

1 **RESOLUTION NO. 2024-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL
4 DEVELOPMENT PERMIT NO. 2023-0011 ALLOWING THE
5 DEVELOPMENT AND USE OF A 225,173 SQUARE FOOT
6 INDUSTRIAL WAREHOUSE BUILDING ON 11.19 NET-ACRES
7 OF LAND (APN’S: 0239-301-39, -40, -51, -55, -56 & -64)
8 LOCATED AT THE SOUTHEAST CORNER OF LOCUST
9 AVENUE AND WEST COAST BOULEVARD WITHIN THE
10 PLANNED INDUSTRIAL DEVELOPMENT (I-PID) LAND USE
11 DISTRICT OF THE RIALTO AIRPORT SPECIFIC PLAN.

12 WHEREAS, the applicant, Rialto Springs, LLC, proposes to develop and use a 225,173
13 square foot industrial warehouse building (“Project”) on 11.19 net-acres of land (APN’s: 0239-
14 301-39, -40, -51, -55, -56 & -64) located at the southeast corner of Locust Avenue and West Coast
15 Boulevard within the Planned Industrial Development (I-PID) land use district of the Renaissance
16 Specific Plan (“Site”); and

17 WHEREAS, the Project will consist of 5,000 square feet of office space on the ground
18 floor, 5,000 square feet of office space on the second floor, and 215,173 square feet of storage
19 space, thirty-one (31) dock-high loading doors, which will be located on the west side of the
20 building, concrete screen walls, an abundant amount of landscaping, and full pedestrian and
21 vehicle access; and

22 WHEREAS, Pursuant to Section 18.112.040A of the Rialto Municipal Code, the Project
23 requires a Conditional Development Permit and the applicant applied for Conditional
24 Development Permit No. 2023-0011 (“CDP No. 2023-0011”); and

25 WHEREAS, in conjunction with the Project, the applicant has applied for Tentative Parcel
26 Map No. 2023-0001, also referred to as Tentative Parcel Map No. 20853, (“TPM No. 20853”), to
27 facilitate the consolidation of six (6) parcels of land (APN’s: 0239-301-39, -40, -51, -55, -56 & -
28 64) into one (1) 11.19 net-acre parcel of land; 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
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 CDP No. 2023-0011, TPM No. 20853, and
3 PPD No. 2023-0018, took testimony, at which time it received input from staff, the city attorney,
4 and the applicant; heard public testimony; discussed the proposed CDP No. 2023-0011, TPM No.
5 20853, and PPD No. 2023-0018; 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 as
8 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 CDP No. 2023-0011, including written staff reports,
13 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
14 Planning Commission hereby determines that CDP No. 2023-0011 satisfies the requirements of
15 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
16 precedent to granting a conditional development permit, which findings are as follows:

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

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

21 The Site is asymmetrical in shape and expansive in size. The south two-thirds of the Site
22 was previously developed into contractor's storage yard, and the remainder of the Site
23 consists of vacant land that previously contained at least two (2) single-family residences
24 that have since been demolished. The Project will develop the highest and best use for the
25 Site, in accordance with the Planned Industrial Development (I-PID) land use district of
26 the Rialto Airport Specific Plan. Additionally, the Project will provide employment
27 opportunities within the City and reduce blight by implementing a use on vacant site.

- 28 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:

1 The development of an industrial warehouse building on the Site is consistent with the
2 underlying Planned Industrial Development (I-PID) land use district of the Rialto Airport
3 Specific Plan, which conditionally permits the development and operation of industrial
4 warehouse buildings. To the north of the project site, across West Coast Boulevard, are
5 several single-family residences, and to the east is a tract of single-family residences. To
6 the south is an existing contractor's storage yard, occupied by Condon Johnson, and to the
7 west, across Locust Avenue, is a partially developed storage yard, occupied by Pyro
8 Spectaculars. The Project is consistent with the Planned Industrial Development (I-PID)
9 land use district of the Rialto Airport Specific Plan and the existing industrial land uses to
10 the south and west of the Site. The nearest sensitive uses are the single-family residences
11 to the north and east of the Site. The project is not expected to negatively impact any uses
12 with the successful implementation of measures such as landscape buffering, placement of
13 the truck court on the west side of the building, the installation of solid screen walls around
14 the truck court, aesthetic building enhancements, and other traffic related measures.

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

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

14 The Site is approximately 11.19 acres in size and adjacent to two (2) public streets, which will
15 be able to accommodate the proposed use. The Project will have three (3) points of access –
16 two (2) via Locust Avenue and one (1) via West Coast Boulevard. In addition, the building
17 will have 153 passenger vehicle parking spaces, which exceeds the amount required by
18 Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

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

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

20 The Site will have adequate access to all utilities and services required through main water,
21 electric, sewer, and other utility lines that will be hooked up to the Site.

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

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

27 As previously stated, the proposed use is consistent with the Planned Industrial Development
28 (I-PID) land use district of the Rialto Airport Specific Plan. The building will be oriented
such that none of the dock doors will front or face the existing single-family residences to
north and east of the Site, the building will have 153 passenger vehicle parking spaces, and

1 the building will have a floor area ratio (FAR) of 46.2 percent, all of which comply with the
2 General Plan, the Planned Industrial Development (I-PID) land use district of the Rialto
3 Airport Specific Plan, Chapter 18.112 (Indoor Storage Facilities) of the Rialto Municipal
4 Code, and the City’s Design Guidelines. Landscaping will be abundantly incorporated into
5 the Site, as the landscape coverage for the project is 16.3 percent.

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

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

10 The Project’s effects will be minimized through the implementation of the Conditions of
11 Approval contained herein, and through the implementation of Conditions of Approval
12 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
13 landscaping, solid screen walls, decorative paving, and enhanced architectural features.
14 The development of a high-quality industrial development will provide additional
15 employment opportunities for residents and visitors to the City. The Project is consistent
16 with the Planned Industrial Development (I-PID) land use district of the Rialto Airport
17 Specific Plan and the existing industrial uses to the south and west of the Site. The nearest
18 sensitive uses are the single-family residences to the north and east of the Site. The project
19 is not expected to negatively impact any uses with the successful implementation of
20 measures such as landscape buffering, the installation of solid screen walls, aesthetic
21 building enhancements, and other traffic related measures. Therefore, any potential
22 adverse effects are outweighed by the benefits conferred upon the community and
23 neighborhood as a whole.

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

1 Planning Commission hereby adopts the Addendum to the Environmental Impact Report for the
2 Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022) for the Project.

3 SECTION 4. CDP No. 2023-0011 is granted to Rialto Springs, LLC in accordance with the
4 plans and application on file with the Planning Division, subject to the following conditions:

- 5 1. The approval is granted allowing the development and use of a 225,173 square foot
6 industrial warehouse building on 11.19 acres of land (APN's: 0239-301-39, -40, -51, -55,
7 -56 & -64) located at the southeast corner of Locust Avenue and West Coast Boulevard,
8 as shown on the plans attached as Exhibit A and as approved by the Planning Commission.
9 If the Conditions of Approval specified herein are not satisfied or otherwise completed,
10 the project shall be subject to revocation.
- 11 2. City inspectors shall have access to the site to reasonably inspect the site during normal
12 working hours to assure compliance with these conditions and other codes.
- 13 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
14 and/or any of its officials, officers, employees, agents, departments, agencies, and
15 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
16 demands, law suits, writs of mandamus, and other actions and proceedings (whether
17 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
18 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
19 and other such procedures), (collectively "Actions"), brought against the City, and/or
20 any of its officials, officers, employees, agents, departments, agencies, and
21 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
22 annul, the any action of, or any permit or approval issued by, the City and/or any of its
23 officials, officers, employees, agents, departments, agencies, and instrumentalities
24 thereof (including actions approved by the voters of the City), for or concerning the
25 Project (collectively, the "Entitlements"), whether such Actions are brought under the
26 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
27 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
28 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,
protect, defend, and hold the City harmless shall include, but not be limited to (i)
damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
attorneys' fees and other costs, liabilities and expenses incurred in connection with
such proceeding whether incurred by applicant, Property owner, or the City and/or
other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
are the "Damages"). Notwithstanding anything to the contrary contained herein, the
Applicant shall not be liable to the City Parties under this indemnity to the extent the
Damages incurred by any of the City Parties in such Action(s) are a result of the City
Parties' fraud, intentional misconduct or gross negligence in connection with issuing
the Entitlements. The applicant shall execute an agreement to indemnify, protect,
defend, and hold the City harmless as stated herein within five (5) days of approval of
CDP No. 2023-0011.

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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 tenant(s) within the building shall always conduct operations consistent with the environmental analysis contained within the Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022) adopted for the Project.
6. The Project shall be limited to a maximum of 235 actual passenger car trips and 156 actual truck trips daily, in accordance with Table 3 (Summary of Project Trip Generation) within the Traffic Study prepared for the Project by Kimley-Horn & Associates, Inc. and dated May 2024.
7. The applicant, landlord, and/or tenant(s) shall require all inbound truck traffic to access the site via the SR-210 Freeway & Alder Avenue off-ramps, northbound on Alder Avenue to Casmalia Street, eastbound on Casmalia Street to Locust Avenue, and then northbound on Locust Avenue to the either driveway connected to Locust Avenue, or via the I-15 Freeway & Sierra Avenue off-ramps, southbound on Sierra Avenue to Riverside Avenue, southeastbound on Riverside Avenue to Locust Avenue, and then southbound on Locust Avenue to either driveway connected to Locust Avenue. Inbound truck traffic shall not use Casmalia Street east of Locust Avenue or Riverside Avenue southeast of Locust Avenue. Inbound truck traffic shall not enter the site via the driveway connected to West Coast Boulevard at any time.
8. The applicant, landlord, and/or tenant(s) shall require all outbound truck traffic to exit the site via either driveway connected to Locust Avenue. Trucks exiting shall proceed southbound on Locust Avenue to Casmalia Street, then westbound on Casmalia Street to Alder Avenue, then southbound on Alder Avenue to the SR-210 Freeway & Alder Avenue on-ramps, or trucks exiting shall proceed northbound on Locust Avenue to Riverside Avenue, then northwestbound on Riverside Avenue to Sierra Avenue, then northbound on Sierra Avenue to the I-15 Freeway & Sierra Avenue on-ramps. Outbound truck traffic shall not exit the driveway connected to West Coast Boulevard at any time.
9. 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 such a manner that would impact traffic lanes, cause back up (queuing or staging) of vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police access and passage around trucks queuing or staging on-site shall be feasible at all times and activities shall not block parking areas, access or passage for disabled persons or emergency response vehicles.

- 1 10. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and
2 trailers within designated truck and trailer spaces within the truck court and adjacent to
3 the dock doors on the north side of the building. No trucks or trailers shall be parked or
4 stored within any drive-aisles or passenger vehicle parking areas outside of the enclosed
5 truck court at any time.
- 6 11. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of
7 the building at any time, except for trucks, trailers, and vehicles associated with the
8 operation(s) conducted within the building, without prior approval of a separate
9 Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage
10 Uses) of the Rialto Municipal Code.
- 11 12. The privileges granted by the Planning Commission pursuant to approval of this
12 Conditional Development Permit are valid for two (2) years from the effective date of
13 approval. If the applicant fails to commence the project within two (2) years of said
14 effective date, this conditional development permit shall be null and void and any
15 privileges granted hereunder shall terminate automatically. If the applicant or his or
16 her successor in interest commence the project within one year of the effective date of
17 approval, the privileges granted hereunder will continue inured to the property as long
18 as the property is used for the purpose for which the conditional development permit
19 was granted, and such use remains compatible with adjacent property uses.
- 20 13. Approval of CDP No. 2023-0011 will not become effective until the applicant has signed
21 a statement acknowledging awareness and acceptance of the required conditions of
22 approval contained herein.
- 23 14. In the event, that any operation on the Site is found to be objectionable or incompatible
24 with the character of the City and its environs due to excessive noise, excessive traffic,
25 loitering, criminal activity or other undesirable characteristics including, but not strictly
26 limited to, uses which are or have become offensive to neighboring property or the goals
27 and objectives of the Planned Industrial Development (I-PID) land use district of the
28 Rialto Airport Specific Plan and/or the City's General Plan, the applicant shall address the
issues within forty-eight (48) hours of being notified by the City.
15. If the applicant fails to comply with any of the conditions of approval placed upon CDP
No. 2023-0011, TPM No. 20853, or PPD No. 2023-0018, the Planning Commission
may initiate proceedings to revoke the conditional development permit in accordance
with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
Municipal Code. Conditional Development Permit No. 2023-0011 may be revoked,
suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance
at the discretion of the Planning Commission if:
- a) The use for which such approval was granted has ceased to exist, been
subsequently modified, or has been suspended for six (6) months or more;
 - b) Any of the express conditions or terms of such permit are violated;

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- 2 c) The use for which such approval was granted becomes or is found to be
- 3 objectionable or incompatible with the character of the City and its environs
- 4 due to excessive noise, excessive traffic, loitering, criminal activity or other
- 5 undesirable characteristics including, but not strictly limited to uses which
- 6 are or have become offensive to neighboring property or the goals and
- 7 objectives of the Planned Industrial Development (I-PID) land use district
- 8 of the Rialto Airport Specific Plan and/or the City's General Plan.

9 SECTION 5. The Chairman of the Planning Commission shall sign the passage and

10 adoption of this resolution and thereupon the same shall take effect and be in force.

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

12 _____

13 JERRY GUTIERREZ, CHAIR

14 CITY OF RIALTO PLANNING COMMISSION

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

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I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ____th day of ____, 2024.

Upon motion of Planning Commissioner_____, seconded by Planning Commissioner _____, the foregoing Resolution No. ____ was duly passed and adopted.

- Vote on the motion:
- AYES:
- NOES:
- ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ____th day of ____, 2024.

KIMBERLY DAME, ADMINISTRATIVE ANALYST

Exhibit "A"
Project Plans

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