

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING A CONDITIONAL DEVELOPMENT PERMIT NO. 2022-034 ALLOWING THE REDEVELOPMENT AND REUSE OF AN EXISTING INDUSTRIAL SITE WITH A 191,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON 9.57 ACRES OF LAND (APNS: 1133-22-101, 1133-22-104, AND 1133-22-105) LOCATED AT THE SOUTHEAST CORNER OF LOCUST AVENUE AND WEST VINYARD AVENUE WITHIN THE RIALTO AIRPORT SPECIFIC PLAN ZONING DISTRICT, PLANNED INDUSTRIAL DEVELOPMENT (I-PID) LAND USE AREA SUBJECT TO THE FINDINGS AND CONDITIONS THEREIN.

WHEREAS, the applicant, 2271 Locust XC, LLC, proposes to redevelop and reuse an existing industrial site comprised of 9.57 gross acres (8.09 net acres) of land (APNs: 1133-22-101, 1133-22-104, and 1133-22-105) located at the southeast corner of Locust Avenue and West Vinyard Avenue within the Rialto Airport Specific Plan zone (“Site”) with a 191,000 square foot industrial warehouse building (“Project”); and

WHEREAS, the Project will consist of 5,000 square feet of office space on the ground floor, a 2,500 square foot mezzanine, and 186,000 square feet of warehouse space, twenty-four (24) dock-high loading doors, which will be located on the east side of the building, concrete screen walls, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, Pursuant to Section 18.112.040A of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2022-0034 (“CDP No. 2022-0034”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2022-0058 (“PPD No. 2022-0058”) to facilitate the development of a 191,000 square foot industrial warehouse building and associated paving, landscaping, fencing, lighting, and drainage improvements on the Site; and

WHEREAS, on December 6, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP 2022-0034 and PPD No. 2022-0058, took testimony, at which time it received input from staff, the city attorney, and the

applicant; heard public testimony; discussed the proposed CDP 20221-0034 and PPD No. 2022-0058; and closed the public hearing; and

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

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

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2022-0034, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2022-0034 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit, which findings are as follows:

1. The proposed use is deemed essential or desirable to provide a service or facility which will contribute to the convenience or general well-being of the neighborhood or community; and

This finding is supported by the following facts:

The Site was previously developed as a recreational vehicle and boat storage facility, towing company, and trucking lot. The Project will redevelop the Site with the highest and best use, in accordance with the Rialto Airport Specific Plan zoning district. Additionally, the Project will provide new landscape, parking, lighting, and drainage improvements.

2. The proposed use will not be detrimental or injurious to health, safety, or general welfare of persons residing or working in the vicinity; and

This finding is supported by the following facts:

The development of an industrial commerce building on the Site is consistent with the Rialto Airport Specific Plan zoning designation and Planned Industrial Land Use, which conditionally permits the development and operation of industrial warehouse buildings. To the north of the project site is West Vineyard Avenue and the Ziglift Materials Handling building, to the east is vacant land in San Bernardino County sphere of influence area, to the west is the Eagle Roofing operation, and to the south is B&B Plastics within the Renaissance Specific Plan Area. The project is not expected to negatively impact any surrounding uses with the successful implementation of measures such as landscape

1 buffering, the installation of solid screen walls, aesthetic building enhancements, and other
2 traffic related measures. A Mitigated Negative Declaration of environmental impacts has
3 been prepared and mitigation measures have been incorporated to reduce impacts to a level
of insignificance.

- 4 3. The site for the proposed use is adequate in size, shape, topography, accessibility, and
5 other physical characteristics to accommodate the proposed use in a manner
6 compatible with existing land uses; and

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

8 The Site is 9.57 gross acres (8.90 net acres) in size and adjacent to two (2) public streets,
9 which will be able to accommodate the proposed use. The Project will have two (2) points of
10 access via Locust Avenue and two (2) points of access via West Vinyard Avenue. The site is
11 rectangularly shaped and relatively flat and will accommodate the building and use. In
addition, the building will have 114 passenger vehicle parking spaces, which exceeds the
amount required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

- 12 4. The site has adequate access to those utilities and other services required for the
13 proposed use; and

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

15 The Site will have adequate access to all utilities and services required through main water,
16 electric, sewer, and other utility lines that will be connected to the Site.

- 17 5. The proposed use will be arranged, designed, constructed, and maintained so as it will
18 not be injurious to property or improvements in the vicinity or otherwise be
19 inharmonious with the General Plan and its objectives, the Rialto Airport Specific
Plan zone, or any zoning ordinances, and

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

21 As previously stated, the proposed use is consistent with the Rialto Airport Specific Plan
22 zoning designation. The building will be oriented such that none of the dock doors will
23 front or face the public right-of-way, the building will have 114 passenger vehicle parking
spaces, and the building will have a floor area ratio (FAR) of 48.7 percent, all of which
24 comply with the General Plan, the Rialto Airport Specific Plan, Chapter 18.112 (Indoor
Storage Facilities) of the Rialto Municipal Code, and the City's Design Guidelines. Water
25 efficient landscaping will be abundantly incorporated into the Site at a minimum of 10
percent, which is required by the Rialto Municipal Code.

- 26 6. Any potential adverse effects upon the surrounding properties will be minimized to
27 every extent practical and any remaining adverse effects shall be outweighed by the
28 benefits conferred upon the community or neighborhood as a whole.

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

2 The Project's effects will be minimized through the implementation of the Conditions of
3 Approval contained herein, and through the implementation of Conditions of Approval
4 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
5 landscaping, walls, paving, and enhanced architectural features. The development of a
6 high-quality industrial development will provide additional employment opportunities for
7 residents and visitors to the City. The Project is consistent with the Rialto Airport Specific
8 Plan and the surrounding industrial uses. The project is not expected to negatively impact
9 any surrounding uses with the successful implementation of measures such as landscape
10 buffering, the installation of screen walls, aesthetic building enhancements, and other
11 traffic related measures. Therefore, any potential adverse effects are outweighed by the
12 benefits conferred upon the community and neighborhood as a whole.

13 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0056) has been
14 prepared for CDP No. 2022-0034 in accordance with the California Environmental Quality Act
15 (CEQA). Based on the findings within the Initial Study, staff determined that the project will not
16 have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. The
17 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration
18 for the project, and the City mailed the notice to all property owners within 1,000 feet of the project
19 site. The Planning Commission directs the Planning Division to file the necessary documentation
20 with the Clerk of the Board of Supervisors for San Bernardino County.

21 SECTION 4. CDP No. 2022-0034 is granted to Daniel T. Ricks, Xebec Realty Partners in
22 accordance with the plans and application on file with the Planning Division, subject to the following
23 conditions:

- 24 1. The approval is granted allowing the development and operation of a 191,000 square foot
25 industrial warehouse building on 9.57 gross acres (8.90 net acres) of land (APNs: 1133-
26 22-101, 1133-22-104, and 1133-22-105) located at the northeast corner of the Locust
27 Avenue and West Vineyard Avenue, as shown on the plans attached as Exhibit A and as
28 approved by the Planning Commission. If the Conditions of Approval specified herein
are not satisfied or otherwise completed, the project shall be subject to revocation.
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,

1 demands, law suits, writs of mandamus, and other actions and proceedings (whether
2 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
3 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
4 and other such procedures), (collectively “Actions”), brought against the City, and/or
5 any of its officials, officers, employees, agents, departments, agencies, and
6 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
7 annul, the any action of, or any permit or approval issued by, the City and/or any of its
8 officials, officers, employees, agents, departments, agencies, and instrumentalities
9 thereof (including actions approved by the voters of the City), for or concerning the
10 Project (collectively, the “Entitlements”), whether such Actions are brought under the
11 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
12 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
13 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
14 or any decision of a court of competent jurisdiction. This condition to indemnify,
15 protect, defend, and hold the City harmless shall include, but not be limited to (i)
16 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
17 attorneys’ fees and other costs, liabilities and expenses incurred in connection with
18 such proceeding whether incurred by applicant, Property owner, or the City and/or
19 other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
20 are the “Damages”). Notwithstanding anything to the contrary contained herein, the
21 Applicant shall not be liable to the City Parties under this indemnity to the extent the
22 Damages incurred by any of the City Parties in such Action(s) are a result of the City
23 Parties’ fraud, intentional misconduct or gross negligence in connection with issuing
24 the Entitlements. The applicant shall execute an agreement to indemnify, protect,
25 defend, and hold the City harmless as stated herein within five (5) days of approval of
26 CDP No. 2022-0034.

- 27 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
28 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 ensure that heavy-duty construction trucks related to the Project do
not travel along Cedar Avenue north of the project site between fifteen (15) minutes before
and fifteen (15) minutes after the morning drop-off and afternoon dismissal bells at Rialto
Middle School on any day of the week during the school year.
6. The Project shall be limited to a maximum of 552 passenger car equivalent (PCE) trips
and 338 actual truck trips daily, in accordance with Table 3-1: Project Trip Generation
Summary of the Traffic Impact Analysis prepared for the Project by Stantec. and dated
August 3, 2023, which is attached hereto as Exhibit B.
7. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck
traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall
not queue or stage on any public street at any time. Activities on-site shall not operate in

1 such a manner that would impact traffic lanes, cause back up (queuing or staging) of
2 vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police
3 access and passage around trucks queuing or staging on-site shall be feasible at all times
4 and activities shall not block parking areas, access or passage for disabled persons or
5 emergency response vehicles.

- 6 8. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that outbound trucks do
7 not turn right out of the northerly driveway on Cedar Avenue at any time. Signage
8 prohibiting the right-turn movement for trucks from this driveway shall be installed on the
9 north side of the driveway at least five (5) feet from the property line along Cedar Avenue
10 prior to the issuance of a Certificate of Occupancy.
- 11 9. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and
12 trailers within designated truck and trailer parking spaces within the truck court. No trucks
13 or trailers shall be parked or stored within any public street or within any on-site drive-
14 aisles or passenger vehicle parking areas at any time.
- 15 10. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of
16 the building at any time, except for trucks, trailers, and vehicles associated with the
17 operation(s) conducted within the building, without prior approval of a separate
18 Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage
19 Uses) of the Rialto Municipal Code.
- 20 11. The privileges granted by the Planning Commission pursuant to approval of this
21 Conditional Development Permit are valid for one (1) year from the effective date of
22 approval. If the applicant fails to commence the project within one year of said
23 effective date, this conditional development permit shall be null and void and any
24 privileges granted hereunder shall terminate automatically. If the applicant or his or
25 her successor in interest commence the project within one year of the effective date of
26 approval, the privileges granted hereunder will continue inured to the property as long
27 as the property is used for the purpose for which the conditional development permit
28 was granted, and such use remains compatible with adjacent property uses.
12. Approval of CDP No. 2022-0034 will not become effective until the applicant has signed
a statement acknowledging awareness and acceptance of the required conditions of
approval contained herein.
13. In the event, that any operation on the Site is found to be objectionable or incompatible
with the character of the City and its environs due to excessive noise, excessive traffic,
loitering, criminal activity or other undesirable characteristics including, but not strictly
limited to, uses which are or have become offensive to neighboring property or the goals
and objectives of the Rialto Airport Specific Plan zoning district and/or the City's General
Plan, the applicant shall address the issues within forty-eight (48) hours of being notified
by the City.

1 14. If the applicant fails to comply with any of the conditions of approval placed upon CDP
2 No. 2022-0034 or PPD No. 2022-0058, the Planning Commission may initiate
3 proceedings to revoke the conditional development permit in accordance with the
4 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal
5 Code. Conditional Development Permit No. 2022-0034 may be revoked, suspended or
6 modified in accordance with Section 18.66.070 of the Zoning Ordinance at the
7 discretion of the Planning Commission if:

- 8 a) The use for which such approval was granted has ceased to exist, been
9 subsequently modified, or has been suspended for six (6) months or more;
10 b) Any of the express conditions or terms of such permit are violated;
11 c) The use for which such approval was granted becomes or is found to be
12 objectionable or incompatible with the character of the City and its environs
13 due to excessive noise, excessive traffic, loitering, criminal activity or other
14 undesirable characteristics including, but not strictly limited to uses which
15 are or have become offensive to neighboring property or the goals and
16 objectives of the Rialto Airport Specific Plan zoning district and/or the
17 City's General Plan.

18 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
19 adoption of this resolution and thereupon the same shall take effect and be in force.

20 PASSED, APPROVED AND ADOPTED this 6th day of December, 2023.

21 _____
22 JERRY GUTIERREZ, CHAIR
23 CITY OF RIALTO PLANNING COMMISSION

24 STATE OF CALIFORNIA)
25 COUNTY OF SAN BERNARDINO) ss
26 CITY OF RIALTO)

27 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
28 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the Planning
Commission of the City of Rialto held on the 6 th day of December, 2023.

1 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
2 _____, the foregoing Resolution No. _____was duly passed and adopted.

3 Vote on the motion:

4 AYES:

5 NOES:

6 ABSENT:

7 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
8 Rialto this 6 th day of December, 2023.

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12 _____
13 KIMBERLY DAME, ADMINISTRATIVE ANALYST
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22 Exhibit "A"

23 Project Plans
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