

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. 2022-0055 ALLOWING THE
5 DEVELOPMENT AND USE OF A 219,000 SQUARE FOOT
6 INDUSTRIAL WAREHOUSE BUILDING ON 9.95 NET-ACRES
7 OF LAND (APN'S: 0258-121-23, -33 & -34) LOCATED ON THE
8 EAST SIDE OF RIVERSIDE AVENUE APPROXIMATELY 550
9 FEET NORTH OF JURUPA AVENUE WITHIN THE HEAVY
10 INDUSTRIAL (H-IND) LAND USE DISTRICT OF THE AGUA
11 MANSA SPECIFIC PLAN.

12 WHEREAS, the applicant, Riverside XC, LLC, proposes to develop and use a 219,000
13 square foot industrial warehouse building ("Project") on 9.95 net-acres of land (APN's: 0258-121-
14 23, -33 & -34) located on the west side of Riverside Avenue approximately 550 feet north of Jurupa
15 Avenue within the Heavy Industrial (H-IND) land use district of the Agua Mansa Specific Plan
16 ("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 209,000 square feet of storage
19 space, twenty-three (23) 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. 2022-0055 ("CDP No. 2022-0055"); and

25 WHEREAS, in conjunction with the Project, the applicant has applied for Tentative Parcel
26 Map No. 2024-0002, also referred to as Tentative Parcel Map No. 20700, ("TPM No. 20700"), to
27 facilitate the consolidation of three (3) parcels of land (APN's: 0258-121-23, -33 & -34) into one
28 (1) 9.95 net-acre parcel of land; and

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 CDP No. 2022-0055, TPM No. 20700, 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 CDP No. 2022-0055, TPM No.
5 20700, 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 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. 2022-0055, 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. 2022-0055 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. A portion of the Site was
22 previously developed into a truck repair facility, and the remainder of the Site has remained
23 undeveloped. The Project will develop the highest and best use for the Site, in accordance
24 with the Heavy Industrial (H-IND) land use district of the Agua Mansa Specific Plan.
Additionally, the Project will provide employment opportunities within the City and reduce
blight by implementing a use on mostly vacant site.

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

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

28 The development of an industrial warehouse building on the Site is consistent with the
underlying Heavy Industrial (H-IND) land use district, which conditionally permits the

1 development and operation of industrial warehouse buildings. To the north of the project
2 site is a steel yard and fleet maintenance facility, occupied by Pacific Steel Group, and to
3 the east, across Riverside Avenue, are two (2) truck yard facilities. To the south is a
4 Southern California Edison high-voltage transmission line, and to the west, is an existing
5 6.47-acre contractor's storage yard. The Project is consistent with the Heavy Industrial (H-
6 IND) land use district of the Agua Mansa Specific Plan and the existing industrial land uses
7 surrounding the Site. There are no sensitive uses adjacent to or near the Site. The project
8 is not expected to negatively impact any uses with the successful implementation of
9 measures such as landscape buffering, the installation of solid screen walls around the truck
10 court, aesthetic building enhancements, and other traffic related measures.

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

This finding is supported by the following facts:

The Site is approximately 9.95 net acres in size and adjacent to one (1) public street, which will be able to accommodate the proposed use. The Project will have two (2) points of access via Riverside Avenue. In addition, the building will have 144 passenger vehicle parking spaces, which equals the amount required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

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

This finding is supported by the following facts:

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

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

This finding is supported by the following facts:

As previously stated, the proposed use is consistent with the Heavy Industrial (H-IND) land use district of the Agua Mansa Specific Plan. The building will be oriented such that none of the dock doors will front or face the public right-of-way, the building will have 144 passenger vehicle parking spaces, and the building will have a floor area ratio (FAR) of 50.5 percent, all of which comply with the General Plan, the H-IND land use district, Chapter 18.112 (Indoor Storage Facilities) of the Rialto Municipal Code, and the City's Design Guidelines. Landscaping will be abundantly incorporated into the Site, as the landscape coverage for the project is 9.4 percent.

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

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

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

13 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0077) has been
14 prepared for CDP No. 2022-0055 in accordance with the California Environmental Quality Act
15 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
16 that the project will not have an adverse impact on the environment, provided that mitigation measures
17 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
18 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
19 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
20 period held from February 12, 2024 to March 12, 2024. The Mitigated Negative Declaration was
21 prepared in accordance with CEQA. The Planning Commission hereby recommends that the City
22 Council adopt the Mitigated Negative Declaration and direct the Planning Division to file the
23 necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

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25 SECTION 4. CDP No. 2022-0055 is granted Riverside XC, LLC, in accordance with the
26 plans and application on file with the Planning Division, subject to the following conditions:

- 27 1. The approval is granted allowing the development and use of a 219,000 square foot
28 industrial warehouse building on 9.95 net acres of land (APN's: 0258-121-23, -33 & -34)
located on the west corner side of Riverside Avenue approximately 550 feet north of

1 Jurupa Avenue, as shown on the plans attached as Exhibit A and as approved by the
2 Planning Commission. If the Conditions of Approval specified herein are not satisfied or
3 otherwise completed, the project shall be subject to revocation.

- 4 2. City inspectors shall have access to the site to reasonably inspect the site during normal
5 working hours to assure compliance with these conditions and other codes.
- 6 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
7 and/or any of its officials, officers, employees, agents, departments, agencies, and
8 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
9 demands, law suits, writs of mandamus, and other actions and proceedings (whether
10 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
11 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
12 and other such procedures), (collectively "Actions"), brought against the City, and/or
13 any of its officials, officers, employees, agents, departments, agencies, and
14 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
15 annul, the any action of, or any permit or approval issued by, the City and/or any of its
16 officials, officers, employees, agents, departments, agencies, and instrumentalities
17 thereof (including actions approved by the voters of the City), for or concerning the
18 Project (collectively, the "Entitlements"), whether such Actions are brought under the
19 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
20 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
21 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
22 or any decision of a court of competent jurisdiction. This condition to indemnify,
23 protect, defend, and hold the City harmless shall include, but not be limited to (i)
24 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
25 attorneys' fees and other costs, liabilities and expenses incurred in connection with
26 such proceeding whether incurred by applicant, Property owner, or the City and/or
27 other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
28 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. 2022-0055.
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 Mitigated Negative Declaration
(Environmental Assessment Review No. 2022-0077) adopted for the Project.

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2 6. The Project shall be limited to a maximum of 225 actual passenger car trips and 150 actual
3 truck trips daily, in accordance with Table 3-1 (Project Trip Generation Summary) within
4 the Traffic Analysis prepared for the Project by Stantec Consulting Services, Inc. and
5 dated June 20, 2023.
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7 7. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck
8 traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall
9 not queue or stage on any public street at any time. Activities on-site shall not operate in
10 such a manner that would impact traffic lanes, cause back up (queuing or staging) of
11 vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police
12 access and passage around trucks queuing or staging on-site shall be feasible at all times
13 and activities shall not block parking areas, access or passage for disabled persons or
14 emergency response vehicles.
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16 8. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and
17 trailers within designated truck and trailer spaces within the truck court and adjacent to
18 the dock doors on the west side of the building. No trucks or trailers shall be parked or
19 stored within any drive-aisles or passenger vehicle parking areas outside of the enclosed
20 truck court at any time.
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22 9. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of
23 the building at any time, except for trucks, trailers, and vehicles associated with the
24 operation(s) conducted within the building, without prior approval of a separate
25 Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage
26 Uses) of the Rialto Municipal Code.
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28 10. The privileges granted by the Planning Commission pursuant to approval of this
Conditional Development Permit are valid for two (2) years from the effective date of
approval. If the applicant fails to commence the project within two (2) years of said
effective date, this conditional development permit shall be null and void and any
privileges granted hereunder shall terminate automatically. If the applicant or his or
her successor in interest commence the project within one year of the effective date of
approval, the privileges granted hereunder will continue inured to the property as long
as the property is used for the purpose for which the conditional development permit
was granted, and such use remains compatible with adjacent property uses.
11. Approval of CDP No. 2022-0055 will not become effective until the applicant has signed
a statement acknowledging awareness and acceptance of the required conditions of
approval contained herein.
12. 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 Heavy Industrial (H-IND) land use district of the Agua Mansa

1 Specific Plan and/or the City's General Plan, the applicant shall address the issues within
2 forty-eight (48) hours of being notified by the City.

3 13. If the applicant fails to comply with any of the conditions of approval placed upon CDP
4 No. 2022-0055, TPM No. 20700, or PPD No. 2022-0077, the Planning Commission
5 may initiate proceedings to revoke the conditional development permit in accordance
6 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
7 Municipal Code. Conditional Development Permit No. 2022-0055 may be revoked,
8 suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance
9 at the discretion of the Planning Commission if:

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

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

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

23 _____
24 JERRY GUTIERREZ, CHAIR
25 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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