

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. 2023-0002 (TPM NO. 20602) TO ALLOW THE  
5 SUBDIVISION OF TWO (2) PARCELS OF LAND (APN'S: 0264-  
6 191-02 & -04) LOCATED AT THE SOUTHEAST CORNER OF  
7 PEPPER AVENUE AND THE SR-210 FREEWAY INTO THREE  
8 (3) NEW PARCELS OF LAND – PARCEL 1 (1.18 ACRES),  
9 PARCEL 2 (1.46 ACRES), AND PARCEL 3 (11.65 ACRES) – TO  
10 FACILITATE THE DEVELOPMENT OF A 224,566 SQUARE  
11 FOOT INDUSTRIAL WAREHOUSE BUILDING, A 3,915  
12 SQUARE FOOT RESTAURANT BUILDING WITH DRIVE-  
13 THRU SERVICE, AND A VEHICLE FUEL STATION  
14 COMPRISED OF SIX (6) FUEL DISPENSERS, A 4,042 SQUARE  
15 FOOT OVERHEAD CANOPY, A 3,700 SQUARE FOOT  
16 CONVENIENCE MARKET, AND A 1,458 SQUARE FOOT  
17 AUTOMATED CAR WASH ON SAID PARCELS OF LAND.

18 WHEREAS, the applicant, Newcastle Rialto Associates, LLC, proposes to subdivide two (2)  
19 parcels of land (APN's: 0264-191-02 & -04) located at the southeast corner of Pepper Avenue and  
20 the SR-210 Freeway ("Site") into three (3) new parcels of land – Parcel 1 (1.18 acres), Parcel 2  
21 (1.46 acres), and Parcel 3 (11.65 acres) ("Project"); and

22 WHEREAS, Parcel 1 of the Project is wholly within Planning Area 1 of the Pepper Avenue  
23 Specific Plan and has a land use designation of Community Commercial (CC) within the Pepper  
24 Avenue Specific Plan; and

25 WHEREAS, Parcel 2 of the Project is wholly within Planning Area 1 of the Pepper Avenue  
26 Specific Plan and has a land use designation of Community Commercial (CC) within the Pepper  
27 Avenue Specific Plan; and

28 WHEREAS, Parcel 3 of the Project is wholly within Planning Area 10 of the Pepper  
Avenue Specific Plan and has a land use designation of Light Industrial (LI) within the Pepper  
Avenue Specific Plan; and

WHEREAS, the Project will facilitate the development of a 3,915 square foot restaurant  
building with drive-thru service on Parcel 1 of the Project; and

1           WHEREAS, the Project will facilitate the development of a vehicle fuel station comprised  
2 of six (6) fuel dispensers, a 4,042 square foot overhead canopy, a 3,700 square foot convenience  
3 market, and a 1,458 square foot automated car wash on Parcel 2 of the Project; and

4           WHEREAS, the Project will facilitate the development of a 224,566 square foot industrial  
5 warehouse building on Parcel 3 of the Project; and

6           WHEREAS, the Project requires the approval of a tentative parcel map, and the Applicant  
7 has agreed to apply for a Tentative Parcel Map No. 2023-0005, also referred to as Tentative Parcel  
8 Map No. 20602, (“TPM No. 20602”), in accordance with Government Code Sections 66473.5 and  
9 66474; and

10           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
11 Development Permit No. 2022-0015 (“CDP No. 2022-0015”) to facilitate the development and  
12 operation of a 224,566 square foot industrial warehouse building on the Site, and CDP No. 2022-  
13 0015 is necessary to facilitate the Project; and

14           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
15 Development Permit No. 2023-0026 to allow the development and operation of a 3,915 square  
16 foot restaurant building with drive-thru service on the Site (“CDP No. 2023-0026”); and

17           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
18 Development Permit No. 2023-0027 to allow the development and operation of a vehicle fuel station,  
19 consisting of six (6) fuel dispensers and a 4,042 square foot overhead canopy, on the Site (“CDP No.  
20 2023-0027”); and

21           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
22 Development Permit No. 2023-0028 to allow the development and operation of a 3,700 square  
23 foot convenience market building on the Site (“CDP No. 2023-0028”); and

24           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
25 Development Permit No. 2023-0029 to allow the development of a 1,458 square foot automated  
26 car wash building on the Site (“CDP No. 2023-0029”); and

27           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
28 Development Permit No. 2023-0031 to allow the sale of beer, wine, and distilled spirits for off-

1 site consumption from a proposed 3,700 square foot convenience market on the Site (“CDP No.  
2 2023-0031”); and

3 WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of  
4 Design No. 2022-0017 (“PPD No. 2022-0017”) to facilitate the development of a 224,566 square  
5 foot industrial warehouse building, a 3,915 square foot restaurant building with drive-thru service,  
6 and a vehicle fuel station comprised of six (6) fuel dispensers, a 4,042 square foot overhead  
7 canopy, a 3,700 square foot convenience market building, a 1,458 square foot automated car wash  
8 building, and associated paving, landscaping, fencing, lighting, and drainage improvements on the  
9 Site; and

10 WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted a  
11 duly noticed public hearing, as required by law, on TPM No. 20602, CDP No. 2022-0015, CDP  
12 No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-0029, CDP No. 2023-  
13 0031, and PPD No. 2022-0017 took testimony, at which time it received input from staff, the city  
14 attorney, and the applicant; heard public testimony; discussed the proposed TPM No. 20602, CDP  
15 No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-  
16 0029, CDP No. 2023-0031, and PPD No. 2022-0017; and closed the public hearing; and

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

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

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

22 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
23 the public hearing conducted with regard to TTM No. 20602, including written staff reports, verbal  
24 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning  
25 Commission hereby determines that TTM No. 20602 satisfies the requirements of Government Code  
26 Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the  
27 findings which must be made precedent to granting a tentative map. The findings are as follows:  
28

1           1.       That the proposed tentative parcel map is consistent with the General Plan of the City  
2                   of Rialto and the Pepper Avenue Specific Plan, as applicable; and

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

4           The Site has a General Plan designation of Specific Plan with a Specific Plan Overlay and a  
5           zoning designation of Pepper Avenue Specific Plan. The Project will subdivide the Site into  
6           three (3) new parcels of land – Parcel 1 (1.18 acres), Parcel 2 (1.46 acres), and Parcel 3 (11.65  
7           acres). The land use designation within the Pepper Avenue Specific Plan is Community  
8           Commercial (CC) on Parcel 1 and Parcel 2 of the Project and Light Industrial (LI) on Parcel  
9           3 of the Project. According to Table 5-3 (Pepper Avenue Development Standards) of the  
10           Pepper Avenue Specific Plan, the Community Commercial (CC) and Light Industrial (LI)  
11           land use districts do not require a minimum lot size for any new parcel.

12           2.       That the design and improvements of the proposed tentative parcel map are consistent  
13                   with the Subdivision Ordinance, the General Plan of the City of Rialto, and the  
14                   Community Commercial (CC) and Light Industrial (LI) zones of the Pepper Avenue  
15                   Specific Plan; and

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

17           The Project will comply with all technical standards required by Subdivision Map Act, the  
18           General Plan of the City of Rialto, and the CC and LI land use designations of the Pepper  
19           Avenue Specific Plan. According to Table 5-3 (Pepper Avenue Development Standards) of  
20           the Pepper Avenue Specific Plan, the Community Commercial (CC) and Light Industrial (LI)  
21           land use districts do not require a minimum lot size for any new parcel. The new parcels will  
22           facilitate the development of a restaurant building with drive-thru service and a vehicle fuel  
23           station consistent with the CC land use designation of the Pepper Avenue Specific Plan and  
24           an industrial warehouse building that is consistent with the LI land use designation of the  
25           Pepper Avenue Specific Plan.

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

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

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

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

*This finding is supported by the following facts:*

          The Project will subdivide the Site into three (3) new parcels of land – Parcel 1 (1.18 acres),  
Parcel 2 (1.46 acres), and Parcel 3 (11.65 acres) – to facilitate the development of a 224,566

1 square foot industrial warehouse building, a 3,915 square foot restaurant building with drive-  
2 thru service, and a vehicle fuel station comprised of six (6) fuel dispensers, a 4,042 square  
3 foot overhead canopy, a 3,700 square foot convenience market building, a 1,458 square foot  
4 automated car wash building. According to Table 5-1 of the Pepper Avenue Specific Plan,  
5 the maximum development potential is 13,000 square feet of commercial uses for Planning  
6 Area 1 and 250,185 square feet of industrial uses for Planning Area 10. The development  
7 facilitated by the Project will not exceed the density allowed by the Pepper Avenue Specific  
8 Plan.

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

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

9 The Site vacant and the surface is partially disturbed due to a prior residential use that  
10 existed on the Site. The Addendum to the Pepper Avenue Specific Plan Amendment and  
11 Industrial Development Project Subsequent Environmental Impact Report (Environmental  
12 Assessment Review No. 2023-0048) prepared for the project identified that the Project will  
13 not have a significant impact to any threatened or endangered species.

- 13 6. That the design of the land division is not likely to cause serious public health  
14 problems; and

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

16 The Project is consistent with the Specific Plan with a Specific Plan Overlay General Plan  
17 land use designation and the Community Commercial (CC) and Light Industrial (LI) land  
18 use designations of the Pepper Avenue Specific Plan. In conjunction with the Project, the  
19 Planning Commission will consider Precise Plan of Design No. 2022-0017 development-  
20 related conditions, in accordance with Chapter 18.65 (Precise Plan of Design) of the Rialto  
21 Municipal Code, to ensure that the design of the Project meets the City's Design Guidelines  
22 and all applicable criteria required by the Pepper Avenue Specific Plan.

21 The Site is bound on the north by the SR-210 Freeway and on the west by Pepper Avenue.  
22 To the north of the project site is the SR-210 Freeway, and to the east is approximately  
23 8.02 acres of vacant land. To the south is approximately 23.82 acres of vacant land entitled  
24 for the development of a 470,000 square foot industrial warehouse building, and to the  
25 west, across Pepper Avenue, is approximately 3.83 acres of vacant land. The proposed  
26 development pertaining to the land subdivision is consistent with the Community  
27 Commercial (CC) and Light Industrial (LI) land use designations of the Pepper Avenue  
28 Specific Plan. The project is not expected to negatively impact any uses with the successful  
implementation of measures, such as landscape buffering and the installation of solid  
screen walls. Furthermore, construction impacts on the site will be limited through the  
strict enforcement of the allowable construction hours listed in Section 9.50.070 of the  
Rialto Municipal Code, as well as enforcement of regular watering of the site to limit

1 airborne dust and other particulate matter. As a result, the Project is not likely to cause any  
2 public health problems.

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

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

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

12 SECTION 3. An Addendum to the Pepper Avenue Specific Plan Amendment and Industrial  
13 Development Project Subsequent Environmental Impact Report (Environmental Assessment Review  
14 No. 2023-0048) has been prepared for the Project in accordance with the California Environmental  
15 Quality Act (CEQA), and it has been determined that the proposed Project would result in no new  
16 significant impacts that were not analyzed in the Pepper Avenue Specific Plan Amendment and  
17 Industrial Development Project Subsequent Environmental Impact Report (“SEIR”), nor would the  
18 proposed Project cause a substantial increase in the severity of any previously identified  
19 environmental impacts. The potential impacts associated with proposed Project would either be the  
20 same or less than those described in the SEIR. In addition, there are no substantial changes to the  
21 circumstances under which the proposed Project would be undertaken that would result in new or  
22 more severe environmental impacts than previously addressed in the SEIR, nor has any new  
23 information regarding the potential for new or more severe significant environmental impacts been  
24 identified. The Planning Commission hereby adopts the Addendum to the Pepper Avenue Specific  
25 Plan Amendment and Industrial Development Project Subsequent Environmental Impact Report  
26 (Environmental Assessment Review No. 2023-0048) for the Project.

27 SECTION 4. The Planning Commission hereby approves TPM No. 20602 to allow the  
28 subdivision of two (2) parcels of land (APN’s: 0264-191-02 & -04) located at the southeast corner of  
Pepper Avenue and SR-210 Freeway within the Community Commercial (CC) and Light Industrial

1 (LI) land use designations of the Pepper Avenue Specific Plan into three (3) new parcels of land –  
2 Parcel 1 (1.18 acres), Parcel 2 (1.46 acres), and Parcel 3 (11.65 acres), in accordance with the plans  
3 and application on file with the Planning Division, subject to the following conditions:

- 4  
5 1. TPM No. 20602 is approved allowing the subdivision of two (2) parcels of land (APN's:  
6 0264-191-02 & -04) located at the southeast corner of Pepper Avenue and SR-210  
7 Freeway within the Community Commercial (CC) and Light Industrial (LI) land use  
8 designations of the Pepper Avenue Specific Plan into three (3) new parcels of land – Parcel  
9 1 (1.18 acres), Parcel 2 (1.46 acres), and Parcel 3 (11.65 acres), as shown on the tentative  
10 parcel map attached as Exhibit A and as approved by the Planning Commission.
- 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 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 TPM  
No. 20602.

- 1 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
2 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
3 subject to protest by the applicant at the time of approval or conditional approval of the  
4 Project or within 90 days after the date of the imposition of the fees, dedications,  
5 reservations, or exactions imposed on the Project.
- 6 5. The applicant shall comply with all conditions of approval for TPM No. 20602 and Precise  
7 Plan of Design No. 2022-0017 to the satisfaction of the City Engineer, prior to the issuance  
8 of a Certificate of Occupancy. Dedication requirements required by Precise Plan of  
9 Design No. 2022-0017 shall be met with recordation of the parcel map unless provided  
10 otherwise in the PPD conditions of approval.
- 11 6. The applicant shall submit a final parcel map (Parcel Map No. 20602), prepared by a  
12 California registered Land Surveyor or qualified Civil Engineer, to the Engineering  
13 Services Department for review and approval. A Title Report prepared for subdivision  
14 guarantee for the subject property, the traverse closures for the existing parcel and all lots  
15 created therefrom, and copies of record documents shall be submitted with Parcel Map  
16 No. 20602 to the Engineering Services Department as part of the review of the Map.  
17 Parcel Map No. 20602 shall be approved by the City Council and recorded by the County  
18 Recorder's Office prior to issuance of any building permits, except as allowed by the  
19 Subdivision Map Act. Prior to approval of the Parcel/Tract Map by the City Council,  
20 provide a Preliminary Subdivision Report from a title company and if applicable, provide  
21 evidence that Section 66436 of the Subdivision Map Act regarding interfering with the  
22 rights of easement holders has been addressed. Dedications to the public required by these  
23 conditions of approval shall be made via the Parcel Map.
- 24 7. In accordance with Government Code 66462, all required public improvements shall be  
25 completed prior to the approval of a final map (Parcel Map No. 20602). Alternatively,  
26 the applicant may enter into a Subdivision Improvement Agreement to secure the cost of  
27 all required public improvements at the time of requesting the City Engineer's approval  
28 of Parcel Map No. 20602. 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.
8. A shared access easement shall be shown on Parcel Map No. 20602 for access rights with  
the property (APN: 0264-201-29) to the south of the Project, prior to approval of Parcel  
Map No. 20602.
9. The applicant shall submit a shared access (reciprocal) easement over APN's 0264-201-  
29, 0264-191-02, and 0264-191-04 to allow for the construction of the proposed  
signalized entrance on Pepper Avenue and shared access between the parcels, prior to  
approval of TPM No. 20602.
10. The applicant shall comply with all other applicable State and local ordinances.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. The applicant shall comply with all conditions of approval contained in CDP No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-0029, CDP No. 2023-0031, and PPD No. 2022-0017 to the extent they are not in conflict with any condition of approval herein.

12. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No. 20602 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. 20602 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. 20602.

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 3rd day of April, 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.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

\_\_\_\_\_  
KIMBERLYY DAME, ADMINISTRATIVE ANALYST

Exhibit A

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28