the information is not part of the public record for the purposes of the Planning Commission hearing. Although the documents indicate they were either faxed or hand delivered, they were not, and because of its large size, 66 pages, it was conveyed under separate cover. A letter from the United States Department of the Interior Fish and Wildlife Service was received on May 18, 2004. Responses to these comments are contained in Exhibit "E."

CONCLUSION: Staff recommends that City Council 1) Approve the Resolution certifying the Final EIR for SUBTT16072, Development Agreement DRC2002-00156, and Annexation DRC2003-00865; 2) Approve the Resolution permitting the City to initiate proceedings for the annexation of 160 acres of land generally located on the north side of Wilson Avenue between Etiwanda Avenue and East Avenue; 3) Deny the Appeal as submitted by Craig A. Sherman, attorney for the Spirit of the Sage Council and the Habitat Trust for Wildlife, Inc., dated May 19, 2004, and approve Tentative Tract Map 16072; and 4) Adopt the Ordinance approving Development Agreement DRC2002-00156 between the City of Rancho Cucamonga and Richland Pinehurst for the purpose of developing an approximate 150.8 acre site with up to 359 residential lots.

Respectfully submitted,

Brad Buller
City Planner

BB:LH/ls

Attachments: Exhibit "A" - Regional Map
Exhibit "B" - Site Plan
Exhibit "C" - Planning Commission Staff Report Dated May 12, 2004
Exhibit "D" - Planning Commission Minutes dated May 12, 2004
Exhibit "E" - Responses to Correspondence
Exhibit "F" - Findings of Fact in Support of Findings For Significant Environmental Effects of the Rancho Cucamonga Tentative Tract Map Number 16072 Project and Statement of Overriding Considerations (dated May 6, 2004)
Exhibit "G" - Final Conditions of Approval
Exhibit "H" - Mitigation Monitoring Checklist
Resolution Certifying the Final EIR
Resolution Initiating Proceedings For Annexation
Resolution Denying Appeal to Approve SUBTT16072
Ordinance Approving Development Agreement

RESOLUTION NO. 04-206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT MAP SUBTT16072 FOR A RESIDENTIAL SUBDIVISION OF 358 LOTS ON APPROXIMATELY 150.8 ACRES OF LAND IN THE LOW (2-4 DWELLING UNITS PER ACRE) AND VERY LOW (.1-2 DWELLING UNITS PER ACRE) RESIDENTIAL DISTRICTS OF THE ETIWANDA NORTH SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF WILSON AVENUE BETWEEN ETIWANDA AVENUE AND EAST AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0225-083-01, 12, 13, 15, 16 AND 20, AND APPROVING TENTATIVE TRACT MAP SUBTT16072 FOR A RESIDENTIAL SUBDIVISION OF 358 LOTS ON APPROXIMATELY 150.8 ACRES OF LAND IN THE LOW (2-4 DWELLING UNITS PER ACRE) AND VERY LOW (.1-2 DWELLING UNITS PER ACRE) RESIDENTIAL DISTRICTS OF THE ETIWANDA NORTH SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF WILSON AVENUE BETWEEN ETIWANDA AVENUE AND EAST AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0225-083-01, 12, 13, 15, 16 AND 20.

A. **RECITALS.**

1. Richland Pinehurst, Inc. (the "Applicant") seeks approval of a series of actions related to the annexation of land from unincorporated San Bernardino County into the City of Rancho Cucamonga, the approval of Tentative Tract Map SUBTT16072, and associated Development Agreement. The actions also include the development of 358 single-family housing units on approximately 150.8 acres. The total area to be annexed is approximately 160 acres. The average density of the development is approximately 2.38 dwelling units per gross acre for the entire site. These series of actions and approvals are hereinafter defined in this Resolution as the "Project."

2. The Applicant has submitted the following applications relating to the Project: Annexation DRC2002-00865, Tentative Tract Map SUBTT16072, and Development Agreement DRC2002-00156 (collectively the "Project Applications"). These Project Applications, as well as the appeal of the Planning Commission's approval of Tentative Tract Map SUBTT16072, constitute the matters involving the Project which are submitted to the City Council of the City of Rancho Cucamonga for decision and action.

3. On May 12, 2004, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Project, and after the receipt of public testimony, closed the hearing on that date. On May 12, 2004, the Planning Commission adopted Resolution No. 04-56, certifying the Final EIR for purposes of approval of Tentative Tract Map SUBTT16072 and approving Tentative Tract Map SUBTT16072.

EXHIBIT D

4. On May 19, 2004, Craig A. Sherman, attorney for the Spirit of the Sage Council and the Habitat Trust for Wildlife, Inc., filed an appeal of the Planning Commission's approval of Tentative Tract Map SUBTT16072.

5. On June 2, 2004, the City Council of the City of Rancho Cucamonga conducted a duly noticed public hearing on the Final EIR and the Project, at which time all interested parties were given an opportunity to be heard and to present evidence regarding the Final EIR and the Project. After the receipt of public testimony, the City Council continued the public hearing on the Final EIR and the Project to its regularly scheduled meeting of June 16, 2004.

6. On June 16, 2004, the City Council of the City of Rancho Cucamonga conducted a continued public hearing on the Final EIR and the Project, at which time all interested parties were given an opportunity to be heard and to present evidence regarding the Final EIR and the Project, and after the receipt of public testimony, closed the hearing.

7. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. RESOLUTION.

NOW, THEREFORE, it is hereby found, determined, and resolved by the City Council of the City of Rancho Cucamonga as follows:

SECTION 1: This Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

SECTION 2: Based upon the facts and information contained in the record of this Project, the City Council makes the following findings and statements, and takes the following actions, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et. seq.*):

a. The City of Rancho Cucamonga, acting as the lead agency, prepared the Draft Environmental Impact Report (EIR) for the Project, including certain technical appendices (the "Appendices") to the Draft EIR (State Clearinghouse No. 2002091053). The Draft EIR was circulated for a 45-day public review and comment period from December 2, 2003 through January 21, 2004. Comments were received during that period and written responses were prepared and sent to all persons and entities submitting comments. Those comments and the responses thereto have been included in the Final EIR, as have the Appendices to the Draft EIR. Those documents together comprise the Final EIR.

b. The City Council finds that the Final EIR was completed pursuant to CEQA, and the State Guidelines for Implementation of CEQA, 14 California Code of Regulations, Section 15000, *et. seq.* ("the Guidelines"). By Resolution No. 04-204, the City Council has certified the Final EIR as being in compliance with the requirements of CEQA.

c. The City Council finds that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information in the Final EIR and has reached its own conclusions with respect to the Project and as to whether and how to approve the various components of the Project approvals.

d. The City Council finds that the Final EIR represents the independent judgment of the City Council of the City of Rancho Cucamonga and adequately addresses the impacts of the Project and imposes appropriate mitigation measures for the Project.

e. Public Resources Code Section 21081 provides that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant environmental effects unless the public agency makes one or more of the following findings with respect to each significant effect:

   i. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

   ii. Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

   iii. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

f. The City Council finds, based upon the Initial Study, the Final EIR, public comments, public agency comments, and the entire record before it, that the Project may create significant impacts in the areas of Geology and Soils, Biological Resources, Transportation/Traffic, Air Quality, Noise, Aesthetics, Cultural Resources, and Public Services and Utilities. However, changes or alterations have been required in, or incorporated into the Project, which will mitigate, and in some cases, avoid the significant impacts. The specific changes and alterations required, and a brief explanation of the rationale for the findings with regard to each impact, are contained in the "CEQA Findings" for the Project (Exhibit "F" to the June 16, 2004 City Council Staff Report) and are incorporated herein by reference. In addition to the rationale and explanation contained in the "CEQA Findings," the City Council makes the following additional findings regarding the impacts to the resources and services listed in this paragraph:

l. **Geology and Soils**. The Final EIR identifies that development of the Project will expose people and structures to risks associated with seismic hazards, slope instability, and foundation instability. With respect to seismic hazards, this risk arises because of the existence of regional faults located in the area and the existence of the Etiwanda Avenue Scarp fault that runs northeasterly across the Project site. The risks presented by these faults include, fault-induced ground rupture, seismically induced slope instability, ground lurching, seismically induced settlement, and seismic ground shaking. Mitigation measures are imposed which require the Applicant to set back structures north of the Etiwanda Avenue Scarp thrust fault by at least 100 feet and to set back all structures south of that fault zone by 50 feet (Mitigation Measure GS-1). All structures within Seismic Zone 4 of the site shall be designed in accordance with the Uniform Building Code and general engineering standards for seismic safety (Mitigation Measure GS-2). In addition, graded slopes will be designed to resist seismically induced failures, loose, cohesionless soils located on the surface of the site shall be removed and properly recompacted, and low density native surficial and artificial fills shall be removed and recompacted or exported offsite. (Mitigation Measures GS-3 – GS-5). Based on these mitigation measures, the City Council finds that the potential for fault-induced ground rupture, seismically induced slope instability, ground lurching, and seismically induced settlement will be mitigated to a level of less than significant. The City Council finds that even after these mitigation measures, the risks of seismic ground shaking will not be reduced to less than significant levels.

With respect to slope instability, graded slopes are proposed on the Project site, with gradients for the slopes to be variable to provide a natural visual appearance, and cut and fill slopes of approximately 40 feet high are proposed to be constructed. Mitigation Measure GS-6 is imposed which requires additional stabilization measures for potentially unstable graded slopes exceeding 15 feet in height. Based on this mitigation measure, the City Council finds that the potential for slope instability will be mitigated to a level of less than significant.

With respect to foundation instability, the upper few feet of native soil onsite and uncontrolled fills existing on the site are potentially compressible. Because of variation in grain size within alluvial fan deposits on the site, potential collapse of soil material may result in localized areas. The presence of oversized rocks on the site and the removal of such rocks can result in deficiencies of fill material. Mitigations measures are imposed which require the Applicant to remove and recompact potentially compressible soils (Mitigation Measure GS-7), to identify methods for eliminating the potential for collapsible soils and after construction, to minimize the infiltration of

water into subsurface soils by proper surface drainage (Mitigation Measure GS-8), and to relocate oversize rocks on the Project site during grading operations to reduce the potential deficiency of fill materials (Mitigation Measure GS-9). Based on these mitigation measures, the City Council finds that the potential for foundation instability will be mitigated to a level of less than significant.

ii. **Biological Resources**. The Final EIR indicates that, prior to the Grand Prix fire of October 2003, that area was previously covered with California Buckwheat-White Sage Scrub (44.1 acres), White Sage Scrub (82.5 acres), Scalebroom Scrub (11.2 acres), non-native grassland (2.1 acres), disturbed and cleared areas (6.0 acres) and ornamental landscaping (4.1 acres). In categorizing the vegetation in accordance with the "Holland System," the Final EIR identifies Riversidean Alluvial Fan Sage Scrub (RAFSS) divided into two subgroups: the Etiwanda Alluvial Fan Group (171.3 acres), the Prickly Group/Alluvial Chapparal Group (39.5 acres). In addition, the final EIR identifies an area of Ornamental Woodland and Disturbed plants (13.8 acres). The proposed Project would result in the loss of approximately 147.7 acres of Riversidean Alluvial Fan Sage Scrub (RAFSS). In addition, the Final EIR identifies 213 trees that satisfy the City's criteria for "heritage trees," 15 sensitive plant specifies as occurring within the general vicinity of the Project site, and the existence of Plummer's mariposa lily plants (a sensitive species) on the site. To mitigate impacts for the loss of approximately 147.7 acres of RAFSS, a mitigation measure is imposed to require the Applicant to acquire 147.7 acres of land within or near the North Etiwanda Open Space and Habitat Preservation Program (NEOSHPP) area that supports similar RAFSS habitat (Mitigation Measure B-1). In addition, measures are imposed to ensure limits are kept on grading activities, that new landscaping is consistent with native landscaping, that lighting is controlled into areas of sensitive wildlife habitat, and that future residents of the Project are informed about sensitive wildlife areas and encouraged not to plant invasive plants (Mitigation Measures B-2 – B-5). To mitigate impacts to common plant species, all 213 heritage trees shall be removed and replaced with native trees at a replacement ratio of one to one (Mitigation Measure B-6). With respect to sensitive plant species, prior to the issuance of a grading permit, focused surveys for Plummer's mariposa lily shall be conducted by a qualified biologist for possible collection and relocation (Mitigation Measure B-7). Based on these mitigation measures, the City Council finds that the impacts to natural plant communities, common plant species and sensitive plant species will be mitigated to a level of less than significant.

The Final EIR indicates that the site is within the critical habitat of the federally listed endangered San Bernardino kangaroo rat. However, protocol surveys were conducted in 2001 and 2002 and revealed no presence of this species on the site. The site is also within the known range and within designated critical habitat for the federally listed threatened coastal California gnatcatcher. In addition, species of concern were found on the site which include the Northwestern San Diego pocket mouse, the San Diego desert woodrat, and the Los Angeles little pocket mouse. The site does support nesting habitat for raptor species and suitable habitat for the San Diego horned lizard and orange-throated whiptail (state species of special concern). In addition, 1.13 acres of waters would be affected and drainage courses would be impacted by the Project. To address these impacts, a mitigation measure is imposed to provide follow-up focus surveys for the San Bernardino kangaroo rat and the coastal California gnatcatcher prior to issuance of grading permits (Mitigation Measures B-8 and B-9). A qualified biological monitor will be on-site during grading to reduce mortality to sensitive species, including rodent species and incidental species (Mitigation Measure B-10). If grading activities occur during active nesting season, a field survey will be conducted to preserve any active nests and the areas around them until the nesting cycle is complete (Mitigation Measure B-11). With respect to impacts on waters and streambeds, the Applicant shall obtain required permits from the U.S. Army Corps of Engineers and the California Department of Fish and Game and comply with those permit requirements (Mitigation Measure B-12). Based on these mitigation measures, the City Council finds that the impacts to sensitive wildlife species, and jurisdictional areas (waters and streambeds) will be mitigated to a level of less than significance.

iii. **Transportation/Traffic.** The Final EIR indicates that the proposed Project will increase vehicle trips and impact the Level of Service (LOS) along arterial streets and intersections. LOS levels of "D" or better do not represent a significant traffic impact, whereas LOS levels of "E" or worse do represent a significant traffic impact. Specifically, the Final EIR found that Project traffic, together with other anticipated traffic, will likely cause traffic flow to be deficient by experiencing a LOS of "F" during the AM peak hour at the intersections of Etiwanda Avenue at Banyan Street, Etiwanda Avenue at Highland Avenue, and East Avenue at Banyan Street. During the PM peak hour, the intersection of Etiwanda Avenue at Banyan Street, which will operate at an LOS of "E". At build-out, certain intersections in the immediate area will have LOS levels of "F". Mitigation Measures are imposed to require the Applicant to construct various roadway improvements at certain phases of the Project. For example, during the opening year of the Project, the Applicant will be required to construct Wilson Avenue from Etiwanda Avenue to East Avenue and to make various improvements to East

Avenue (Mitigation Measures TT-3 – TT-5). The Applicant will also be required to construct Etiwanda Avenue from the north Project boundary to Golden Prairie Drive at its ultimate half-section width (Mitigation Measure TT-6). In addition, traffic signals, turn lanes and other improvements are required at various intersections in the vicinity of the Project (Mitigation Measures TT-7 and TT-8). Finally, the Applicant will be required to contribute its fair share toward the cost of off-site roadway improvements (TT-1 and TT-2). Based on these mitigation measures, the City Council finds that the impacts of the Project on traffic and circulation will be mitigated to a level of less than significant.

iv. **Air Quality**. The City Council finds, based upon the Initial Study, the Final EIR, public comments, public agency comments, and the entire record before it, that the Project may create significant and unavoidable impacts to air quality. Specifically, the Final EIR identifies that short-term emissions from construction related activities are likely to exceed the thresholds of significance specified by the South Coast Air Quality Management District (SCAQMD). Short-term emissions are caused by fugitive dust and other particulate matter, exhaust emissions generated by earthmoving activities and operation of grading equipment, emissions generated during building construction as a result of equipment and vehicle operation, electrical consumption, and coating and paint applications. During the building phase of the Project, levels of nitrogen oxide (NO_x), reactive organic compounds (ROC) and atmospheric particulates (PM_{10}) will likely exceed the recommended SCAQMD daily thresholds, and NO_x and ROC emissions will likely exceed the recommended SCAQMD quarterly thresholds, thereby resulting in significant short-term air quality impacts. Long-term emissions are caused by motor vehicle emissions and emissions from the consumption of natural gas and electricity, the use of landscape equipment, and the storage and use of consumer products. These emissions exceed the recommended SCAQMD thresholds for NO_x, Carbon Monoxide (CO) and ROC. Mitigation measures for short-term impacts upon air quality are imposed on the Project (Mitigation Measure AQ-1 – AQ-10) which will require various dust control measures, emission control measures and off-site actions. Included in those measures are requirements to limit the treat the site with water or other soil-stability agents, sweep haul roads, suspend grading operations when wind speeds exceed 25 miles per hour, apply chemical soil stabilizers to inactive construction areas, select equipment based on low emission factors, use only low volatility paints and architectural coatings, and implement temporary traffic control during soil transport activities. Mitigation measures for long-term impacts upon air quality are imposed on the Project (Mitigation Measure AQ-11 – AQ-13) which require the Applicant to participate in

the cost of off-site traffic signal installation and synchronization through payment of a mitigation fee, equip the residential structures with energy efficient appliances, and coordinate bus routing with transit agencies to determine locations and feasibility of providing bus stop shelters at Applicant's expense. The City Council finds that with implementation of the recommended measures, short and long-term emissions will be reduced, and that the Project's contribution to regional emission of criteria pollutants will be minimized. However, the City Council finds that despite the imposition of all these comprehensive mitigation measures, short-term construction emissions (building phase) will exceed SCAQMD's thresholds for ROC and NO_x, and that long-term stationary and mobile emissions will exceed applicable thresholds for NO_x, CO and ROC, and therefore, would remain significant after mitigation.

v. Noise. The Final EIR identifies the likelihood of short-term impacts on ambient noise levels during construction of the Project. The primary source of construction noise is heavy equipment associated with construction activities, such as trucks, graders, bulldozers, concrete mixers, cranes and portable generators with high levels of sound generation. In addition, the Final EIR identifies the likelihood of long-term significant noise impacts on residences proposed on the perimeter of the Project site and adjacent to Etiwanda Avenue, Wilson Avenue, and East Avenue. For short-term noise impacts, mitigation measures are imposed that will require the construction contractors to equip all construction equipment with properly operating and maintained mufflers, implement specific noise reduction measures when construction takes place near existing residences, locate equipment staging areas away from sensitive receptors, and comply with the City's Development Code for hours of construction activity – 6:30 a.m. to 8:00 p.m., Monday through Saturday, with no construction to take place on Sundays or holidays (Mitigation Measures N-1 – N-4). To address long-term impacts to certain residential structures within the Project, sound barriers shall be placed at specified locations near Project road intersections and perimeter street intersections, and residential structures fronting on Etiwanda Avenue, Wilson Avenue and East Avenue will have mechanical ventilation so that windows can remain closed, and upgraded windows and other improvements will be installed on said residential structures so that interior noise levels are reduced to 45 dB CNEL or less (Mitigation Measures N-5 – N-8). Based on these mitigation measures, the City Council finds that the short term and long-term noise impacts from the Project will be mitigated to less than significant levels.

vi. **Aesthetics.** The Final EIR indicates that implementation of the proposed residential community may substantially alter the existing character of the Project site as well as views of the San Gabriel Mountains. In addition, the proposed Project and the cumulative effect of development in the Project vicinity may permanently alter the visual landscape of the San Gabriel Mountains. To address these impacts, landscaping and perimeter walls shall be installed, landscaped transitions will be made between developed and the natural un-built environment, a strong landscaped edge will be required along roadways adjacent to the Project, utilities will be undergrounded where feasible, and trees and structures shall be used to frame and orient views at key locations (Mitigation Measures AES-1 – AES-5). Based on these mitigation measures, the City Council finds that although the implementation of the above mitigation measures will mitigate visual impacts associated with the proposed Project to a level that is less that significant, the cumulative impact of the Project upon aesthetics as well as future development in the Project vicinity will remain significant and unavoidable.

vii. **Cultural Resources.** The Final EIR indicates that three archeological sites are within the Project area. It is also likely that prehistoric remains may still be buried at these sites. To mitigate for the potential loss in Native American archeological resources, the Applicant is required to retain a City-approved archeologist to develop an archaeological mitigation plan and a discovery/treatment plan. These plans will require the monitoring of 50 percent of the excavation activities, the treatment of found material and its recordation, mapping and disposition (Mitigation Measures CR-1 – CR-6). The Final EIR also identifies the possible presence of buried fossilized remains. To mitigate these impacts, the Applicant shall retain a City-approved paleontologist to monitor excavation activities and to prepare, identify and curate all recovered fossils for documentation and transfer to an appropriate depository. (Mitigation Measures CR-7 – CR-11). Based on these mitigation measures, the City Council finds that the impacts of the Project on archeological and paleontological resources will be mitigated to less than significant levels.

viii. **Public Services and Utilities.** The Final EIR identifies that the proposed Project will create a demand for fire services, water services, wastewater services, and schools, and will contribute to cumulative impacts to the need for water supplies, wastewater treatment, and schools. Mitigation Measures have been imposed to require the Applicant to obtain approval of the specific designs for fire flow and proposed fire resistant materials (Mitigation Measure F-1), pay a water service development fee (Mitigation Measure W-1), utilize a xeriscape landscape and irrigation design to conserve water on Project common areas (Mitigation Measure W-2), provide funds to

the Cucamonga County Water District for sewer service prior to occupancy (Mitigation Measure WW-1), and pay the required school impact fee as required by Government Code Section 65995, which is deemed to constitute full and complete mitigation of the Project's impacts to schools (Mitigation Measure S-1). Based on these mitigation measures and requirements, the City Council finds that the impacts of the Project on public services and utilities will be mitigated to less than significant levels.

g. The Project is also anticipated to have the potential to create contaminated runoff containing compounds such as landscaped chemicals and automotive fluids. To reduce this impact, the Applicant will be required to prepare a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent with the Regional Water Quality Control Board (RWQCB). As part of standard construction practices, best management practices (BMPs) are required to ensure that potentially harmful chemicals or pollutants are not discharged from the site. These measures include sandbags, temporary diversion and temporary containment areas. Based on these requirements, the City Council finds that the impacts of the Project on hydrology and water quality will be reduced to less than significant levels.

h. The City Council finds, based on the Final EIR, that after implementation of the proposed mitigation measures, the following impacts associated with the proposed Project would remain significant: geology and soils (seismic ground shaking), air quality (short-term and long-term emissions), and aesthetics/visual (cumulative views).

i. The City Council finds, based on the Final EIR, that the Project will not create significant growth inducing impacts because the Project will be an extension of existing residential development to the west and the Project is consistent with development contemplated in the 2001 General Plan update as well as the Etiwanda North Specific Plan approved in 1991. The City Council also finds that the Project would result in an irretrievable commitment of natural resources (energy demands) and land.

j. The Final EIR describes a range of alternatives to the Project that might fulfill basic objectives of the Project. These alternatives include the required "No Project/No Development" alternative, the "Retention of Riversidean Alluvial Fan Sage Scrub Alternative," and the "Less Intense Development" Alternative. As set forth below, the alternatives identified in the EIR are not feasible because they would not achieve the basic objectives of the Project or would do so only to a much smaller degree and, therefore, leave unaddressed the significant economic, infrastructure, and General Plan goals that the Project is intended to accomplish, and are thus infeasible due to social and economic considerations, and/or they are infeasible because they would not eliminate the adverse environmental impacts of the proposed Project. Accordingly, each of the alternatives is infeasible. In making this finding, the City Council determines as follows:

i) The objectives of the Project are:

a) To provide single-family housing units consistent with the intent of the City's General Plan and the Etiwanda North Specific Plan.

b) To annex the proposed tentative tract into the City of Rancho Cucamonga.

c) To create a project that is generally consistent and compatible with other existing and proposed uses in the vicinity of the project and the community of Etiwanda in general.

d) To provide project infrastructure including streets, water and sewer mains, and flood control consistent with City and regional plans related to these services.

e) To phase the development of the proposed project to ensure adequate utilities are provided.

f) To design and landscape the proposed project to create an aesthetically pleasing living environment.

ii) The "No Project/No Development" Alternative assumes that no new land uses would be constructed on the Project site and that the site would remain vacant and undeveloped. Although this alternative is environmentally superior to the proposed Project, it would not meet any of the Project objectives. As the subject property is under private ownership, the elimination of future development within a previously approved Specific Plan is not legally or financially feasible. Therefore this alternative is rejected.

iii) The "Retention of Riversidean Alluvial Fan Sage Scrub" Alternative assumes that all vegetation classified as RAFFS are not affected by development. As the Project site contains approximately 10.6 to 13.8 acres of disturbed or ornamental woodland, this alternative would only involve the development of those 10.6 to 13.8 acres. Based on the same residential density as the proposed Project (i.e. 2.4 units per acre), 25 to 33 single-family housing units would be constructed. Although this level of development could eliminate the potential significant unavoidable effects associated with the loss of RAFFS, this alternative would not meet the objectives of the Project, including, but not limited to, providing single-family housing units consistent with the intent of the Etiwanda North Specific Plan. In addition, the City Council finds, based on substantial evidence, that it is not economically feasible for the Applicant to construct the required infrastructure as contemplated by the Etiwanda North Specific Plan while constructing only 25 to 33 housing units on the entire property. The City Council specifically finds the required improvements to roadways, pipelines, water supplies, and other infrastructure would not be economically feasible with a return on investment of only 25 to 33 housing units.

iv) The "Less Intense Development" Alternative is an alternative that attempts to avoid all significant, unavoidable, adverse long-term air emission impacts. To accomplish this result, approximately 104 housing units would need to be eliminated. This would result in approximately 255 residential units on the site with an average dwelling unit per acre density of approximately 1.7 units per acre compared with the proposed 2.4 units per acre. This project density is not consistent with the Etiwanda North Specific Plan and would not meet many of the objectives of the proposed Project.

k. Mitigation measures described in the Mitigation Monitoring Program will avoid or substantially lessen the potentially significant environmental effects of the Project. Further, the environmental, physical, social, economic and other benefits of the Project, as set forth in this section and in the "CEQA Findings" for the Project (Exhibit "F" to the June 16, 2004 City Council Staff Report), which is incorporated herein by this reference, outweigh any unavoidable, significant, adverse impacts that may occur as a result of the Project. Therefore, due to overriding benefits of the Project and because the alternatives identified in the Final EIR are not feasible, as discussed in paragraph j above, the City Council hereby finds, based on substantial evidence presented during the June 2, 2004 and June 16, 2004 public hearing, including written and oral staff reports and public testimony, that any unavoidable impacts of the Project, including the mitigated but unavoidable impacts from seismic ground shaking, the short-term and long-term impacts to air quality, and the cumulative impacts to aesthetics from the permanent alteration of the visual landscape of this region, are acceptable based on the findings contained herein and in the "CEQA Findings" for the Project. This determination shall constitute a statement of overriding considerations within the meaning of CEQA and is based on any one of the following environmental and other benefits of the Project identified in the Final EIR and the record of the City Council's proceedings:

(i) Provision for the use of land consistent with the established policies and goals of the City of Rancho Cucamonga General Plan, Etiwanda North Specific Plan, City Development Code, and all other City Development guidelines;

(ii) Annexation of the 150-acre Project site and adjacent 10.0-acre area into the City of Rancho Cucamonga;

(iii) Implementation and consistency with the policies and goals of the City of Rancho Cucamonga General Plan, Etiwanda North Specific Plan, City Development Code and all other City development guidelines;

(iv) Creation of a Project that is generally consistent and compatible with other existing and proposed uses in the vicinity of the Project and community of Etiwanda in general;

(v) Provision of Project infrastructure including streets, water and sewer mains, and flood control consistent with City and regional plans related to these services.

(vi) Phasing of the development of the proposed Project to ensure adequate utilities are provided;

(vii) Integration of the Project with the character of the surrounding neighborhoods and establishment of a development that results in logical, coordinated growth;

(viii) Provision of a system of public/community facilities, including trails, open space areas, and landscaping to support the residents of the Project and surrounding area in an efficient and timely manner;

(ix) Design and landscaping of the proposed Project to create an aesthetically pleasing living environment.

l. The mitigation measures in the Final EIR that correspond to the environmental impacts which may result from the Project are hereby adopted and made a condition of approval of, or incorporated into, the Project. The City Council also hereby adopts the "Mitigation Monitoring Plan" attached as Exhibit "H" to the June 16, 2004 City Council Staff Report for this Project. The Mitigation Monitoring Plan will be used to monitor compliance with the mitigation measures and conditions that have been adopted or made a condition of Project approval as set forth in this Section of this Resolution and Exhibit "H."

m. Pursuant to provisions of California Public Resources Code Section 21089 (b), the findings contained in this Resolution shall not be operative, vested or final until all required filing fees assessed pursuant to California Fish and Game Code Section 711.4, together with any required handling charges, are paid to the County Clerk of the County of San Bernardino.

SECTION 3: Based upon the substantial evidence presented to this Council during the above-referenced public hearing and upon the specific findings of facts set forth in Sections 1 and 2 above, this Council hereby finds and concludes as follows:

a. The Tentative Tract Map is consistent with the General Plan, Development Code, and any applicable specific plans. The density, design and development standards of the Tentative Tract Map are consistent with the City's General Plan and with the Etiwanda North Specific Plan. The Tentative Tract Map is also consistent with the General Plan's intention of extending the low density image of Old Etiwanda into the area as provided in General Plan Policy 2.4.4.5.

b. The design or improvements of the Tentative Tract Map is consistent with the General Plan, Development Code, and any applicable specific plans. The proposed development is designed to comply with the design theme imposed for North Etiwanda as specified in the North Etiwanda Specific Plan. Specifically, the lots are relatively large, the tract contains a local trail system with connections to the regional trail system, and the design standards for landscaping, walls, fencing, lighting and community entries comply with the overall thematic design for the North Etiwanda area of the City.

c. The site is physically suitable for the type of development proposed. The site is located in proximity to existing roadways and infrastructure. The tract is designed to address existing topographical and geological conditions and to achieve compliance with existing legal, biological and geological limitations of the site. Based on the whole record, the City Council finds that the site is physically suitable for the proposed residential housing development.

d. The site is physically suitable for the proposed density of development. The project will have an average density of 2.3 dwelling units per acre for the entire project and will comply with the density restrictions imposed by the existing General Plan and Etiwanda North Specific Plan. The minimum lot size will be 8,400 square feet and the average lot size will be approximately 11,400 square feet. These sizes are compatible with the surrounding developed areas and with the physical conditions and limitations on the site.

e. The design of the subdivision is not likely to cause substantial environmental damage and avoidable injury to humans and wildlife or their habitat. Based on extensive mitigation measures relating to native plants, sensitive species and wildlife, the impact of the project on biological resources is determined to be mitigated to a level of less than significant. Further, the mitigation measures related to seismic shaking, fires, wind and other conditions are deemed to be sufficient to avoid substantial injury to humans.

f. The Tentative Tract Map is not likely to cause serious public health problems. As specified in prior sections of this resolution, conditions and Mitigation Measures have been imposed that will reduce risks from seismic activities, fires, winds and other hazards and, based on these conditions and restrictions, the City Council finds that the project will not cause serious public health problems.

g. The design of the Tentative Tract Map will not conflict with any easement acquired by the public at large, now of record, for access through or use of the property within the proposed subdivision. Based on the evidence in the record of this matter, the project has been designed to recognize and protect existing conservation areas and open space resources maintained by public entities as well as utility easements and other existing private and public easements and restrictions imposed on the Project site.

SECTION 4: Based upon the findings and conclusions set forth in Sections 1, 2, and 3 above, this Council hereby denies the appeal of the Planning Commission's approval of Tentative Tract Map 16072 and hereby approves the application (Tentative Tract Map 16072) subject to each and every condition set forth below and in the Standard Conditions, attached hereto and incorporated herein by this reference.

Planning Division

1) All future applications for Development Review shall be reviewed for consistency with the approved Tentative Tract Map and provisions of the associated Development Agreement, along with the design guidelines of the Etiwanda North Specific Plan, including standards for parkways and streetscape design, slope planting, and neighborhood monumentation and wall designs.

2) The terrace drain splash walls and the edges of all down drains within the landscaped slopes shall be lined with river rock cobble to maintain a native appearance.

3) The applicant shall provide landscaping and irrigation along the detention basin on the south side of "F" Street.

4) A minimum 3 feet of landscaping is required between the back of sidewalk and any retaining wall; and a minimum of 5 feet of landscape setback is required between the back of the sidewalk and any wall/fence.

5) The applicant shall establish a financial mechanism that would provide money for the future construction of the Upper Etiwanda Neighborhood monumentation at both the northeast and northwest corners of Wilson Avenue and East Avenue, in accordance with the Neighborhood design theme of the Etiwanda North Specific Plan.

6) Any lot that is designed with a retaining wall at the toe of the rear yard slope shall be provided with steps so that the homeowner has appropriate access to the slope area for landscaping and maintenance.

7) Tree Removal Permit DRC2003-00461 is approved in conjunction with Tentative Tract Map SUBTT16072, including all environmental mitigation pertaining to biological resources as identified herein.

8) The effective date of the approval of Tentative Tract Map SUBTT16072 shall be the last to occur of both of the following events: (i) the date that Development Agreement DRC2002-00156 has taken effect, and (ii) the date that the annexation of the property into the City has occurred.

Engineering Division

1) A Homeowners Association (HOA) shall be created for the maintenance of the proposed landscape/slope areas on either side of the Community Trail within the Fault Zone and any lettered lots in the interior and exterior to the tract, except for the Community Trail fencing and surfaces. Development shall also join Landscape Maintenance District (LMD) No. 7, prior to final map recordation.

   a) Alternatively, the City will consider creating a new LMD for the above-mentioned areas if the developer can provide a design that can be cost-effectively maintained to the satisfaction of the City Engineer.

   b) If entrances are gated, they shall conform to City design standards.

2) The Etiwanda Avenue frontage shall be improved as a Secondary Arterial including curb and gutter, 9500L HPSV streetlights, a parkway Community Trail with HOA or LMD landscaping, and traffic striping and signage, including R26(s) as required.

3) East Avenue shall be improved as follows:

   a) Install Collector Street improvements in the west half of the project, from Wilson Avenue to the north tract boundary, plus 18 feet of pavement east of the centerline, for a total of 40 feet along with a 2-foot wide graded shoulder. This would include curb and gutter, sidewalk or parkway Community Trail with HOA or LMD landscaping, 5800L HPSV streetlights, and traffic striping and signage, including R26(s) as required. Additionally, construct 44 feet of pavement width for the first 200 feet north of Wilson Avenue, transitioning back to 40 feet. Install an AC berm along the entire east side length of East Avenue. The developer may request a reimbursement agreement to recover the cost for improvements east of the centerline and south of the south tract boundary, from future development as it occurs on adjacent properties within the City limits.

   b) South of Wilson Avenue, East Avenue should be constructed 36 feet wide to Banyan Street. The developer shall receive credit against, and reimbursement of costs in excess of, the Transportation Development Fee for these backbone improvements, in conformance with City policy.

   c) If the developer fails to submit for said reimbursement agreements within six months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

4) Wilson Avenue shall be improved as follows:

   a) Install full width Divided Secondary Arterial improvements, from Etiwanda Avenue to East Avenue. This would include curb and gutter, asphalt pavement, a landscaped median, HOA or LMD landscaping, curvilinear sidewalk, 9500L HPSV streetlights, and traffic striping and signage, including R26(s) as required.

   b) The developer shall receive credit against, and reimbursement of costs in excess of, the Transportation Development Fee for the median curbs and 14 feet of pavement on both sides, in conformance with City policy. The developer may also request a reimbursement agreement to recover the cost for improvements other than the "backbone," including median landscaping, south of the centerline and along the Not-A-Part parcel from future development on adjacent properties. If the developer fails to submit for said reimbursement agreements within six months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

   c) The right-of-way will need to be obtained from Metropolitan Water District (MWD), as well as a permit for improvements to the south side of Wilson Avenue.

5) Construct parkway Community Trails, per Standard Drawing 1002-A, on the east side of Etiwanda Avenue north of Street "U" and on the west side of East Avenue north of Street "N." Provide a drainage facility along the toe of any landscaped 3:1 (if HOA, 2:1 allowable) slopes adjacent to the trail surface, so that no surface flows drain over the trail.

6) Construct an interior Community Trail, per Standard Drawing 1004, within Lots J and I over the Fault Zone. The trail shall cross Street "A" at an intersection and be publicly maintained.

7) All publicly maintained landscape/slope areas should incorporate attractive, low maintenance designs to City public works landscape standards, including 40 percent hardscape. Slope widths should be minimized through the use of 30-inch maximum height freestanding retaining walls and retaining beneath perimeter walls subject to City Planner approval.

   a) LMD landscaping within the Fault Zone (Lots I and J) and the 65-foot parkway on the south side of Wilson Avenue shall be designed for minimal maintenance (Xeriscape).

8) Private homeowners (or a HOA) shall maintain interior corner side yards. If new a LMD is formed, eliminate Lots C, D, E, F, and N, and the 5-foot strips that wrap around the corners from Lots L and K. Side yard slope areas can be reduced through the use of retaining walls, 2:1 slopes, and allowing corner lots to drain toward the side street, with curbside drain outlets if necessary. Side yard slopes and fencing shall not infringe on the lines-of-sight for local street intersections.

9) Lot G along the Not-A-Part parcel is not acceptable for public (LMD) maintenance. The owner of said parcel should be approached regarding off-site grading permission, so that the property line can be located at the top of slope.

10) Construct Etiwanda/San Sevaine Area 3 Master Plan Storm Drain facilities along the north property line from Etiwanda Avenue to the Etiwanda Spreading Grounds, including culverts for both Etiwanda and East Avenues to cross the facility. Standard drainage fees for the site shall be credited to the cost of permanent master plan facilities, in accordance with City policy. The developer may request a reimbursement agreement to recover oversizing costs, in excess of fees, from future development. If the developer fails to submit for said reimbursement agreement within six months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

    a) If required by the San Bernardino County Flood Control District to provide an interim detention basin for this facility, Condition No. 15 shall also apply to this facility.

    b) Flood protection facilities shall be completed prior to occupancy release.

11) Obtain off-site easements, for grading in the SCE easement north of the proposed channel, prior to grading permit issuance.

12) Install local storm drains to convey development drainage to the existing Master Plan Storm Drain in Wilson Avenue. Extend the local storm drain system as far on-site as needed to contain Q_{25} within tops of curbs and Q_{100} within rights-of-way and provide a 10-foot dry lane in Q_{10}. The cost of local storm drains shall be borne by this development with no fee credit.

13) Where sump catch basins are used, provide two and intercept Q_{100} in both sump catch basins and their laterals.

14) Interim basins shall have secondary overflow routes to streets without impacting adjacent lots.

15) Construct interim detention basin(s) for the Wilson Avenue storm drain, as follows, justified by a final drainage report approved by the City Engineer:

a) Provide a temporary easement to the City for the lots containing the basin.

b) An assessment district shall be formed for maintenance of the detention basin or a maintenance agreement shall be executed to the satisfaction of the City Engineer and the City Attorney guaranteeing private maintenance of the facility, but providing the City with the right of access to maintain the facility if private maintenance is insufficient and allowing the City to assess those costs to the developer. The said agreement shall include a cash deposit as security for any maintenance costs the City may incur. The said agreement shall be recorded to run with the property.

c) Prior to final map recordation, pay an in lieu fee for removal of interim basin improvements within LMD areas and their replacement with landscaping.

d) Basin shall be designed to mitigate developed flows for the entire area bounded by Wilson, East, and Etiwanda Avenues and the SCE easement to the north.

e) The developer may request a reimbursement agreement to recover the proportionate cost of the land and ultimate basin related facilities (outlet, etc.) from future development using the basin. If the developer fails to submit said reimbursement agreement within six months of the public improvements being accepted by the City, all rights of the developer to reimbursement shall terminate.

16) Provide vehicular access to all manholes.

17) If any of the above-mentioned facilities (street, storm drain, etc.) are constructed by others, the developer will be responsible for reimbursing their fair share.

18) Provide a Water Quality Management Plan (WQMP) to the satisfaction of the City Engineer. Identify applicable Best Management Practices (BMPs) on the Grading Plan.

19) Maintenance of BMPs identified in the WQMP shall be addressed in the project CC&Rs.

20) The project applicant shall demonstrate they have received written approval from Metropolitan Water District for any proposed activities within Metropolitan's fee property prior to proceeding with the proposed improvements to Wilson Avenue or proceeding with any other activity that may infringe upon or impact rights-of-way. Coordination with Metropolitan and submittal of design plans should be in accordance with the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or easements of the Metropolitan Water District of Southern California."

Environmental Mitigation

Aesthetics

AES-1: The applicant shall install landscaping and perimeter walls prior to occupancy for the following phases and locations as shown on the Project Phasing Plan (Exhibit 3-8):

- Phase 1-Along Wilson and Etiwanda Avenues
- Phase 2-Along Wilson Avenue
- Phase 3-Along Etiwanda Avenue
- Phase 4 Along East Avenue

AES-2: Prior to approval of a landscape plan, the project applicant shall provide transitions between the developed and natural (unbuilt) environment through landscaping techniques.

AES-3: Prior to approval of a landscape plan, the project applicant shall ensure that streetscape design along the roadways adjacent to the project site create a strong landscaped edge, provides a coherent high-quality appearance along a particular route, and enhances the image of adjacent development.

AES-4: The project applicant shall provide for the undergrounding of utility lines and facilities, wherever feasible, to minimize the unsightly appearance of overhead utility lines and utility enclosures.

AES-5: Prior to approval of a landscape plan, trees and structures shall be used to frame and orient such views at key locations, and obstruction of views should be kept to a minimum along Etiwanda Avenue and East Avenue.

Air Quality

AQ-1: The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board [RWQCB]) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

AQ-2: During construction, all haul routes shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. Timing may vary depending upon time of year of construction.

AQ-3: Suspend grading operations when wind speeds exceeding 25 mph to minimize PM10 emissions from the site during such episodes.

AQ-4: Chemical soil stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM_{10} emissions.

AQ-5: The Construction contractor shall select the construction equipment used on-site based on low emission factors and high-energy efficiency. The construction contractor shall ensure the construction grading plans include a statement that all construction equipment will be tuned to and maintained in accordance with the manufacturers specifications.

AQ-6: The construction contractor shall utilize electric or clean alternative fuel powered equipment where feasible.

AQ-7: The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use.

AQ-8: The construction contractor shall use low VOC architectural coating during the construction phase of the project.

AQ-9: During construction of the proposed improvements, temporary traffic control (e.g., flag person) will be provided during soil transport activities. Contractor will be advised not to idle trucks on site for more than ten minutes

AQ-10: During construction of the proposed improvements, only low volatility paints and coatings as defined in SCAQMD Rule 1113 shall be used. All paints shall be applied using either high volume low pressure (HVLP) spray equipment or by hand application.

AQ-11: The proposed project will participate in the cost of off-site traffic signal installation and synchronization through payment of the traffic signal fair-share mitigation fee. This fee will be collected and utilized by the City to install and synchronize traffic lights as needed to prevent congestion of traffic flow on East Avenue between Banyan Street and the project boundary, and Etiwanda Avenue between Highland Avenue and the north terminus of Etiwanda Avenue.

AQ-12: All appliances within the residential units of the project shall be energy-efficient as defined by SCAQMD.

AQ-13: The project proponent shall contact local transit agencies to determine bus routing in the project area that can accommodate bus stops at the project access points and determine locations and feasibility of bus stop shelters provided at project proponent's expense.

Biological Resources

B-1: Prior to recording of the first final map of the project, the property owner shall transfer to the County of San Bernardino Special Districts OS-1 or other qualified conservation entity approved by the City, in fee, at a ratio of 1:1 (or 147.7 acres) of off-site land for permanent open space and habitat preservation; along with funding in an amount to be mutually agreed upon by the property owner and the conservation entity, to provide for long-term maintenance of said land. The preferred location of the off-site land is in the environment surrounding the North Etiwanda Preserve in the City Sphere of Influence, other properties may be considered based the review of appropriate Biological Habitat Assessments and concurrence of the City Planner.

If the proponent is unable to acquire all or a portion of the offsite mitigation land, the proponent will deposit the equivalent mitigation cost of $10,000 per developable acre with City-approved agency, which acquires and maintains open space. These funds will be used to purchase and manage mitigation lands.

B-2: To reduce impacts on adjacent offsite habitat during site preparation, grading and clearing limits shall be staked prior to issuance of the grading permits. The limits of grading and clearing shall be staked at 50-foot intervals with suitable indicators such as white PVC (polyvinylchloride) pipe with steel bases. Construction equipment shall not be operated beyond the grading and clearing limits, and a restoration program shall be incorporated to restore any disturbed offsite areas.

B-3: Landscaping adjacent to natural areas offsite shall use native and drought-tolerant plant species. Such species shall be reflected on Project landscape plans. The use of species known to be weedy invasives, such as German ivy (Senecio mikaniodes), periwinkle (Vinca major), or iceplant (Carpobrotus spp.), shall be prohibited.

B-4: In areas where night lighting may have adverse impacts on sensitive wildlife habitat, one or more of the following alternatives shall be utilized, recognizing the constraints of roadway lighting requirements: (1) low-intensity street lamps, (2) low-elevation light poles, or (3) shielding of internal silvering of the globes or external opaque reflectors.

B-5: Provide residents of the future development literature pertaining to sensitive wildlife in the area and provide ways the residents can reduce effects on the wildlife, including effects pets have on native wildlife. A list of invasive plants that are commonly planted in landscaping will be included in this literature and it will be recommended that certain plants be avoided, such as giant reed (Arundo donax) castor bean (Ricinus communis) and Pampas grass (Cortaderia selloana). This literature shall be approved by the City of Rancho Cucamonga and included within the conditions, covenants, and restrictions (CC&Rs).

B-6: All 213 "heritage trees" shall be removed and replaced with native trees within the proposed development. Replacements have been proposed at a 1:1 ratio.

B-7: Prior to issuance of a grading permit, focused surveys for Plummer's mariposa lily shall be conducted by a qualified biologist. Surveys shall be conducted during flowering period (May to July) in all portions of the project site containing suitable habitat. If present, the number and location(s) will be documented and the resource agencies will be notified for consultation and possible collection and relocation.

B-8: A follow-up focus survey for the San Bernardino kangaroo rat shall be conducted prior to the issuance of grading permits. If this species is determined to be present onsite, consultation with United States Forestry Wildlife Service (USFWS) under the Endangered Species Act shall occur and USFWS-approved mitigation measures shall be implemented.

B-9: A follow-up focused survey shall be conducted to confirm the absence of the coastal California gnatcatcher. Special focus will be placed in the northwest corner of the project site, which was not previously surveyed. If this species is determined to be present onsite, consultation with USFWS under the Endangered Species Act shall occur and USFWS-approved mitigation measures shall be implemented.

B-10: The project proponent will have a qualified biological monitor present during initial brush clearing to reduce mortality to sensitive species, specifically sensitive rodent species, as well as incidental species.

B-11: If grading activities are to occur during active nesting season (generally February 15 -August 31), a field survey shall be conducted by a qualified biologist to determine if active nests covered by the Migratory Bird Treaty Act and/or the California Department of Fish and Game (CDFG) Code are present. If active nests are present, the area will be flagged, along with a 100-foot buffer (300-feet for raptors) and will be avoided until the nesting cycle is complete.

B-12: The project proponent shall obtain a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers and a 1603 Streambed Alteration Permit from California Department of Fish and Game prior to grading or any other groundbreaking activities, and shall comply with the permit's mitigation requirements.

Cultural Resources

CR-1: Prior to the issuance of a grading permit, the project applicant shall retain a City-approved archaeologist to develop an archaeological mitigation plan and a discovery clause/treatment plan. Both of these plans shall be reviewed and approved by the City. The archaeological mitigation plan shall include monitoring 50 percent of the excavation activities on the project site by a City-approved archaeologist and/or their representative. The discovery clause/treatment plan shall include recovery and subsequent treatment of any archaeological or historical remains and associated data uncovered by brushing, grubbing, or excavation. The treatment plan shall provide procedures for the curation of any detected cultural specimens. Any recovered cultural resources shall be identified, sites recorded, mapped and artifacts catalogued as required by standard professional archaeological practices. Examination by an archaeological specialist shall be included where necessary, dependent upon the artifacts, features, or sites that are encountered. Specialists will identify, date and/or determine significance potential.

CR-2: If the archaeological monitor discovers cultural deposits, earthmoving shall be diverted temporarily around the deposits until the deposits have been evaluated, recorded, excavated, and/or recovered, as necessary, and in accordance with a City-approved recovery plan. Earthmoving shall be allowed to proceed through the area after the archaeologist determines the artifacts are recovered and/or site mitigated to the extent necessary.

CR-3: If a previously unknown cultural site is encountered during monitoring and it is determined by the archaeologist that a significance determination is required, the site shall be evaluated and recorded in accordance with requirements of the State Office of Historic Preservation (i.e., DPR 523 form). In this case, if the site is not determined to be significant, no measures subsequent to recording the site on appropriate forms are required. If any of the sites are determined to be significant, an adequate amount of artifacts at the specific archaeological site shall be collected by the City-approved archaeologist. The archaeologist shall determine the amount of artifacts needed to be collected.

CR-4: If human remains are encountered during excavations associated with this project, all work shall halt and the County Coroner shall be notified (Section 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are of forensic interest. If the coroner, with the aid of the City-approved archaeologist, determines that the remains are prehistoric, he/she will contact the Native American Heritage Commission (NAHC). The NAHC will be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD will make his/her recommendations within 24 hours of their notification by the NAHC. This recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (Section 7050.5 of the Health and Safety Code).

CR-5: Any recovered archaeological resources shall be identified, sites recorded, mapped and artifacts catalogued as required by standard archaeological practices. Examination by an archaeological specialist should be included where necessary, dependent upon the artifacts, features or sites that are encountered. Specialists will identify, date and/or determine significance potential.

CR-6: A final report of findings will be prepared by the City-approved archaeologist for submission to the City, project applicant, and the Archaeological Information Center of the San Bernardino County Museum. The report will describe the history of the project area, summarize field and laboratory methods used, if applicable, and include any testing or special analysis information conducted to support the resultant findings.

CR-7: Prior to the issuance of a grading permit, the project applicant shall retain a City-approved paleontologist. The City-approved paleontologist shall monitor all excavation activities in areas of the project underlain by previously undisturbed sediments. Earthmoving in areas of the site where previously undisturbed sediments will be buried but not disturbed will not be monitored. Monitoring shall begin once earthmoving reaches five (5) feet below the original ground surface.

CR-8: Monitoring shall be conducted on a full-time basis in areas of the project underlain by sensitive rock units associated with older alluvium being encountered by earthmoving.

CR-9: Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find. If too few fossil remains are found after 50 percent of earthmoving has been completed, monitoring can be reduced or discontinued in those areas at the project paleontologist's direction.

CR-10: If paleontological resources are detected. Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).

CR-11: A final report of findings will be prepared by the City-approved paleontologist for submission to the City, project applicant, and the San Bernardino County Museum. All collected specimens and the final report shall be provided to the San Bernardino County Museum.

Geology And Soils

GS-1: Prior to issuance of a building permit for structures adjacent to the Etiwanda Avenue Scarp thrust fault on the project site, all structures north of this fault shall be set back 100 feet from the faulted zone and all structures south of this fault shall be set back 50 feet from the fault zone.

GS-2: Prior to the issuance of a building permit, structures will be designed and constructed in accordance with the Uniform Building Code and general engineering standards for seismic safety for development within Seismic Zone 4.

GS-3: Prior to the issuance of a grading permit, engineered slopes of the project site shall be designed in accordance with the Uniform Building Code to resist seismically induced failures. Slope design shall be based on pseudo-static stability analyses using soil-engineering parameters established for the site.

GS-4: Prior to the issuance of a grading permit, the grading plans shall state that the loose, cohesionless soils located on the surface of the site shall be removed and recompacted during grading operations.

GS-5: Prior to the issuance of a grading permit, the grading plans shall state that the native surficial and artificial fills on the project site that are of low density, shall be removed and recompacted or exported offsite.

GS-6: Prior to the issuance of a final grading approval, potentially unstable graded slopes that exceed approximately 15 feet in height will require additional stabilization measures such as buttressing cut slopes with compacted fill, adding geogrid reinforcement to fill slopes, using a higher compaction standard, and/or using retaining walls.

GS-7: Prior to the issuance of a grading permit, the grading plans shall state that potentially compressible soils that are located on the project site shall be removed and recompacted in accordance with standard grading procedures.

GS-8: Prior to the issuance of a grading permit, the project's soil engineer shall identify the method(s) of eliminating the potential for collapsible soils on the grading plan. Potential methods include excavation and recompaction and presaturation and pre-loading of the susceptible soils in-place to induce collapse prior to construction. After construction, infiltration of water into the subsurface soils shall be minimized by proper surface drainage which directs excess runoff from the proposed slopes and structures.

GS-9: Prior to the issuance of a grading permit, the grading plans shall state that during grading operations, the soil engineer shall be consulted to relocate oversize rocks on the project site to reduce the potential deficiency of fill materials that could result from the removal of oversize rocks on the project site.

Noise

N-1: During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers standards.

N-2: When construction operations occur in close proximity to occupied residential areas, appropriate additional noise reduction measures shall be implemented, including: changing the location

of stationary construction equipment to maximize the distance between stationary equipment and occupied residential areas, installing muffling devices on equipment, shutting off idling equipment, notifying adjacent residences in advance of construction, and installing temporary acoustic barriers around stationary construction noise sources.

N-3: The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction related noise and the noise-sensitive receptors nearest the project site during all project construction.

N-4: During all project site construction, the construction contract shall limit all construction related activities that would result in high noise levels to between the hours of 6:30 a.m. and 8:00 p.m. Monday through Saturday. No construction shall be allowed on Sundays and public holidays.

N-5: The project applicant shall construct sound barriers adjacent to the project lots as shown in Exhibit 5.5-2. The heights of the sound barriers shall be between 3 and 6.5 feet and placed at the top of the proposed slope and at the edge of pads on the residential lots that border Etiwanda Avenue, Wilson Avenue, and East Avenue. The sound barriers may be constructed of earthen berms, masonry, wood, or other similar materials, or combination of these materials to attain the total height required. These sound barriers shall be solid, with no openings from the ground to the indicated height.

N-6: Prior to the issuance of a building permit, residential structures proposed on all lots adjacent to Etiwanda Avenue, Wilson Avenue, and East Avenue will require mechanical ventilation so that windows can remain closed. Furthermore, these residential lots will require upgraded windows such as double-pane windows, if these lots have second story structures. To ensure the specific type of mechanical ventilation and paned windows are included in the building plans, a final acoustical study shall be prepared for City approval prior to approval of Development Review applications for product development. The final acoustical study shall identify the specific requirements to reduce future interior noise levels to 45 dB CNEL or less.

Public Services And Utilities

F-1: Prior to the issuance building permits, the project applicant shall obtain approval from Rancho Cucamonga Fire Department (RCFD) of the designs for the fire flow and proposed fire resistant structural materials.

W-1: Prior to the issuance of building permits, the project applicant will be required to submit a water services development fee to ensure that adequate water supplies and facilities are available to meet the project demand.

W-2: Prior to the issuance of a building permit for each phase, the project applicant shall submit a landscaping and irrigation plan for common areas to the City for approval. Landscaping and irrigation within common areas shall be designed to conserve water through the principles of Xeriscape as defined in Chapter 19.16 of the Rancho Cucamonga Municipal Code.

WW-1: Prior to the issuance of occupancy permits, the applicant shall provide funding to the Cucamonga County Water Agency for sewer service.

S-1: Prior to the issuance of building permits, the project applicant shall pay developer impact fees to the Etiwanda School District and Chaffey Joint Union High School District in accordance with Section 65995 of the Government Code for the proposed residences.

Transportation/Traffic

TT-1: The project applicant shall contribute its fair share toward local off-site traffic improvements. On-site improvements will be required in conjunction with the phasing of the proposed development to ensure adequate circulation within the project itself. The fair share contribution of all off-site improvements and timing of all onsite traffic improvements shall be subject to an agreement with the City of Rancho Cucamonga. This agreement shall be in place prior to tract map approval.

TT-2: The project applicant shall update construction cost estimates and prepare a current cost of the project's fair share contribution toward traffic improvements.

TT-3: The project applicant shall construct Wilson Avenue from Etiwanda Avenue to East Avenue as a Special Divided Secondary Arterial (165 ft. Right-of-way) in conjunction with development of the proposed project or as determined by the Development Agreement with the City.

TT-4: The project applicant shall construct the extension of East Avenue from the south project boundary with a minimum 36-foot two-way paved access to the project in conjunction with development of the proposed project or as determined by the Development Agreement with the City.

TT-5: The project applicant shall construct East Avenue from the north project boundary to Wilson Avenue to provide 44-foot two-way paved access and the full shoulder (curb, gutter, street lights, and side walks) on west side of the street in conjunction with development of the proposed project or as determined by the Development Agreement with the City.

TT-6: The project applicant shall construct Etiwanda Avenue from the north project boundary to Golden Prairie Drive at its ultimate half-section width as a Secondary Arterial (96 ft. Right-of-way) in conjunction with development of the proposed project or as determined by the Development Agreement with the City.

TT-7: Prior to issuance of building permits, the applicant shall provide funds in accordance with the City's Transportation Development Fee. Collection of these fees shall represent the project's "fair-share" toward the following transportation improvements required for opening year (Year 2004):

- Installation of a traffic signal at Etiwanda Avenue at Banyan Street.
- Installation of a traffic signal at East Avenue at Banyan Street.
- Construction of a southbound right turn lane at the intersection of Etiwanda Avenue at Highland Avenue.

TT-8: Prior to the issuance of building permits, the applicant shall provide funds in accordance with the City's Transportation Development Fee. Collection of these fees shall represent the project's "fair share" toward the following transportation improvements required for Buildout Year 2020.

- Construction of one additional northbound lane to provide a shared left and through lane, and a shared right and through northbound lane, and one additional southbound lane to provide a shared left and through and a shared right and through southbound lane on East Avenue at Banyan Street.
- Construction of a westbound through lane on Highland Avenue at Etiwanda Avenue.
- Installation of a traffic signal at the intersection of Etiwanda Avenue (North) at Wilson Avenue.
- Installation of a traffic signal at the intersection of Etiwanda Avenue (South) at Wilson Avenue.
- Installation of a traffic signal at the intersection of East Avenue at Wilson Avenue.

SECTION 5: The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of June 2004.

AYES: Alexander, Gutierrez, Howdyshell, Kurth, Williams

NOES: None

ABSENT: None

ABSTAINED: None

William J. Alexander, Mayor

ATTEST:

Debra J. Adams, CMC, City Clerk

I, DEBRA J. ADAMS, CITY CLERK of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Rancho Cucamonga, California, at a Regular Meeting of said City Council held on the 16th day of June 2004.

Executed this 17th day of June 2004, at Rancho Cucamonga, California.

Debra J. Adams, CMC, City Clerk

ESA PCR

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Memorandum

date May 20, 2016

to Mr. John Schafer/ Richland Communities

from Ms. Beth Jolie Martinez, Director of Biological and Regulatory Services

subject Tract 16072

Please allow the following to address the status of the current biological conditions for the above referenced project site. The project site was assessed by PCR biologists in 2002, 2007 and 2011. The latest 2011 biological assessment was conducted as part of the Streambed Alteration Agreement application process with California Department of Fish and Wildlife. Specifically, the 2011 project site conditions were assessed to determine the status and extent of vegetation communities, jurisdictional areas, and sensitive plant and wildlife species. No substantial changes were noted in the 2011 assessment and no additional mitigation measures beyond those noted in the original 2002 assessment were recommended.

A site visit was conducted on May 20, 2016 by ESA PCR biologist Mr. Ezekiel Cooley, who was also part of the team that assessed the site in 2011. Based on his observations, the site conditions remain consistent with those assessed in 2011. As such, the discussion of impacts to sensitive plant and wildlife species and recommended mitigation measures as detailed in the 2002 Biological Resource Assessment is consistent with the 2016 site conditions.

In conclusion, based on observations made in our recent site visit, no substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts and no new important information shows the project will have new or more severe impacts than previously considered. In addition, no additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

We hope the following information addresses any concerns or questions. Please feel free to contact me at (949) 753-7001, ext. 2018 if you should require further assistance.

EXHIBIT E

RESOLUTION NO. 16-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING A REQUEST FOR A TIME EXTENSION (DRC2016-00356) FOR A PREVIOUSLY APPROVED TENTATIVE TRACT MAP (SUBTT16072) TO SUBDIVIDE 150.79 ACRES INTO 359 LOTS IN THE LOW (2-4 DWELLING UNITS PER ACRE) RESIDENTIAL DISTRICT, WITH AN AVERAGE DENSITY OF 2.3 DWELLING UNITS PER ACRE FOR THE ENTIRE PROJECT, IN THE UPPER ETIWANDA NEIGHBORHOOD OF THE ETIWANDA NORTH SPECIFIC PLAN, LOCATED AT NORTHEAST CORNER OF WILSON AVENUE AND ETIWANDA AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF - APNs: 1087-081-12, 19 through 24.

A. Recitals.

1. Golden Meadowland, LLC. and Ranch Haven, LLC. filed an application for the extension of the approval of Tentative Tract Map SUBTT16072, as described in the title of this Resolution. Hereinafter in this Resolution, the subject Tentative Tract Map Time Extension request is referred to as "the application."

2. On June 16, 2004, the City Council adopted its Resolution No. 04-204, thereby, approving Tentative Tract Map SUBTT16072 subject to specific conditions and time limits.

3. On June 13, 2007, the Planning Commission adopted its Resolution No. 07-26, thereby, approving the application for a 1-year time extension subject to specific conditions and time limits.

4. On May 28, 2008, the Planning Commission adopted its Resolution No. 08-25, thereby, approving the application for a 1-year time extension subject to specific conditions and time limits

5. From July 2008 to July 2013, Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116 were approved by the Governor allowing for a total of 7 years of automatic extensions for this Tentative Tract Map SUBTT16072.

6. On June 22, 2016, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application for a third 1-year time extension to SUBTT16072 and concluded said hearing on that date.

7. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on June 22, 2016, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to 7 parcels of approximately 150.79 acres located at the northeast corner of Etiwanda Avenue and Wilson Avenue; and

b. The project is adjacent to the south and west by single-family residences and is adjacent to the north and east by vacant undeveloped land; and

c. The zoning of the subject property and properties to the north, south and west are within the Low Residential District. The Zoning of the property to the east is within the Very-Low Residential District. The subject property and properties to the north, east and west are within the North Etiwanda Specific Plan. The properties to the south are within the Etiwanda Specific Plan; and

d. The previously approved Tentative Tract Map SUBTT16072 is in substantial compliance with the City's current General Plan, specific plans, ordinances, plans, codes, and policies; and

e. The extension of the Tentative Tract Map SUBTT16072 approval will not cause significant inconsistencies with the current General Plan, specific plans, ordinances, plans, codes, and policies; and

f. The extension of the Tentative Tract Map SUBTT16072 approval is not likely to cause public health and safety problems; and

g. The extension is within the time limits established by State law and local ordinance.

3. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that no subsequent or supplemental environmental document is required pursuant to the California Environmental Quality Act (CEQA) in connection with the review and approval of this application based upon the following findings and determinations:

a. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City certified an Environmental Impact Report (EIR) on June 16, 2004 in connection with the City's approval of Tentative Tract Map SUBTT16072. Pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

b. The Planning Commission finds, in connection with the time extension request, that substantial changes to the project or the circumstances surrounding the project have not occurred which would create new or more severe impacts than those evaluated in the previously certified EIR. The proposal only involves a request to extend the approval period of a previously approved Tentative Tract Map. The proposal does not involve any changes or modifications to the design of the previously approved subdivision. Staff further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. A memorandum was submitted by the

applicant's biologist, on May 20, 2016, stating the site conditions remain consistent with previous site assessments. The letter also concludes, based on observations made in our recent site visit, no substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts and no new important information shows the project will have new or more severe impacts than previously considered, and that, no additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

c. Based on these findings and all evidence in the record, the Planning Commission concurs with the staff determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of the time extension.

4. Based upon the findings and conclusions set forth in Paragraphs 1, 2, and 3 above, this Commission hereby grants a time extension for:

Tentative Tract	Applicant	Expiration
SUBTT16072	GOLDEN MEADOWLAND, LLC. AND RANCH HAVEN, LLC.	June 16, 2017

5. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 22ND DAY OF JUNE 2016.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST:_____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 22nd day of June 2016, by the following vote-to-wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS: