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1       **WHEREAS**, City staff has prepared, and the Developer has reviewed and has concurred  
2 with the terms and conditions of, the development agreement as set forth in Exhibit “A,” and  
3 incorporated herein by this reference with the same force and effect as set forth in full (the  
4 “Development Agreement”); and

5       **WHEREAS**, the provisions of the proposed Development Agreement are consistent with  
6 the General Plan and Specific Plan and contains all necessary elements required by Government  
7 Code section 65864 et seq. and Chapter 18.79 of the City of Rialto Municipal Code; and

8       **WHEREAS**, the City and Developer have reached mutual agreement and desire to  
9 voluntarily enter into the Development Agreement to facilitate development of the Project on the  
10 Site subject to conditions and requirements set forth therein; and

11       **WHEREAS**, the Project was first analyzed pursuant to the California Environmental  
12 Quality Act (“CEQA”) in the Rialto Commerce Center Environmental Impact Report (“EIR”),  
13 which was certified as adequate and complete by the Rialto City Council on April 12, 2011 in  
14 Resolution No. 5965; and

15       **WHEREAS**, on December 20, 2017, the City of Rialto Department Review Committee  
16 approved Precise Plan of Design No. 2017-002 and 2017-0083 (“Project PPDs”) for the  
17 development of the Project; and

18       **WHEREAS**, in connection with the approval of the Project PPD’s and in compliance  
19 with CEQA, an Addendum to the Rialto Center Commerce EIR dated December 2017  
20 (“Addendum”) was prepared, which analyzed the Project’s potential environmental impacts  
21 associated with the expansion of the scope of allowed warehouse, industrial, logistics, and  
22 distribution (including fulfillment center) uses; and

23       **WHEREAS**, an Addendum to a previously adopted EIR is permitted when: (1) a project  
24 (as approved in the Project PPD) would result in no new significant impacts that were not  
25 analyzed in the previously certified EIR, nor would the project cause a substantial increase in the  
26 severity of any previously identified environmental impacts; (2) the potential impacts associated  
27 with a project would be the same or less than those described in the previously certified EIR; (3)  
28 there are no substantial changes to the circumstances under which a project will be undertaken

1 that would result in new or more severe environmental impacts than previously addressed in the  
2 previously certified EIR; (4) no new information regarding the potential for new or more severe  
3 significant environmental impacts were identified since the previously certified EIR was certified  
4 as complete;

5 **WHEREAS**, the Notice of Determination for the Addendum was filed on December 22,  
6 2017 and no appeals or legal challenges were made with respect to the Rialto Commerce Center  
7 EIR, the Addendum or the Project PPDs approval; and

8 **WHEREAS**, on May 30, 2018, the Commission, held a duly noticed public hearing, in  
9 accordance with the provisions of Government Code section 65090, et seq., Government Code  
10 section 65867, and the City of Rialto's Municipal Code, to receive and consider all public  
11 comment on the proposed Development Agreement; and

12 **WHEREAS**, the terms and conditions of the Development Agreement have undergone  
13 review by the Commission at a publicly noticed hearing and have been found to be fair, just and  
14 reasonable and consistent with the General Plan; and

15 **WHEREAS**, the Commission has determined that by entering into the Development  
16 Agreement that: (i) the City will promote orderly growth and quality development of the Site in  
17 accordance with the goals and policies set forth in the General Plan and the Specific Plan; and (ii)  
18 significant benefits will be created for City residents and the public generally from increased  
19 employment and expanded services to an underserved area; and

20 **WHEREAS**, the Rialto Commerce Center EIR and the Addendum have been adopted by  
21 the City as being in compliance with CEQA and addresses the potential environmental impacts of  
22 the entire Project; and

23 **WHEREAS**, the Development Agreement does not change or modify the Project as  
24 approved by the Project PPDs and as analyzed in the Rialto Commerce Center EIR and the  
25 Addendum, and the Rialto Commerce Center EIR and the Addendum adequately describe and  
26 analyze the Project and its potential impacts, including any impacts potentially resulting from the  
27 approval of the Development Agreement for the purposes of the CEQA; and  
28

1       **WHEREAS**, the consideration and proposed approval of the Development Agreement  
2 does not trigger and of the provisions requiring subsequent or supplemental environmental review  
3 as set forth in Public Resources Code Section 21166 and Section 15164 of the State CEQA  
4 Guidelines and the Development Agreement is exempt from, and not subject to, further review  
5 under CEQA.

6       **NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of  
7 Rialto as follows:

8       **Section 1.**     The foregoing recitals are true and correct.

9       **Section 2.**     Based on the entire record before the Commission, including all written  
10 and oral evidence presented to the Commission, the Commission hereby finds that the  
11 Development Agreement is consistent with the General Plan because the Development  
12 Agreement will result in the development of the Site at the intensity and density allowed under  
13 the zoning designation of M-1 (Light Industrial) of the General Plan and consistent with the  
14 restrictions and development standards contained in the Rialto Municipal Code. The Project and  
15 Development Agreement also further Goal 3-1 of the General Plan by providing a more  
16 diversified economic base and employment opportunity and by maintaining a positive business  
17 climate through the increase in roughly 900 jobs with a wide range of skills and wages; Goal 3-3  
18 of the General Plan by attracting and expanding industrial businesses to reduce blighted  
19 conditions in the area surrounding the Site; Goal 3-6 by requiring the Developer to provide onsite  
20 and offsite improvements to ensure adequate service of essential public services and  
21 infrastructure; and Goal 3-7 by upgrading public infrastructure with the onsite and offsite  
22 improvements surrounding the Site.

23       **Section 3.**     Based on the entire record before the Commission and all written and oral  
24 evidence presented to the Commission, the Commission finds that: (i) the economic interests of  
25 Rialto citizens and the public health, safety and welfare will be best served by entering into the  
26 Development Agreement; (ii) this Development Agreement is compatible with the uses authorized  
27 in, and the regulations prescribed for, the area in which the Site is located; (iii) the Development  
28 Agreement is in conformity with the public convenience, general welfare and good land use



1 practice; (iv) the Development Agreement will have an overall positive impact on the health,  
2 safety and welfare of the residents of and visitors to the City; (v) the Development Agreement will  
3 not adversely affect the orderly development or the preservation of property values for the  
4 property it governs or any other property; and (vi) the Development Agreement constitutes a  
5 lawful, present exercise of the City's police power and authority under the Development  
6 Agreement Act and the Development Agreement Ordinance; and (vii) the Development will be  
7 entered into pursuant to and in compliance with the requirements of the Development Agreement  
8 Act and the Development Agreement Ordinance.

9 **Section 4.** The environmental impacts of the proposed Development Agreement and  
10 the Project have been fully analyzed in the Rialto Commerce Center EIR and the Addendum for  
11 which a Notice of Determination was filed with the clerk of the Board of San Bernardino County  
12 on December 22, 2017. The consideration and approval of the Development Agreement does not  
13 trigger any of the provisions requiring subsequent or supplemental environmental review as set  
14 forth in Public Resources Code Section 21166 and State CEQA Guidelines Sections 15164; and  
15 therefore the Development Agreement is exempt from, and not subject to, further rev

16 **Section 5.** Based on the entire record before the Commission and all written and oral  
17 evidence presented to the Commission, the Commission recommends that the City Council of the  
18 City of Rialto approve the Development Agreement as set forth in Exhibit "A."

19 **Section 6.** This Resolution shall take effect immediately upon its adoption.  
20

21 **PASSED, ADOPTED AND APPROVED** at a regular meeting of the Planning  
22 Commission this 30th day of May, 2018.

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26 JOHN PEUKERT, CHAIR  
27 CITY OF RIALTO PLANNING COMMISSION  
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Exhibit "A"  
Development Agreement

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
4

5 I, Gina Gibson-Williams, Planning and Licensing Manager of the City of Rialto, do hereby  
6 certify that the foregoing Resolution No. **18-26** was duly passed and adopted at a regular meeting  
7 of the Planning Commission of the City of Rialto held on the 30<sup>th</sup> day of May, 2018.

8 Upon motion of Planning Commissioner Dale Estvander, seconded by Planning  
9 Commissioner Al Twine, the foregoing Resolution No. **18-26** was duly passed and adopted.

10  
11 Vote on the motion:

12 AYES: 6

13 NOES: 0

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
16 Rialto this 30th day of May, 2018.

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21 GINA GIBSON-WILLIAMS, PLANNING AND LICENSING MANAGER  
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