



1           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
2 Development Permit No. 2023-0027 to allow the development and operation of a vehicle fuel station,  
3 consisting of six (6) fuel dispensers and a 4,042 square foot overhead canopy on Parcel 2 of TPM No.  
4 20602 (“CDP No. 2023-0027”); and

5           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
6 Development Permit No. 2023-0028 to allow the development and operation of a 3,700 square  
7 foot convenience market building on Parcel 2 of TPM No. 20602 (“CDP No. 2023-0028”); and

8           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
9 Development Permit No. 2023-0029 to allow the development of a 1,458 square foot automated  
10 car wash building on Parcel 2 of TPM No. 20602 (“CDP No. 2023-0029”); and

11           WHEREAS, in conjunction with the Project, the applicant has applied for Conditional  
12 Development Permit No. 2023-0031 to allow the sale of beer, wine, and distilled spirits for off-  
13 site consumption from a proposed 3,700 square foot convenience market on Parcel 2 of TPM No.  
14 20602 (“CDP No. 2023-0031”); and

15           WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of  
16 Design No. 2022-0017 (“PPD No. 2022-0017”) to facilitate the development of a 224,566 square  
17 foot industrial warehouse building, a 3,915 square foot restaurant building with drive-thru service,  
18 and a vehicle fuel station comprised of six (6) fuel dispensers, a 4,042 square foot overhead  
19 canopy, a 3,700 square foot convenience market building, a 1,458 square foot automated car wash  
20 building, and associated paving, landscaping, fencing, lighting, and drainage improvements on  
21 Parcel 1, Parcel 2, and Parcel 3 of TPM No. 20602; and

22           WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted a  
23 duly noticed public hearing, as required by law, on CDP No. 2022-0015, TPM No. 20602, CDP  
24 No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-0029, CDP No. 2023-  
25 0031, and PPD No. 2022-0017, took testimony, at which time it received input from staff, the city  
26 attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2022-0015,  
27 TPM No. 20602, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-  
28 0029, CDP No. 2023-0031, and PPD No. 2022-0017; and closed the public hearing; and

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

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

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

6           SECTION 2. Based on substantial evidence presented to the Planning Commission during  
7 the public hearing conducted with regard to CDP No. 2022-0015, including written staff reports,  
8 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
9 Planning Commission hereby determines that CDP No. 2022-0015 satisfies the requirements of  
10 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
11 precedent to granting a conditional development permit, which findings are as follows:

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

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

16           The Site is generally rectangular-shaped and expansive in size. The Project will develop  
17           the highest and best use for the Site, in accordance with the Light Industrial (LI) land use  
18           district of the Pepper Avenue Specific Plan. Additionally, the Project will provide  
19           employment opportunities within the City and reduce blight by implementing a use on  
20           vacant site.

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

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

24           The development of an industrial warehouse building on the Site is consistent with the  
25           underlying Light Industrial (LI) land use district of the Pepper Avenue Specific Plan, which  
26           conditionally permits the development and operation of industrial warehouse buildings. To  
27           the north of the Site is the SR-210 Freeway, and to the east is approximately 8.02 acres of  
28           vacant land. To the south is approximately 23.82 acres of vacant land entitled for the  
              development of a 470,000 square foot industrial warehouse building, and to the west is  
              approximately 2.64 acres of vacant land planned for the development of a restaurant  
              building with drive-thru service and a vehicle fuel station. The Project is consistent with  
              the Light Industrial (LI) land use district of the Pepper Avenue Specific Plan and the  
              entitled industrial land use to the south of the Site. There are no sensitive use adjacent to  
              or across the street from the Site. The project is not expected to negatively impact any uses

1 with the successful implementation of measures such as landscape buffering, the  
2 installation of solid screen walls around the truck court, aesthetic building enhancements,  
3 and other traffic related measures.

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

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

8 The Site is approximately 11.65 acres in size and has access to one (1) public street, which  
9 will be able to accommodate the proposed use. The Project will have one (1) point of access  
10 – a sixty-five (65) foot wide signalized shared driveway accessible through an access  
11 easement on Parcel 2 of TPM No. 20602. In addition, the building will have 215 passenger  
12 vehicle parking spaces, which exceeds the amount required by Chapter 18.58 (Off-Street  
13 Parking) of the Rialto Municipal Code.

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

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

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

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

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

24 As previously stated, the proposed use is consistent with the Light Industrial (LI) land use  
25 district of the Pepper Avenue Specific Plan. The building will be oriented such that none of  
26 the dock doors will front or face the public right-of-way, the building will have 215 passenger  
27 vehicle parking spaces, and the building will have a floor area ratio (FAR) of 44.3 percent, all  
28 of which comply with the General Plan, the Pepper Avenue Specific Plan, 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 13.5 percent.

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

*This finding is supported by the following facts:*

1 The Project's effects will be minimized through the implementation of the Conditions of  
2 Approval contained herein, and through the implementation of Conditions of Approval  
3 imposed by the Planning Commission on the Precise Plan of Design, such as extensive  
4 landscaping, solid screen walls, decorative paving, and enhanced architectural features.  
5 The development of a high-quality industrial development will provide additional  
6 employment opportunities for residents and visitors to the City. The Project is consistent  
7 with the Light Industrial (LI) land use district of the Pepper Avenue Specific Plan and the  
8 entitled industrial use to the south of the Site. There are no sensitive use adjacent to or  
9 across the street from the Site. The project is not expected to negatively impact any uses  
10 with the successful implementation of measures such as landscape buffering, the  
11 installation of solid screen walls, aesthetic building enhancements, and other traffic related  
12 measures. Therefore, any potential adverse effects are outweighed by the benefits  
13 conferred upon the community and neighborhood as a whole.

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

SECTION 4. CDP No. 2022-0015 is granted to Newcastle Rialto Associates, LLC in  
accordance with the plans and application on file with the Planning Division, subject to the following  
conditions:

- 1 1. The approval is granted allowing the development and operation of a 224,566 square foot  
2 industrial warehouse building on 11.65 acres of land (Parcel 3 of TPM No. 20602) located  
3 on the south side of the SR-210 Freeway approximately 220 feet east of Pepper Avenue,  
4 as shown on the plans attached as Exhibit A and as approved by the Planning Commission.  
If the Conditions of Approval specified herein are not satisfied or otherwise completed,  
5 the project shall be subject to revocation.
- 6 2. City inspectors shall have access to the site to reasonably inspect the site during normal  
7 working hours to assure compliance with these conditions and other codes.
- 8 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
9 and/or any of its officials, officers, employees, agents, departments, agencies, and  
10 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
11 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
12 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
13 dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
14 and other such procedures), (collectively "Actions"), brought against the City, and/or  
15 any of its officials, officers, employees, agents, departments, agencies, and  
16 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
17 annul, the any action of, or any permit or approval issued by, the City and/or any of its  
18 officials, officers, employees, agents, departments, agencies, and instrumentalities  
19 thereof (including actions approved by the voters of the City), for or concerning the  
20 Project (collectively, the "Entitlements"), whether such Actions are brought under the  
21 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision  
22 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public  
23 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,  
24 or any decision of a court of competent jurisdiction. This condition to indemnify,  
25 protect, defend, and hold the City harmless shall include, but not be limited to (i)  
26 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,  
27 attorneys' fees and other costs, liabilities and expenses incurred in connection with  
28 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. 2022-0015.
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.

- 1 5. The tenant(s) within the building shall always conduct operations consistent with the  
2 environmental analysis contained within the Addendum to the Pepper Avenue Specific  
3 Plan Amendment and Industrial Development Project Subsequent Environmental Impact  
4 Report (Environmental Assessment Review No. 2023-0048) adopted for the Project.
- 5 6. The Project shall be limited to a maximum of 233 actual passenger car trips and 155 actual  
6 truck trips daily, in accordance with Table 4.1 (Project Trip Generation) within the Traffic  
7 Impact Analysis prepared for the Project by EPD Solutions, Inc. and dated October 24,  
8 2023.
- 9 7. The applicant, landlord, and/or tenant(s) shall require all inbound truck traffic to access  
10 the site via the SR-210 Freeway & Pepper Avenue off-ramps then south on Pepper  
11 Avenue to the shared driveway connected to Pepper Avenue on Parcel 2 of TPM No.  
12 20602 and the parcel adjacent to the south of the Site. Inbound truck traffic shall not use  
13 Pepper Avenue south of the Site.
- 14 8. The applicant, landlord, and/or tenant(s) shall require all outbound truck traffic to exit the  
15 site via the shared driveway connected to Pepper Avenue on Parcel 2 of TPM No. 20602  
16 and the parcel adjacent to the south of the Site and then travel north to the SR-210 Freeway  
17 & Pepper Avenue on-ramps. Outbound truck traffic shall not use Pepper Avenue south  
18 of the Site.
- 19 9. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that outbound trucks do  
20 not turn left onto Pepper Avenue at any time. Signage prohibiting the left-turn movement  
21 for trucks shall be installed on the north side of the shared driveway connected to Pepper  
22 Avenue at least five (5) feet from the property line along Pepper Avenue prior to the  
23 issuance of a Certificate of Occupancy.
- 24 10. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck  
25 traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall  
26 not queue or stage on any public street at any time. Activities on-site shall not operate in  
27 such a manner that would impact traffic lanes, cause back up (queuing or staging) of  
28 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.
11. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and  
trailers within designated truck and trailer spaces within the truck court and adjacent to  
the dock doors on the north side of the building. No trucks or trailers shall be parked or  
stored within any drive-aisles or passenger vehicle parking areas outside of the enclosed  
truck court at any time.
12. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of  
the building at any time, except for trucks, trailers, and vehicles associated with the  
operation(s) conducted within the building, without prior approval of a separate

1 Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage  
2 Uses) of the Rialto Municipal Code.

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

12 14. Approval of CDP No. 2022-0015 will not become effective until the applicant has signed  
13 a statement acknowledging awareness and acceptance of the required conditions of  
14 approval contained herein.

15 15. In the event, that any operation on the Site is found to be objectionable or incompatible  
16 with the character of the City and its environs due to excessive noise, excessive traffic,  
17 loitering, criminal activity or other undesirable characteristics including, but not strictly  
18 limited to, uses which are or have become offensive to neighboring property or the goals  
19 and objectives of the Light Industrial (LI) land use district of the Pepper Avenue Specific  
20 Plan and/or the City's General Plan, the applicant shall address the issues within forty-  
21 eight (48) hours of being notified by the City.

22 16. If the applicant fails to comply with any of the conditions of approval placed upon CDP  
23 No. 2022-0015, TPM No. 20602, or PPD No. 2022-0017, the Planning Commission  
24 may initiate proceedings to revoke the conditional development permit in accordance  
25 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
26 Municipal Code. Conditional Development Permit No. 2022-0015 may be revoked,  
27 suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance  
28 at the discretion of the Planning Commission if:

- 21 a) The use for which such approval was granted has ceased to exist, been  
22 subsequently modified, or has been suspended for six (6) months or more;
- 23 b) Any of the express conditions or terms of such permit are violated;
- 24 c) The use for which such approval was granted becomes or is found to be  
25 objectionable or incompatible with the character of the City and its environs  
26 due to excessive noise, excessive traffic, loitering, criminal activity or other  
27 undesirable characteristics including, but not strictly limited to uses which  
28 are or have become offensive to neighboring property or the goals and  
objectives of the Light Industrial (LI) land use district of the Pepper Avenue  
Specific Plan and/or the City's General Plan.



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.

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\_\_\_\_\_  
KIMBERLY DAME, ADMINISTRATIVE ANALYST

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Exhibit "A"  
Project Plans

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