

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. 2024-0002 (TPM NO. 20700) TO ALLOW THE  
5 CONSOLIDATION OF THREE (3) PARCELS OF LAND (APN'S:  
6 0258-121-23, -33 & -34) LOCATED ON THE WEST SIDE OF  
7 RIVERSIDE AVENUE APPROXIMATELY 550 FEET NORTH OF  
8 JURUPA AVENUE WITHIN THE HEAVY INDUSTRIAL (H-  
9 IND) LAND USE DISTRICT OF THE AGUA MANSA SPECIFIC  
10 PLAN INTO ONE (1) 9.95 NET ACRE PARCEL OF LAND TO  
11 FACILITATE THE DEVELOPMENT OF A 219,000 SQUARE  
12 FOOT INDUSTRIAL WAREHOUSE BUILDING THEREON.

13 WHEREAS, the applicant, Riverside XC, LLC, proposes to consolidate three (3) parcels of  
14 land (APN's: 0258-121-23, -33, & -34) located on the west side of Riverside Avenue  
15 approximately 550 feet north of Jurupa Avenue within the Heavy Industrial (H-IND) land use  
16 district of the Agua Mansa Specific Plan ("Site") into one (1) 9.95 net acre parcel of land  
17 ("Project"); and

18 WHEREAS, the Project will facilitate the development of a 219,000 square foot industrial  
19 warehouse building the Site; and

20 WHEREAS, the Project within the Heavy Industrial (H-IND) land use district of the Agua  
21 Mansa Specific requires the approval of a tentative parcel map, and the Applicant has agreed to  
22 apply for a Tentative Parcel Map No. 2024-0002, also referred to as Tentative Parcel Map No.  
23 20700, ("TPM No. 20700"), in accordance with Government Code Sections 66473.5 and 66474;  
24 and

25 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
26 Development Permit No. 2022-0055 ("CDP No. 2022-0055") to facilitate the development and  
27 operation of a 219,000 square foot industrial warehouse building on the Site; and

28 WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of  
Design No. 2022-0077 ("PPD No. 2022-0077") to facilitate the development of a 219,000 square  
foot industrial warehouse building and associated paving, landscaping, fencing, lighting, and  
drainage improvements on the Site; and

1           WHEREAS, on July 17, 2024, the Planning Commission of the City of Rialto conducted a  
2 duly noticed public hearing, as required by law, on TPM No. 20700, CDP No. 2022-0055, and  
3 PPD No. 2022-0077 took testimony, at which time it received input from staff, the city attorney,  
4 and the applicant; heard public testimony; discussed the proposed TPM No. 20700, CDP No. 2022-  
5 0055, and PPD No. 2022-0077; and closed the public hearing; and

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

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

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

11           SECTION 2. Based on substantial evidence presented to the Planning Commission during  
12 the public hearing conducted with regard to TTM No. 20700, including written staff reports, verbal  
13 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning  
14 Commission hereby determines that TTM No. 20700 satisfies the requirements of Government Code  
15 Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the  
16 findings which must be made precedent to granting a tentative map. The findings are as follows:

- 17           1.       That the proposed tentative parcel map is consistent with the General Plan of the City  
18                   of Rialto and the Heavy Industrial (H-IND) land use district of the Agua Mansa  
19                   Specific Plan, as applicable; and

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

21           The Site has a General Plan designation of General Industrial with a Specific Plan Overlay  
22           and a zoning designation of Agua Mansa Specific Plan. The Site's land use designation within  
23           the Agua Mansa Specific Plan is Heavy Industrial (H-IND). The Project will consolidate the  
24           Site into one (1) 9.95 net-acre parcel of land to facilitate the development of a 219,000 square  
25           foot industrial warehouse building. Per Table 11 (Development Standards for "Heavy  
26           Industrial" Land Use Category) of the Agua Mansa Specific Plan, the required minimum  
27           parcel size within the Heavy Industrial (H-IND) land use district is fifteen thousand (15,000)  
28           square feet or 0.34 acres. The proposed parcel greatly exceeds the required minimum size.

2.       That the design and improvements of the proposed tentative parcel map are consistent  
with the Subdivision Ordinance, the General Plan of the City of Rialto, and the Heavy  
Industrial (H-IND) land use district of the Agua Mansa Specific Plan; and

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

2            The Project will comply with all technical standards required by the Subdivision Map Act,  
3            the General Plan of the City of Rialto, and the Heavy Industrial (H-IND) land use district of  
4            the Agua Mansa Specific Plan. The proposed parcel exceeds the minimum lot dimensions as  
5            required by the H-IND land use designation of the Agua Mansa Specific Plan. The new parcel  
6            will facilitate the development of an industrial warehouse building that is consistent with the  
7            H-IND land use designation of the Agua Mansa Specific Plan.

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

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

10           The Site is a relatively flat, expansive in size, and development of the land should be easily  
11           accommodated. The applicant will be required to submit a grading plan and  
12           geotechnical/soils report to the Engineering Services Department for review and approval  
13           prior to issuance of any building permits.

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

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

16           The Project will consolidate the Site into one (1) 9.95 net-acre parcel of land to facilitate the  
17           development of a 219,000 square foot industrial warehouse building. Per Chapter 2  
18           (Managing Our Land Supply) of the Rialto General Plan, the maximum allowable Floor Area  
19           Ratio (FAR) for parcels within the General Industrial land use designation is 100.0 percent.  
20           The FAR proposed for the project is 50.5 percent, which is well within the allowable limit.

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

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

24           The Site is partially developed, and the surface is heavily disturbed due to prior truck and  
25           trailer movements and pavement installation throughout the Site. The Initial  
26           Study/Mitigated Negative Declaration (Environmental Assessment Review No. 2022-  
27           0077) prepared for the project identified that the Site did not have suitable habitat for any  
28           threatened or endangered species. Additionally, according to Exhibit 4.4.2 (Threatened  
29           and Endangered Species Habitat) of the Rialto General Plan Environmental Impact Report  
30           the Site does not have suitable habitat for any threatened or endangered species.

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

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

1 The Project is consistent with the General Industrial General Plan land use designation and  
2 the Heavy Industrial (H-IND) land use district of the Agua Mansa Specific Plan. In  
3 conjunction with the Project, the Planning Commission will consider Precise Plan of  
4 Design No. 2022-0077 development-related conditions, in accordance with Chapter 18.65  
5 (Precise Plan of Design) of the Rialto Municipal Code, to ensure that the design of the  
6 Project meets the City's Design Guidelines and all applicable criteria required by the H-  
7 IND land use district.

8 The Site is bound on the east by an existing segment of Riverside Avenue. To the north of  
9 the project site is a steel yard and fleet maintenance facility, occupied by Pacific Steel  
10 Group, and to the east, across Riverside Avenue, are two (2) truck yard facilities. To the  
11 south is a Southern California Edison high-voltage transmission line, and to the west, is an  
12 existing 6.47-acre contractor's storage yard. The proposed development pertaining to the  
13 land consolidation is consistent with the H-IND land use district. The project is not  
14 expected to negatively impact any uses with the successful implementation of measures,  
15 such as landscape buffering and the installation of solid screen walls. Furthermore,  
16 construction impacts on the site will be limited through the strict enforcement of the  
17 allowable construction hours listed in Section 9.50.070 of the Rialto Municipal Code, as  
18 well as enforcement of regular watering of the site to limit airborne dust and other  
19 particulate matter. As a result, the Project is not likely to cause any public health problems.

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

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

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

29 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0077) has been  
30 prepared for TPM No. 20700 in accordance with the California Environmental Quality Act (CEQA).  
31 Based on the findings and recommended mitigation with the Initial Study, staff determined that the  
32 project will not have an adverse impact on the environment, provided that mitigation measures are  
33 implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published a  
34 copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City  
35 mailed the notice to all property owners within 1,000 feet of the project site for a public comment

1 period held from February 12, 2024 to March 12, 2024. The Mitigated Negative Declaration was  
2 prepared in accordance with CEQA. The Planning Commission hereby recommends that the City  
3 Council adopt the Mitigated Negative Declaration and direct the Planning Division to file the  
4 necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

5 SECTION 4. The Planning Commission hereby approves TPM No. 20700 to allow the  
6 consolidation of three (3) parcels of land (APN's: 0258-121-23, -33 & -34) located on the west side  
7 of Riverside Avenue approximately 550 feet north of Jurupa Avenue within the Heavy Industrial (H-  
8 IND) land use district of the Agua Mansa Specific Plan into one (1) 9.95 net-acre parcel of land, in  
9 accordance with the plans and application on file with the Planning Division, subject to the following  
10 conditions:

- 11  
12 1. TPM No. 20700 is approved allowing the consolidation of three (3) parcels of land  
13 (APN's: 0258-121-23, -33 & -34) located on the west side of Riverside Avenue  
14 approximately 550 feet north of Jurupa Avenue within the Heavy Industrial (H-IND) land  
15 use district of the Agua Mansa Specific Plan into one (1) 9.95 net-acre parcel of land for  
16 the purpose of developing a 219,000 square foot industrial warehouse building, as shown  
17 on the tentative parcel map attached as Exhibit A and as approved by the Planning  
18 Commission.
- 19 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal  
20 working hours to assure compliance with these conditions and other codes.
- 21 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
22 and/or any of its officials, officers, employees, agents, departments, agencies, and  
23 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
24 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
25 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
26 dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
27 and other such procedures), (collectively "Actions"), brought against the City, and/or  
28 any of its officials, officers, employees, agents, departments, agencies, and  
instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
annul, the any action of, or any permit or approval issued by, the City and/or any of its  
officials, officers, employees, agents, departments, agencies, and instrumentalities  
thereof (including actions approved by the voters of the City), for or concerning the  
Project (collectively, the "Entitlements"), whether such Actions are brought under the  
California Environmental Quality Act, the Planning and Zoning Law, the Subdivision  
Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public  
Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,  
or any decision of a court of competent jurisdiction. This condition to indemnify,

1 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,  
2 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees  
3 and other costs, liabilities and expenses incurred in connection with such proceeding  
4 whether incurred by applicant, Property owner, or the City and/or other parties  
5 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the  
6 "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant  
7 shall not be liable to the City Parties under this indemnity to the extent the Damages  
8 incurred by any of the City Parties in such Action(s) are a result of the City Parties'  
9 fraud, intentional misconduct or gross negligence in connection with issuing the  
10 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,  
11 and hold the City harmless as stated herein within five (5) days of approval of TPM  
12 No. 20700.

- 13 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
14 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
15 subject to protest by the applicant at the time of approval or conditional approval of the  
16 Project or within 90 days after the date of the imposition of the fees, dedications,  
17 reservations, or exactions imposed on the Project.
- 18 5. The applicant shall comply with all conditions of approval for TPM No. 20700 and Precise  
19 Plan of Design No. 2022-0077 to the satisfaction of the City Engineer, prior to the issuance  
20 of a Certificate of Occupancy. Dedication requirements required by Precise Plan of  
21 Design No. 2022-0077 shall be met with recordation of the parcel map unless provided  
22 otherwise in the PPD conditions of approval.
- 23 6. The applicant shall submit a final parcel map (Parcel Map No. 20700), prepared by a  
24 California registered Land Surveyor or qualified Civil Engineer, to the Engineering  
25 Services Department for review and approval. A Title Report prepared for consolidation  
26 guarantee for the subject property, the traverse closures for the existing parcel and all lots  
27 created therefrom, and copies of record documents shall be submitted with Parcel Map  
28 No. 20700 to the Engineering Services Department as part of the review of the Map.  
Parcel Map No. 20700 shall be approved by the City Council and recorded by the County  
Recorder's Office prior to issuance of any building permits, except as allowed by the  
Subdivision Map Act. Prior to approval of the Parcel Map by the City Council, provide a  
Preliminary Subdivision Report from a title company and if applicable, provide evidence  
that Section 66436 of the Subdivision Map Act regarding interfering with the rights of  
easement holders has been addressed. Dedications to the public required by these  
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.

- 1 8. In accordance with Government Code 66462, all required public improvements shall be  
2 completed prior to the approval of a final map (Parcel Map No. 20700). Alternatively,  
3 the applicant may enter into a Subdivision Improvement Agreement to secure the cost of  
4 all required public improvements at the time of requesting the City Engineer's approval  
5 of Parcel Map No. 20700. If a Subdivision Improvement Agreement is requested by the  
6 applicant, a fee of \$2,000 shall be paid for preparation and processing of the Subdivision  
7 Improvement Agreement. The applicant will be required to secure the Subdivision  
8 Improvement Agreement pursuant to Government Code 66499 in amounts determined by  
9 the City Engineer.
- 10 9. The applicant shall comply with all other applicable State and local ordinances.
- 11 10. The applicant shall comply with all conditions of approval contained in CDP No. 2022-  
12 0055 and PPD No. 2022-0077 to the extent they are not in conflict with any condition of  
13 approval herein.
- 14 11. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No.  
15 20700 is granted for a period of twenty-four (24) months from the effective date of this  
16 resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension  
17 of time for TPM No. 20700 may be granted by the Planning Commission for a period  
18 or periods not to exceed a total of thirty-six (36) months. The period or periods of  
19 extension shall be in addition to the original twenty-four (24) months. An application  
20 shall be filed with the Planning Division for each extension together with the required  
21 fee prior to the expiration date of TPM No. 20700.

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

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

25 \_\_\_\_\_  
26 JERRY GUTIERREZ, CHAIR  
27 CITY OF RIALTO PLANNING COMMISSION  
28

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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