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WHEREAS, the applicant, Best California Gas, Ltd., proposes to redevelop and reuse an existing industrial site comprised of 5.02 gross acres (4.78 net acres) of land (APNs: 0239-192-12) located at the northwest corner of Locust Avenue and Lowell Street within the General Manufacturing (I-GM) land use district of the Rialto Airport Specific Plan (“Site”) with a 100,880 square foot industrial commerce building (“Project”); and

WHEREAS, Pursuant to Section 18.112.040A of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2021-0040 (“CDP No. 2021-0040”); 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 2021-0040 and PPD No. 2021-0055, took testimony, at which time it received input from staff, the city attorney, and the

1 applicant; heard public testimony; discussed the proposed CDP 2021-0040 and PPD No. 2021-
2 0055; 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. 2021-0040, 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. 2021-0040 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 was developed in 2009 into a contractor's storage yard under Precise Plan of
19 Design No. 2136. The Site was occupied by Aluma Systems Concrete Construction, LLC
20 until early 2022 and is now unoccupied. The Project will redevelop the Site with the
21 highest and best use, in accordance with the General Manufacturing (I-GM) land use
22 district of the Rialto Airport Specific Plan. Additionally, the Project will provide
23 employment opportunities within the City and reduce blight by implementing a use on a
24 vacant site.

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

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

28 The development of an industrial commerce building on the Site is consistent with the
General Manufacturing (I-GM) land use designation of the Rialto Airport Specific Plan,
which conditionally permits the development and operation of industrial commerce
buildings. To the north of the project site is an approximately 75,000 square foot industrial
commerce building occupied by B & B Plastics, and to the east, across Locust Avenue, is
an approximately 29,000 square foot industrial commerce building and 8.95 acres of

1 storage yard area occupied by Rig Runner Trucking. To the south, across Lowell Street,
2 is approximately 19.03 acres of vacant land, and to the west are two (2) industrial
3 commerce buildings totaling approximately 34,700 square feet in size and occupied by
4 Pipeline Carriers and Thompson Pipe Group. The project is not expected to negatively
5 impact any surrounding uses with the successful implementation of measures such as
6 landscape buffering, the installation of solid screen walls, aesthetic building enhancements,
7 and other traffic related measures.

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

This finding is supported by the following facts:

The Site is 5.02 gross acres (4.78 net acres) in size and adjacent to two (2) public streets, which will be able to accommodate the proposed use. The Project will have two (2) point of access via Lowell Street and one (1) point of access via Locust Avenue. The westerly driveway on Lowell Street will provide right-in/left-out access for both trucks and passenger vehicles, the easterly driveway on Lowell Street will provide right-in/left-out access for passenger vehicles only, and the driveway on Locust Avenue will provide full access for trucks and passenger vehicles. In addition, the building will have 87 passenger vehicle parking spaces, which exceeds the amount required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

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

This finding is supported by the following facts:

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

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

This finding is supported by the following facts:

As previously stated, the proposed use is consistent with the General Manufacturing (I-GM) land use designation of the Rialto Airport Specific Plan. 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 87 passenger vehicle parking spaces, and the building will have a floor area ratio (FAR) of 48.5 percent, all of which comply with the General Plan, the I-GM land use district of the Rialto Airport Specific Plan, Chapter 18.112 (Indoor Storage Facilities) of the Rialto Municipal Code, and the City's Design Guidelines. Landscaping will be abundantly

1 incorporated into the Site, as the landscape coverage for the project is 14.9 percent, which
2 exceeds the minimum required amount of 10.0 percent.

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

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

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

19 SECTION 3. An Addendum to the Environmental Impact Report for the Rialto Airport
20 Specific Plan (Environmental Assessment Review No. 2021-0051) has been prepared for the Project
21 in accordance with the California Environmental Quality Act (CEQA), and it has been determined
22 that the proposed Project will not result in any new significant impacts that were not analyzed in the
23 Environmental Impact Report for the Rialto Airport Specific Plan ("EIR RASP"), nor would the
24 proposed Project cause a substantial increase in the severity of any previously identified
25 environmental impacts. The potential impacts associated with the proposed Project would either be
26 the same or less than those described in the EIR RASP. In addition, there are no substantial changes
27 to the circumstances under which the proposed Project would be undertaken that would result in new
28 or more severe environmental impacts than previously addressed in the EIR RASP, nor has any new
information regarding the potential for new or more severe significant environmental impacts been
identified. The Planning Commission hereby adopts the Addendum to the Environmental Impact

1 Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2021-0051) for
2 the Project.

3 SECTION 4. CDP No. 2021-0040 is granted to Best California Gas, Ltd., in accordance with
4 the plans and application on file with the Planning Division, subject to the following conditions:

- 5 1. The approval is granted allowing the development and operation of a 100,880 square foot
6 industrial commerce building on 5.02 gross acres (4.78 net acres) of land (APN: 0239-
7 192-12) located at the northwest corner of Locust Avenue and Lowell Street, as shown
8 on the plans attached as Exhibit A and as approved by the Planning Commission. If the
9 Conditions of Approval specified herein are not satisfied or otherwise completed, the
10 project shall be subject to revocation.
- 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 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. 2021-0040.

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 105 actual passenger car trips and 68 actual truck trips daily, in accordance with Attachment B – Project Trip Generation of the Traffic Impact Analysis Scoping Agreement prepared for the Project by Kimley-Horn and Associates, Inc. and dated May 11, 2022, 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 within the truck court. 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 (Outdoor 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. 2021-0040 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.

1 11. In the event, that any operation on the Site is found to be objectionable or incompatible
2 with the character of the City and its environs due to excessive noise, excessive traffic,
3 loitering, criminal activity or other undesirable characteristics including, but not strictly
4 limited to, uses which are or have become offensive to neighboring property or the goals
5 and objectives of the General Manufacturing (I-GM) land use district of the Rialto Airport
Specific Plan and/or the City's General Plan, the applicant shall address the issues within
forty-eight (48) hours of being notified by the City.

6 12. If the applicant fails to comply with any of the conditions of approval placed upon CDP
7 No. 2021-0040 or PPD No. 2021-0055, the Planning Commission may initiate
8 proceedings to revoke the conditional development permit in accordance with the
9 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal
Code. Conditional Development Permit No. 2021-0040 may be revoked, suspended or
10 modified in accordance with Section 18.66.070 of the Zoning Ordinance at the
discretion of the Planning Commission if:

- 11 a) The use for which such approval was granted has ceased to exist, been
subsequently modified, or has been suspended for six (6) months or more;
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13 b) Any of the express conditions or terms of such permit are violated;
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15 c) The use for which such approval was granted becomes or is found to be
objectionable or incompatible with the character of the City and its environs
16 due to excessive noise, excessive traffic, loitering, criminal activity or other
undesirable characteristics including, but not strictly limited to uses which
17 are or have become offensive to neighboring property or the goals and
objectives of the General Manufacturing (I-GM) land use district of the
18 Rialto Airport Specific Plan and/or the City's General Plan.

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.

21 PASSED, APPROVED AND ADOPTED this 14th day of September, 2022.
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24 _____
25 JERRY GUTIERREZ, CHAIR
26 CITY OF RIALTO PLANNING COMMISSION
27
28

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 ____, 2022.

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 ____, 2022.

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19 _____
20 KIMBERLY DAME, ADMINISTRATIVE ANALYST
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Exhibit "A"

Project Plans

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Exhibit “B”

Attachment B – Project Trip Generation
From the Traffic Impact Analysis Scoping Agreement prepared for the Project by Kimley-Horn and
Associates, Inc. – Dated May 11, 2022