

1 **RESOLUTION NO. 2022-41**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT
4 THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT
5 NO. 2020-0001, SPECIFIC PLAN AMENDMENT NO. 2020-0001,
6 VARIANCE NO. 2020-0001, CONDITIONAL DEVELOPMENT
7 PERMIT NO. 2020-0006, AND PRECISE PLAN OF DESIGN NO.
8 2020-0012.

9 WHEREAS, the applicant, QR Birtcher Willow Ave Owner, LLC, (“Applicant”) proposes to
10 merge four (4) parcels of land (APNs: 0132-181-01, 0132-201-03, 0254-261-14, & 0254-261-17)
11 located at the northwest corner of Valley Boulevard and Willow Avenue (“Site”) into one (1) new
12 20.99 net acre parcel of land and develop and operate a 492,410 square foot industrial warehouse
13 building on said parcel of land (“Project”); and

14 WHEREAS, the northern three (3) parcels of land within the Site (APNs: 0132-201-03, 0254-
15 261-14, & 0254-261-17) contains a general plan land use designation of Business Park (BP) with a
16 Specific Plan Overlay and a specific plan zoning designation of Industrial Park (I-P) within the
17 Gateway Specific Plan; and

18 WHEREAS, the southern parcel of land within the Site (APN: 0132-181-01) contains a
19 specific plan zoning designation of General Commercial (GC) with a Specific Plan Overlay and a
20 specific plan zoning designation of Freeway Commercial (F-C) within the Gateway Specific Plan;
21 and

22 WHEREAS, in conjunction with the Project, the applicant has submitted General Plan
23 Amendment No. 2020-0001 to change the general plan land use designation of approximately 8.46
24 acres of land (APN: 0132-181-01) within the Site, as described in the legal description attached as
25 Exhibit A, from General Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with
26 a Specific Plan Overlay (“GPA No. 2020-0001”); and

27 WHEREAS, in conjunction with the Project, the applicant has submitted Specific Plan
28 Amendment No. 2020-0001 to change the specific plan zoning designation of approximately 8.46
acres of land (APN: 0132-181-01) within the Site, as described in the legal description attached as

1 Exhibit A, from a Freeway Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-
2 P) within the Gateway Specific Plan (“SPA No. 2020-0001”); and

3 WHEREAS, in conjunction with the Project, the applicant has submitted Lot Line Adjustment
4 No. 2021-0002 to merge the four (4) parcels of land within the Site into one (1) 20.99 net acre parcel
5 of land (“LLA No. 2021-0002”); and

6 WHEREAS, in conjunction with the Project, the applicant has submitted Variance No. 2020-
7 0001 to allow an increase in the maximum allowable height for the proposed warehouse building
8 from 35 feet to 49 feet (“VAR No. 2020-0001”); and

9 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
10 Development Permit No. 2020-0006 to facilitate the development and operation of a 492,410 square
11 foot industrial warehouse building on the Site (“CDP No. 2020-0006”); and

12 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
13 Design No. 2020-0012 to facilitate the development of a 492,410 square foot industrial warehouse
14 building on the Site (“PPD No. 2020-0012”); and

15 WHEREAS, on July 27, 2022, the Planning Commission of the City of Rialto conducted a
16 duly noticed public hearing, as required by law, on GPA No. 2020-0001, SPA No. 2020-0001,
17 VAR No. 2020-0001, CDP No. 2020-0006, and PPD No. 2020-0012, took testimony, at which
18 time it received input from staff, the city attorney; heard public testimony; discussed the proposed
19 GPA No. 2020-0001, SPA No. 2020-0001, VAR No. 2020-0001, CDP No. 2020-0006, and PPD
20 No. 2020-0012; and closed the public hearing; and

21 WHEREAS, on July 27, 2022, the Planning Commission voted 6-0 (1 vacancy) to
22 recommend that the City Council deny GPA No. 2020-0001, SPA No. 2020-0001, VAR No. 2020-
23 0001, CDP No. 2020-0006, and PPD No. 2020-0012; and

24 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

25 NOW, THEREFORE, the Planning Commission hereby finds, determines, and resolves as
26 follows:

27 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth
28 in the recitals above of this Resolution are true and correct and incorporated herein.

1 SECTION 2. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to GPA No. 2020-0001, including written staff reports,
3 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
4 Planning Commission hereby determines that GPA No. 2020-0001 does not satisfy the requirements
5 of Government Code Section 65358 pertaining to the findings which must be made precedent to
6 amending a General Plan. As documented below, the Project does not satisfy findings number 1. The
7 finding is as follows:

- 8
9 1. That the proposed General Plan Amendment is in the public interest.

10 *This finding cannot be supported because of the following facts:*

11 The proposed general plan amendment associated with the Project is not in the public interest,
12 as it would facilitate a Project that will generate an unnecessary increase in truck traffic to the
13 local streets, which will negatively impact the efficiency of traffic in the immediate area, and
14 the Project will generate an unnecessary increase in pollution in the immediate area through
15 construction, operational, and mobile emission sources. Additionally, the immediate area is
16 already well-served by a vast number of industrial warehouses, and as such there is no need
17 to change the general plan land use designation of the Site to facilitate an additional industrial
18 warehouse use.

17 SECTION 3. Based on substantial evidence presented to the Planning Commission during
18 the public hearing conducted with regard to SPA No. 2020-0001, including written staff reports,
19 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
20 Planning Commission hereby determines that SPA No. 2020-0001 does not satisfy the requirements
21 of Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code
22 pertaining to the findings which must be made precedent to amending a Specific Plan. As documented
23 below, the Project does not satisfy findings number 3 and 5. The findings are as follows:

- 24 3. That the proposed Specific Plan Amendment results in development of desirable
25 character, which will be compatible with existing and proposed development in the
26 surrounding neighborhood; and

27 *This finding cannot be supported because of the following facts:*

1 The Project will generate an increase in truck traffic to the local streets, which will negatively
2 impact the efficiency of traffic in the immediate area, and the Project will generate an
3 unnecessary increase in pollution in the immediate area through construction, operational, and
4 mobile emission sources. Additionally, the immediate area is already well-served by a vast
number of industrial warehouses, and as such there is no need to change the zoning
designation of the Site to facilitate an additional industrial warehouse use.

- 5 5. That the proposed Specific Plan Amendment respects the environmental and aesthetic
6 assets of the community consistent with economic realities; and

7 *This finding cannot be supported because of the following facts:*

8 The Project will generate harmful pollution through construction, operational, and mobile
9 emission sources, including but not limited to Carbon Monoxide (CO), Nitrogen Oxide
10 (NOx), etc., that will disperse throughout the area around the Site. Additionally, the Project
11 will increase truck traffic in the immediate area, which will create further traffic delays on
12 local streets that will negatively affect persons residing or working in the vicinity.

13 The increase in truck traffic and air pollution by the Project will negatively affect the health,
14 safety, and welfare of those residing or working in the immediate area.

15 SECTION 4. Based on substantial evidence presented to the Planning Commission during
16 the public hearing conducted with regard to VAR No. 2020-0001, including written staff reports,
17 verbal testimony, site plan, other documents, and the conditions of approval stated herein, the
18 Planning Commission hereby determines that VAR No. 2020-0001 does not satisfy the requirements
19 of the Section 18.64.020 of the Rialto Municipal Code pertaining to the findings which must be made
20 precedent to granting a variance. As documented below, the Project does not satisfy finding number
21 3. The finding is as follows:

- 22 3. The granting of this variance will not be materially detrimental to the public welfare
23 or injurious to the property or improvements in such vicinity and district in which the
property is located.

24 *This finding cannot be supported because of the following facts:*

25 The granting of the variance would facilitate a Project that will generate an unnecessary
26 increase in truck traffic to the local streets, which will negatively impact the efficiency of
27 traffic in the immediate area, and the Project will generate an unnecessary increase in
28 pollution in the immediate area through construction, operational, and mobile emission
sources.

1 SECTION 5. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to CDP No. 2020-0006, including written staff reports,
3 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
4 Planning Commission hereby determines that CDP No. 2020-0006 does not satisfy the requirements
5 of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
6 precedent to granting a Conditional Development Permit. As documented below, the Project does
7 not satisfy findings number 1, 2, and 6. The findings are as follows:

- 8
- 9 1. The proposed use is deemed essential or desirable to provide a service or facility
10 which will contribute to the convenience or general well-being of the neighborhood
 or community.

11 *This finding cannot be supported because of the following facts:*

12 The Project will generate an increase in truck traffic to the local streets, which will negatively
13 impact the efficiency of traffic in the immediate area, and the Project will generate an
14 unnecessary increase in pollution in the immediate area through construction, operational, and
15 mobile emission sources. Additionally, the immediate area is already well-served by a vast
16 number of industrial warehouses, and as such there is no need to facilitate an additional
17 industrial warehouse use.

- 18
- 19 2. The proposed use will not be detrimental or injurious to health, safety, or general
20 welfare of persons residing or working in the vicinity.

21 *This finding cannot be supported because of the following facts:*

22 The Project will generate harmful pollution through construction, operational, and mobile
23 emission sources, including but not limited to Carbon Monoxide (CO), Nitrogen Oxide
24 (NOx), etc., that will disperse throughout the area around the Site.

25 Additionally, the Project will increase truck traffic in the immediate area, which will create
26 further traffic delays on local streets that will negatively affect persons residing or working in
27 the vicinity.

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- 29 6. Any potential adverse effects upon the surrounding properties will be minimized to
30 every extent practical and any remaining adverse effects shall be outweighed by the
31 benefits conferred upon the community or neighborhood as a whole.

32 *This finding cannot be supported because of the following facts:*

1 The Project will generate an increase in truck traffic and air pollution that will negatively
2 impact those working and residing in the vicinity. These adverse effects do not outweigh any
3 benefits posed by the implementation of the Project.

4 SECTION 6. Based on substantial evidence presented to the City Council during the public
5 hearing conducted with regard to PPD No. 2020-0012, including written staff reports, verbal
6 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
7 Commission hereby determines that PPD No. 2020-0012 does not satisfy the requirements of Section
8 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made precedent
9 to granting a Precise Plan of Design. As documented below, the Project does not satisfy finding
10 number 3. The findings are as follows:

- 11 3. The proposed development will not unreasonably interfere with the use or enjoyment
12 of neighboring property rights or endanger the peace, health, safety or welfare of the
13 general public.

14 *This finding cannot be supported because of the following facts:*

15 The Project will generate harmful pollution through construction, operational, and mobile
16 emission sources, including but not limited to Carbon Monoxide (CO), Nitrogen Oxide
17 (NOx), etc., that will disperse throughout the area around the Site. Additionally, the Project
18 will increase truck traffic in the immediate area, which will create further traffic delays on
19 local streets that will negatively affect persons residing or working in the vicinity.

20 The increase in truck traffic and air pollution by the Project will negatively affect the health,
21 safety, and welfare of those residing or working in the immediate area.

22 SECTION 7. The Planning Commission hereby recommends that the City Council deny
23 General Plan Amendment No. 2020-0001, Specific Plan Amendment No. 2020-0001, Variance No.
24 2020-0001, Conditional Development Permit No. 2020-0006, and Precise Plan of Design No. 2020-
25 0012 on the grounds that the Project will be a detriment to the air quality and the level of service of
26 traffic in the immediate area, that the area is already well-served by other existing industrial
27 warehouses in the area, and that the Project does not comply with the required findings necessary for
28 approval contained in Government Code Sections 65358 and 65453 and Section 18.78.060.I of the

1 Rialto Municipal Code, Section 18.64.020 of the Rialto Municipal Code, Section 18.66.020 of the
2 Rialto Municipal Code, and Section 18.65.020.E of the Rialto Municipal Code.

3 SECTION 8. The Chairman of the Planning Commission shall sign the passage and
4 adoption of this resolution and thereupon the same shall take effect and be in force.

5 PASSED, APPROVED AND ADOPTED this 27th day of July, 2022.

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10 JERRY GUTIERREZ, CHAIR
11 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2022-41** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 27th day of July 2022.

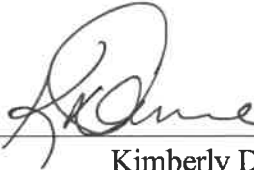
8 Upon motion of Commissioner Jerry Gutierrez, second by Commissioner BarBara L.
9 Chavez the foregoing Resolution No. **2022-41** was duly passed and adopted.

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Vote on the motion:

- AYES: 6
- NOES: 0
- ABSTENTION: 0
- ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
Rialto this 27th day of July 2022.



Kimberly Dame, Administrative Analyst

EXHIBIT A

LEGAL DESCRIPTION

SPECIFIC PLAN AMENDMENT

LEGAL DESCRIPTION:

FOR APN: 0132-181-01-0-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE EAST ¼ OF LOT 208, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11 PAGE 12 OF MAPS, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST 2.0 FEET OF THE EAST 32.0 FEET THEREOF AS CONVEYED TO THE CITY OF RIALTO BY DEED RECORDED AUGUST 14, 1967 IN BOOK 6872 PAGE 414 OF OFFICIAL RECORDS.

AREAS AND DISTANCE ARE COMPUTED TO CENTER LINES OF ADJOINING STREETS.

EXCEPTING THEREFROM THOSE PORTIONS AS SET FORTH IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED DECEMBER 7, 1979 IN BOOK 9829 PAGE 1756 OF OFFICIAL RECORDS OF SAID COUNTY.

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