

RESOLUTION NO. 2020 – _____

A RESOLUTION OF THE CITY COUNCIL TO ADOPT AN ADDENDUM TO THE MEDITERRA PLANNED DEVELOPMENT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR AN AMENDMENT TO THE PLAN TO ADD A 1.6 ACRE PARCEL AND CLARIFY THE TIMING OF CONSTRUCTION FOR PUBLIC PORTIONS OF MEDITERRA PARK.

ASSESSOR PARCEL NUMBERS: 0297-021-25, 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, and 0297-061-29, 297-201-05

REPRESENTATIVE: SUNLAND COMMUNITIES, LLC.

A. RECITALS

1. On March 8, 2016, the City Council approved the Mediterra Planned Development consisting of 316 low and medium density housing units, two parks and related improvements. The Council approved Resolution No. 2016-010 adopting a Mitigated Negative Declaration, Resolution No. 2016-011 amending the General Plan land use designation from Agricultural/Equestrian (AG/EQ) to Planned Development (PD), Resolution No. 2016-012 approving a Conditional Use Permit to adopt the Planned Development, and Resolution No. 2016-013 approving Tentative Tract Map No. 18893, subject to the Conditions of Approval.
2. On March 22, 2016, the City Council adopted Ordinance No. 405 to amend the site's zoning designation from Agricultural/Equestrian (A/EQ) to Planned Development (PD 13-001).
3. On February 26, 2019, the City Council adopted Resolution No. 2019-008, approving a three-year Extension of Time Application, extending the project's Tentative Tract Map expiration to March 8, 2022.
4. On June 26, 2019, the Applicant filed a Revision Application (REV-19-001) to amend the Mediterra Planned Development (PD) Document and Tentative Tract Map 18893 Conditions of Approval. On December 10, 2019, the City Council adopted Resolution No. 2019-48 approving a revision to the conditions of approval and a modification of the Planned Development Document.
5. On August 11, 2020, the Applicant filed an application, Planned Development Amendment (SPR 20-002) to revise the Mediterra Planned Development (PUD 13-001) adding a 1.6 acre parcel and clarifying the timing of construction of public portions of Mediterra Park. These amendments require a General Plan Amendment (GPA 20-001), Zone Change (ZC 20-001), amendment to Conditional Use Permit (CUP 14-005) and Tentative Tract Map No. 18893 (TTM 14-002).

6. The proposed minor additions and modifications to the Mediterra Planned Development will have no new significant environmental effects beyond those already identified in the previous Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND have occurred or would occur as a result of the modification to the project. An Addendum was prepared for the project.
7. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, the City Council of the City of Highland does resolve, determine, find, and order as follows:

1. The City Council finds that all of the facts set forth in the Recitals, Part “A” of this Resolution, are true and correct.
2. The City of Highland City Council after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the City Council dated December 8, 2020, and which is incorporated herein by this reference, does find and determine the following facts:
 - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
3. The City Council hereby adopts the Addendum which is attached hereto and incorporated herein.
4. Findings of Fact for adopting the Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

~~Based on the Findings below, the Planning Commission recommends the City Council does hereby find:~~

The proposed Planned Development Amendment incorporates ~~the~~ an existing 1.6 acre parcel of land that was confined within Planning Area 1 of the Mediterra Planned Development ~~not~~ previously marked “Not A Part” (NAP) of the project. The changes are not significant and will not modify the proposed land use, intensity, or boundaries of the development in any way. It remains compatible with the uses authorized in the General Plan and Mediterra Planned Development as approved.

The 1.6 acre parcel being proposed as an addition to the existing Planning Area 1 will add 9 additional lots to the Planning Area. At the same time, 9 lots will be

removed from Planning Area 4, leaving the total number of lots proposed for the development at 316. This change is not significant and will not modify the proposed land use, intensity, or boundaries of the development in any way.

The timing of construction for the public portions of Mediterra Park was clarified to state that it will be constructed in advance of the issuance of the 140th building permit within Phase 2 of the project. The condition previously stated that it had to occur within Phase 2 with no specific unit count.

5. The City Council hereby instructs City staff to file a Notice of Determination with the Clerk of the Board of the Supervisors of the County of San Bernardino, pursuant to the Public Resources Code and State CEQA Guidelines.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 8th day of December, 2020

Larry McCallon, Mayor

ATTEST:

Betty Hughes, MMC
City Clerk

APPROVED AS TO FORM:

Maricela E. Marroquin
City Attorney

RESOLUTION NO. 2020 – ____

A RESOLUTION OF THE CITY COUNCIL TO APPROVE GENERAL PLAN AMENDMENT (GPA 20-001) FOR A 1.6 ACRE PARCEL FROM AGRICULTURAL/EQUESTRIAN (AG/EQ) TO PLANNED DEVELOPMENT (PD) TO FACILITATE ITS ADDITION INTO THE MEDITERRA PLANNED DEVELOPMENT (PUD 13-001/CUP 14-005). ASSESSOR PARCEL NUMBER: 0297-021-25

OWNER: SUNLAND COMMUNITIES, LLC

A. RECITALS

1. On August 11, 2020, the Applicant submitted a Specific Plan Amendment Application for the Mediterra Planned Development (SPR 20-002) including a General Plan Amendment (GPA 20-001).
2. The 1.6 acre parcel has a General Plan land use designation of Agricultural/Equestrian (AG/EQ) and is proposing to be included within the Mediterra Planned Development with a General Plan land use designation of Planned Development (PD).
3. On November 6, 2020 , the City gave public notice by advertising in the Highland Community News, a newspaper of general circulation within the City of Highland, and by mailing notices to property owners within 300-feet of the project site, of the holding of a public hearing at which the Subject Applications would be considered.
4. On November 17, 2020, the Planning Commission held a duly noticed public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the General Plan Amendment. At the close of the public hearing, the Planning Commission adopted Resolution No. 20 – ____ recommending that the City Council approve General Plan Amendment (GPA 20-001).
5. On December 8, 2020, the City Council held a duly public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the General Plan Amendment.
6. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, the City Council of the City of Highland does resolve, determine, find, and order as follows:

1. The City Council finds that all of the facts set forth in the Recitals, Part “A” of this Resolution, are true and correct.

2. The City of Highland City Council after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the City Council dated December 8, 2020, and which is incorporated herein by this reference, does find and determine the following facts:
 - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
3. Environmental Findings: A Mitigated Negative Declaration (ENV 15-006) for the Mediterra Planned Development was adopted by the Highland City Council on March 8, 2016 via Resolution No. 2016-010. A Mitigation Monitoring and Reporting Program was adopted and included in the Planning Division Conditions of Approval for Tentative Tract Map No. 18893 (TTM 14-002) via Resolution No. 2016-013.

Minor additions to the Mediterra housing development as a result of the proposed addition of 1.6 acres would have no new significant environmental effects beyond those already identified in the previous CEQA compliance studies. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND have occurred or would occur as a result of the modification to the project.

In accordance with CEQA Guidelines Section 15164, an addendum to a Negative Declaration, a lead agency may prepare an Addendum to a previously adopted Mitigated Negative Declaration (MND) if some minor additions are proposed but none of the conditions described in CEQA Guidelines Section 15162 require the necessity for a subsequent MND. Thus, this Addendum is consistent with CEQA and is the appropriate level of environmental documentation to satisfy CEQA requirements.

4. Findings of Fact for General Plan Amendment (GPA 20-001):

Based on the Findings below, the City Council does hereby find:

- a. The proposed amendment is consistent with the goals, objectives, policies, and programs of the general plan, or the general plan as revised by the proposed amendment, and will not result in any inconsistencies within the plan:

Response: The Mediterra Specific Plan was approved by the City Council on March 8, 2016 to accommodate a maximum of 316 residential dwellings. This type of development with housing tract and community park is desirable for the area and consistent with the types of objectives, policies, general land uses, and programs envisioned by the Planned Development (PD) land use designation allowing any density that is compatible with surrounding uses determined

through the development review process. The General Plan Amendment to change the land use of the 1.6 acre parcel located within Planning Area 1 of the Mediterra Planned Development from Agriculture/Equestrian (AG/EQ) to Planned Development (PD) does not result in any internal inconsistencies within the General Plan.

- b. The proposed amendment will not adversely affect the public health, safety or general welfare.

Response: The proposed project has been reviewed by the Planning, Engineering, Building and Safety, Fire Department and Police Department and with implementation of specific conditions of approval that are necessary to protect the health and safety of the general public. There are no further concerns regarding the General Plan Amendment for the proposed project.

- c. The proposed amendment is consistent with the purposes and intent of this title, unless such amendment proposes to change, supplement, or alter any part of this title, whereas, said amendment must be consistent with all of the applicable sections including these findings.

Response: The proposed project includes a change of land use designation from Agriculture/Equestrian (A/EQ) to a Planned Development (PD) land use designation which allows any density that is compatible with surrounding existing and planned uses, as determined through the development review process. The Planned Development (PD) land use designation, as specified within the General Plan, allows for the type of development proposed.

- d. The potential environmental impacts of the proposed amendment are insignificant or there are overriding considerations which outweigh the potential impacts.

Response: The Initial Study prepared for the project analyzed the potential for environmental impacts on biological resources, including riparian habitat modification, and adverse impacts on wetlands and fish or wildlife species. All topics were found to have either no impact or less than significant impact with mitigation incorporated. The Initial Study incorporated mitigation measures to reduce any potential impacts to a less than significant level and, thus, the proposed amendment to the approved project is not likely to cause any additional environmental damage or avoidably impact fish or wildlife.

This project proposes minor additions and modifications to the Mediterra Planned Development. An Addendum found that the proposal will have no new significant environmental effects beyond those already identified in the previous Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND have occurred or would occur as a result of the modification to the project.

5. Based on the Findings of Fact and Conclusions set forth above, the City Council approves General Plan Amendment (GPA 20-001) for the annexation of a 1.6 acre parcel into the approved 180-acre Mediterra Planned Development (PUD 13-001/CUP 14-005).

The attached Exhibit shows the General Plan Amendment of the subject parcel.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 8th day of December, 2020

Larry McCallon, Mayor

ATTEST:

Betty Hughes, MMC
City Clerk

APPROVED AS TO FORM:

Maricela E. Marroquin
City Attorney

RESOLUTION NO. 2020 – _____

A RESOLUTION OF THE CITY COUNCIL TO AMEND TENTATIVE TRACT MAP NO. 18893 (TTM 14-002) TO ADD A 1.6 ACRE PARCEL IN CONJUNCTION WITH AN AMENDMENT TO THE MEDITERRA PLANNED DEVELOPMENT (SPR 20-002/PUD 13-001).

ASSESSOR PARCEL NUMBERS: 0297-021-25, 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, and 0297-061-29, 297-201-05.

REPRESENTATIVE: SUNLAND COMMUNITIES, LLC.

A. RECITALS

1. On August 11, 2020, the Applicant submitted an application for a Specific Plan Amendment (SPR 20-002) to the Mediterra Planned Development (PUD 13-001) requiring a General Plan Amendment (GPA 20-001), Zone Change (ZC 20-001), amendment to the Conditional Use Permit (CUP 14-005) and amendment to Tentative Tract Map No. 18893 (TTM 14-002) to annex a 1.6 acre parcel and clarify construction timing for the public park improvements within Mediterra Park.
2. On November 6, 2020, the City gave public notice by advertising in the Highland Community News, a newspaper of general circulation within the City of Highland, and by mailing notices to property owners within 300-feet of the project site, of the holding of a public hearing at which the Subject Applications would be considered.
3. On November 17, 2020, the Planning Commission held a duly noticed public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the amendment to Tentative Tract Map No 18893. At the close of the public hearing, the Planning Commission adopted Resolution No. 20 – _____ recommending that the City Council amend the Tract Map (TTM 14-002).
4. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, the City Council of the City of Highland does resolve, determine, find, and order as follows:

1. The City Council finds that all of the facts set forth in the Recitals, Part “A” of this Resolution, are true and correct.
2. The City of Highland City Council after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the

staff report to the City Council dated December 8, 2020, and which is incorporated herein by this reference, does find and determine the following facts:

- a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
3. Environmental Findings: A Mitigated Negative Declaration (ENV 15-006) for the Mediterra Planned Development was adopted by the Highland City Council on March 8, 2016 via Resolution No. 2016-010. A Mitigation Monitoring and Reporting Program was adopted and included in the Planning Division Conditions of Approval for Tentative Tract Map No. 18893 (TTM 14-002) via Resolution No. 2016-013.

Minor additions to the Mediterra housing development as a result of the proposed addition of 1.6 acres would have no new significant environmental effects beyond those already identified in the previous CEQA compliance studies. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND have occurred or would occur as a result of the modification to the project.

In accordance with CEQA Guidelines Section 15164, an addendum to a Negative Declaration, a lead agency may prepare an Addendum to a previously adopted Mitigated Negative Declaration (MND) if some minor additions are proposed but none of the conditions described in CEQA Guidelines Section 15162 require the necessity for a subsequent MND. Thus, this Addendum is consistent with CEQA and is the appropriate level of environmental documentation to satisfy CEQA requirements.

4. Findings of Fact for Tentative Tract Map No. 18893 (TTM 14-002):

Based on the Findings below, the City Council does hereby find:

- a. The proposed map is consistent with applicable General and specific plans as specified in Section 65451.

Response: The Tentative Tract Map was approved by the City Council on March 8, 2016 for the future construction of 316 residential dwellings. This type of development is desirable for the community and consistent with the uses and density envisioned by the Planned Development (PD) land use designation, allowing any density that is compatible with surrounding existing and planned uses determined through the development review process.

The proposed 1.6 acre addition adds nine (9) lots to the Tentative Tract Map, increasing the total acreage from 180.6 acres to 182.2 acres, but does not increase the total number of lots proposed as nine (9) lots are subtracted from Planning Area 4. None of the proposed changes affect the project's overall

design concept, density or development standards. Thus, the project remains consistent with the City's General Plan and Tentative Tract Map as previously approved by the City Council.

- b. The design or improvement of the proposed subdivision is consistent with applicable General and specific plans.

Response: The Mediterra Specific Plan was approved by the City Council on March 8, 2016 to accommodate a maximum of 316 residential dwellings. This type of development is desirable for the community and consistent with the types of uses and density envisioned by the Planned Development (PD) designation allowing any density that is compatible with surrounding uses determined through the development review process. The General Plan Amendment to change the land use of the 1.6 acre parcel located within Planning Area 1 of the Mediterra Specific Plan from Agriculture/Equestrian (A/EQ) to Planned Development (PD) does not result in any internal inconsistencies within the General Plan.

- c. The site is physically suitable for the type of development.

Response: The development was reviewed by the Planning, Engineering, Building and Safety, Fire and Police Department in both 2016 for the initial approval as well as 2019 for the Specific Plan Revision with implementation of necessary conditions of approval to ensure that the site is suitable for the type of development proposed.

The proposed Specific Plan Amendment simply incorporates an existing 1.6 acre parcel of land that was confined within Planning Area 1 of the Mediterra Specific Plan. The changes are not significant and will not modify the proposed land use, public convenience or general welfare in any way. It remains consistent with the City's General Plan and Mediterra Specific Plan as approved.

- d. The site is physically suitable for the proposed density of development.

Response: The Tentative Tract Map was approved for the future construction of 316 residential dwellings. This type of development is desirable for the community and consistent with the types of uses and density envisioned by the Planned Development which allows any density that is compatible with surrounding existing and planned uses.

The proposed amendment to the Tentative Tract Map simply incorporates the existing 1.6 acre parcel of land that was confined within Planning Area 1 of the Mediterra Specific Plan but previously marked "Not A Part" (NAP) of the project. The changes are not significant and will not modify the proposed land use, intensity, or boundaries of the development in any way. It remains compatible

with the uses authorized in the Mediterra Specific Plan and Tentative Tract Map as approved.

- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Response: The Initial Study prepared for the project analyzed the potential for environmental impacts on biological resources, including riparian habitat modification, and adverse impacts on wetlands and fish or wildlife species. All topics were found to have either no impact or less than significant impact with mitigation incorporated. The Initial Study incorporated mitigation measures to reduce any potential impacts to a less than significant level and, thus, the proposed amendment to the approved project is not likely to cause substantial environmental damage or avoidably impact fish or wildlife.

This project proposes minor additions and modifications to the Mediterra Planned Development. An Addendum found that the proposal will have no new significant environmental effects beyond those already identified in the previous Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND have occurred or would occur as a result of the modification to the project.

- f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Response: As specified within the Highland Municipal Code, processing of the Tentative Tract Map was accompanied by a General Plan Amendment, a Zone Change, and a Conditional Use Permit. The development was reviewed by the Planning, Engineering, Building and Safety, Fire, and Police Department for implementation of project specific conditions of approval necessary to protect the public health, safety, and general welfare of the development. The City Council approved the Tentative Tract Map along with the accompanying applications subject to these conditions in 2016.

The proposed amendment to the Tentative Tract Map simply incorporates an existing 1.6 acre parcel of land that was confined within Planning Area 1 of the Mediterra Specific Plan. The changes are not significant and will not be deemed detrimental to the health, safety and general welfare of the development in any substantial way.

- g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Response: The annexation being proposed would incorporate a 1.6-acre property into Phase I of the Mediterra Planned Development. This parcel was

previously identified as “Not A Part” (NAP) of the project within the boundary for Planning Area 1 and was surrounded by planned residential lots to the north, east, and west, leaving access via a newly constructed segment of Santa Ana Canyon Road to the south. This otherwise landlocked parcel which was previously considered “Not A Part” (NAP) of the project will now be part of Planning Area 1, alleviating any chance conflicts over access in the future.

5. Based on the Findings of Fact and Conclusions set forth above, the City Council amends Tentative Tract Map No. 18893 (TTM 14-002) for the addition of a 1.6 acre parcel into the Mediterra Planned Development (PUD 13-001/CUP 14-005).

Exhibit 1 attached illustrates the revised Tentative Tract Map No. 18893.

Exhibit 2 attached provides the 2019 Conditions of Approval, as no departmental conditions have been modified per this project.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 8th day of December, 2020

Larry McCallon, Mayor

ATTEST:

Betty Hughes, MMC
City Clerk

APPROVED AS TO FORM:

Maricela E. Marroquin
City Attorney