

Environmental group files lawsuit to stop Rialto project

Josh Dulaney, San Bernardino Sun, 10-5-10

RIALTO - An environmental group has joined with a neighborhood organization on the north side in a lawsuit against the city to stop part of a massive development approved by the City Council in July.

The Endangered Habitats League and Save Lytle Creek Wash have filed a California Environmental Quality Act lawsuit in opposition to three of the four neighborhoods proposed for the Lytle Creek Ranch project, saying the neighborhoods encroach on a delicate flood plain and will endanger the San Bernardino kangaroo rat as well as other species.

"The main focus of our attention will be the San Bernardino kangaroo rat which is very much on the verge of extinction," said Dan Silver, executive director of the league. "We are alleging that there are violations of CEQA."

The lawsuit filed in San Bernardino Superior Court alleges the city failed to comply with CEQA laws when it approved the mixed-use development, which could bring more than 8,400 residential units and 25,000 new residents north of the 210 Freeway over the next 30 years.

The groups do not want to block Neighborhood 1, which straddles the 15 Freeway, saying the alleged CEQA violations did not pertain to that part of the project.

They say the rest of the project would obliterate hundreds of acres of Riversidian alluvial fan sage scrub, calling it "one of the state's most depleted and biologically valuable vegetation communities."

Landscape and mountain views would be destroyed by the project, which also would create significant traffic, noise and air quality impacts, according to the groups' court petition.

Lytle Creek Ranch also would perpetuate "unsustainable auto-dependent development patterns and create long commutes" that would burden infrastructure, add to traffic delays and worsen the state's energy consumption and emissions profile, according to the lawsuit.

The groups say the project's environmental impact report identified several alternatives that would reduce impacts by avoiding certain types of sensitive and protected habitat.

The city has improperly and without evidence dismissed the alternatives as infeasible, according to the groups' lawsuit.

"A lot of good ideas were in the environmental impact report, but they weren't chosen," Silver said. "We'd like to see some of these critical habitats protected. Our group is very solution-oriented. That's our perspective, to try to find solutions that work with all the (parties involved)."

Rialto's Development Services Department is the lead agency on the project. It worked with Mission Viejo-based consulting firm Environmental Impact Sciences to craft the report. The firm has said, in written responses to public comments on the EIR, that flood, earthquake and fire hazards for the project can be mitigated to a less-than-significant level, with proposed flood control improvements including a structure along the entire length of the western bank of Lytle Creek.

The firm has acknowledged that the kangaroo rat and a number of other species could be affected by the project, but also contends that the status of several other plant and animal species tends toward speculation.

Many species of concern have either not been observed, or did not use the site as a vital source of habitat, according to the consultant.

City Attorney Jimmy Gutierrez said he hasn't read the entire petition, but will do so and file an answer.

"The most general allegation they are making is the EIR was not adequate for this project," Gutierrez said.

Mayor Grace Vargas said she wouldn't have voted for the project without assurances that environmental issues were adequately addressed.

"We wouldn't let it go up if we didn't think it would benefit the citizens of Rialto," Vargas said.

She added that Lytle Creek Ranch "might not even happen," but the council is trying to make sure that when the economy turns around, such projects will help entice businesses to the city.

"Hopefully this is the right thing we did," Vargas said