

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 (“CDP No. 2020-0006”) and Precise Plan of Design No.
6 2020-0012 (“PPD No. 2020-0012”) to facilitate the development and operation of a 492,410 square
7 foot industrial warehouse building on the Overall Site (“Development”), and the Project is necessary
8 to facilitate the Development; and

9 **WHEREAS**, pursuant to Section 18.78.060 of the Rialto Municipal Code, the Project
10 requires the approval of an amendment to the Gateway Specific Plan, and the applicant has agreed
11 to apply for Specific Plan Amendment No. 2020-0001 (“SPA No. 2020-0001”); and

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

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

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

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

26 **WHEREAS**, on November 15, 2022, the City Council conducted a duly noticed public
27 hearing, as required by law, on SPA No. 2020-0001, GPA No. 2020-0001, VAR No. 2020-0001,
28 CDP No. 2020-0006, and PPD No. 2020-0012, took testimony, at which time it received input

1 from staff, the city attorney, and the applicant; heard public testimony, discussed SPA No. 2020-
2 0001, GPA No. 2020-0001, VAR No. 2020-0001, CDP No. 2020-0006, and PPD No. 2020-0012;
3 and closed the public hearing; and

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

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

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

8 **SECTION 2.** Based on substantial evidence presented to the City Council during the public
9 hearing conducted with regard to SPA No. 2020-0001, including written staff reports, verbal
10 testimony, project plans, other documents, and the conditions of approval stated herein, the City
11 Council hereby determines that SPA No. 2020-0001 satisfies the requirements of Government Code
12 Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code pertaining to the
13 findings which must be made precedent to amending a Specific Plan. The findings are as follows:

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

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

17 The applicant proposes to change the specific plan zoning designation of the Site to Industrial
18 Park (I-P) within the Gateway Specific Plan. In conjunction with the Project, the applicant
19 proposes GPA No. 2020-0001 to change the general plan land use designation of the Site from
20 General Commercial with a Specific Plan Overlay to Business Park with a Specific Plan
21 Overlay. The proposed I-P zoning designation is consistent with the Business Park with a
Specific Plan Overlay land use designation, and both will serve to facilitate the Development.

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

27 Furthermore, the Project is consistent with Goal 3-1 of the Economic Development Element
28 of the General Plan, which encourages strengthening and diversification of the economic base
and employment opportunities, while maintaining a positive business climate. The change in

1 the Specific Plan land use designation of the Site from F-C to I-P will lead to the development
2 of an industrial building on land that has remained historically under-developed and without
any commercial uses under the current commercial zoning.

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

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

6 The Project will facilitate the development of a 492,410 square foot industrial warehouse
7 building, which will provide new jobs across various wage and education levels available to
8 all races, age groups, and ways of life.

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

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

12 The Project will facilitate the development of a high-quality warehouse building. The
13 proposed Development is consistent with existing warehouse developments to the east and
14 west of the Site and other recent warehouse developments within the Gateway Specific
Plan area.

15 The immediate area is predominantly designated for and developed with industrial uses,
16 and as a result, there are no sensitive land uses adjacent to or across the street from the Site.
17 The project is not expected to negatively impact any uses since measures, such as landscape
18 buffering, the installation of solid screen walls, and the prohibition of truck movements
west on Valley Boulevard and north on Willow Avenue will be implemented.

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

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

22 Limited development opportunities exist within the Gateway Specific Plan area. To the north
23 of the project site is a San Bernardino County Flood Control Channel and an approximately
24 0.63-acre stormwater basin, and to the east, across Willow Avenue, is Rialto Fire Station No.
25 205, an approximately 36,000 square foot industrial building, and approximately 3.39 acres
26 of vacant land. To the south, across Valley Boulevard, are several multi-tenant industrial
27 buildings and the Teamsters Local 63 union hall, and to the west are several industrial
28 developments. The Site has remained historically under-developed and without any
commercial uses with the Freeway Commercial (F-C) zoning designation. The likelihood
that the Site will develop into a commercial use is remote given the industrial character on all
sites of the Site. The most logical specific plan zoning designation to facilitate the
development of the Site is an industrial zone, such as the Industrial Park (I-P) zoning

1 designation. The I-P zoning designation will maintain consistency with the surrounding area
2 and provide job opportunities for those living in existing residential areas within the City.

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

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

6 The City retained EcoTierra Consultants, an environmental consulting firm, to conduct a peer
7 review of an Environmental Impact Report (Environmental Assessment Review No. 2020-
8 0007) prepared by T&B Planning, Inc for the project. The Environmental Impact Report
9 indicated that the Project will result in a significant an unavoidable impact to air quality,
10 greenhouse gas emissions, and transportation/traffic. Mitigation measures within the
11 Environmental Impact Report will reduce the adverse significant environmental effects of the
12 Project to the greatest extent feasible. Through the adoption of the Environmental Impact
13 Report and a Statement of Overriding Considerations, it is determined that the social,
14 economic, and environmental benefits of the Project separately and individually outweigh the
15 potential unavoidable adverse impacts of the Project and render those potential adverse
16 environmental impacts acceptable based upon the following:

- 17 A. The Project provides development of a functional, well serviced, and attractive
18 logistics center that is sensitive to its setting and that improves and maximizes
19 economic viability within the City by the orderly transition of underutilized land into
20 a productive industrial use;
- 21 B. The Project attracts new employment-generating business to the City of Rialto thereby
22 reducing the need for members of the local workforce to commute outside the area for
23 employment;
- 24 C. The Project creates short-term construction jobs that would generate increases in
25 construction employee wages, as well as a multiplier effect of those wages that will
26 create secondary jobs to support Project-related construction activities and the needs
27 of construction workers. The addition of new jobs to the City of Rialto will create
28 direct and indirect economic benefits, such as increased tax income to the City and
spending on goods and services;
- D. The Project will help to strengthen and diversify the City's economy by adding a
building that is in strong demand by logistics companies in the regional, State, and
international marketplace;
- E. The Project provides adequate and upgraded infrastructure, roadway improvements,
utility improvements, and contributions to public services;
- F. Implementation of the Project will result in payment of Development Impact Fees,
City permitting fees, and increased property taxes, that would benefit the City of

1 Rialto by increasing available funding for needed public services and infrastructure;
2 and

3 G. The Project will redevelop a former industrial property, thereby eliminating the
4 potential environmental threat from soil contamination that could occur if the property
5 is not reused and which may cause a hazard to the environment.

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

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

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

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

18 **SECTION 3.** An Environmental Impact Report (Environmental Assessment Review No.
19 2020-0007) has been prepared for the proposed Project in accordance with the California
20 Environmental Quality Act (CEQA) and it has been determined that the Project will create
21 unavoidable significant impacts to air quality, greenhouse gas emissions, and transportation/traffic.
22 On November 15, 2022, the City Council adopted the Final Environmental Impact Report prepared
23 for the Project.

24 **SECTION 4.** The City Council hereby approves SPA No. 2020-0001 to change the specific
25 plan zoning designation of the Site from Freeway Commercial (F-C) within the Gateway Specific
26 Plan to Industrial Park (I-P) within the Gateway Specific Plan, in accordance with the applications on
27 file with the Planning Division, subject to the following conditions:

28 1. SPA No. 2020-0001 is approved changing the specific plan zoning designation of
approximately 8.46 acres of land (APNs: 0132-181-01) located at the northwest corner of
Valley Boulevard and Willow Avenue, as described in the legal description attached as

1 Exhibit A, from Freeway Commercial (F-C) within the Gateway Specific Plan to
2 Industrial Park (I-P) within the Gateway Specific Plan.

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- 4 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
5 working hours to assure compliance with these conditions and other codes.
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- 7 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
8 and/or any of its officials, officers, employees, agents, departments, agencies, and
9 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
10 demands, law suits, writs of mandamus, and other actions and proceedings (whether
11 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
12 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
13 and other such procedures), (collectively “Actions”), brought against the City, and/or
14 any of its officials, officers, employees, agents, departments, agencies, and
15 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
16 annul, the any action of, or any permit or approval issued by, the City and/or any of its
17 officials, officers, employees, agents, departments, agencies, and instrumentalities
18 thereof (including actions approved by the voters of the City), for or concerning the
19 Project (collectively, the “Entitlements”), whether such Actions are brought under the
20 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
21 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
22 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
23 or any decision of a court of competent jurisdiction. This condition to indemnify,
24 protect, defend, and hold the City harmless shall include, but not be limited to (i)
25 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
26 attorneys’ fees and other costs, liabilities and expenses incurred in connection with
27 such proceeding whether incurred by applicant, Property owner, or the City and/or
28 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. 2020-0001.
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. Approval of SPA No. 2020-0001 will not be valid until such time that the City Council of
the City of Rialto has approved General Plan Amendment No. 2020-0001, which was
prepared in conjunction with the Project.

1 6. The applicant shall comply with all conditions of approval contained in GPA No. 2020-
2 0001, VAR No. 2020-0001, CDP No. 2020-0006, and PPD No. 2020-0012, to the extent
3 they are not in conflict with any condition of approval herein.

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

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

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10 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.

19 _____
20 BARBARA MCGEE, CITY CLERK

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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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