

- 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

WHEREAS, the applicant, Kimley-Horn & Associates, proposes to develop and operate an 83,272 square foot commerce center (“Project”) on land is a portion of (APNs: 0132-161-13 and 0132-202-06) located on the east side of Willow Avenue south of the existing Walmart Center, east of the Fire Station 205 and Cactus-Rialto Channel within the Industrial Park (I-P) land use district of the Gateway Specific Plan (“Site”); and

WHEREAS, pursuant to Section 18.112.040A of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has applied for Conditional Development Permit No. 2022-0029 (“CDP No. 2022-0029”); and

WHEREAS, on September 14, 2022, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP 2022-0029 and PPD No. 2022-0052, took testimony, at which time it received input from staff, the city attorney, and the

1 applicant; heard public testimony; discussed the proposed CDP 2022-0029 and PPD No. 2022-
2 0052; 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 Rialto as
5 follows:

6 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth
7 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. 2022-0029, 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. 2022-0029 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, which 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
16 or community; and

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

18 The Site is a relatively flat, square-shaped piece of land comprised of one (1) parcel that is
19 3.96 gross acres in size with approximate dimensions of 661.04 feet (north-south) by
20 328.21 feet (east-west). The project site is bound on the south by the Gateway Shopping
21 Center, on the east by Rialto Village Shopping Center, on the west by the City of Rialto
22 Fire Station No. 205, and on the north side of the project by the Rialto Marketplace
23 Shopping Center. The property is entirely vacant and covered only by dirt, grasses, and
24 shrubs.

25 Furthermore, the project site is located within the Industrial Park (I-P) of the Gateway
26 Specific Plan. The I-P land use designation is intended to accommodate a mixture of
27 professional office, light industrial, research, and development, business park, light
28 manufacturing, assembly, and related storage and support services uses.

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

This finding is supported by the following facts:

1 The development of a commerce center on the Site is consistent with the Industrial Park
2 (I-P) zoning designation, which conditionally permits the development and operation of a
3 commerce center. The site is bound on the south by the Gateway Shopping Center, on the
4 east by Rialto Village Shopping Center, on the west by the City of Rialto Fire Station No.
5 205, and on the north side of the project by the Rialto Marketplace Shopping Center. The
6 zoning designation of the Site and the properties to the north, south, and east is Retail
7 Commercial (R-C), and the zoning designation of the property to the west is Industrial Park
8 (I-P). The project is not expected to negatively impact any surrounding uses with the
9 successful implementation of measures such as landscape buffering, the installation of
10 solid screen walls, aesthetic building enhancements, and other traffic-related measures.

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

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

15 The Site contains 3.96 acres, is fairly level, and is adjacent to Fire station No. 205 to the west.
16 Willow Avenue a public street is adjacent to Fire Station No. 205 to the west, which will be
17 able to accommodate the proposed use. The Project will have one (1) point of access via
18 Willow Avenue. The driveway on Willow Avenue will provide full access for both trucks
19 and passenger vehicles. In addition, the building will have 68 parking spaces, which equals
20 the amount required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

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

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

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

- 26 5. The proposed use will be arranged, designed, constructed, and maintained so as it will
27 not be injurious to property or improvements in the vicinity or otherwise be
28 inharmonious with the General Plan and its objectives, the I-P zone, or any zoning
ordinances, and

This finding is supported by the following facts:

As previously stated, the use is consistent with the Industrial Park (I-P) zoning designation.
The building will be oriented such that none of the dock doors will front or face the public
right-of-way, the building will have 68 parking spaces, all of which comply with the
General Plan, the I-P zoning district, Chapter 18.104 (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 10.3 percent, which
exceeds the minimum required amount of 10.0 percent.

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

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

6 The Project's effects will be minimized through the implementation of the Conditions of
7 Approval contained herein, and through the implementation of Conditions of Approval
8 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
9 landscaping, solid screen walls, decorative paving, and enhanced architectural features.
10 The development of a high-quality industrial development will provide additional
11 employment opportunities for residents and visitors to the City. The Project will also serve
12 to develop a piece of land, which has remained undeveloped. The Project is consistent
13 with the Industrial Park (I-P) zoning district and the surrounding industrial uses. The
14 project is not expected to negatively impact any surrounding uses with the successful
15 implementation of measures such as landscape buffering, the installation of solid screen
16 walls, aesthetic building enhancements, and other traffic related measures. Therefore, any
17 potential adverse effects are outweighed by the benefits conferred upon the community and
18 neighborhood as a whole.

19 SECTION 3. The Planning Commission adopted an Addendum to the Gateway Specific
20 Plan Environmental Impact Report ("Addendum") on January 7, 2022, in accordance with the
21 California Environmental Quality Act (CEQA). The Addendum analyzed the development of 83,272
22 square foot commerce center and the 93,773 square foot shopping center on the project within the
23 Gateway Specific Plan area. No further review under CEQA is required for the project. The Planning
24 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
25 Board of Supervisors for San Bernardino County.

26 SECTION 4. CDP No. 2022-0029 is granted to Kimley-Horn & Associates, in accordance
27 with the plans and application on file with the Planning Division, subject to the following conditions:
28

1. The approval is granted allowing the development and operation of an 83,272 square foot
commerce center on 3.96 gross acres of land is a portion of (APNs:0132-161-13 and 0132-
202-06) located at the one driveway on Willow Avenue through the south side of the fire
station property and adjacent to the Cactus-Rialto Channel within the Industrial Park (I-
P) land use district of the Gateway Specific Plan, 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, the project shall be subject to revocation.

2. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the “City Parties”), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether 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 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or 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 indemnify, protect, defend, and hold the City harmless shall include, but not be 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 CDP No. 2022-0029.
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.
5. The Project shall be limited to a maximum of 406 actual passenger car trips and 32 actual truck trips daily, in accordance with Table 2: Project Trip Generation Summary of the Traffic Impact Analysis Scoping Agreement prepared for the Project by Kimley-Horn Associates and dated December 2021, which is attached hereto as Exhibit B.
6. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall

not queue or stage on any public street at any time. Activities on-site shall not operate in such a manner that would impact traffic lanes, cause back up (queuing or staging) of 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.

7. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and trailers within designated truck and trailer parking spaces on-site. No trucks or trailers shall be parked or stored within any public street or within any on-site drive-aisles or passenger vehicle parking areas at any time.
8. 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 Conditional Development Permit in accordance with Chapter 18.104 (Indoor Storage Uses) of the Rialto Municipal Code.
9. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said effective date, this conditional development permit shall be null and void and any privileges granted hereunder shall terminate automatically. If the applicant or his or her successor in interest commence the project within one year of the effective date of approval, the privileges granted hereunder will continue inured to the property as long as the property is used for the purpose for which the conditional development permit was granted, and such use remains compatible with adjacent property uses.
10. Approval of CDP No. 2022-0029 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.
11. In the event, that any operation on the Site is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to, uses which are or have become offensive to neighboring property or the goals and objectives of the Industrial Park (I-P) zoning district and/or the City's General Plan, the applicant shall address the issues within forty-eight (48) hours of being notified by the City.
12. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2022-0029 or PPD No. 2022-0052, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional Development Permit No. 2022-0029 may be revoked, suspended or

1 modified in accordance with Section 18.66.070 of the Zoning Ordinance at the
2 discretion of the Planning Commission if:

- 3 a) The use for which such approval was granted has ceased to exist, been
4 subsequently modified, or has been suspended for six (6) months or more;
- 5 b) Any of the express conditions or terms of such permit are violated;
- 6 c) The use for which such approval was granted becomes or is found to be
7 objectionable or incompatible with the character of the City and its environs
8 due to excessive noise, excessive traffic, loitering, criminal activity or other
9 undesirable characteristics including, but not strictly limited to uses which
10 are or have become offensive to neighboring property or the goals and
11 objectives of the Industrial Park (I-P) zoning district and/or the City's
12 General Plan.

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

15 PASSED, APPROVED AND ADOPTED this 14th day of September, 2022.

16 _____
17 JERRY GUTIERREZ, CHAIR
18 CITY OF RIALTO PLANNING COMMISSION
19
20
21
22
23
24
25
26
27
28

1
2 STATE OF CALIFORNIA)
3 COUNTY OF SAN BERNARDINO) ss
4 CITY OF RIALTO)
5

6 I, Kim Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
7 foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
8 Commission of the City of Rialto held on the ____th day of ____, 2022.

9 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
10 ____, the foregoing Resolution No. ____ was duly passed and 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 of
16 Rialto this ____th day of ____, 2022.
17
18
19

20 _____
21 KIM DAME, AMMINISTRATIVE ANALYST
22
23
24
25
26
27
28

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

Exhibit “A”
Project Plans

Exhibit “B”

Table 2: Project Trip Generation Summary

From the Traffic Impact Analysis, Scoping Agreement prepared for the Project by Kimley-Horn & Associates – Dated December, 2021