

1 **WHEREAS**, in conjunction herewith, the applicant has submitted Variance No. 2020-
2 0001 to allow an increase in the maximum allowable height for the proposed warehouse building
3 from 35 feet to 49 feet (“VAR No. 2020-0001”); and

4 **WHEREAS**, in conjunction herewith, the applicant has submitted Conditional
5 Development Permit No. 2020-0006 to facilitate the development and operation of a 492,410
6 square foot industrial warehouse building on the Overall Site (“CDP No. 2020-0006”); and

7 **WHEREAS**, in conjunction herewith, the applicant has submitted Precise Plan of Design
8 No. 2020-0012 to facilitate the development of a 492,410 square foot industrial warehouse
9 building on the Overall Site (“PPD No. 2020-0012”); and

10 **WHEREAS**, pursuant to Government Code Sections 65350-65362, the Project requires
11 the approval of an amendment to the General Plan, and the applicant has agreed to apply for
12 General Plan Amendment No. 2019-0007 (“GPA No. 2019-0007”); and

13 **WHEREAS**, pursuant to Government Code Sections 65350-65362, the City Council is
14 authorized to amend the General Plan within the City; and

15 **WHEREAS**, pursuant to Government Code Sections 65350-65362, the Planning
16 Commission shall hold a public hearing for a proposed amendment to the General Plan and forward
17 a recommendation to the City Council for action; and

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

24 **WHEREAS**, on July 27, 2022, the Planning Commission voted 6-0 (1 vacancy) to
25 recommend denial of GPA No. 2020-0001, SPA No. 2020-0001, VAR No. 2020-0001, CDP No.
26 2020-0006, and PPD No. 2020-0012 to the City Council; and

27 **WHEREAS**, on November 15, 2022, the City Council of the City of Rialto conducted a
28 duly noticed public hearing, as required by law, on GPA No. 2020-0001, SPA No. 2020-0001,

1 VAR No. 2020-0001, CDP No. 2020-0006, and PPD No. 2020-0012, took testimony, at which
2 time it received input from staff, the city attorney, and the applicant; heard public testimony;
3 discussed GPA No. 2020-0001, SPA No. 2020-0001, VAR No. 2020-0001, CDP No. 2020-0006,
4 and PPD No. 2020-0012; and closed the public hearing; and

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

6 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves:

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

9 **SECTION 2.** Based on substantial evidence presented to the City Council during the public
10 hearing conducted with regard to GPA No. 2020-0001, including written staff reports, verbal
11 testimony, project plans, other documents, and the conditions of approval stated herein, the City
12 Council hereby determines that GPA No. 2020-0001 satisfies the requirements of Government Code
13 Sections 65358 pertaining to the findings which must be made precedent to amending a General Plan.

14 The findings are as follows:

- 15
16 1. That the proposed General Plan Amendment is in the public interest.

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

18 The Site is surrounded on all sides by existing industrial developments and uses. The Overall
19 Site is currently partially developed and occupied by tenants that utilize the Overall Site for
20 the storage of trucks, trailers, construction materials, etc. The Project will change the general
21 plan land use designation of the Site to Business Park (BP) with a Specific Plan Overlay,
22 which is the same designation as the properties to the north and south, as well as some
properties to the east and west of the Overall Site, and which is consistent with the existing
uses on the Overall Site.

23 The Project will facilitate the development of Class-A industrial warehouse building in
24 keeping with the character of the surrounding area. The new warehouse building will generate
25 approximately 350 to 450 jobs, and any member of the public seeking employment will be
26 provided additional employment opportunities. Furthermore, the development of a new
27 industrial warehouse building on the Overall Site will contribute to an increase in revenues
28 collected in form of permit fees, development impact fees, sales tax, and property tax. In
addition, the Overall Site is under-developed and in a blighted condition with no landscaping,
no screening, and little to no paving, and the general plan amendment will facilitate a

1 development that will greatly enhance the aesthetics of the Overall Site and bring much
2 needed infrastructure to the Overall Site and its street frontages.

3 **SECTION 3.** An Environmental Impact Report (Environmental Assessment Review No.
4 2020-0007) has been prepared for the proposed Project in accordance with the California
5 Environmental Quality Act (CEQA) and it has been determined that the Project will create
6 unavoidable significant impacts to air quality, greenhouse gas emissions, and transportation/traffic.
7 On November 15, 2022, the City Council adopted the Final Environmental Impact Report prepared
8 for the Project.

9 **SECTION 4.** The City Council hereby approves GPA No. 2020-0001 to change the land
10 use designation of the Site from General Commercial (GC) with a Specific Plan Overlay to Business
11 Park (BP) with a Specific Plan Overlay, in accordance with the applications on file with the Planning
12 Division, subject to the following conditions:

- 14 1. GPA No. 2020-0001 is approved changing the general plan land use designation of
15 approximately 8.46 acres of land (APN: 0132-181-01) located at the northwest corner of
16 Valley Boulevard and Willow Avenue, and described in the legal description attached as
17 Exhibit A, from General Commercial (GC) with a Specific Plan Overlay to Business Park
(BP) with a Specific Plan Overlay.
- 18 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
19 working hours to assure compliance with these conditions and other codes.
- 20 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
21 and/or any of its officials, officers, employees, agents, departments, agencies, and
22 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
23 demands, law suits, writs of mandamus, and other actions and proceedings (whether
24 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
25 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
26 and other such procedures), (collectively “Actions”), brought against the City, and/or
27 any of its officials, officers, employees, agents, departments, agencies, and
28 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

1 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
2 or any decision of a court of competent jurisdiction. This condition to indemnify,
3 protect, defend, and hold the City harmless shall include, but not be limited to (i)
4 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
5 attorneys' fees and other costs, liabilities and expenses incurred in connection with
6 such proceeding whether incurred by applicant, Property owner, or the City and/or
7 other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
8 are the "Damages"). Notwithstanding anything to the contrary contained herein, the
9 Applicant shall not be liable to the City Parties under this indemnity to the extent the
10 Damages incurred by any of the City Parties in such Action(s) are a result of the City
11 Parties' fraud, intentional misconduct or gross negligence in connection with issuing
12 the Entitlements. The applicant shall execute an agreement to indemnify, protect,
13 defend, and hold the City harmless as stated herein within five (5) days of approval of
14 GPA No. 2020-0001.

- 10 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
11 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
12 subject to protest by the applicant at the time of approval or conditional approval of the
13 Project or within 90 days after the date of the imposition of the fees, dedications,
14 reservations, or exactions imposed on the Project.
- 14 5. The applicant shall comply with all conditions of approval contained in SPA No. 2020-
15 0001, VAR No. 2020-0001, CDP No. 2020-0006, and PPD No. 2020-0012, to the extent
16 they are not in conflict with any condition of approval herein.

16 **SECTION 5.** The Mayor shall sign as to the passage and adoption of this resolution and
17 thereupon the same shall take effect and be in force.

18 **PASSED, APPROVED AND ADOPTED** this 15th day of November, 2022.

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22 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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10 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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5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council
7 of the City of Rialto held on the _____ day of _____, 2022.

8 Upon motion of Councilmember _____, seconded by Councilmember
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 _____ day of _____, 2022.

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BARBARA MCGEE, CITY CLERK

Exhibit A

LEGAL DESCRIPTION

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 ½ 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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