

1 **RESOLUTION NO. 2025-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA, APPROVING TENTATIVE
4 TRACT MAP NO. 2024-0001 (TTM NO. 20709) TO ALLOW THE
5 CONSOLIDATION OF 4.99 ACRES OF LAND (APNS: 0128-361-
6 24 & -20) INTO ONE (1) RESIDENTIAL CONDOMINIUM LOT
7 WITH EASEMENTS FOR PRIVATE STREETS AND UTILITIES
8 LOCATED ON THE NORTHEAST CORNER OF FOOTHILL
9 BOULEVARD AND SPRUCE AVENUE WITHIN THE FMUZ
10 DISTRICT OF THE FOOTHILL CENTRAL SPECIFIC PLAN.

11 WHEREAS, the applicant, Warmington Residential California, Inc., proposes to consolidate
12 two (2) parcels of land (APN: 0128-361-24 & -20) into one (1) residential condominium lot with
13 easements for private streets and utilities (“Project”); and

14 WHEREAS, the Project location comprises approximately 4.99 net acres of land located
15 at the northeast corner of Foothill Boulevard and Spruce Avenue, and described in the legal
16 description attached as Exhibit A (“Site”); and

17 WHEREAS, the Site is within the Foothill Mixed-Use Zone (FMUZ) district; and

18 WHEREAS, the Project in the FMUZ designation requires the approval of a tentative tract
19 map, and the applicant has agreed to apply for a Tentative Tract Map No. 2024-0001, also referred
20 to as Tentative Tract Map No. 20709, (“TTM No. 20709”), in accordance with the Subdivision
21 Map Act (Government Code §§ 66410 et seq.); and

22 WHEREAS, in conjunction with the Project, the applicant will also develop eight one (81)
23 residential condominium dwelling units on the one (1) residential condominium lots of TTM No.
24 20709 on the Site; and

25 WHEREAS, on March 19, 2025, the Planning Commission of the City of Rialto conducted
26 a duly noticed public hearing, as required by law, on TTM No. 20709, took testimony, at which
27 time it received input from staff, the city attorney, and the applicant; heard public testimony;
28 discussed the proposed TTM No. 20709; 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 Rialto
2 as follows:

3 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth
4 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 TTM No. 20709, including written staff reports, verbal
7 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that TTM No. 20709 satisfies the requirements of Government Code
9 Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the
10 findings which must be made precedent to granting a tentative map. The findings are as follows:

- 11 1. That the proposed tentative tract map is consistent with the General Plan of the City
12 of Rialto, the land use designation of Residential 6 and the Single-Family Residential
13 (R-1C) zone; and

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

15 The Site has a General Plan designation of Specific Plan with a Specific Plan Overlay and a
16 designation of Foothill Mixed-Use Zone (FMUZ) within the Foothill Central Specific Plan.
17 This FMUZ permits the development of residential dwellings by right on floors above the
18 ground floor and conditionally allows residential on the ground floor. The FMUZ allows a
19 maximum density of 35.0 dwelling units. The Project has a proposed density of 16.2 dwelling
20 units per acre, which is consistent with the FMUZ. Additionally, the project complies with
all of the development standards of the FMUZ, as detailed in Table 5-2 (Development
Standards) of the Foothill Central Specific Plan.

- 21 2. That the design and improvements of the proposed tentative tract map are consistent
22 with the Subdivision Ordinance, the General Plan of the City of Rialto, and the
Foothill Central Specific Plan; and

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

24 The Project will comply with all technical standards required by the Subdivision Map Act.
25 Additionally, the Project is consistent with the General Plan and the FMUZ of the Foothill
26 Central Specific Plan, as all of the development standards for the FMUZ, including the density
requirement, are satisfied within the Project.

27 The Project will have two (2) access points including one (1) driveway connected to Spruce
28 Avenue that will allow full access in and out of the neighborhood and one (1) driveway
connected to Foothill Boulevard that will only provide access to emergency vehicles.

1 Internally, a 26-foot wide private street system will provide access throughout the inside of
2 the neighborhood to each of the residential structures. The primary access point off Spruce
3 Avenue will feature significant amounts of landscaping, decorative paving, and neighborhood
4 identification signage.

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

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

7 The Site is a rectangular-shaped piece of land located at the northeast corner of Foothill
8 Boulevard and Spruce Avenue with residential developments to the north and west. The
9 development of the land into a gated-residential neighborhood is consistent with the
10 adjacent Foothill development and the intent of the Foothill Central Specific Plan. The
11 applicant will be required to submit a geotechnical/soils report, Grading Plan, and Street
12 Improvement Plan, to the Public Works Department for review and approval prior to
13 issuance of any building permits.

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

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

16 The Site is approximately 4.99 net acres in size, and the FMUZ land use designation of the
17 Site allows for a density of up to 35 dwelling units per acre. The Project has a proposed
18 density of 16.2 dwelling units per acre, which is consistent with the FMUZ. The Project has
19 been reviewed by city staff and will be plan checked to ensure compliance with all health and
20 safety requirements.

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

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

24 The project is categorically exempt from the requirements of the California Environmental
25 Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects. An
26 environmental checklist has been prepared to analyze potential impacts and substantiate Class
27 32 categorically exemption. The project will not have a significant effect on traffic, noise, air
28 quality or water quality and the site has no value as habitat.

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

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

32 To the north and west of the project site are existing residential land uses. The subdivision
33 project will facilitate the development of one residential condominium lot. Operationally
34 attached condominium residences are not expected to have an impact on the environment

1 or on surrounding properties. An environmental checklist prepared to analyze potential
2 impacts and concludes that the project will not have a significant effect on traffic, noise,
air quality or water quality and the site has no value as habitat.

- 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 Any existing easements on the property related to utilities and access will be preserved and/or
8 modified through the plan check process of the design drawings. New easements are proposed
9 for the private street system to adequately provide utility services to all lots.

10 SECTION 3. The Project is categorically exempt from the requirements of the California
11 Environmental Quality Act (CEQA) pursuant to Section 15332, Infill Development Projects. No new
12 construction or physical alterations are proposed as a part of the Project. The Planning Commission
13 directs the Planning Division to file the necessary documentation with the Clerk of the Board of
14 Supervisors for San Bernardino County.

15 SECTION 4. The Planning Commission hereby approves TTM No. 20709, in accordance
16 with the plan and application on file with the Planning Division, subject to the following conditions:

- 17 1. TTM No. 20709 is approved allowing the consolidation of 4.99 net acres of land (APN:
18 0128-361-24 & -20) located northeast corner of Foothill Boulevard and Spruce Avenue
19 within the Foothill Mixed-Use Zone (FMUZ) as described in the legal description
20 attached as Exhibit A, into one (1) residential condominium lot as shown on the tentative
tract map attached as Exhibit B, and as approved by the Planning Commission. If the
3.06 Conditions of Approval specified herein are not satisfied or otherwise completed, the
Project shall be subject to revocation.
- 22 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
23 working hours to assure compliance with these conditions and other codes.
- 24 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
25 and/or any of its officials, officers, employees, agents, departments, agencies, and
26 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
27 demands, law suits, writs of mandamus, and other actions and proceedings (whether
28 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
dispute resolutions procedures (including, but not limited to arbitrations, mediations,
and other such procedures), (collectively "Actions"), brought against the City, and/or
any of its officials, officers, employees, agents, departments, agencies, and

1 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
2 annul, the any action of, or any permit or approval issued by, the City and/or any of its
3 officials, officers, employees, agents, departments, agencies, and instrumentalities
4 thereof (including actions approved by the voters of the City), for or concerning the
5 Project (collectively, the “Entitlements”), whether such Actions are brought under the
6 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
7 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
8 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
9 or any decision of a court of competent jurisdiction. This condition to indemnify,
10 protect, defend, and hold the City harmless shall include, but not be limited to (i)
11 damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
12 attorneys’ fees and other costs, liabilities and expenses incurred in connection with
13 such proceeding whether incurred by applicant, Property owner, or the City and/or
14 other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
15 are the “Damages”). Notwithstanding anything to the contrary contained herein, the
16 Applicant shall not be liable to the City Parties under this indemnity to the extent the
17 Damages incurred by any of the City Parties in such Action(s) are a result of the City
18 Parties’ fraud, intentional misconduct or gross negligence in connection with issuing
19 the Entitlements. The applicant shall execute an agreement to indemnify, protect,
20 defend, and hold the City harmless as stated herein within five (5) days of approval of
21 TTM No. 2024-0001 (TTM20709).

- 22 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
23 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
24 subject to protest by the applicant at the time of approval or conditional approval of the
25 Project or within 90 days after the date of the imposition of the fees, dedications,
26 reservations, or exactions imposed on the Project.
- 27 5. The applicant shall comply with all conditions of approval contained in TTM No. 2024-
28 0001, also referred to as TTM20709, to the extent that they are not in conflict with any
condition of approval herein.
- 3.06 6. The applicant shall annex the Site into Community Facilities District No. 2016-1 to offset
operational costs to the City’s General Fund associated with Precise Plan of Design No.
2024-0008, prior to the issuance of any building permits. The applicant shall provide an
initial \$10,000 deposit to cover the costs associated with processing the annexation of the
project into Community Facilities District No. 2016-1. The applicant shall also be
responsible for any costs associated with the annexation of the project into Community
Facilities District No. 2016-1 that go beyond the initial \$10,000 deposit.
7. The Covenants, Conditions and Restrictions (CC&R’s) for a Home Owners Association
(H.O.A.) shall be reviewed and approved by the City Attorney prior to recordation of the
Final Map.
8. The applicant shall submit a Wall and Fencing Plan in the formal building plan check
submittal for review and approval. All walls and fencing visible from common area views

1 such as public/private streets and open space/recreation areas shall be constructed of
2 decorative materials. The applicant shall construct all perimeter walls and install all
interior fencing associated with the Project in accordance with the Wall and Fencing Plan.

3 9. Prior to Final Map Approval, in accordance with Government Code 66462, all required
4 public improvements shall be completed prior to the approval of Tract Map No. 20709.
5 Alternatively, the applicant may enter into a Subdivision Improvement Agreement to
6 secure the cost of all required public improvements at the time of requesting the City
7 Engineer's approval of Tract Map No. 20709. The applicant will be required to secure the
Subdivision Improvement Agreement pursuant to Government Code 66499 in amounts
determined by the City Engineer.

8 10. Prior to Final Map Approval, a public utility easement shall be shown on the final map
9 over all private streets within the Map. Alternatively, a public utility easement may be
10 submitted via separate instrument to be reviewed and approved to the satisfaction of the
11 City Engineer. The separate instrument shall be recorded concurrently with the final map.
This is only if publicly maintained sewer and water lines will be located within the borders
of the final map.

12 11. The applicant shall comply with all other applicable State and local ordinances.

13 12. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TTM No.
14 20709 is granted for a period of twenty-four (24) months from the effective date of this
15 resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension
16 of time for TTM No. 20709 may be granted by the Planning Commission for a period
17 or periods not to exceed a total of thirty-six (36) months. The period or periods of
18 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 TTM No. 20709.

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

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

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24 _____
25 JERRY GUTIERREZ, CHAIR
26 CITY OF RIALTO PLANNING COMMISSION
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28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Kim 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 ____, 2025.

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 ____, 2025.

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KIM DAME, AMMINISTRATIVE ANALYST

Exhibit A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RIALTO IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL B OF CERTIFICATE OF COMPLIANCE NO. 382 RECORDED APRIL 01 2008 AS [INSTRUMENT NO. 2008-0142827 OF OFFICIAL RECORDS](#). DESCRIBED AS FOLLOWS:

THE NORTH 1/2 OF THE. EAST 1/2 OF LOT 127, ACCORDING TO MAP SHOWING SUBDIVISION OF LAND BELONGING TO SEMI-TROPIC LAND AND WATER COMPANY, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER PLAT RECORDED IN [BOOK 11 OF MAPS, PAGE\(S\) 12](#), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THAT PORTION LYING NORTH AND EAST OF THE FOLLOWING DESCRIBED LINE; SAID LINE COMMENCING AT THE INTERSECTION OF ALTHEA AVENUE AND CARTER STREET PER. TRACT NO. 9504, RECORDED IN [BOOK 158, PAGES 86-87](#) OF MAPS, RECORDS OF SAID COUNTY; THENCE SOUTH 00°34'43" EAST ALONG THE CENTERLINE OF ALTHEA AVENUE, A DISTANCE OF 130.01 FEET TO THE NORTH LINE OF THE AFOREMENTIONED LOT 127; THENCE NORTH 89°30'44" EAST ALONG THE NORTH LINE OF SAID LOT 127 A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°34'43" EAST, PARALLEL WITH THE CENTERLINE. OF ALTHEA AVENUE, A DISTANCE OF 112.21 FEET TO THE. BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°54'14" A DISTANCE OF 31.38 FEET TO THE SOUTH LINE OF THE NORTH 132 FEET OF SAID LOT 127; THENCE ALONG NORTH 89°31'03" EAST ALONG THE SOUTH LINE OF THE NORTH 132 FEET OF LOT 127, A DISTANCE OF 279.52 FEET, MORE OR LESS, TO A LINE DISTANT 200.00 FEET WEST OF THE CENTERLINE OF LILAC AVENUE; THENCE SOUTH 00°33'33" EAST, PARALLEL WITH THE CENTERLINE OF LILAC AVENUE A DISTANCE OF 198.33 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 127.

[APN: 0131-141-71-0-000](#)

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