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WHEREAS, approximately 16.55 gross acres of land (APNs: 1133-101-04, 1133-221-02, 1133-221-06 & 1133-221-07) located on the west side of Maple Avenue approximately 660 feet north of Casmalia Street, described in the legal description attached as Exhibit “A” (“Site”), is currently within an unincorporated island within the jurisdiction of the County of San Bernardino, specifically known as North Rialto Island No. 4, and is located within the Sphere of Influence of the City of Rialto; and

WHEREAS, on November 22, 2016, the City Council adopted Resolution No. 7035 initiating the annexation process for the five (5) unincorporated islands, including North Rialto Island No. 4, which includes the Site, under Annexation No. 171; and

WHEREAS, prior to the completion of Annexation No. 171, the applicant, Bridge Development Partners, LLC, proposes to change the land use designation of the Site from Residential 6 to Light Industrial with a Specific Plan Overlay, change the boundary of the Rialto Airport Specific Plan to include the Site, and change the pre-zoning designation of the Site from Single-Family Residential (R-1A) to Planned Industrial Development (I-PID) within the Rialto Airport Specific Plan (“Project”); and

-1-

1 amendment, and the applicant agreed to apply for General Plan Amendment No. 2018-0001
2 (“GPA No. 2018-0001”), in accordance with Government Code Sections 65350-65362; and

3 **WHEREAS**, the approval of a change to the boundary of the Rialto Airport Specific Plan
4 to include the Site, and a change to the pre-zoning of the Site from Single-Family Residential (R-
5 1A) to Planned Industrial Development (I-PID) within the Rialto Airport Specific Plan requires a
6 specific plan amendment, and the applicant agreed to apply for Specific Plan Amendment No.
7 2019-0002 (“SPA No. 2019-0002”), in accordance with Section 18.78.060 of the Rialto
8 Municipal Code; and

9 **WHEREAS**, in conjunction with the Project, the applicant proposes to develop a
10 382,018 square foot warehouse building on the Site, and GPA No. 2018-0001 and SPA No.
11 2019-0002 are necessary to facilitate said development; and

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

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

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

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

23 **WHEREAS**, on April 10, 2019, the Planning Commission of the City of Rialto
24 conducted a duly noticed public hearing, as required by law, on GPA No. 2018-0001 and SPA
25 No. 2019-0002, continued the public hearing to an undetermined date, requested that the
26 Planning Division conduct a neighborhood meeting to discuss the Project, and requested that the
27 Planning Division expand the notification radius for the neighborhood meeting to all property
28 owners within 600 feet of the Site; and

1 **WHEREAS**, the City mailed notices to all property owners within 600 feet of the Site
2 informing them of a neighborhood meeting to discuss the Project scheduled for April 29, 2019;
3 and

4 **WHEREAS**, on April 29, 2019, the Planning Division conducted a neighborhood
5 meeting to discuss the Project at the Frances E. Brooks Conference Center located at 214 N.
6 Palm Avenue, Rialto, California; and

7 **WHEREAS**, the City mailed public hearing notices to all property owners within 600
8 feet of the Site, and published the public hearing notice in the San Bernardino Sun newspaper as
9 required by State law, for a subsequent public hearing to be held on May 8, 2019 for GPA No.
10 2018-0001 and SPA No. 2019-0002; and

11 **WHEREAS**, on May 8, 2019, the Planning Commission of the City of Rialto conducted
12 a duly noticed public hearing, as required by law, on GPA No. 2018-0001 and SPA No. 2019-
13 0002, took testimony, at which time it received input from staff, the city attorney, and the
14 Applicant; heard public testimony; discussed the proposed GPA No. 2018-0001 and SPA No.
15 2019-0002; and closed the public hearing; and

16 **WHEREAS**, on May 8, 2019, the Planning Commission voted 3-3 (1 absence), resulting
17 in no decision regarding a formal recommendation on GPA No. 2018-0001 and SPA No. 2019-
18 0002 to the City Council; and

19 **WHEREAS**, on June 11, 2019, the City Council conducted a public hearing, as required
20 by law, on GPA No. 2018-0001 and SPA No. 2019-0002, took testimony, at which time it
21 received input from staff, the city attorney, and the Applicant; heard public testimony, discussed
22 GPA No. 2018-0001 and SPA No. 2019-0002; and closed the public hearing; and

23 **WHEREAS**, on June 11, 2019, the City Council voted 4-0 (1 abstention) to deny GPA
24 No. 2018-0001 and SPA No. 2019-0002 and to direct staff to prepare a formal Resolution of
25 Denial for consideration at the June 25, 2019 City Council meeting; and

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

27 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:
28

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

3 **SECTION 2.** Based on substantial evidence presented to the City Council during the
4 public hearing conducted with regard to GPA No. 2018-0001, including written staff reports, verbal
5 testimony, project plans, other documents, and the conditions of approval stated herein, the City
6 Council hereby determines that GPA No. 2018-0001 does not satisfy the requirements of
7 Government Code Section 65358 pertaining to the findings which must be made precedent to
8 amending a General Plan. The findings are as follows:

- 9
10 1. That the proposed General Plan Amendment is in the public interest.

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

12 The Project, and the related development of a 382,018 square foot warehouse building on
13 the Site, are not consistent with existing sensitive single-family residential land uses to the
14 north and east of the Site. The Project will result in the development of a large-scale
15 industrial building that will negatively impact scenic views and create large expanses of
16 unsightly concrete walls up to forty-five (45) feet in height from the finished floor. The
17 Project will also result in the creation of significant new levels of noise and traffic from the
18 operation of trucks that will negatively impact the nearby single-family residences to the
19 north and east of the Site and the local streets in the vicinity.

20 **SECTION 3.** Based on substantial evidence presented to the City Council during the public
21 hearing conducted with regard to SPA No. 2019-0002, including written staff reports, verbal
22 testimony, project plans, other documents, and the conditions of approval stated herein, the City
23 Council hereby determines that SPA No. 2019-0002 does not satisfy the requirements of
24 Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code
25 pertaining to the findings which must be made precedent to amending a Specific Plan. As
26 documented below, the Project does not satisfy findings number 1, 2, 3, 4, and 5. The findings are
27 as follows:

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

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

2 The Project is not consistent with Goal 2-8 of the Land Use Element of the General Plan,
3 which encourages the preservation and improvement of established residential
4 neighborhoods in Rialto, specifically by discouraging extreme changes in scale between
5 adjacent structures. The Project would result in the development of a large industrial
6 building that will negatively impact the scenic views of the existing low-density single-
7 family residences to the north and east of the Site by creating large expanses of unsightly
8 concrete walls up to forty-five (45) feet in height from the finished floor. The Project is also
9 not consistent with Goal 2-9 of the Land Use Element of the General Plan, which strives to
10 protect residential, schools, parks, and other sensitive land uses from the impacts associated
11 with industrial and truck-related land uses. The Project would result in the creation of
12 significant new levels of noise and traffic from trucks that would operate at the Site in an
13 area that is immediately adjacent to sensitive single-family residences.

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

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

17 The Project would facilitate the development of a forty-five (45) foot tall 382,018 square
18 foot warehouse building, which would create an imbalance between itself and the single-
19 family residences immediately adjacent to the north and east of the Site. Air pollution,
20 noise, and truck traffic generated by the Project, and the related development, would
21 negatively disrupt the quality of life of the existing residents living in the area.

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

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

26 The Project would facilitate the development of a forty-five (45) foot tall 382,018 square
27 foot warehouse building on the Site. This would result in the creation of large expanses
28 of unsightly concrete walls and the generation of large amounts of truck traffic and air
pollution, as documented in the Initial Study prepared for the Project, which is contrary to
that which would be created under the current residential designations of the Site. The
Site is located adjacent to existing single-family residences to north and the east, many of
which are single-story in height. The development of a forty-five (45) foot tall 382,018
square foot warehouse building is not compatible with the existing development in the
area, an area that is heavily developed with lower density single-family residences.

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

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

2 The Project would facilitate the development large industrial building, specifically a forty-
3 five (45) foot tall 382,018 square foot warehouse building, in an area heavily developed with
4 low-density single-family residences to the north and east of the Site. This would create an
5 imbalance between land uses, specifically the generation of large amounts of air pollution
6 and truck traffic in residential areas typically devoid of such impacts. The development
7 would not provide residents any opportunities to shop in the community they live in, and the
8 development of a large-scale warehouse development, specifically 382,018 square feet in
9 size, would not generate the amount of jobs that would normally be generated by a series of
10 smaller scale industrial buildings with the same total floor area, or other uses, such as office
11 or retail of the same floor area.

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

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

15 The Project would facilitate the development of a forty-five (45) foot tall 382,018 square
16 foot warehouse building, which would create an imbalance between itself and the existing
17 single-family residences to the north and east of the Site. Air pollution, noise, and truck
18 traffic generated by the Project, and the related development, would negatively disrupt the
19 quality of life of the existing residents living in the area. Additionally, the development of a
20 large-scale industrial building would also negatively impact the scenic views of the existing
21 single-family residences to the north and east of the Site by creating large expanses of
22 unsightly concrete walls up to forty-five (45) feet in height from the finished floor.

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

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

26 The proposed development, enabled by the Project, would have been required to meet or
27 exceed California Building Code Title 24, Part 6 Energy Efficiency Standards. This
28 would have required the implementation of features such as, but not limited to, energy
efficient windows, energy efficient heating and cooling systems, painting of all structures
in light off-white colors to reflect heat away, and structural accommodation of
photovoltaic solar electric systems. There was no evidence that the Project would have
been unable to achieve such conservation measures. Nevertheless, this finding becomes
moot, given that the Project failed to satisfy the other findings required to amend the
specific plan, as required in paragraphs 1-5 above.

29 **SECTION 4.** The City Council hereby denies General Plan Amendment No. 2018-0001
30 and Specific Plan Amendment No. 2019-0002 on the grounds that the Project is incompatible with

1 the existing single-family residential uses to the north and east of the Site, that the Project will be a
2 detriment to the aesthetics, air quality, and the level of service of traffic in the immediate area, and
3 that the Project does not comply with the required findings necessary for approval contained in
4 Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code.

5 **SECTION 5.** The Mayor shall sign the passage and adoption of this resolution and
6 thereupon the same shall take effect and be in force.
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8 **PASSED, APPROVED AND ADOPTED** this 25th day of June, 2019.

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DEBORAH ROBERTSON, MAYOR
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ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

FRED GALANTE, CITY ATTORNEY

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

5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
7 City Council of the City of Rialto held on the _____ day of _____, 2019.

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
15 of Rialto this _____ day of _____, 2019.
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19 _____
20 BARBARA MCGEE, CITY CLERK
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Exhibit "A"

HUITT-ZOLIARS

HUITT-ZOLIARS, INC. • 2603 Main Street • Suite 400 • Irvine, CA 92614-4250 • 949.988.5815 phone • 949.988.5820 fax • huitt-zollars.com

R308255.01
04-02-19

LEGAL DESCRIPTION
GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT

Parcel One:

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 28, 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 government survey.

Saving and excepting that portion lying within Tract No. 3279, as per plan recorded in Book 44 of Maps, Page 1, Records of said County.

Parcel Two:

The West 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28 of 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 government Township plat thereof.

Parcel Three:

The North 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28, 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 government Township plat thereof.

Excepting therefrom the Easterly 10 feet of said land as conveyed to the City of Rialto, a municipal corporation by Deed No. 1343 recorded November 5, 1987 as Instrument No. 87-395753 of Official Records.

Parcel Four:

The South 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28, 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 government Township plat thereof.

Excepting therefrom the Easterly 10 feet of said land as conveyed to the City of Rialto, a municipal corporation by Deed No. 1343 recorded November 5, 1987 as Instrument No. 87-395753 of Official Records.



r/R308255.01/02/02.10/ZoneChange/zk/dwm

LEGAL DESCRIPTION-CONTINUED
GENERAL PLAN AMENDMENT
AND SPECIFIC PLAN AMENDMENT
PAGE 2

R308255.01
04-02-19

This legal description is prepared for a General Plan Amendment and Specific Plan Amendment and is not intended for the conveyance of land.

David W. Mackey

DAVID W. MACKEY, PLS 8912



r/R308255.01/02/02.10/ZoneChange/zk/dwm