

## **RESOLUTION NO. 18-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING APPROVAL OF CONDITIONAL DEVELOPMENT PERMIT NO. 2017-0035 TO ALLOW THE DEVELOPMENT OF A 120,600 SQUARE FOOT INDUSTRIAL WAREHOUSE FACILITY LOCATED AT THE NORTHEAST CORNER OF LOCUST AVENUE AND VINEYARD AVENUE WITHIN THE PLANNED INDUSTRIAL DEVELOPMENT (I-PID) ZONE OF THE RIALTO AIRPORT SPECIFIC PLAN.

WHEREAS, the applicant, CDREP, LLC, proposes to construct a 120,600 square foot distribution warehouse facility (“Project”) on 5.78 acres of land (APNs: 1133-201-01, -02 and -03) located at the northeast corner of Locust Avenue and Vineyard Avenue within the Planned Industrial Development (I-PID) zone of the Rialto Airport Specific Plan (“Site”); and

WHEREAS, the Project will be comprised of 8,000 square feet of office space, 112,600 square feet of warehouse space and eighteen (18) dock doors with a truck trailer yard located on the east side of the building; and

WHEREAS, the development of a distribution warehouse such as the Project within the I-PID zone of the Rialto Airport Specific Plan requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2017-0035”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Variance No. 2017-0009 (“VAR No. 2017-0009”), a request to vary from the 35 foot maximum allowable building height within the I-PID zone of the Rialto Airport Specific Plan to construct a 45 foot high building; and

WHEREAS, on March 28, 2018, the Planning Commission of the City of Rialto continued the public hearing to the Planning Commission meeting on April 11, 2018; and

WHEREAS, on April 11, 2018, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2017-0035 and VAR No. 2017-0009, took testimony, at which time it received input from staff, the city attorney, and the

1 applicant; heard public testimony; discussed the proposed CDP No. 2017-0035 and VAR No.  
2 2017-0009; and closed the public hearing; and

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

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

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

8 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
9 the public hearing conducted with regard to CDP No. 2017-0035, including written staff reports,  
10 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
11 Planning Commission hereby determines that CDP No. 2017-0035 satisfies the requirements of  
12 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
13 precedent to granting a conditional development permit. The findings are as follows:

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

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

17 The Project is anticipated to be a benefit to the community and an improvement to the  
18 surrounding area by providing a new industrial facility to replace a non-conforming  
19 residence on an under developed property providing a more diverse economic base. The  
20 area surrounding the Site will benefit from the construction of street improvements along  
21 Vineyard Avenue and Locust Avenue that essential to the safety of vehicular and  
pedestrian traffic as well as the delivery of goods and services.

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

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

25 To the north of the Site are non-conforming residences. To the east, is vacant land in the  
26 unincorporated area of San Bernardino County. To the south is an existing industrial  
27 storage yard and to the west, across Locust Avenue, is a roof tile manufacturer. The  
28 zoning of the project site and the properties to the north and south is Planned Industrial  
Development (I-PID) within the Rialto Airport Specific Plan. The zoning of the property  
to the west is General Manufacturing (I-GM). The project is consistent with the I-PID

1 zone of the Rialto Airport Specific Plan and the future uses adjacent to the project site.  
2 The installation of a screen wall and plant material will serve to protect the sensitive  
3 residential uses adjacent to or near the project site from noise and storage visibility with  
4 the construction of. In addition, the tenant will conduct all activities indoors to minimize  
noise. As such, the project will not negatively affect the surrounding area with the  
successful implementation of the Conditions of Approval contained herein.

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

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

9 The Site contains 5.78 acres, is fairly level, and adjacent to Secondary Arterial and a Local  
10 Street that will be able to accommodate the proposed use. The development will have two  
11 (2) points of access – one (1) a driveway connected directly to Locust Avenue and one (1)  
entryways connected directly to Vineyard Avenue that have been reviewed by the  
Transportation Commission as part of the Traffic Impact Analysis (TIA) for the project.

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 proposed Project will include the construction of street improvements along two (2)  
16 street frontages and the Site will have adequate access to all utilities and services required  
17 through main water, electric, sewer, and other utility lines that will be hooked up to the Site.

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

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

22 The use is consistent with the Specific Plan with a Specific Plan Overlay General Plan  
23 designation and the I-PID zone of the Rialto Airport Specific Plan. The exterior of the  
24 building will be of concrete tilt-up wall construction with projected wall panels painted  
25 with a palette of four (4) different colors. Wall planes visible from the street will  
incorporate three (3) foot deep projected wall panels and generous amounts of glazing at  
the building corners. The proposed plans incorporate landscaping into the site at 14.8  
percent coverage, which greatly exceeds the minimum required amount of 10.0 percent.  
Furthermore, the Project includes the installation of 94 parking spaces, which equals the  
minimum parking requirement within Section 18.58.050(J) of the Rialto Municipal Code.

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

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

5       The implementation of the Conditions of Approval contained herein, and the Conditions  
6       of Approval imposed by the Development Review Committee during the Precise Plan of  
7       Design Process will minimize the Project's effects. Such conditions include reduction of  
8       noise, light, and other activity impacts through screen walls, mature plant materials along  
9       the northerly property line adjacent to residences, light-minimizing light standards, and  
10      restricting all activities to indoors. The development of a 120,600 square foot  
11      distribution warehouse facility will provide additional employment opportunities and the  
12      construction of street improvements along Vineyard Avenue and Locust Avenue that  
13      are essential to the safety of vehicular and pedestrian traffic for the delivery of goods and  
14      services. Therefore, the benefits conferred upon the community and neighborhood as a  
15      whole outweigh any potential adverse effects.

16      SECTION 3. Based on the findings and recommended mitigation within the Initial Study,  
17      staff determined that the project will not have an adverse impact on the environment and a  
18      Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice  
19      of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice  
20      to all property owners within 300 feet of the project site for a public comment period held from  
21      February 8, 2018 to March 10, 2018. The Mitigated Negative Declaration prepared in accordance  
22      with the California Environmental Quality Act (CEQA). The Planning Commission directs the  
23      Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors  
24      for San Bernardino County, upon approval of the Project by the City Council.

25      SECTION 4. The Planning Commission hereby recommends approval of CDP No. 2017-  
26      0035, to allow the development of 120,600 square foot distribution warehouse facility located at  
27      the northeast corner of Locust Avenue and Vineyard Avenue within the I-PID zone of the Rialto  
28      Airport Specific Plan, in accordance with the plans and application on file with the Planning  
Division, subject to the following conditions:

- 1       1. CDP No. 2017-0035 is granted allowing the development of a 120,600 square foot  
2       distribution warehouse facility located at the northeast corner of Locust Avenue and  
3       Vineyard Avenue within the I-PID zone of the Rialto Airport Specific Plan, as shown  
4       on the plans submitted to the Planning Division on October 11, 2017, and as approved  
5       by the Planning Commission. If the Conditions of Approval specified herein are not  
6       satisfied or otherwise completed, the project shall be subject to revocation.
- 7       2. Prior to the issuance of building or grading permits for the proposed development, the  
8       City's Development Review Committee (DRC) shall approve a Precise Plan of Design.
- 9       3. City inspectors shall have access to the site to reasonably inspect the site during  
10      normal working hours to assure compliance with these conditions and other codes.
- 11      4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
12      officers, or employees from any claims, damages, action, or proceeding against the  
13      City or its agents, officers, or employees to attack, set aside, void, or annul any  
14      approval of the City, its advisory agencies, appeal boards, or legislative body  
15      concerning CDP No. 2017-0035. The City will promptly notify the applicant of any  
16      such claim, action, or proceeding against the City, and the parties will cooperate fully  
17      in the defense.
- 18      5. In accordance with the provisions of Government Code Section 66020(d)(1), the  
19      imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
20      subject to protest by the applicant at the time of approval or conditional approval of  
21      the Project or within 90 days after the date of the imposition of the fees, dedications,  
22      reservations, or exactions imposed on the Project.
- 23      6. Prior to issuance of a grading permit, the applicant shall coordinate with the Gabrieleño  
24      Band of Mission Indians-Kizh Nation to place a certified Native American Monitor on-  
25      site during all ground disturbance activities.
- 26      7. Prior to issuance of a grading permit, the applicant shall coordinate with the San Manuel  
27      Band of Mission Indians to place a certified Native American Monitor on-site during all  
28      ground disturbance activities.
- 29      8. The driveways on Locust Avenue and Vineyard Avenue shall incorporate decorative  
30      pavement. The decorative pavement shall extend across the entire width of the  
31      driveway and shall have a minimum depth of twenty-five (25) feet as measured from the  
32      property line along the street frontage. Decorative pavement means decorative pavers  
33      and/or color stamped concrete. The Precise Grading Plan shall identify the location of  
34      the decorative pavement prior to the issuance of a grading permit. The Site Plan within  
35      the formal building plan check submittal shall also identify the location of the decorative  
36      pavement prior to the issuance of building permits. The formal Landscape Plan  
37      submittal shall identify the type and location of decorative pavement prior to the  
38      issuance of building permits.

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9. The formal building plan check submittal shall indicate that all downspouts on all elevations be routed internally through the building prior to the issuance of building permits.
10. Any new walls, including any retaining walls, shall be comprised of decorative masonry block or decorative concrete tilt-up panels. Decorative masonry block means precision block with a plaster or cultured stone finish. Decorative concrete panels mean the incorporation of reveals and paint schemes. All new screen walls shall incorporate pilasters spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. The formal building plan check submittal shall identify all walls and pilasters on the site plan, and include an elevation detail for the walls prior to the issuance of building permits.
11. The exterior of the trash enclosure shall match the color and materials of the buildings on-site. This includes a plaster finish and a wainscot of the stone veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials to use within the trash enclosure. The formal building plan check submittal shall include an elevation detail for the trash enclosure prior to the issuance of building permits.
12. All light standards, including the base, shall be a maximum thirty (30) feet high, as measured from the finished surface. Lighting shall not to produce direct glare or "stray light" onto adjacent properties through the use of shields and strategic placement and design. The formal building plan check submittal shall show the location on the site plan and include a note/detail indicating the height restriction of all light standards prior to the issuance of building permits.
13. A formal Landscape Plan Review application submitted to the Planning Division is required prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.
14. Provide one (1) fifteen (15) gallon tree every three (3) parking spaces. The formal Landscape Plan submittal shall identify an evergreen broadleaf species for all parking lot trees prior to the issuance of a landscape permit.
15. Install one (1) twenty-four (24) inch box tree every thirty (30) feet within the on-site landscape setback along Locust Avenue. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The formal Landscape Plan submittal shall identify trees meeting the above mentioned criteria prior to the issuance of a landscape permit.

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16. Install one (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the on-site landscape setback along Vineyard Avenue. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The formal Landscape Plan submittal shall identify trees meeting the above mentioned criteria prior to the issuance of a landscape permit.
17. Install one (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet within the public right-of-way parkway along Locust Avenue. The street tree species along Locust Avenue shall be the Robinia Idahoensis "Idaho Locust" and/or the Pinus Eldarica "Calabrian Pine". The formal Landscape Plan submittal shall identify trees meeting the above mentioned criteria prior to the issuance of a landscape permit.
18. Install one (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet within the public right-of-way parkway along Vineyard Avenue. The street tree species along Vineyard Avenue shall be the Platanus Acerifolia "London Plane" and/or the Cupaniopsis Anacardiodies "Carrotwood Tree". The formal Landscape Plan submittal shall identify trees meeting the above mentioned criteria prior to the issuance of a landscape permit.
19. Install one (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet along the northerly property line adjacent to residential uses. At least fifty (50) percent of the trees shall consist of Brisbane box. The formal Landscape Plan submittal shall identify trees meeting the above mentioned criteria prior to the issuance of a landscape permit.
20. All land not covered by structures, walkways, parking areas, and driveways, unless otherwise specified, shall incorporate a substantial amount of trees, shrubs, and groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs and groundcover shall be spaced an average of three (3) feet on-center or less. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. Installation and maintenance of a permanent irrigation system is required at all planter areas on-site. The formal Landscape Plan submittal shall identify planting and irrigation meeting the above mentioned criteria prior to the issuance of a landscape permit.
21. All ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. shall be surrounded by a minimum of two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-center, prior to the issuance of a Certificate of Occupancy.
22. Paint any tubular steel fencing and/or sliding gates black prior to the issuance of a Certificate of Occupancy.

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23. Paint all non-glass doors to match the color of the adjacent wall prior to the issuance of a  
2 Certificate of Occupancy.

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24. All signage shall comply with Section 18.102 (Regulations of Signs and Advertising  
4 Structures) of the Rialto Municipal Code.

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25. The applicant shall obtain all necessary approvals and operating permits from all  
6 Federal, State, and local agencies and provide proof thereof to the City prior to the  
issuance of a Certificate of Occupancy.

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26. The privileges granted by the Planning Commission pursuant to approval of this  
8 Conditional Development Permit are valid for one (1) year from the effective date of  
9 approval. If the applicant fails to commence the project within one year of said  
10 effective date, this conditional development permit shall be null and void and any  
11 privileges granted hereunder shall terminate automatically. If the applicant or his or  
12 her successor in interest commences the project within one year of the effective date  
13 of approval, the privileges granted hereunder will continue inured to the property as  
14 long as the property is used for the purpose for which the conditional development  
15 permit was granted, and such use remains compatible with adjacent property uses.

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27. If the applicant fails to comply with any of the conditions of approval placed upon  
17 Conditional Development Permit No. 2017-0035 or any conditions placed upon the  
18 approval of the Precise Plan of Design required by Condition No. 2 above, the  
19 Planning Commission may initiate proceedings to revoke the conditional  
20 development permit in accordance with the provisions of Sections 18.66.070 through  
21 18.66.090, inclusive, of the Rialto Municipal Code.

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 11th day of April, 2018.

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JOHN PEUKERT, CHAIR  
26 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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5 I, Rozie Orihuela, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. 18- was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the 11<sup>th</sup> day of April, 2018.

8 Upon motion of Planning Commissioner \_\_\_\_\_, seconded by Planning  
9 Commissioner \_\_\_\_\_, the foregoing Resolution No. 18- was duly passed and  
10 adopted.

11  
12 Vote on the motion:

13 AYES:

14 NOES:

15 ABSENT:

16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
17 of Rialto this 11<sup>st</sup> day of April, 2018.

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21 \_\_\_\_\_  
22 ROZIE ORIHUELA, ADMINISTRATIVE ASSISTANT  
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