

1 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act,
2 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
3 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
4 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Addendum to the
5 Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment
6 Review No. 2023-0022) prepared by Kimley-Horn and Associates, Inc. and determined that the
7 proposed Project would result in no new significant impacts that were not analyzed in the Rialto
8 Airport Specific Plan Environmental Impact Report ("RASP EIR"), nor would the proposed
9 Project cause a substantial increase in the severity of any previously identified environmental
10 impacts. The potential impacts associated with proposed Project would either be the same or less
11 than those described in the RASP EIR. In addition, there are no substantial changes to the
12 circumstances under which the proposed Project would be undertaken that would result in new or
13 more severe environmental impacts than previously addressed in the RASP EIR, nor has any new
14 information regarding the potential for new or more severe significant environmental impacts been
15 identified; and

16 **WHEREAS**, the City mailed public hearing notices for the proposed Project to all property
17 owners within 1,000 feet of the project site, and published the public hearing notice in the San
18 Bernardino Sun newspaper as required by State law; and

19 **WHEREAS**, on July 17, 2024, the Planning Commission of the City of Rialto conducted
20 a duly noticed public hearing, as required by law, on TPM No. 20853, CDP No. 2023-0011, PPD
21 No. 2023-0018, and the associated Addendum to the Environmental Impact Report for the Rialto
22 Airport Specific Plan, took testimony, at which time it received input from staff, the city attorney,
23 and the applicant; heard public testimony; discussed the proposed TPM No. 20853, CDP No. 2023-
24 0011, PPD No. 2023-0018, and the associated Addendum to the Environmental Impact Report for
25 the Rialto Airport Specific Plan; and continued the public hearing to the following meeting on
26 August 7, 2024; and

27 **WHEREAS**, on August 7, 2024, the Planning Commission of the City of Rialto conducted
28 a duly noticed public hearing, as required by law, on TPM No. 20853, CDP No. 2023-0011, PPD

1 No. 2023-0018, and the associated Addendum to the Environmental Impact Report for the Rialto
2 Airport Specific Plan took testimony, at which time it received input from staff, the city attorney,
3 and the applicant; heard public testimony; discussed the proposed TPM No. 20853, CDP No. 2023-
4 0011, PPD No. 2023-0018, and the associated Addendum to the Environmental Impact Report for
5 the Rialto Airport Specific Plan; and closed the public hearing; and

6 **WHEREAS**, on August 7, 2024, the Planning Commission voted 3-1 (1 abstention & 2
7 vacancies) to approve TPM No. 20853, CDP No. 2023-0011, PPD No. 2023-0018, and the
8 associated Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan
9 (Environmental Assessment Review No. 2023-0022); and

10 **WHEREAS**, on August 21, 2024, pursuant to Chapter 18.68 (Appeals) of the Rialto
11 Municipal Code, Ana Gonzalez, Executive Director at the Center of Community Action and
12 Environmental Justice, (“Appellant”) filed with the office of the City Clerk an appeal to the City
13 Council requesting a review and reversal of the decision previously made by the Planning
14 Commission approving TPM No. 20853, CDP No. 2023-0011, PPD No. 2023-0018, and the
15 associated Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan
16 (Environmental Assessment Review No. 2023-0022) (“Appeal”); and

17 **WHEREAS**, on September 10, 2024, the City Council scheduled a public hearing for the
18 Appeal for September 24, 2024; and

19 **WHEREAS**, on September 24, 2024, in accordance with Chapter 18.68 (Appeals) of the
20 Rialto Municipal Code, the City Council conducted a public hearing of the Appeal, took testimony,
21 discussed the Appeal; and voted 5-0 to continue the public hearing to November 12, 2024; and

22 **WHEREAS**, on November 12, 2024, the City Council continued the public hearing of the
23 Appeal, took testimony, discussed the Appeal; and closed the public hearing; and

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

25 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

26 **SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in the
27 recitals above of this Resolution are true and correct and incorporated herein.

1 **SECTION 2.** The City Council has independently reviewed and considered the
2 Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan
3 (Environmental Assessment Review No. 2023-0022) attached hereto as Exhibit “A” and
4 incorporated herein by this reference, and finds that the Addendum to the Environmental Impact
5 Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022)
6 was prepared in the manner required by law, and there is no substantial evidence that the Project
7 would result in new significant impacts that were not analyzed in the Rialto Airport Specific Plan
8 Environmental Impact Report (“RASP EIR”), nor would the proposed Project cause a substantial
9 increase in the severity of any previously identified environmental impacts. The potential impacts
10 associated with proposed Project would either be the same or less than those described in the RASP
11 EIR. In addition, there are no substantial changes to the circumstances under which the proposed
12 Project would be undertaken that would result in new or more severe environmental impacts than
13 previously addressed in the RASP EIR, nor has any new information regarding the potential for
14 new or more severe significant environmental impacts been identified.

15 **SECTION 3.** Based on substantial evidence presented to the City Council during the public
16 hearing conducted for the Appeal, including written staff reports, verbal testimony, site plans, other
17 documents, and the conditions of approval stated herein, the City Council hereby determines that
18 TPM No. 20853 satisfies the requirements of Government Code Sections 66473.5 and 66474 and
19 Section 17.16.070 of the Rialto Municipal Code pertaining to the findings which must be made
20 precedent to granting a conditional development permit, which findings are as follows:

- 21 1. That the proposed tentative parcel map is consistent with the General Plan of the City
22 of Rialto and the Planned Industrial Development (I-PID) land use district of the
23 Rialto Airport Specific Plan, as applicable; and

24 *This finding is supported by the following facts:*

25 The Site has a General Plan designation of Light Industrial with a Specific Plan Overlay and
26 a zoning designation of Rialto Airport Specific Plan. The Site’s land use designation within
27 the Rialto Airport Specific Plan is Planned Industrial Development (I-PID). The Project will
28 consolidate the Site into one (1) 11.19 net-acre parcel of land to facilitate the development of
a 225,173 square foot industrial warehouse building. Per Table 9 (Development Standards
Non-Residential Designations), of the Rialto Airport Specific Plan, the required minimum

1 parcel size within the Planned Industrial Development (I-PID) land use district is 0.50 acres.
2 The proposed parcel greatly exceeds the required minimum size.

- 3 2. That the design and improvements of the proposed tentative parcel map are consistent
4 with the Subdivision Ordinance, the General Plan of the City of Rialto, and the
5 Planned Industrial Development (I-PID) land use district of the Rialto Airport Specific
6 Plan; and

7 *This finding is supported by the following facts:*

8 The Project will comply with all technical standards required by Subdivision Map Act, the
9 General Plan of the City of Rialto, and the I-PID land use designation of the Rialto Airport
10 Specific Plan. The proposed parcel exceeds the minimum lot dimensions as required by the
11 I-PID land use designation of the Rialto Airport Specific Plan. The new parcel will facilitate
12 the development of an industrial warehouse building that is consistent with the I-PID land use
13 designation of the Rialto Airport Specific Plan.

- 14 3. That the site is physically suitable for the type of proposed development; and

15 *This finding is supported by the following facts:*

16 The Site is a relatively flat piece of land and development of the land should be easily
17 accommodated. The applicant will be required to submit a grading plan and
18 geotechnical/soils report to the Engineering Department for review and approval prior to
19 issuance of any building permits.

- 20 4. That the site is physically suitable for the proposed density of the development; and

21 *This finding is supported by the following facts:*

22 The Project will consolidate the Site into one (1) 11.19 net-acre parcel of land to facilitate the
23 development of a 225,173 square foot industrial warehouse building. Per Chapter 2
24 (Managing Our Land Supply) of the Rialto General Plan, the maximum allowable Floor Area
25 Ratio (FAR) for parcels within the Light Industrial land use designation is 100.0 percent. The
26 FAR proposed for the project is 46.2 percent, which is well within the allowable limit.

- 27 5. That the design of the land division is not likely to cause substantial environmental
28 damage or substantially injure fish, wildlife, or their habitat; and

This finding is supported by the following facts:

The Site was previously developed into a contractor's storage yard and at least two (2)
single-family residences resulting in a heavily disturbed surface from those prior uses. The
Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan
(Environmental Assessment Review No. 2023-0022) prepared for the project identified

1 that the Site did not have suitable habitat for any threatened or endangered species.
2 Additionally, according to Exhibit 4.4.2 (Threatened and Endangered Species Habitat) of
3 the Rialto General Plan Environmental Impact Report the Site does not have suitable
4 habitat for any threatened or endangered species.

- 4 6. That the design of the land division is not likely to cause serious public health
5 problems; and

6 *This finding is supported by the following facts:*

7 The Project is consistent with the Light Industrial with a Specific Plan Overlay General
8 Plan land use designation and the Planned Industrial Development (I-PID) land use
9 designation of the Rialto Airport Specific Plan. In conjunction with the Project, the
10 Planning Commission will consider Precise Plan of Design No. 2023-0018 development-
11 related conditions, in accordance with Chapter 18.65 (Precise Plan of Design) of the Rialto
12 Municipal Code, to ensure that the design of the Project meets the City's Design Guidelines
13 and all applicable criteria required by Chapter 18.112 (Indoor Storage Uses) of the Rialto
14 Municipal Code and the Rialto Airport Specific Plan.

15 The Site is bound on the north by an undeveloped segment of West Coast Boulevard and
16 on the west by an existing segment of Locust Avenue. To the north of the project site,
17 across West Coast Boulevard, are several single-family residences, and to the east is a tract
18 of single-family residences. To the south is an existing contractor's storage yard, occupied
19 by Condon Johnson, and to the west, across Locust Avenue, is a partially developed storage
20 yard, occupied by Pyro Spectaculars. The proposed development pertaining to the land
21 consolidation is consistent with the Planned Industrial Development (I-PID) land use
22 designation of the Rialto Airport Specific Plan. The nearest sensitive uses are the single-
23 family residences to the north and east of the Site. The project is not expected to negatively
24 impact any uses with the successful implementation of measures such as landscape
25 buffering, increased building setbacks, placement of the truck court on the west side of the
26 building, the installation of solid screen walls around the truck court, aesthetic building
27 enhancements, and other traffic related measures. Furthermore, construction impacts on
28 the site will be limited through the strict enforcement of the allowable construction hours
listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular
watering of the site to limit airborne dust and other particulate matter. As a result, the
Project is not likely to cause any public health problems.

- 23 7. That the design of the land division or proposed improvements will not conflict with
24 easements, acquired by the public at large, for access through or use of, property
25 within the proposed land division.

26 *This finding is supported by the following facts:*

27 Upon completion of the Final Map, the required street dedication and proposed easements
28 will be recorded and approved by the Engineering Services Department. Additionally, all

1 required site adjacent improvements will be reviewed and approved by the Engineering
2 Services Department and will be constructed prior to the issuance of the Certificate of
3 Occupancy.

4 **SECTION 4.** Based on substantial evidence presented to the City Council during the public
5 hearing conducted for the Appeal, including written staff reports, verbal testimony, site plans, other
6 documents, and the conditions of approval stated herein, the City Council hereby determines that
7 CDP No. 2023-0011 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code
8 pertaining to the findings which must be made precedent to granting a conditional development
9 permit, which findings are as follows:

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

12 *This finding is supported by the following facts:*

13 The Site is asymmetrical in shape and expansive in size. The south two-thirds of the Site
14 was previously developed into contractor's storage yard, and the remainder of the Site
15 consists of vacant land that previously contained at least two (2) single-family residences
16 that have since been demolished. The Project will develop the highest and best use for the
17 Site, in accordance with the Planned Industrial Development (I-PID) land use district of
the Rialto Airport Specific Plan. Additionally, the Project will provide employment
opportunities within the City and reduce blight by implementing a use on vacant site.

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

20 *This finding is supported by the following facts:*

21 The development of an industrial warehouse building on the Site is consistent with the
22 underlying Planned Industrial Development (I-PID) land use district of the Rialto Airport
23 Specific Plan, which conditionally permits the development and operation of industrial
24 warehouse buildings. To the north of the project site, across West Coast Boulevard, are
25 several single-family residences, and to the east is a tract of single-family residences. To
26 the south is an existing contractor's storage yard, occupied by Condon Johnson, and to the
27 west, across Locust Avenue, is a partially developed storage yard, occupied by Pyro
28 Spectaculars. The Project is consistent with the Planned Industrial Development (I-PID)
land use district of the Rialto Airport Specific Plan and the existing industrial land uses to
the south and west of the Site. The nearest sensitive uses are the single-family residences
to the north and east of the Site. The project is not expected to negatively impact any uses
with the successful implementation of measures such as landscape buffering, placement of

1 the truck court on the west side of the building, the installation of solid screen walls around
2 the truck court, aesthetic building enhancements, and other traffic related measures.

- 3 3. The site for the proposed use is adequate in size, shape, topography, accessibility and
4 other physical characteristics to accommodate the proposed use in a manner
5 compatible with existing land uses; and

6 *This finding is supported by the following facts:*

7 The Site is approximately 11.19 acres in size and adjacent to two (2) public streets, which will
8 be able to accommodate the proposed use. The Project will have three (3) points of access –
9 two (2) via Locust Avenue and one (1) via West Coast Boulevard. In addition, the building
10 will have 153 passenger vehicle parking spaces, which exceeds the amount required by
11 Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

- 12 4. The site has adequate access to those utilities and other services required for the
13 proposed use; and

14 *This finding is supported by the following facts:*

15 The Site will have adequate access to all utilities and services required through main water,
16 electric, sewer, and other utility lines that will be hooked up to the Site.

- 17 5. The proposed use will be arranged, designed, constructed, and maintained so as it will
18 not be injurious to property or improvements in the vicinity or otherwise be
19 inharmonious with the General Plan and its objectives, the M-1 zone, or any zoning
20 ordinances, and

21 *This finding is supported by the following facts:*

22 As previously stated, the proposed use is consistent with the Planned Industrial Development
23 (I-PID) land use district of the Rialto Airport Specific Plan. The building will be oriented
24 such that none of the dock doors will front or face the existing single-family residences to
25 north and east of the Site, the building will have 153 passenger vehicle parking spaces, and
26 the building will have a floor area ratio (FAR) of 46.2 percent, all of which comply with the
27 General Plan, the Planned Industrial Development (I-PID) land use district of the Rialto
28 Airport Specific Plan, Chapter 18.112 (Indoor Storage Facilities) of the Rialto Municipal
Code, and the City's Design Guidelines. Landscaping will be abundantly incorporated into
the Site, as the landscape coverage for the project is 16.3 percent.

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

This finding is supported by the following facts:

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2 The Project's effects will be minimized through the implementation of the Conditions of
3 Approval contained herein, and through the implementation of Conditions of Approval
4 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
5 landscaping, solid screen walls, decorative paving, and enhanced architectural features.
6 The development of a high-quality industrial development will provide additional
7 employment opportunities for residents and visitors to the City. The Project is consistent
8 with the Planned Industrial Development (I-PID) land use district of the Rialto Airport
9 Specific Plan and the existing industrial uses to the south and west of the Site. The nearest
10 sensitive uses are the single-family residences to the north and east of the Site. The project
11 is not expected to negatively impact any uses with the successful implementation of
12 measures such as landscape buffering, the installation of solid screen walls, aesthetic
13 building enhancements, and other traffic related measures. Therefore, any potential
14 adverse effects are outweighed by the benefits conferred upon the community and
15 neighborhood as a whole.

16 **SECTION 5.** Based on substantial evidence presented to the City Council during the public
17 hearing conducted for the Appeal, including written staff reports, verbal testimony, site plans, other
18 documents, and the conditions of approval stated herein, the City Council hereby determines that PPD
19 No. 2023-0018 satisfies the requirements of Section 18.65.020E of the Rialto Municipal Code
20 pertaining to the findings which must be made precedent to granting a Precise Plan of Design. The
21 findings are as follows:

- 22 1. The proposed development is in compliance with all city ordinances and regulations,
23 unless in accordance with an approved variance; and

24 *This finding is supported by the following facts:*

25 The Site has a General Plan designation of Light Industrial with a Specific Plan Overlay
26 and a zoning designation of Rialto Airport Specific Plan. The Site's land use designation
27 within the Rialto Airport Specific Plan is Planned Industrial Development (I-PID). Those
28 designations allow for the development and use of industrial warehouse buildings, as
proposed by the Project. The Project, as conditioned herein, will comply with all City
ordinances and regulations, including those required by the Planned Industrial
Development (I-PID) land use district of the Rialto Airport Specific Plan and the City's
Design Guidelines. Additionally, the Project meets all the required development standards
of the Employment (EMP) land use district of the Rialto Airport Specific Plan and Chapter
18.112 (Indoor Storage Facilities) of the Rialto Municipal Code including, but not limited
to, required building setbacks, parking, landscaping, building height, floor area ratio, etc.

- 29 2. The site is physically suitable for the proposed development, and the proposed
30 development will be arranged, designed, constructed, and maintained so that it will
not be unreasonably detrimental or injurious to property, improvements, or the health,

1 safety or general welfare of the general public in the vicinity, or otherwise be
2 inharmonious with the city's general plan and its objectives, zoning ordinances or any
3 applicable specific plan and its objectives; and

4 *This finding is supported by the following facts:*

5 The Site is approximately 11.19 acres in size, bound by two (2) public streets (Locust
6 Avenue and West Coast Boulevard), and is within the Planned Industrial Development (I-
7 PID) land use district of the Rialto Airport Specific Plan. To the north of the project site,
8 across West Coast Boulevard, are several single-family residences, and to the east is a tract
9 of single-family residences. To the south is an existing contractor's storage yard, occupied
10 by Condon Johnson, and to the west, across Locust Avenue, is a partially developed storage
11 yard, occupied by Pyro Spectaculars. The nearest sensitive uses are the single-family
12 residences to the north and east of the Site. The project is not expected to negatively impact
13 any uses with the successful implementation of measures such as landscape buffering,
14 placement of the truck court on the west side of the building, the installation of solid screen
15 walls around the truck court, aesthetic building enhancements, and other traffic related
16 measures.

- 17 3. The proposed development will not unreasonably interfere with the use or enjoyment
18 of neighboring property rights or endanger the peace, health, safety or welfare of the
19 general public; and

20 *This finding is supported by the following facts:*

21 The Project's effects will be minimized through the implementation of the Conditions of
22 Approval contained herein, such as extensive landscaping, concrete screen walls, and
23 enhanced architectural features. To the north of the project site, across West Coast Boulevard,
24 are several single-family residences, and to the east is a tract of single-family residences. To
25 the south is an existing contractor's storage yard, occupied by Condon Johnson, and to the
26 west, across Locust Avenue, is a partially developed storage yard, occupied by Pyro
27 Spectaculars. The Project is consistent with the Planned Industrial Development (I-PID) land
28 use district of the Rialto Airport Specific Plan and the existing industrial land uses to the south
and west of the Site. The nearest sensitive uses are the single-family residences to the north
and east of the Site. The Project is not expected to negatively impact any surrounding uses
with the successful implementation of measures such as landscape buffering, placement of
the truck court on the west side of the building, the installation of solid screen walls around
the truck court, aesthetic building enhancements, and other traffic related measures.

4. The proposed development will not substantially interfere with the orderly or planned
development of the City of Rialto.

This finding is supported by the following facts:

1 The Project is consistent with the Planned Industrial Development (I-PID) land use district of
2 the Rialto Airport Specific Plan and is a logical addition to the existing industrial
3 developments to the south and west of the Site. The design of the Project will ensure a
4 continuation of the public improvements and aesthetics present in the surrounding area. The
5 City staff have reviewed the design of the Project to ensure compliance with all health, safety,
6 and design requirements to ensure the Project will enhance the infrastructure and aesthetics
7 of the local community.

8 **SECTION 6.** The City Council hereby denies the Appeal and upholds the previous decision
9 of the Planning Commission approving TPM No. 2023-0001, CDP No. 2023-0011, PPD No. 2023-
10 0018, and the associated Addendum to the Environmental Impact Report for the Rialto Airport
11 Specific Plan (Environmental Assessment Review No. 2023-0022) on the grounds that the Project
12 complies with the required findings necessary for approval contained in Sections 17.16.070,
13 18.66.020, and 18.65.020E of the RMC and the provisions of the California Environmental Quality
14 Act, subject to the following condition(s):

- 15 1. The applicant shall construct a street terminus on West Coast Boulevard at the east end of
16 the project frontage, as shown on the Street Terminus Exhibit attached hereto as Exhibit
17 A, prior to the issuance of a Certificate of Occupancy. Additionally, the applicant shall
18 demonstrate the incorporation of the street terminus on the Street Improvement plans that
19 are required to be submitted to the Engineering Services Department, prior to grading
20 permit issuance.

21 **SECTION 7.** The Mayor shall sign the passage and adoption of this resolution and
22 thereupon the same shall take effect and be in force.

23 **PASSED, APPROVED AND ADOPTED** this 12th day of November, 2024.

24 _____
25 DEBORAH ROBERTSON, MAYOR
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1 **ATTEST:**

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5 BARBARA MCGEE, CITY CLERK

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7 **APPROVED AS TO FORM:**

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11 ERIC S. VAIL, CITY ATTORNEY

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

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I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the _____ day of _____, 2024.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this _____ day of _____, 2024.

BARBARA MCGEE, CITY CLERK

