

1 **RESOLUTION NO. 2024-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA, APPROVING TENTATIVE
4 PARCEL MAP NO. 2023-0001 (TPM NO. 20853) TO ALLOW THE
5 CONSOLIDATION OF SIX (6) PARCELS OF LAND (APN'S:
6 0239-301-40, -49, -51, -55, -56, & -64) LOCATED AT THE
7 SOUTHEAST CORNER OF LOCUST AVENUE AND WEST
8 COAST BOULEVARD WITHIN THE PLANNED INDUSTRIAL
9 DEVELOPMENT (I-PID) LAND USE DISTRICT OF THE
10 RIALTO AIRPORT SPECIFIC PLAN INTO ONE (1) 11.19 NET
11 ACRE PARCEL OF LAND TO FACILITATE THE
12 DEVELOPMENT OF A 225,173 SQUARE FOOT INDUSTRIAL
13 WAREHOUSE BUILDING THEREON.

14 WHEREAS, the applicant, Rialto Springs, LLC, proposes to consolidate six (6) parcels of
15 land (APN's: 0239-301-40, -49, -51, -55, -56, & -64) located at the southeast corner of Locust
16 Avenue and West Coast Boulevard within the Planned Industrial Development (I-PID) land use
17 district of the Rialto Airport Specific Plan ("Site") into one (1) 11.19 net acre parcel of land
18 ("Project"); and

19 WHEREAS, the Project will facilitate the development of a 225,173 square foot industrial
20 warehouse building the Site; and

21 WHEREAS, the Project within the Planned Industrial Development (I-PID) land use
22 district of the Rialto Airport Specific Plan requires the approval of a tentative parcel map, and the
23 Applicant has agreed to apply for a Tentative Parcel Map No. 2023-0001, also referred to as
24 Tentative Parcel Map No. 20853, ("TPM No. 20853"), in accordance with Government Code
25 Sections 66473.5 and 66474; and

26 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
27 Development Permit No. 2023-0011 ("CDP No. 2023-0011") to facilitate the development and
28 operation of a 225,173 square foot industrial warehouse building on the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of
Design No. 2023-0018 ("PPD No. 2023-0018") to facilitate the development of a 225,173 square

1 foot industrial warehouse building and associated paving, landscaping, fencing, lighting, and
2 drainage improvements on the Site; and

3 WHEREAS, on July 17, 2024, the Planning Commission of the City of Rialto conducted a
4 duly noticed public hearing, as required by law, on TPM No. 20853, CDP No. 2023-0011, and
5 PPD No. 2023-0018 took testimony, at which time it received input from staff, the city attorney,
6 and the applicant; heard public testimony; discussed the proposed TPM No. 20853, CDP No. 2023-
7 0011, and PPD No. 2023-0018; and closed the public hearing; and

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

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

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

13 SECTION 2. Based on substantial evidence presented to the Planning Commission during
14 the public hearing conducted with regard to TPM No. 20853, including written staff reports, verbal
15 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
16 Commission hereby determines that TPM No. 20853 satisfies the requirements of Government Code
17 Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the
18 findings which must be made precedent to granting a tentative map. The findings are as follows:

- 19 1. That the proposed tentative parcel map is consistent with the General Plan of the City
20 of Rialto and the Planned Industrial Development (I-PID) land use district of the
21 Rialto Airport Specific Plan, as applicable; and

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

23 The Site has a General Plan designation of Light Industrial with a Specific Plan Overlay and
24 a zoning designation of Rialto Airport Specific Plan. The Site's land use designation within
25 the Rialto Airport Specific Plan is Planned Industrial Development (I-PID). The Project will
26 consolidate the Site into one (1) 11.19 net-acre parcel of land to facilitate the development of
27 a 225,173 square foot industrial warehouse building. Per Table 9 (Development Standards
28 Non-Residential Designations), of the Rialto Airport Specific Plan, the required minimum
parcel size within the Planned Industrial Development (I-PID) land use district is 0.50 acres.
The proposed parcel greatly exceeds the required minimum size.

1 2. That the design and improvements of the proposed tentative parcel map are consistent
2 with the Subdivision Ordinance, the General Plan of the City of Rialto, and the
3 Planned Industrial Development (I-PID) land use district of the Rialto Airport Specific
4 Plan; and

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

6 The Project will comply with all technical standards required by Subdivision Map Act, the
7 General Plan of the City of Rialto, and the I-PID land use designation of the Rialto Airport
8 Specific Plan. The proposed parcel exceeds the minimum lot dimensions as required by the
9 I-PID land use designation of the Rialto Airport Specific Plan. The new parcel will facilitate
10 the development of an industrial warehouse building that is consistent with the I-PID land use
11 designation of the Rialto Airport Specific Plan.

12 3. That the site is physically suitable for the type of proposed development; and

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

14 The Site is a relatively flat piece of land and development of the land should be easily
15 accommodated. The applicant will be required to submit a grading plan and
16 geotechnical/soils report to the Engineering Department for review and approval prior to
17 issuance of any building permits.

18 4. That the site is physically suitable for the proposed density of the development; and

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

20 The Project will consolidate the Site into one (1) 11.19 net-acre parcel of land to facilitate the
21 development of a 225,173 square foot industrial warehouse building. Per Chapter 2
22 (Managing Our Land Supply) of the Rialto General Plan, the maximum allowable Floor Area
23 Ratio (FAR) for parcels within the Light Industrial land use designation is 100.0 percent. The
24 FAR proposed for the project is 46.2 percent, which is well within the allowable limit.

25 5. That the design of the land division is not likely to cause substantial environmental
26 damage or substantially injure fish, wildlife, or their habitat; and

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

28 The Site was previously developed into a contractor's storage yard and at least two (2)
single-family residences resulting in a heavily disturbed surface from those prior uses. The
Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan
(Environmental Assessment Review No. 2023-0022) prepared for the project identified
that the Site did not have suitable habitat for any threatened or endangered species.
Additionally, according to Exhibit 4.4.2 (Threatened and Endangered Species Habitat) of
the Rialto General Plan Environmental Impact Report the Site does not have suitable
habitat for any threatened or endangered species.

1 6. That the design of the land division is not likely to cause serious public health
2 problems; and

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

4 The Project is consistent with the Light Industrial with a Specific Plan Overlay General
5 Plan land use designation and the Planned Industrial Development (I-PID) land use
6 designation of the Rialto Airport Specific Plan. In conjunction with the Project, the
7 Planning Commission will consider Precise Plan of Design No. 2023-0018 development-
8 related conditions, in accordance with Chapter 18.65 (Precise Plan of Design) of the Rialto
9 Municipal Code, to ensure that the design of the Project meets the City’s Design Guidelines
 and all applicable criteria required by Chapter 18.112 (Indoor Storage Uses) of the Rialto
 Municipal Code and the Rialto Airport Specific Plan.

10 The Site is bound on the north by an undeveloped segment of West Coast Boulevard and
11 on the west by an existing segment of Locust Avenue. To the north of the project site,
12 across West Coast Boulevard, are several single-family residences, and to the east is a tract
13 of single-family residences. To the south is an existing contractor’s storage yard, occupied
14 by Condon Johnson, and to the west, across Locust Avenue, is a partially developed storage
15 yard, occupied by Pyro Spectaculars. The proposed development pertaining to the land
16 consolidation is consistent with the Planned Industrial Development (I-PID) land use
17 designation of the Rialto Airport Specific Plan. The nearest sensitive uses are the single-
18 family residences to the north and east of the Site. The project is not expected to negatively
19 impact any uses with the successful implementation of measures such as landscape
20 buffering, increased building setbacks, placement of the truck court on the west side of the
21 building, the installation of solid screen walls around the truck court, aesthetic building
22 enhancements, and other traffic related measures. Furthermore, construction impacts on
23 the site will be limited through the strict enforcement of the allowable construction hours
24 listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular
25 watering of the site to limit airborne dust and other particulate matter. As a result, the
26 Project is not likely to cause any public health problems.

27 7. That the design of the land division or proposed improvements will not conflict with
28 easements, acquired by the public at large, for access through or use of, property
 within the proposed land division.

This finding is supported by the following facts:

 Upon completion of the Final Map, the required street dedication and proposed easements
 will be recorded and approved by the Engineering Services Department. Additionally, all
 required site adjacent improvements will be reviewed and approved by the Engineering
 Services Department and will be constructed prior to the issuance of the Certificate of
 Occupancy.

1 SECTION 3. An Addendum to the Environmental Impact Report for the Renaissance
2 Specific Plan (Environmental Assessment Review No. 2023-0022) has been prepared for the Project
3 in accordance with the California Environmental Quality Act (CEQA), and it has been determined
4 that the proposed Project would result in no new significant impacts that were not analyzed in the
5 Rialto Airport Specific Plan Environmental Impact Report (“RASP EIR”), nor would the proposed
6 Project cause a substantial increase in the severity of any previously identified environmental impacts.
7 The potential impacts associated with proposed Project would either be the same or less than those
8 described in the RASP EIR. In addition, there are no substantial changes to the circumstances under
9 which the proposed Project would be undertaken that would result in new or more severe
10 environmental impacts than previously addressed in the RASP EIR, nor has any new information
11 regarding the potential for new or more severe significant environmental impacts been identified. The
12 Planning Commission hereby adopts the Addendum to the Environmental Impact Report for the
13 Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022) for the Project.

14 SECTION 4. The Planning Commission hereby approves TPM No. 20853 to allow the
15 consolidation of six (6) parcels of land (APN’s: 0239-301-40, -49, -51, -55, -56, & -64) located at the
16 southeast corner of Locust Avenue and West Coast Boulevard within the Planned Industrial
17 Development (I-PID) land use designation of the Rialto Airport Specific Plan into one (1) 11.19 net-
18 acre parcel of land, in accordance with the plans and application on file with the Planning Division,
19 subject to the following conditions:

- 20
- 21 1. TPM No. 20853 is approved allowing the consolidation of six (6) parcels of land (APN’s:
22 0239-301-40, -49, -51, -55, -56, & -64) located at the southeast corner of Locust Avenue
23 and West Coast Boulevard within the Planned Industrial Development (I-PID) land use
24 designation of the Rialto Airport Specific Plan into one (1) 11.19 net-acre parcel of land
25 for the purpose of developing a 225,173 square foot industrial warehouse building, as
26 shown on the tentative parcel map attached as Exhibit A and as approved by the Planning
27 Commission.
 - 28 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.

- 1 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
2 and/or any of its officials, officers, employees, agents, departments, agencies, and
3 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
4 demands, law suits, writs of mandamus, and other actions and proceedings (whether
5 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
6 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
7 and other such procedures), (collectively “Actions”), brought against the City, and/or
8 any of its officials, officers, employees, agents, departments, agencies, and
9 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
10 annul, the any action of, or any permit or approval issued by, the City and/or any of its
11 officials, officers, employees, agents, departments, agencies, and instrumentalities
12 thereof (including actions approved by the voters of the City), for or concerning the
13 Project (collectively, the “Entitlements”), whether such Actions are brought under the
14 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
15 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
16 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
17 or any decision of a court of competent jurisdiction. This condition to indemnify,
18 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
19 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys’ fees
20 and other costs, liabilities and expenses incurred in connection with such proceeding
21 whether incurred by applicant, Property owner, or the City and/or other parties
22 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
23 “Damages”). Notwithstanding anything to the contrary contained herein, the Applicant
24 shall not be liable to the City Parties under this indemnity to the extent the Damages
25 incurred by any of the City Parties in such Action(s) are a result of the City Parties’
26 fraud, intentional misconduct or gross negligence in connection with issuing the
27 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
28 and hold the City harmless as stated herein within five (5) days of approval of TPM
No. 20853.
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. The applicant shall comply with all conditions of approval for TPM No. 20853 and Precise
Plan of Design No. 2023-0018 to the satisfaction of the City Engineer, prior to the issuance
of a Certificate of Occupancy. Dedication requirements required by Precise Plan of
Design No. 2023-0018 shall be met with recordation of the parcel map unless provided
otherwise in the PPD conditions of approval.
6. The applicant shall submit a final parcel map (Parcel Map No. 20853), prepared by a
California registered Land Surveyor or qualified Civil Engineer, to the Engineering
Services Department for review and approval. A Title Report prepared for consolidation
guarantee for the subject property, the traverse closures for the existing parcel and all lots

1 created therefrom, and copies of record documents shall be submitted with Parcel Map
2 No. 20853 to the Engineering Services Department as part of the review of the Map.
3 Parcel Map No. 20853 shall be approved by the City Council and recorded by the County
4 Recorder's Office prior to issuance of any building permits, except as allowed by the
5 Subdivision Map Act. Prior to approval of the Parcel Map by the City Council, provide a
6 Preliminary Subdivision Report from a title company and if applicable, provide evidence
7 that Section 66436 of the Subdivision Map Act regarding interfering with the rights of
8 easement holders has been addressed. Dedications to the public required by these
9 conditions of approval shall be made via the Parcel Map.

7. Prior to Final Parcel Map recordation, the applicant must complete the Landscape and Lighting Maintenance District No. 2 ("LLMD 2") annexation process. Due to the required City Council Public Hearing action, the annexation process takes months and as such the developer is advised to apply for Special District annexation as early-on in the in the process to avoid any delays with permit issuance.
8. In accordance with Government Code 66462, all required public improvements shall be completed prior to the approval of a final map (Parcel Map No. 20853). Alternatively, the applicant may enter into a Subdivision Improvement Agreement to secure the cost of all required public improvements at the time of requesting the City Engineer's approval of Parcel Map No. 20853. If a Subdivision Improvement Agreement is requested by the applicant, a fee of \$2,000 shall be paid for preparation and processing of the Subdivision Improvement Agreement. The applicant will be required to secure the Subdivision Improvement Agreement pursuant to Government Code 66499 in amounts determined by the City Engineer.
9. The applicant shall comply with all other applicable State and local ordinances.
10. The applicant shall comply with all conditions of approval contained in CDP No. 2023-0011 and PPD No. 2023-0018 to the extent they are not in conflict with any condition of approval herein.
11. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No. 20853 is granted for a period of twenty-four (24) months from the effective date of this resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension of time for TPM No. 20853 may be granted by the Planning Commission for a period or periods not to exceed a total of thirty-six (36) months. The period or periods of extension shall be in addition to the original twenty-four (24) months. An application shall be filed with the Planning Division for each extension together with the required fee prior to the expiration date of TPM No. 20853.

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

PASSED, APPROVED AND ADOPTED this 17th day of July, 2024.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Kimberly Dame, Administrative Analyst 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 Planning
7 Commission of the City of Rialto held on the ____th day of ____, 2024.

8 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
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 ____th day of ____, 2024.

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KIMBERLYY DAME, ADMINISTRATIVE ANALYST

Exhibit A

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