

RESOLUTION NO. 2025-XX

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2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING TENTATIVE
4 PARCEL MAP NO. 2024-0005 (TENTATIVE PARCEL MAP NO.
5 20919) TO ALLOW THE SUBDIVISION OF ONE (1) 3.94 ACRE
6 PARCEL OF LAND (APN: 0132-102-15) LOCATED IN A
7 RETAIL COMMERCIAL (R-C) ZONE OF THE GATEWAY
8 SPECIFIC PLAN INTO TWO (2) NEW PARCELS OF LAND –
9 PARCEL 1 (2.65 ACRES) AND PARCEL 2 (1.29 ACRES).

10 WHEREAS, the applicant, Walden and Associates, proposes to subdivide one 3.94-acre
11 parcel of land (APN 0132-102-15) located at 1471 South Riverside Avenue within a Retail
12 Commercial (R-C) zone of the Gateway Specific Plan (“Site”) into two (2) new parcels of land,
13 Parcel 1 (2.65 acres) and Parcel 2 (1.29 acres) (“Project”); and

14 WHEREAS, on July 1, 1963, the City Council approved Conditional Development
15 Permit No. 57, which allowed the development and operation of a skilled nursing convalescent
16 hospital; and

17 WHEREAS, on November 1, 1990, the Development Review Committee approved
18 Precise Plan of Design No. 1391, which allowed the development of a storage building; and

19 WHEREAS, the Project will create two separate parcels, one with an existing medical
20 facility and one vacant; and

21 WHEREAS, the Project within the Retail Commercial (R-C) zone requires the approval
22 of a tentative parcel map, and the Applicant has agreed to apply for a TPM No. 2024-0005, also
23 referred to as Tentative Parcel Map No. 20919, (“TPM No. 20919”), in accordance with
24 Government Code Sections 66473.5 and 66474; and

25 WHEREAS, on March 19, 2025, the Planning Commission of the City of Rialto
26 conducted a duly noticed public hearing, as required by law, on TPM No. 20919, took testimony,
27 at which time it received input from staff, the city attorney, and the applicant; heard public
28 testimony; discussed the proposed TPM No. 20919; and closed the public hearing; and

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

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

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

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to TPM No. 20919, including written staff reports, verbal
7 testimony, site plan, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that TPM No. 20919 satisfies the requirements of Government
9 Code Sections 66473.5 and 66474 pertaining to the findings which must be made precedent to
10 approving a tentative map. The findings are as follows:

- 11 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the
12 City of Rialto and the Retail Commercial (R-C) zone of the Gateway Plan; and

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

14 The Site has a General Plan designation of Specific Plan with a Specific Plan Overlay and a
15 zoning designation of Gateway Specific Plan. Within the Gateway Specific Plan, the Site
16 has a land use designation of Retail Commercial (R-C). The Project will subdivide the Site
17 into two (2) new parcels of land – Parcel 1 (2.65 acres) and Parcel 2 (1.29 acres). The R-C
zone does not address a minimum required parcel size.

- 18 2. That the design and improvements of the proposed tentative parcel map are
19 consistent with the Subdivision Ordinance, the General Plan of the City of Rialto,
and the Retail Commercial (R-C) zone of the Gateway Specific Plan.

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

21 The Project will comply with all technical standards required by Subdivision Map Act, the
22 General Plan of the City of Rialto, and the R-C zone of the Gateway Specific Plan.

- 23 3. That the site is physically suitable for development.

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

25 The Site is a relatively flat piece of land and development of the land should be easily
26 accommodated. The Applicant will be required to submit entitlement applications for review
27 and approval by Planning, Building and Safety, Engineering, Fire, and Police, prior to
28 approval of any development.

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

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

3 The Project will subdivide the Site into two (2) new parcels of land – Parcel 1 (2.65 acres)
4 and Parcel 2 (1.29 acres). An existing and conforming post-acute care facility is on Parcel 1
5 and meets Rialto Municipal Code Section 18.31.030 requirements for height, build, and
6 space requirements. Parcel 2 has a 1,280 square-foot storage structure that will be
demolished. When the property is further developed, it will be held to the same
requirements.

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

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

10 Exhibit 4.4.2 of the Rialto General Plan identifies the Site as a Threatened and
11 Endangered Species Habitat for the Delhi Sands Flower-Loving Fly. This project is a
12 subdivision of land with no development proposed. The conditions of approval herein
13 require authorization by the United States Department of Fish and Wildlife prior to any
ground disturbance activity.

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

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

17 The Project is consistent with the General Plan and the Retail Commercial (R-C) land use
18 zone within the Gateway Specific Plan. To the north of the site is the Grace Vargas
19 Senior Center. To the south is the Gateway Plaza commercial shopping center. The
20 project site is bound by South Riverside Avenue to the west and the commercial shopping
center, Rialto Village. To the east is a vacant parcel and the Rialto Assisted Living
facility.

21 The project will not negatively affect the surrounding area. Additionally, the project has
22 been reviewed by the City staff for compliance with all engineering, health, safety, fire,
23 and design requirements.

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

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

27 Prior to the completion of the Project, the Final Map, and the required landscape easements
28 will be recorded and approved by the Public Works Department. Additionally, all required

1 site adjacent improvements will be reviewed and approved by the Public Works Department
2 and will be constructed prior to the issuance of the Certificate of Occupancy.

3 SECTION 3. The Project is categorically exempt from the requirements of the
4 California Environmental Quality Act (CEQA), pursuant to Section 15315, Minor Land
5 Divisions. The Planning Commission directs the Planning Division to file the necessary
6 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

7 SECTION 4. The Planning Commission hereby approves TPM No. 20919 to subdivide
8 one 3.94-acre parcel of land (APN 0132-102-15) located at 1471 South Riverside Avenue within
9 a Retail Commercial (R-C) zone of the Gateway Specific Plan (“Site”) into two (2) new parcels
10 of land – Parcel 1 (2.65 acres) and Parcel 2 (1.29 acres) (“Project”); and, in accordance with the
11 plans and application on file with the Planning Division, subject to the following conditions:

- 12 1. TPM No. 20919 is approved allowing the subdivision of one (1) 3.94-acre parcel of
13 land (APN: 0132-102-15) located at 1471 South Riverside Avenue within a Retail
14 Commercial (R-C) zone of the Gateway Specific Plan into two (2) new parcels of
15 land – Parcel 1 (2.65 acres) and Parcel 2 (1.29 acres), as shown on the tentative parcel
16 map attached hereto as **Exhibit C**, and as approved by the Planning Commission. If
the Conditions of Approval specified herein are not satisfied or otherwise completed
within the required time, the Project shall be subject to revocation.
- 17 2. City inspectors shall have access to the Site to reasonably inspect the Site during
18 normal working hours to ensure compliance with these conditions and other codes.
- 19 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
20 and/or any of its officials, officers, employees, agents, departments, agencies, and
21 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
22 demands, law suits, writs of mandamus, and other actions and proceedings (whether
23 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
24 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
25 and other such procedures), (collectively “Actions”), brought against the City, and/or
26 any of its officials, officers, employees, agents, departments, agencies, and
27 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
28 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

1 indemnify, protect, defend, and hold the City harmless shall include, but not be
2 limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost
3 of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection
4 with such proceeding whether incurred by applicant, Property owner, or the City
5 and/or other parties initiating or bringing such proceeding (collectively, subparts (i)
6 and (ii) are the "Damages"). Notwithstanding anything to the contrary contained
7 herein, the Applicant shall not be liable to the City Parties under this indemnity to the
8 extent the Damages incurred by any of the City Parties in such Action(s) are a result
9 of the City Parties' fraud, intentional misconduct or gross negligence in connection
10 with issuing the Entitlements. The applicant shall execute an agreement to
11 indemnify, protect, defend, and hold the City harmless as stated herein within five (5)
12 days of approval of TPM No. 2024-0005.

- 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
16 the 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. Any development associated with TPM No. 20919 shall comply with all Conditions of
19 Approval contained within Conditional Development Permit No. 57.
- 20 6. TPM No. 20919 shall comply with all applicable sections of the Gateway Specific Plan,
21 the Rialto Municipal Code, and all other applicable Federal, State, and local laws,
22 regulations, and ordinances.
- 23 7. The General Plan Exhibit 4.4.2 identifies the Site as a Threatened and Endangered
24 Species Habitat for the Delhi Sands Flower-Loving Fly. Therefore, prior to any ground
25 disturbance activity on the Site, the applicant shall provide a letter of authorization from
26 the United States Fish & Wildlife Service (USFWS).
- 27 8. A reciprocal parking agreement between Parcel 1 and Parcel 2 shall be completed and
28 a copy submitted to the Planning Division prior to TPM No. 20919 being recorded.
9. Pursuant to Section 17.16.050.A of the Rialto Municipal Code, approval of TPM No.
20919 is granted for a period of twenty-four (24) months from the effective date of
this resolution. Pursuant to Section 17.16.050.C of the Rialto Municipal Code, an
extension of time for TPM No. 20919 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. 20919.
10. The applicant shall submit Parcel Map No. 20919, prepared by a California registered
Land Surveyor or qualified Civil Engineer, to the Engineering Services Department
for review and approval. A Title Report prepared for subdivision guarantee for the

1 subject property, the traverse closures for the existing parcel and all lots created
2 therefrom, and copies of record documents shall be submitted with the Parcel Map to
3 the Engineering Division as part of the review of the Map. The Parcel Map shall be
4 approved by the City Council prior to issuance of building permits, except as allowed
5 by the Subdivision Map Act. Prior to approval of the Parcel Map by the City Council,
6 provide a Preliminary Subdivision Report from a title company and if applicable,
7 provide evidence that Section 66436 of the Subdivision Map Act regarding
8 interfering with the rights of easement holders has been addressed.

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10 11. Prior to City Council approval of Parcel Map No. 20919, the applicant shall demolish
11 the existing structure located on Parcel 2 of Tentative Parcel Map No. 20919. The
12 applicant shall obtain a demolition permit from the Building Division, prior to
13 commencing demolition activities. Additionally, the applicant shall provide a letter
14 of authorization from the USFWS to the Planning Division and Building Division,
15 prior to obtaining the demolition permit.

16 12. The Easement for Reciprocal Access, Drainage, Parking, Public Utilities and Sewer
17 Purposes between Parcels 1, 2, and 3 of Parcel Map No. 15160 shall be amended to
18 include Parcel 1 and Parcel 2 of Tentative Parcel Map No. 20919 prior to the recordation
19 of the final map. Alternatively, prior to Final Map approval, an access easement shall
20 be provided through Parcel 1 for ingress/egress to Parcel 2.

21 SECTION 5. The Chair of the Planning Commission shall sign this resolution evidencing
22 its passage and adoption and thereupon the same shall take effect and be in force.

23 PASSED, APPROVED AND ADOPTED this 19th day of March, 2025.

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JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 19th day of March 2025.

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

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
16 of Rialto this 19th day of March 2025.

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HEIDY GONZALEZ, ADMINISTRATIVE ASSISTANT