

Adopted: March 4, 2013  
Effective: April 3, 2013

ORDINANCE NO. MC-1386

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**ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO ADOPTING THE FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS; CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING THE MITIGATION MONITORING AND REPORTING PLAN; AND ADOPTING DEVELOPMENT CODE AMENDMENT NO. DCA 12-10 TO ADD THE SPRING TRAILS SPECIFIC PLAN TO THE LIST OF SPECIAL PURPOSE DISTRICTS AND RECOGNIZE THE SPECIFIC PLAN'S DEVELOPMENT STANDARDS.**

**SECTION 1. RECITALS**

WHEREAS, the Mayor and Common Council of the City of San Bernardino adopted the City General Plan by Resolution No. 2005-362 on November 1, 2005; and

WHEREAS, the Spring Trails project is within the City's sphere of influence and the City determined that a Specific Plan for Spring Trails was appropriate; and

WHEREAS, on November 19, 2009, the Development/Environmental Review Committee (D/ERC) reviewed plans for the Spring Trails Project ("Project") and recommended that a Notice of Preparation (NOP) for the Project's Environmental Impact Report (EIR) be released for public review; and

WHEREAS, on November 24, 2009, the City circulated a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) to responsible agencies, interested parties and the public to solicit comments and concerns regarding the scope of analysis to be conducted for the Spring Trails Project EIR; and

WHEREAS, on December 14, 2009, the City conducted a public scoping meeting to provide information about the Spring Trails Project and to receive public comments on the scope of analysis to be conducted for the Spring Trails Project EIR; and

WHEREAS, all comments received at the public scoping meeting and in responses to the NOP were considered in the preparation of a Draft EIR for the Spring Trails Project, and were incorporated in the Draft EIR; and

WHEREAS, on July 14, 2011, the D/ERC recommended that the Draft EIR be released for public review; and

WHEREAS, a Draft EIR for the Spring Trails Project was circulated for a 45-day public review from July 29, 2011 through September 12, 2011, and three comment letters were received by the City; and

WHEREAS, a Final EIR for the Spring Trails Project was prepared pursuant to CEQA requirements, including the Draft EIR, technical appendices to the Draft EIR, responses to all comments submitted in response to the Draft EIR, and changes to the Draft EIR; and

1 WHEREAS, on November 14, 2012, the Planning Commission of the City of San  
2 Bernardino held a noticed public hearing on the Spring Trails Project to consider written and  
3 oral comments on the Project (except Development Agreement No. DA 11-01), the Final EIR,  
4 the Mitigation Monitoring and Reporting Program, and the Facts, Findings and Statement of  
5 Overriding Considerations; and

6 WHEREAS, the Planning Commission, after considering the public testimony and  
7 Findings of Fact in the staff report, by a vote of 7:0 (with one abstention) recommended that  
8 the Mayor and Common Council not adopt the Facts, Findings and Statement of Overriding  
9 Considerations, not certify the Final Environmental Impact Report, not adopt the Mitigation  
10 Monitoring and Reporting Program, and recommended denial of the Project to the Mayor and  
11 Common Council; and

12 WHEREAS, on January 23, 2013, the Planning Commission held a noticed public  
13 hearing to consider public testimony and the staff report on Development Agreement No. DA  
14 11-01; and

15 WHEREAS, the Planning Commission, after considering the public testimony and  
16 Findings of Fact in the staff report, by a vote of 4:2 recommended denial of the Development  
17 Agreement to the Mayor and Common Council; and

18 WHEREAS, notice of the public hearing for the Mayor and Common Council's  
19 consideration of the proposed Ordinance was published in The Sun newspaper on February 8,  
20 2013.

21 WHEREAS, the Mayor and Common Council conducted a noticed public hearing on  
22 February 19, 2013, and fully reviewed and considered the Final EIR; the Mitigation  
23 Monitoring and Reporting Program; the Facts, Findings and Statement of Overriding  
24 Considerations; and the recommendation of the Planning Commission with respect to the  
25 Project.

26 **NOW THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE CITY OF  
27 SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

28 **SECTION 2. ENVIRONMENTAL IMPACT REPORT FINDINGS**

THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO  
HEREBY MAKES THE FOLLOWING FINDINGS:

A. The facts and statements contained in the above-Recitals are true and correct.

B. The Final EIR for the Spring Trails Project, comprised of the Draft EIR and  
technical appendices, a list of all persons and agencies that submitted comments on the Draft  
EIR, all written comments on the Draft EIR, text changes to the Draft EIR, and written

1 responses to all comments, was prepared pursuant to CEQA requirements and is attached as  
2 “Attachment 7” to the Council staff report dated February 19, 2013, and incorporated herein  
3 by reference.

4 C. The Mayor and Common Council exercised independent analysis and judgment in  
5 its review of the Spring Trails Project Final EIR, and considered all contents of the Final EIR  
6 prior to taking an action on certification of the Final EIR, and prior to making a decision on  
7 the Project.

8 D. The Final EIR has identified all significant adverse environmental effects of the  
9 Project as set forth in the Facts, Findings and Statement of Overriding Considerations,  
10 attached as “Attachment 8” to the Council staff report dated February 19, 2013, and  
11 incorporated herein by reference.

12 E. Although the Final EIR identifies certain significant adverse environmental effects  
13 that would result if the Project is approved, all significant adverse environmental effects that  
14 can feasibly be avoided or mitigated, will be avoided or mitigated by the implementation of  
15 the mitigation measures as set forth in the Mitigation Monitoring and Reporting Plan for the  
16 Final EIR. The Mitigation Monitoring and Reporting Plan is attached as “Attachment 6” to  
17 the Council staff report dated February 19, 2013, and incorporated herein by reference.

18 F. Potential mitigation measures and other Project alternatives not incorporated into or  
19 adopted as part of the Project were rejected as infeasible, based on specific economic, social  
20 or other considerations as set forth in the Facts, Findings and Statement of Overriding  
21 Considerations.

22 G. The Mayor and Common Council has given great weight to the significant  
23 unavoidable adverse environmental impacts identified in the Final EIR. The Mayor and  
24 Common Council find that the significant unavoidable adverse environmental impacts are  
25 clearly outweighed by the economic, social and other benefits of the Project as set forth in the  
26 Facts, Findings and Statement of Overriding Considerations.

27 H. The Mayor and Common Council hereby finds that the findings contained in the  
28 Facts, Findings and Statement of Overriding Considerations with respect to the significant  
impacts identified in the Final EIR for the Spring Trails Project, are true and correct, and are  
based on substantial evidence in the record, including documents comprising the Final EIR.

I. The Final Environmental Impact Report; Mitigation Monitoring and Reporting Plan;  
and the Facts, Findings and Statement of Overriding Considerations reflect the independent  
review, analysis and judgment of the Mayor and Common Council of the City of San  
Bernardino.

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**SECTION 3. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT**

THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO  
HEREBY FIND that the Final EIR for the Spring Trails Project (SCH #2009111086) is  
adequate and complete in that it addresses the environmental effects of the Project and fully  
complies with the requirements of the California Environmental Quality Act (CEQA), the  
CEQA Guidelines, and the City’s Environmental Review Procedures. The Final EIR is  
hereby certified; the Facts, Findings and Statement of Overriding Considerations are hereby  
adopted; and the Mitigation Monitoring and Reporting Plan is hereby adopted.

**SECTION 4. DEVELOPMENT CODE AMENDMENT 12-10**

Development Code Amendment No. DCA 12-10 (attached as Exhibit 1 to this  
Ordinance and incorporated herein by reference) is hereby approved based upon the Findings  
of Fact contained in the Staff Report to the Mayor and Common Council dated February 19,  
2013, and incorporated herein by reference. Development Code Section 19.10.030 is hereby  
amended to add Subsection (7) as shown in Exhibit 1.

**SECTION 5. NOTICE OF DETERMINATION**

In accordance with the provisions of this Ordinance, the Planning Division is hereby  
directed to file a Notice of Determination with the County of San Bernardino Clerk of the  
Board of Supervisors certifying the City’s compliance with the California Environmental  
Quality Act in preparing and adopting the Final Environmental Impact Report; the Facts,  
Findings and Statement of Overriding Considerations; and the Mitigation Monitoring and  
Reporting Plan for the Project. The Planning Division shall forward a copy of the Notice of  
Determination to the State Clearinghouse.

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1 **ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**  
2 **BERNARDINO ADOPTING THE FACTS, FINDINGS AND STATEMENT OF**  
3 **OVERRIDING CONSIDERATIONS; CERTIFYING THE FINAL**  
4 **ENVIRONMENTAL IMPACT REPORT; ADOPTING THE MITIGATION**  
5 **MONITORING AND REPORTING PLAN; AND ADOPTING DEVELOPMENT**  
6 **CODE AMENDMENT NO. DCA 12-10 TO ADD THE SPRING TRAILS SPECIFIC**  
7 **PLAN TO THE LIST OF SPECIAL PURPOSE DISTRICTS AND RECOGNIZE THE**  
8 **SPECIFIC PLAN'S DEVELOPMENT STANDARDS.**

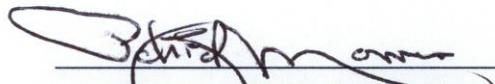
6 I HEREBY CERTIFY that the foregoing ordinance was duly adopted by the Mayor  
7 and Common Council of the City of San Bernardino at a jt. reg. meeting thereof, held on  
8 the 4th day of March, 2013, by the following vote to wit:

11 <u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
12 MARQUEZ	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
13 JENKINS	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
14 VALDIVIA	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
15 SHORETT	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
16 KELLEY	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
17 JOHNSON	<u>          </u>	<u>  X  </u>	<u>          </u>	<u>          </u>
18 MC CAMMACK	<u>          </u>	<u>          </u>	<u>  X  </u>	<u>          </u>

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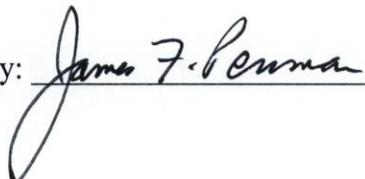
19 Georgeann Hanna, City Clerk

20  
21 The foregoing Ordinance is hereby approved this 5<sup>TH</sup> day of March, 2013.

22 

23 PATRICK J. MORRIS, Mayor  
24 City of San Bernardino

25 Approved as to form:  
26 JAMES F. PENMAN  
27 City Attorney

28 By: 

## CHAPTER 19.10 SPECIAL PURPOSE DISTRICTS

### 19.10.030 LAND USE DISTRICT SPECIFIC STANDARDS

#### 7. Specific Plan No. 10-01, Spring Trails

This Specific Plan district is intended to provide for the development of 304 single-family lots, 107.8 acres of open space, hiking trails, roadways and three detention basins on the 352.8-acre project site formerly known as the Martin Ranch. The site is located in the unincorporated area of Verdemont in San Bernardino County, north of Meyers Road and northwest of the northerly terminus of Little League Drive.