

RESOLUTION NO. 2013-34

1
2 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY**
3 **OF SAN BERNARDINO ADOPTING THE FACTS, FINDINGS AND STATEMENT**
4 **OF OVERRIDING CONSIDERATIONS; CERTIFYING THE FINAL**
5 **ENVIRONMENTAL IMPACT REPORT; ADOPTING THE MITIGATION**
6 **MONITORING AND REPORTING PLAN; ADOPTING THE SPRING TRAILS**
7 **SPECIFIC PLAN NO. SP10-01; ADOPTING GENERAL PLAN AMENDMENT NO.**
8 **GPA 02-09 INCLUDING PRE-ANNEXATION OF THE SPRING TRAILS PROJECT**
9 **SITE; APPROVING TENTATIVE TRACT MAP (TTM) NO. 15576 (SUBDIVISION**
10 **NO. 02-09); AND AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT**
11 **NO. 11-01.**

8 **SECTION 1. RECITALS**

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

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

13 WHEREAS, the Spring Trails Specific Plan proposes development of 304 single-
14 family residential lots within a 352.8-acre site situated within a currently unincorporated area
15 of Verdemon in the foothills of the San Bernardino Mountains, north of Meyers Road and
16 northwest of the northerly terminus of Little League Drive (APNs 348-071-05 through -10,
17 348-111-03, -04, -07, -08, -30, and -44); and

18 WHEREAS, the Project proposes approval of Spring Trails Specific Plan No. SP10-
19 01; General Plan Amendment No. GPA 02-09, including pre-annexation of the site and
20 adjacent 26.4-acre area; approval of Tentative Tract Map (TTM) No. 15576 (Subdivision No.
21 02-09) to subdivide the Project area; and approval of Development Agreement No. 11-01
22 ("Spring Trails Project" or "Project"); and

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

27 WHEREAS, on November 24, 2009, the City circulated a Notice of Preparation
28 (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

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

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

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

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

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

17 WHEREAS, the Planning Commission, after considering the public testimony and
18 Findings of Fact in the staff report, by a vote of 7:0 (with one abstention) recommended that
19 the Mayor and Common Council not adopt the Facts, Findings and Statement of Overriding
20 Considerations, not certify the Final Environmental Impact Report, not adopt the Mitigation
21 Monitoring and Reporting Plan, and recommended denial of the Project to the Mayor and
22 Common Council; and

23 WHEREAS, on January 23, 2013, the Planning Commission held a noticed public
24 hearing to consider public testimony and the staff report on Development Agreement No. DA
25 11-01; and

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

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

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

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED BY**
2 **THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO**
3 **AS FOLLOWS:**

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

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

6 B. The Final EIR for the Spring Trails Project, comprised of the Draft EIR and
7 technical appendices, a list of all persons and agencies that submitted comments on the Draft
8 EIR, all written comments on the Draft EIR, text changes to the Draft EIR, and written
9 responses to all comments, was prepared pursuant to CEQA requirements and is attached as
10 "Attachment 7" to the Council staff report dated February 19, 2013, and incorporated herein
11 by reference..

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

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

20 E. Although the Final EIR identifies certain significant adverse environmental effects
21 that would result if the Project is approved, all significant adverse environmental effects that
22 can feasibly be avoided or mitigated, will be avoided or mitigated by the implementation of
23 the mitigation measures as set forth in the Mitigation Monitoring and Reporting Plan for the
24 Final EIR. The Mitigation Monitoring and Reporting Plan is attached as "Attachment 6" to
25 the Council staff report dated February 19, 2013, and is incorporated herein by reference.

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

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

1 H. The Mayor and Common Council hereby finds that the findings contained in the
 2 Facts, Findings and Statement of Overriding Considerations with respect to the significant
 3 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.

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

7
 8 **SECTION 3. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT**

9 The Final EIR for the Spring Trails Project (SCH #2009111086) is adequate and
 10 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,
 11 and the City's Environmental Review Procedures. The Final EIR is hereby certified; the
 12 Facts, Findings and Statement of Overriding Considerations are hereby adopted; and the
 Mitigation Monitoring and Reporting Plan is hereby adopted.

13
 14 **SECTION 4. PROJECT FINDINGS OF FACT AND APPROVAL**

15 Spring Trails Specific Plan No. SP10-01, General Plan Amendment No. GPA 02-09
 16 (Exhibits 1 and 2 to this Resolution, attached and incorporated herein by reference), and
 Tentative Tract Map No. TTM 15576 (Subdivision No. 02-09) are hereby approved based
 17 upon the Findings of Fact contained in the Staff Report to the Mayor and Common Council
 dated February 19, 2013, and subject to the Conditions of Approval (Attachment 3 to said
 18 Staff Report) and both are incorporated herein by reference.

19
 20 **SECTION 5. DEVELOPMENT AGREEMENT FINDINGS AND APPROVAL**

21 A. Development Agreement No. DA 11-01, Attachment 10 to the Staff Report to
 the Mayor and Common Council dated February 19, 2013, is hereby approved based upon the
 22 Findings of Fact contained in said Staff Report, and both are incorporated herein by reference.
 23 The Mayor is authorized and directed to execute Development Agreement No. DA 11-01 on
 24 behalf of the City. The authorization to execute the Development Agreement is rescinded if
 the parties fail to execute it within sixty (60) days from the date of adoption of this
 25 Resolution.

26 B. Notwithstanding any other provision herein, Development Agreement No. DA
 27 11-01 shall take effect 30 days after the adoption of this Resolution by the Mayor and
 28 Common Council, and execution of the Agreement by both parties.

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SECTION 6. NOTICE OF DETERMINATION

In accordance with the provisions of this Resolution, 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.

SECTION 7. ANNEXATION

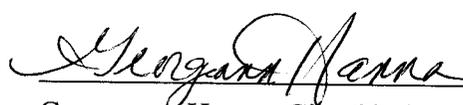
In accordance with the provisions of this Resolution, the Planning Division is hereby directed to prepare and file an application with the Local Agency Formation Commission (“LAFCO”) to initiate annexation of the Spring Trails Specific Plan property.

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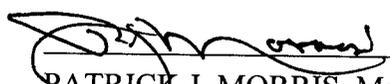
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2 SAN BERNARDINO ADOPTING THE FACTS, FINDINGS AND STATEMENT OF
3 OVERRIDING CONSIDERATIONS; CERTIFYING THE FINAL
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8 SITE; APPROVING TENTATIVE TRACT MAP (TTM) NO. 15576 (SUBDIVISION
9 NO. 02-09); AND AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT
10 NO. 11-01.

11 I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Mayor
12 and Common Council of the City of San Bernardino at a joint regular
13 meeting thereof, held on
14 the 19th day of February, 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> |

19 
20 Georgeann Hanna, City Clerk

21 The foregoing Resolution is hereby approved this 21st day of February,
22 2013.

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

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

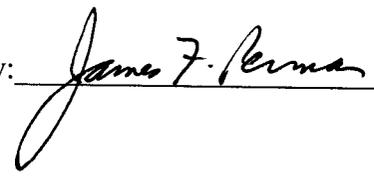
By: 

EXHIBIT 1

The General Plan, page 2-3, is revised to add the Spring Trails Specific Plan to Table LU-1 as follows:

Land Use Element

Relationship to Land Use Regulatory Documents

2. Specific Plans

| Table LU-1 Approved Specific Plans City of San Bernardino |
|--|
| Arrowhead Springs Specific Plan |
| CALMAT (A.K.A. Cajon Creek Specific Plan) |
| Highland Hills Specific Plan |
| Paradise Hills Specific Plan |
| Paseo Las Placitas Specific Plan (Also known as the Mt. Vernon Corridor Specific Plan) |
| San Bernardino International Trade Center Specific Plan |
| <i>Spring Trails Specific Plan</i> |
| University District Specific Plan |
| University Business Park Specific Plan |

EXHIBIT 2 – GENERAL PLAN MAP

**CITY OF SAN BERNARDINO
PLANNING DIVISION
PROJECT: SPRING TRAILS
LOCATION MAP
HEARING DATE: 2/19/13**

