

**RESOLUTION NO. 18-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0001 TO ALLOW A NINE PERCENT (9%) INCREASE IN THE PERMITTED FLOOR AREA RATIO FROM FORTY PERCENT (40%) TO FORTY-NINE PERCENT (49%) THROUGH THE IMPLEMENTATION OF NON-RESIDENTIAL DEVELOPMENT INCENTIVES FOR THE DEVELOPMENT OF A 188,712 SQUARE FOOT WAREHOUSE BUILDING ON 8.84 NET ACRES ON LAND LOCATED ON THE SOUTHWEST CORNER OF WALNUT AVENUE AND ALDER AVENUE WITHIN THE EMP (EMPLOYMENT) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Pacific Industrial, LLC, proposes to construct a 188,712 square foot industrial warehouse distribution facility ("Project") on 8.84 net acres of land (APN: 0240-201-31, -60, & -02) located at the southwest corner of Walnut Avenue and Alder Avenue within the Employment (EMP) zone of the Renaissance Specific Plan ("Site"); and

WHEREAS, in conjunction with the Project, the Applicant has agreed to apply for a TPM No. 2018-0002 ("TPM No. 19942"), in accordance with Government Code Sections 66473.5 and 66474; and

WHEREAS, the Project will consist of 5,000 square feet of office space and 183,712 square feet of warehouse space with 22 loading dock doors, which will be located on the west 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 49.0% FAR, which is nine percent (9.0%) 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

1 WHEREAS, although the Renaissance Specific Plan limits the number of development  
2 incentives allowed to be used to two (2) per project, the Director of Development Services has  
3 determined that an applicant may incorporate additional development incentives beyond two (2)  
4 through a conditional development permit; and

5 WHEREAS, the applicant has agreed to apply for Conditional Development Permit No.  
6 2018-0001 (“CDP No. 2018-0001”) to incorporate four (4) development incentives into the  
7 Project, including (i) lot consolidation, (ii) LEED certification, (iii) Public Art, and (iv)  
8 pedestrian building orientation, which will provide an additional 9.0% in the maximum FAR, in  
9 order to reach the desired FAR of 49.0%; and

10 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto  
11 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0001, took  
12 testimony, at which time it received input from staff, the city attorney, and the applicant; heard  
13 public testimony; discussed the proposed CDP No. 2018-0001; and closed the public hearing;  
14 and

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

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

20 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
21 the public hearing conducted with regard to CDP No. 2018-0001, including written staff reports,  
22 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
23 Planning Commission hereby determines that CDP No. 2018-0001 satisfies the requirements of  
24 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
25 precedent to granting a conditional development permit, which findings are as follows:

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

*This finding is supported by the following facts:*

1 The Site is a rectangular-shaped piece of land, which is undeveloped. The Project will  
2 develop the highest and best use for the Site, in accordance with the Renaissance Specific  
3 Plan. Additionally, the Project will provide employment opportunities within the City  
4 and reduce blight by implementing a use on vacant, unimproved land.

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

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

8 The development of an industrial warehouse building on the Site is consistent with the  
9 Renaissance Specific Plan, which permits light industrial, warehousing, and related  
10 storage uses by right within the EMP zone. To the north is an industrial warehouse  
11 distribution facility and to the south is vacant land. To the west is vacant land and to the  
12 east, across Alder Avenue is the Niagara Bottling Facility and one (1) legal non-  
13 conforming single-family residence. The zoning of the project site and the properties to  
14 the north and south is Employment (EMP) within the Renaissance Specific Plan. The  
15 property to the east of the subject site is Business Center (BC) of the Renaissance  
16 Specific Plan. The property to the west of the subject site is Planned Industrial  
17 Development (I-PID) of the Rialto Airport Specific Plan. The Project is consistent with  
18 the Employment (EMP) zone and the surrounding land uses. The nearest sensitive use is  
19 a non-conforming single-family residence located to the east of the project site, across  
20 Alder Avenue. The project is not expected to negatively impact any uses with the  
21 successful implementation of mitigations such as landscape buffering, the installation of  
22 solid screen walls, aesthetic building enhancements, and other traffic relates measures.  
23 Additionally, the nine percent (9%) increase in the allowable FAR, resulting in a larger  
24 building at the Site, has been assessed in the Initial Study prepared for the Project, in  
25 which it is determined that the increase will not result in any significant impacts to  
26 persons residing or working in the area.

- 27 3. The site for the proposed use is adequate in size, shape, topography, accessibility  
28 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:*

23 The Site contains 8.84 net acres, is rectangular-shaped, fairly level, and adjacent to two (2)  
24 public street, all of which will be able to accommodate the proposed use. The Project will  
25 have three (3) points of access – two (2) driveways connected directly to Walnut Avenue  
26 and one (1) driveway connected directly to Alder Avenue. The westerly Walnut Avenue  
27 and the Alder Avenue driveways are designated for both trucks and passenger vehicles  
28 while the easterly driveway on Walnut Avenue is for passenger vehicle access only. In  
addition, the building will have 163 auto-parking spaces, which exceeds the 96 required  
parking spaces required under Table 3-6 of the Renaissance Specific Plan.

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

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

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

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

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

10          As previously stated, the use is consistent with the Renaissance Specific Plan. Concrete  
11          tilt-up screen walls and a solid landscape hedge will be installed around the truck court so  
12          that none of the dock doors will be visible from the public right-of-way. Landscaping has  
13          been abundantly incorporated into the Site, and landscape coverage for is 15.3 percent,  
14          which exceeds the minimum required amount of 10.0 percent. To achieve the desired  
15          0.49 FAR, the applicant proposes to consolidate three parcels of land into one 8.84 net  
16          acre parcel and will also install a public art piece at the northeast corner of the Site, near  
17          the intersection of Walnut Avenue and Alder Avenue.

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

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

22          The Project's effects will be minimized through the implementation of the Conditions of  
23          Approval contained herein, and through the implementation of Conditions of Approval  
24          imposed by the Development Review Committee during the Precise Plan of Design  
25          Process. The development of a high-quality industrial development will provide  
26          additional employment opportunities for residents and visitors to the City. The Project  
27          will also serve to develop a piece of land, which has remained historically  
28          underdeveloped. Additionally, although an initial study indicates that Project could have  
               a significant effect on air quality, cultural resources, hazards and hazardous materials,  
               noise, biological resources, and transportation/traffic, any potential impacts will be  
               mitigated to a level of insignificance through the conditions of approval. Therefore, any  
               potential adverse effects are outweighed by the benefits conferred upon the community and  
               neighborhood as a whole.

29          SECTION 3. Pacific Industrial, LLC is hereby granted CDP No. 2018-0001 to allow a nine  
30          percent (9.0%) increase in the permitted floor area ratio through the implementation of non-

1 residential development incentives for the development of a 188,712 square foot industrial  
2 warehouse building on 8.84 net acres of land located on the southwest corner of Walnut Avenue and  
3 Alder Avenue within the EMP (Employment) zone of the Renaissance Specific Plan.

4       SECTION 4. Based on the findings and recommended mitigation within the Initial Study,  
5 staff determined that the project will not have an adverse impact on the environment, provided that  
6 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The  
7 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative  
8 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of  
9 the project site for a public comment period held from October 15, 2018 to November 3, 2018. The  
10 Mitigated Negative Declaration was prepared in accordance with the California Environmental  
11 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary  
12 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

14       SECTION 5. CDP No. 2018-0001 is granted to Pacific Industrial, LLC, in accordance with  
15 the plans and application on file with the Planning Division, subject to the following conditions:

- 16       1. The approval is granted allowing a nine percent (9.0%) increase in the allowable floor  
17       area ratio (FAR) through the implementation of the following development features:
  - 18       a. Lot Consolidation
  - 19       b. LEED Certification
  - 20       c. Public Art
  - 21       d. Pedestrian Building Orientation
- 22       2. The approval is granted allowing the development of a 188,712 square foot warehouse  
23       building on 8.84 net acres of land (APNs: 0240-201-31, -60 & -02) located on the  
24       southwest corner of Walnut Avenue and Alder Avenue, as shown on the plans submitted  
25       to the Planning Division on March 6, 2018, and as approved by the Planning  
26       Commission. If the Conditions of Approval specified herein are not satisfied or  
27       otherwise completed, the project shall be subject to revocation.
- 28       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. 2018-0001. 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. In accordance with the amount of parking provided, the building shall be limited to a maximum of 5,000 square feet of office space. Additional parking shall be provided on-site, in compliance with the requirements of Table 3-6 of the Renaissance Specific Plan and Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, for any proposed office area in excess of 5,000 square feet.
8. The proposed public art shall be setback a minimum of five (5) feet behind the landscape easements. 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.
9. 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.
10. 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 concrete means painted concrete with patterns, reveals, and/or trim lines. Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.

- 1 11. Detention basin fencing shall consist of a combination of wrought-iron fencing and  
2 decorative masonry block pilasters. Decorative masonry block means tan slumpstone,  
3 tan split-face, or precision block with a stucco, plaster, or cultured stone finish. All  
4 pilasters shall have a width of at least minimum 24 inches by 24 inches. The pilasters  
5 shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners  
6 and ends of the fencing. The basin fencing shall be setback at the rear of the landscape  
7 setback along Alder Avenue, which is 25 feet from the landscape easement. The  
8 fencing and pilasters shall be identified on the Precise Grading Plan prior to the issuance  
9 of a grading permit. The fencing and pilasters shall also be identified on the site plan  
10 within the formal building plan check submittal prior to the issuance of building permits,  
11 and an elevation detail for the fencing and pilasters shall be included within the formal  
12 building plan check submittal prior to the issuance of building permits.
- 13 12. Decorative pavement shall be provided at all vehicular access points to the site. The  
14 decorative pavement shall extend across the entire width of the driveway and shall have  
15 a minimum depth of twenty-five (25) feet as measured from the landscape easement  
16 along Alder Avenue. Decorative pavement means decorative pavers and/or color  
17 stamped concrete. The location of the decorative pavement shall be identified on the  
18 Precise Grading Plan prior to the issuance of a grading permit, and it shall also be  
19 identified on the site plan within the formal building plan check submittal prior to the  
20 issuance of building permits. The type of decorative pavement shall be identified on the  
21 formal Landscape Plan submittal prior to the issuance of building permits.
- 22 13. The exterior of the trash enclosure shall match the material and base color of the  
23 building. Additionally, the trash enclosure shall contain solid steel doors. Corrugated  
24 metal and chain-link are not acceptable materials to use within the trash enclosure. An  
25 elevation detail for the trash enclosures shall be provided within formal building plan  
26 check submittal prior to the issuance of building permits.
- 27 14. All light standards, including the base, shall be a maximum twenty-five (25) feet high,  
28 as measured from the finished surface. Lighting shall be shielded and/or directed toward  
the site so as not to produce direct glare or "stray light" onto adjacent properties. All  
light standards shall be identified on the site plan and a note indicating the height  
restriction shall be included within the formal building plan check submittal prior to the  
issuance of building permits.
15. 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.
16. 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.

17. 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.
18. 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 *Hymenoporus 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.
19. Undulating berms shall be incorporated within the landscape setback along Alder 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 Alder 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.
20. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the on-site landscape setback along Walnut 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.
21. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet within the public right-of-way parkway along Walnut Avenue. The street tree species along Walnut Avenue shall be the *Pistachia Chinensis* "Chinese Pistache", and/or the *Geijera Parviflor* "Australian Willow". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
22. Undulating berms shall be incorporated within the landscape setback along Walnut Avenue. The highest part of the berms shall be at least three (3) feet in height. 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.
23. All landscape plant species shall comply with the approved Plant Palette of the RSP.
24. 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.

25. 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.
26. All downspouts on all 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.
27. All tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
28. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
29. All signage on the building shall comply with Section 5 (Signs) of the Renaissance Specific Plan.
30. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
31. 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.
32. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2018-0001 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 3 above, 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.

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

PASSED, APPROVED AND ADOPTED this 28th day of November, 2018.

**JERRY GUTIERREZ, CHAIR**  
**CITY OF RIALTO PLANNING COMMISSION**

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

6 I, \_\_\_\_\_, Administrative Assistant of the City of Rialto, do hereby certify that  
7 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the  
8 Planning Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2018.

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  
16 of Rialto this \_\_\_\_th day of \_\_\_\_, 2018.  
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21 \_\_\_\_\_  
22 , ADMINISTRATIVE ASSISTANT  
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