

**RESOLUTION NO. 17-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2017-0038 TO ALLOW A THIRTEEN PERCENT (13%) INCREASE IN THE PERMITTED FLOOR AREA RATIO FROM FORTY PERCENT (40%) TO FIFTY-THREE PERCENT (53%) THROUGH THE IMPLEMENTATION OF NON-RESIDENTIAL DEVELOPMENT INCENTIVES FOR THE DEVELOPMENT OF A 151,866 SQUARE FOOT WAREHOUSE BUILDING ON 6.59 NET ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF CASMALIA STREET AND LOCUST AVENUE WITHIN THE EMP (EMPLOYMENT) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, B&B Plastics, Inc., proposes to construct a 151,866 square foot warehouse building ("Project") on 6.59 net acres of land (APN: 1133-241-07) located at the northeast corner of Casmalia Street and Locust Avenue ("Site") within the Employment (EMP) zone of the Renaissance Specific Plan; and

WHEREAS, the Project will consist of 6,221 square feet of office space on the first floor, 4,656 square feet of office space on the second floor, and 140,989 square feet of warehouse space with 28 loading dock doors, which will be located on the north side of the building; and

WHEREAS, the general business development standards for the EMP Zone within the Renaissance Specific Plan limit the allowable Floor Area Ratio (FAR) of the Site to a maximum of forty percent (40.0%); and

WHEREAS, the applicant proposes to develop the Project with a 52.9% FAR, which is twelve and nine-tenths percent (12.9%) higher than the maximum allowed in the EMP zone; and

WHEREAS, the page 3-45 of the Renaissance Specific Plan contains provisions to allow for a bonus in the allowable FAR through the implementation of desired development features, and each development feature listed in the Renaissance Specific Plan provides a certain percentage bonus in the allowable FAR; and

WHEREAS, although the Renaissance Specific Plan limits the number of development incentives allowed to be used to two (2) per project, the Director of Development Services has

determined that an applicant may incorporate additional development incentives beyond two (2) through a conditional development permit; and

WHEREAS, the applicant previously applied for Conditional Development Permit No. 740 (“CDP No. 740”) to incorporate seven (7) development incentives into the Project to provide an additional 13.0% in the maximum FAR, in order to reach the desired FAR of 52.9%; and

WHEREAS, CDP No. 740 was approved by the Planning Commission on March 12, 2014, granting the Project a 13.0% increase in the maximum FAR from 40.0% to 53.0%, and consequently expired pursuant to Condition of Approval No. 17 of Planning Commission Resolution No. 14-08; and

WHEREAS, the applicant proposes to reinstate the previous entitlement granted under CDP No. 740 and has agreed to apply for Conditional Development Permit No. 2017-0038 (“CDP No. 2017-0038”) to incorporate seven (7) development incentives into the Project to provide an additional 13.0% in the maximum FAR, in order to reach the desired FAR of 52.9%; and

WHEREAS, on November 8, 2017, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2017-0038, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2017-0038; and closed the public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred. NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

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

SECTION 2. The Planning Commission adopted a Mitigated Negative Declaration (Environmental Assessment Review No. 13-44) for the Project on March 12, 2014. Pursuant to Section 21166 of the California Environmental Quality Act the Project does not require any supplemental environmental review upon reapplication of the same project unless substantial

1 changes are proposed or if new information indicates the possibility of potential environmental  
2 impacts. The applicant proposes no changes to the project and there is no new information that  
3 indicates any new potential environmental impacts as a result of the project. Therefore, no further  
4 review under the California Environmental Quality Act is required for the Project.

5 SECTION 3. Based on substantial evidence presented to the Planning Commission during  
6 the public hearing conducted with regard to CDP No. 2017-0038, including written staff reports,  
7 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
8 Planning Commission hereby determines that CDP No. 2017-0038 satisfies the requirements of  
9 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
10 precedent to granting a conditional development permit, which findings are as follows:

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

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

15 The Site is a rectangular piece of land comprised of one (1) parcel, recently consolidated  
16 from two (2) parcels, which is vacant and covered with naturally occurring shrubs and  
17 grasses. The Project will provide development on and be the highest and best use for the  
18 Site, which is in accordance with the Renaissance Specific Plan. The facility will be for  
19 the storage and distribution of recycled materials already being processed at the  
20 applicant's other facility located at 3040 N. Locust Avenue. The Project will provide  
employment within the City and reduce blight by implementing a use on vacant,  
unimproved land. Furthermore, the applicant has outgrown its current location, but chose  
a site in City of Rialto to expand its operations, and therefore, retained employment and  
productivity for the City, which is a benefit to the community.

- 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 use of storage and distribution of recycled materials is consistent with the  
25 Renaissance Specific Plan, which permits light industrial, warehousing, and related  
26 storage uses by right within the EMP zone. To the north is a roofing contractor's yard; to  
27 the east and across the street to the south are vacant land; and across the street to the west  
28 is a pipe storage and manufacturing facility. Such surrounding uses, which are permitted  
within the Renaissance Specific Plan, are similar in intensity of use. Also, there are no  
sensitive receptors, schools, or residences residing or working within the near vicinity.

Furthermore, the building is oriented such that none of the dock doors will be visible from the public right-of-way, nor will obtrusive screen walls be necessary for screening.

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 contains 6.59 net-acres, is rectangular, fairly level, and adjacent to two (2) streets, all of which will be able to accommodate the proposed use. The Project will have three (3) points of access – two (2) via Locust Avenue and one (1) via Casmalia Street. The southerly driveway on Locust Avenue will serve passenger vehicles using the offices. The northerly driveway on Locust Avenue and the driveway on Casmalia Street will primarily serve truck traffic accessing the loading dock area. The Casmalia Street driveway will also serve as a shared driveway for any future development to the east. A reciprocal driveway easement will be recorded to guarantee the shared access point. In addition, the building will have 134 parking, which exceeds the 110 required parking stalls required under Table 3-6 of the Renaissance Specific Plan.

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 Renaissance Specific Plan, or any zoning ordinances, and

*This finding is supported by the following facts:*

As previously stated, the use is consistent with the Renaissance Specific Plan. The building will be oriented such that none of the dock doors will be visible from the public right-of-way and will have 134 parking spaces. An average thirty (30) foot wide landscaped setback has been provided along both Locust Avenue and Casmalia Street. Landscaping has been abundantly incorporated into the Site, and landscape coverage for is 12.4 percent, which exceeds the minimum required amount of 10 percent. To achieve the desired 52.9 FAR, the applicant proposed a building location that orients the main entrance towards the public sidewalk at the street intersection, will install a decorative colonnade at the southwest corner of the project site, near the intersection of Locust Avenue and Casmalia Street, will construct an outdoor employee plaza consisting

1 decorative overhead wood trellises and durable outdoor furniture to serve as  
2 break/lunch/meeting area for employees.

- 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 Development Review Committee during the Precise Plan of Design  
10 Process. The development of a high-quality industrial development will provide  
11 additional employment opportunities for residents and visitors to the City. The Project  
12 will also serve to develop a piece of land, which has remained historically  
13 underdeveloped. Additionally, although an initial study indicates that Project could have  
14 a significant effect on air quality, cultural resources, geology and soils, and traffic, any  
15 potential impacts will be mitigated to a level of insignificance through the conditions of  
16 approval. Therefore, any potential adverse effects are outweighed by the benefits  
17 conferred upon the community and neighborhood as a whole.

18 SECTION 4. B&B Plastics, Inc. is hereby granted CDP No. 2017-0038 to allow a thirteen  
19 percent (13.0%) increase in the permitted floor area ratio through the implementation of non-  
20 residential development incentives for the development of a 151,866 square foot industrial  
21 warehouse building on 6.59 net acres of land located at the northeast corner of Casmalia Street and  
22 Locust Avenue within the EMP (Employment) zone of the Renaissance Specific Plan.

23 SECTION 5. CDP No. 2017-0038 is granted to B&B Plastics, Inc., in accordance with the  
24 plans and application on file with the Planning Division, subject to the following conditions:

- 25 1. The approval is granted allowing a thirteen percent (13.0%) increase in the allowable  
26 floor area ratio (FAR) through the implementation of the following development  
27 features:  
28
- a. Lot Consolidation
  - b. Reciprocal Driveway Access
  - c. Pedestrian Building Orientation
  - d. Public Art
  - e. Employee Plaza
  - f. Landmark Intersection Feature
  - g. Business Retention

2. The approval is granted allowing the development of a 151,866 square foot warehouse building on 6.59 net acres of land (APN: 1133-241-07) located at the northeast corner of Casmalia Street and Locust Avenue, as shown on the plans submitted to the Planning Division on September 27, 2017, 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.
3. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan of Design shall be approved by the City's Development Review Committee (DRC).
4. 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.
5. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning CDP No. 2017-0038. The City will promptly notify the applicant of any such claim, action, or proceeding against the parties and will cooperate fully in the defense.
6. 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.
7. The proposed public art shall be setback a minimum of five (5) feet behind the landscape easements along Casmalia Street and Locust Avenue. The exact location of the public art shall be identified on the precise grading plan prior to the issuance of a grading permit. An elevation detail for the public art shall be included in the formal building plan check submittal prior to the issuance of buildings permits. The applicant shall obtain a building permit from the Building Division for the public art, and construction of the public art shall be complete prior to the issuance of the Certificate of Occupancy.
8. In order to provide enhanced building modulation in accordance with Section 4 of the Renaissance Specific Plan (Design Guidelines), façade returns, at least three (3) feet in depth from the main wall plane, shall be provided at all height variations on all four (4) sides of the building. The façade returns shall be demonstrated on the roof plans within the formal building plan check submittal prior to the issuance of building permits.
9. All new walls, including any retaining walls, shall be comprised of decorative masonry block or decorative concrete. Decorative masonry block means tan slumpstone, tan split-face, or precision block with a stucco, plaster, or cultured stone finish. Decorative

1 concrete means painted concrete with patterns, reveals, and/or trim lines. Pilasters shall  
2 be incorporated within all new walls. The pilasters shall be spaced a maximum of  
3 seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All  
4 pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All  
5 decorative masonry walls and pilasters shall include a decorative masonry cap. All  
6 walls and pilasters shall be identified on the site plan, and an elevation detail for the  
7 walls shall be included in the formal building plan check submittal prior to the issuance  
8 of building permits.

9 10. Decorative pavement shall be provided at all vehicular access points to the site. The  
10 decorative pavement shall extend across the entire width of the driveway and shall have  
11 a minimum depth of twenty-five (25) feet as measured from the landscape easements  
12 along both Casmalia Street and Locust Avenue. Decorative pavement means decorative  
13 pavers and/or color stamped concrete. The location of the decorative pavement shall be  
14 identified on the Precise Grading Plan prior to the issuance of a grading permit, and it  
15 shall also be identified on the site plan within the formal building plan check submittal  
16 prior to the issuance of building permits. The type of decorative pavement shall be  
17 identified on the formal Landscape Plan submittal prior to the issuance of building  
18 permits.

19 11. The exterior of the trash enclosure shall match the material and base color of the  
20 building. Additionally, the trash enclosure shall contain solid steel doors. Corrugated  
21 metal and chain-link are not acceptable materials to use within the trash enclosure. An  
22 elevation detail for the trash enclosures shall be provided within formal building plan  
23 check submittal prior to the issuance of building permits.

24 12. All light standards, including the base, shall be a maximum twenty-five (25) feet high,  
25 as measured from the finished surface. Lighting shall be shielded and/or directed toward  
26 the site so as not to produce direct glare or "stray light" onto adjacent properties. All  
27 light standards shall be identified on the site plan and a note indicating the height  
28 restriction shall be included within the formal building plan check submittal prior to the  
issuance of building permits.

13. A formal Landscape Plan submittal shall be submitted to the Planning Division prior to  
the issuance of building permits. The submittal shall include three (3) sets of planting  
and irrigation plans, a completed Landscape Plan Review application, and the applicable  
review fee.

14. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All  
parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be  
identified on the formal Landscape Plan submittal prior to the issuance of building  
permits.

15. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within  
the on-site landscape setback along Alder Avenue. All on-site tree species shall  
consist of evergreen broadleaf trees. Palm tree species are permissible as an accent

- tree. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
16. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet within the public right-of-way parkway along Alder Avenue. The street tree species along Alder Avenue shall be the *Pistachia Chinensis* “Chinese Pistache”, the *Hymenosporum Flavum* “Wedding Tree”, and/or the *Koelreuteria Bipinnata* “Chinese Lantern”. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
17. Undulating berms shall be incorporated within the landscape setback along Locust Avenue. The highest part of the berms shall be at least three (3) feet in height. The berms shall not encroach into any part of the landscape easement along Locust Avenue. The berms shall be identified on the Precise Grading Plan prior to the issuance of a grading permit. The berms shall also be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
18. All landscape plant species shall comply with the approved Plant Palette of the Renaissance Specific Plan.
19. All land not covered by structures, walkways, parking areas, and driveways, unless otherwise specified, shall be planted with a substantial amount of trees, shrubs, and groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs and groundcover shall be spaced an average of three (3) feet on-center or less. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
20. All ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. shall be surrounded by a minimum of two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-center, prior to the issuance of a Certificate of Occupancy.
21. All downspouts on the east, south, and west elevations of each building shall be routed through the building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
22. All tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
23. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.



1 24. All signage on the building shall comply with Section 5 (Signs) of the Renaissance  
2 Specific Plan.

3 25. The applicant shall obtain all necessary approvals and operating permits from all  
4 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.

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

14 27. If the applicant fails to comply with any of the conditions of approval placed upon  
15 CDP No. 2017-0038 or any conditions placed upon the approval of the Precise Plan  
16 of Design required by Condition No. 3 above, the Planning Commission may initiate  
17 proceedings to revoke the conditional development permit in accordance with the  
18 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
19 Municipal Code.

20 SECTION 6. The Chairman of the Planning Commission shall sign the passage and  
21 adoption of this resolution and thereupon the same shall take effect and be in force.

22 PASSED, APPROVED AND ADOPTED this 8th day of November, 2017.

23 \_\_\_\_\_  
24 JOHN PEUKERT, CHAIR  
25 CITY OF RIALTO PLANNING COMMISSION  
26  
27  
28

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

5 I, Sheree Lewis, Administrative Assistant 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 \_\_\_\_, 2017.

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  
15 of Rialto this \_\_\_\_th day of \_\_\_\_, 2017.  
16  
17  
18

19 \_\_\_\_\_  
20 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT  
21  
22  
23  
24  
25  
26  
27  
28