

1 **RESOLUTION NO. 2021-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT
4 THE CITY COUNCIL APPROVE SPECIFIC PLAN
5 AMENDMENT NO. 2020-0003 TO CHANGE THE ZONING
6 DESIGNATION OF APPROXIMATELY 7.00 GROSS ACRES
7 (6.94 NET ACRES) OF LAND (APNS: 0240-211-21, -23, -29 & -31)
8 LOCATED AT THE NORTHEAST CORNER OF RENAISSANCE
9 PARKWAY AND LAUREL AVENUE FROM CORPORATE
10 CENTER (CC) WITHIN THE RENAISSANCE SPECIFIC PLAN
11 TO BUSINESS CENTER (BC) WITHIN THE RENAISSANCE
12 SPECIFIC PLAN.

13 WHEREAS, approximately 7.00 gross acres (6.94 net acres) of land (APNs: 0240-211-21, -
14 23, -29 & -31) located at the northeast corner of Renaissance Parkway and Laurel Avenue, described
15 in the legal description attached as Exhibit A (“Site”), is within the boundary of the Renaissance
16 Specific Plan and is currently zoned Corporate Center (CC); and

17 WHEREAS, the applicant, Orbis Real Estate Partners, LLC, proposes to change the zoning
18 designation of the Site from CC to Business Center (BC) within the Renaissance Specific Plan
19 (“Project”); and

20 WHEREAS, in conjunction with the Project, the applicant has also submitted Tentative Parcel
21 Map No. 2020-0006, also referred to as Tentative Parcel Map No. 20241, in accordance with the
22 Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the four (4) parcels of land
23 within the Site into one (1) 6.94 net acre parcel of land (“TPM No. 20241”); and

24 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
25 Development Permit No. 2020-0011 (“CDP No. 2020-0011”) and Precise Plan of Design No.
26 2020-0015 (“PPD No. 2020-0015”) to facilitate the development and operation of a 135,408 square
27 foot industrial storage warehouse/distribution center building on the Site (“Development”), and the
28 Project is necessary to facilitate the Development; and

WHEREAS, pursuant to Section 18.78.060 of the Rialto Municipal Code, the Project
requires the approval of an amendment to the Renaissance Specific Plan, and the applicant has
agreed to apply for Specific Plan Amendment No. 2020-0003 (“SPA No. 2020-0003”); and

1 WHEREAS, pursuant to Section 18.78.010 of the Rialto Municipal Code, the City Council
2 is authorized to adopt and implement specific plans with the City; and

3 WHEREAS, pursuant to Section 18.78.060E and Section 18.78.060F of the Rialto
4 Municipal Code, the Planning Commission shall hold a public hearing for a proposed amendment
5 to an adopted specific plan and forward a recommendation to the City Council for action; and

6 WHEREAS, on January 27, 2021, the Planning Commission of the City of Rialto
7 conducted a duly noticed public hearing, as required by law, on SPA No. 2020-0003, TPM No.
8 20241, CDP No. 2020-0011, and PPD No. 2020-0015, took testimony, at which time it received
9 input from staff, the city attorney, and the Applicant; heard public testimony; discussed the
10 proposed SPA No. 2020-0003, TPM No. 20241, CDP No. 2020-0011, and PPD No. 2020-0015;
11 and closed the public hearing; and

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

13 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto
14 as follows:

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

17 SECTION 2. Based on substantial evidence presented to the Planning Commission during
18 the public hearing conducted with regard to SPA No. 2020-0003, 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. 2020-0003 satisfies the requirements of
21 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. The findings
23 are as follows:

- 24 1. That the proposed Specific Plan Amendment is consistent with the goals and policies
25 of the General Plan and its purposes, standards and land use guidelines; and

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

27 The Site has a General Plan designation of Specific Plan with a Specific Plan Overlay and a
28 zoning designation of Corporate Center (CC) within the Renaissance Specific Plan. The

1 Project will not affect the General Plan land use designation for the Site. The applicant
2 proposes to change the zoning designation of the site to Business Center (BC) within the
3 Renaissance Specific Plan. The proposed BC zone is consistent with the Specific Plan with a
4 Specific Plan Overlay land use designation, and both will serve to facilitate the Development.

5 Additionally, the Project is consistent with Goal 2-16 and Goal 2-22 of the Land Use Element
6 of the General Plan, which encourages improved architectural and design quality that is
7 sensitive to the needs of the visitor or resident. The change in the zoning designation will
8 facilitate a development of superior architectural quality. The development proposes to
9 incorporate significant wall plane articulation and several other architectural features
10 including reveals, metal brow accents, and glazing. The development will also include a solid
11 concrete screen wall around the loading area to screen views and reduce noise pollution.

12 Furthermore, the Project is consistent with Goal 3-1 of the Economic Development Element
13 of the General Plan, which encourages strengthening and diversification of the economic base
14 and employment opportunities, while maintaining a positive business climate. The change in
15 the zoning designation of the Site from CC to BC will lead to the development of an industrial
16 building on land that has remained historically vacant under the current zoning.

- 17 2. That the proposed Specific Plan Amendment will help achieve a balanced community
18 of all races, age groups, income levels and ways of life; and

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

20 The Project will facilitate the development of a 135,408 square foot industrial storage
21 warehouse/distribution center building, which will provide new jobs across various wage and
22 education levels available to all races, age groups, and ways of life.

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

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

27 The Project will facilitate the development of a high-quality warehouse building. The
28 proposed Development is consistent with the existing warehouse developments to the south
of the Site and other recent warehouse developments within the Renaissance Specific Plan
area.

The nearby area is predominantly zoned for and developed with industrial uses, and as a
result, there are no sensitive land uses near the Site. The project is not expected to
negatively impact any uses since measures, such as landscape buffering, the installation of
solid screen walls, and the prohibition of truck movements east on Renaissance Parkway
will be implemented.

- 1 4. That the proposed Specific Plan Amendment contributes to a balance of land uses that
2 will enable local residents to work and shop in the community in which they live; and

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

4 Limited development opportunities exist within the Renaissance Specific Plan area between
5 Alder Avenue and Locust Avenue. The Site is surrounded by the 210 freeway to the north
6 and several large warehouse buildings to the south. The Site has remained historically vacant
7 under the Corporate Center (CC) zoning. The likelihood that the project site will develop into
8 a corporate center office use is remote given the industrial warehouse character throughout
9 most of the Renaissance Specific Plan area, particularly the areas immediately surrounding
10 the project site. Simultaneously, the existing CC zoning has not resulted in any development
11 on the Site. The most logical zoning designation to facilitate the development of the Site is
12 an industrial zone, such as the BC zone. The BC zone will maintain consistency with the
13 surrounding area and provide job opportunities for those living in existing residential areas
14 within the City.

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

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

18 The City reviewed an Addendum to the June 2016 Renaissance Specific Plan Amendment
19 Subsequent Environmental Impact Report (Environmental Assessment Review No. 2020-
20 0015) prepared by Kimley-Horn and Associates, Inc. and determined that the proposed
21 Project would result in no new significant impacts that were not analyzed in the June 2016
22 Renaissance Specific Plan Amendment Subsequent Environmental Impact Report (“2016
23 RSPA SEIR”), nor would the proposed Project cause a substantial increase in the severity of
24 any previously identified environmental impacts. The potential impacts associated with
25 proposed Project would either be the same or less than those described in the 2016 RSPA
26 SEIR. In addition, there are no substantial changes to the circumstances under which the
27 proposed Project would be undertaken that would result in new or more severe environmental
28 impacts than previously addressed in the 2016 RSPA SEIR, nor has any new information
 regarding the potential for new or more severe significant environmental impacts been
 identified.

 Additionally, the Development, enabled by the Project, will meet or exceed all aesthetic
 design guidelines required by the Renaissance Specific Plan and City’s Design Guidelines
 through the incorporation of landscaping, significant wall plane articulation on the building,
 and several other architectural features including reveals, metal brow accents, and glazing.

6. That the proposed Specific Plan Amendment incorporates, where feasible, active and
 passive energy conservation measures.

This finding is supported by the following facts:

1 The Development, enabled by the Project, is required to meet or exceed California Building
2 Code Title 24, Part 6 Energy Efficiency Standards. This will be achieved through the
3 implementation of features such as, but not limited to, energy efficient windows, energy
4 efficient heating and cooling systems, painting in light off-white colors to reflect heat away,
5 and structural accommodation of photovoltaic solar electric systems.

6 SECTION 3. An Addendum to the June 2016 Renaissance Specific Plan Amendment
7 Subsequent Environmental Impact Report (Environmental Assessment Review No. 2020-0015) has
8 been prepared for the Project in accordance with the California Environmental Quality Act (CEQA),
9 and it has been determined that the proposed Project would result in no new significant impacts that
10 were not analyzed in the June 2016 Renaissance Specific Plan Amendment Subsequent
11 Environmental Impact Report (“2016 RSPA SEIR”), nor would the proposed Project cause a
12 substantial increase in the severity of any previously identified environmental impacts. The potential
13 impacts associated with proposed Project would either be the same or less than those described in the
14 2016 RSPA SEIR. In addition, there are no substantial changes to the circumstances under which the
15 proposed Project would be undertaken that would result in new or more severe environmental impacts
16 than previously addressed in the 2016 RSPA SEIR, nor has any new information regarding the
17 potential for new or more severe significant environmental impacts been identified. The Planning
18 Commission hereby recommends that the City Council approve the Addendum to the June 2016
19 Renaissance Specific Plan Amendment Subsequent Environmental Impact Report for the Project.

20 SECTION 4. The Planning Commission hereby recommends that the City Council approve
21 SPA No. 2020-0003 to change the zoning designation of the Site from Corporate Center (CC) within
22 the Renaissance Specific Plan to Business Center (BC) within the Renaissance Specific Plan, in
23 accordance with the applications on file with the Planning Division, subject to the following
24 conditions:

- 25 1. SPA No. 2020-0003 is approved changing the zoning designation of approximately 7.00
26 gross acres (6.94 net acres) of land (APNs: 0240-211-21, -23, -29 & -31) located at the
27 northeast corner of Renaissance Parkway and Laurel Avenue, and described in the legal
28 description attached as Exhibit A, from Corporate Center (CC) within the Renaissance
Specific Plan to Business Center (BC) within the Renaissance Specific Plan. If the

1 Conditions of Approval specified herein are not satisfied or otherwise completed, the
2 Project shall be subject to revocation.

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2. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.
 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the “City Parties”), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the “Entitlements”), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys’ fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the “Damages”). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties’ fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of SPA No. 2020-0003.
 4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
 5. The applicant shall comply with all conditions of approval contained in TPM No. 20241, CDP No. 2020-0011, and PPD No. 2020-0015, to the extent they are not in conflict with any condition of approval herein.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the ___th day of ____, 2021.

8 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
9 ____, the foregoing Resolution No. ____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this ___th day of ____, 2021

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ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT

LEGAL DESCRIPTION

SPECIFIC PLAN AMENDMENT

LEGAL DESCRIPTION:

FORAPN: 0240-211-23

THAT PORTION OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING NORTH OF THE HIGHWAY AS GRANTED TO THE STATE OF CALIFORNIA IN THE DEED RECORDED AUGUST 28, 1963 IN BOOK 5977 PAGE 798, OFFICIAL RECORDS.

EXCEPT THEREFROM A STRIP OF LAND 30 FEET WIDE OF THE EAST SIDE THEREOF RESERVED FOR ROAD PURPOSES.

ALSO EXCEPT THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED AUGUST 28, 1963 IN BOOK 5977 PAGE 798, OFFICIAL RECORDS OF SAID COUNTY, BEING ALSO A POINT ON THE WEST LINE OF THE EAST 30 FEET OF SAID EAST HALF; THENCE SOUTH 89° 41' 56" WEST, 96.680 METERS ALONG THE NORTH LINE OF SAID PARCEL TO THE WEST LINE OF SAID EAST HALF; THENCE NORTH 0° 16' 36" WEST, 2.593 METERS ALONG SAID WEST LINE; THENCE NORTH 89° 42' 19" EAST, 91.679 METERS TO THE WEST LINE OF SAID EAST 30 FEET, DISTANT NORTH 0° 17' 48" WEST, 2.583 METERS ALONG SAID WEST LINE FROM SAID NORTHEAST CORNER; THENCE SOUTH 0° 17' 48" EAST, 2.583 METERS ALONG SAID WEST LINE TO SAID CORNER AND THE POINT OF BEGINNING.

FORAPN: 0240-211-29

THE EAST 30 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF LYING NORTH OF THE STATE HIGHWAY.

EXCEPT THAT PORTION OF SAID LAND, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL B" IN DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 25, 1969 IN BOOK 7256 PAGE 449, OFFICIAL RECORDS OF SAID COUNTY, BEING ALSO A POINT ON THE WEST LINE OF THE EAST 30 FEET OF SAID EAST HALF; THENCE NORTH 0° 17' 48" WEST, 2.583 METERS ALONG SAID WEST LINE; THENCE NORTH 89° 42' 19" EAST, 9.143 METERS TO THE EAST LINE OF SAID EAST HALF, DISTANT NORTH 0° 17' 48" WEST, 2.581 METERS ALONG SAID EAST LINE FROM THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 0° 17' 48" EAST, 2.581 METERS ALONG SAID EAST LINE TO SAID CORNER; THENCE SOUTH 89° 41' 56" WEST, 9.143 METERS ALONG THE NORTH LINE OF SAID PARCEL TO SAID NORTHWEST CORNER AND THE POINT OF BEGINNING.

FORAPN: 0240-211-21

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

THAT PORTION OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, LYING NORTH

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OF THE HIGHWAY AS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 28, 1963, IN BOOK 5977, PAGE 798, OFFICIAL RECORDS.

EXCEPTING THEREFROM A STRIP OF LAND 32 FEET WIDE OFF THE WEST SIDE THEREOF AS DEEDED TO THE CITY OF RIALTO BY DOCUMENT RECORDED DECEMBER 10, 1985 AS INSTRUMENT NO. 85-313348, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO THE STATE OF CALIFORNIA BY THE DEED RECORDED DECEMBER 19, 2002 AS INSTRUMENT NO. 2002-691976, OFFICIAL RECORDS.

FOR APN: 0240-211-31

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

THE WEST 30 FEET OF THE WEST HALF ON THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN.

EXCEPTING THEREFROM THAT PORTION GRANTED TO THE STATE OF CALIFORNIA IN THE GRANT DEED RECORDED DECEMBER 13, 2001, AS INSTRUMENT NO. 2001056655 1 OF OFFICIAL RECORDS.

PREPARED BY:



DAVIE COWAN, CA P.E. NO. 86803
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