

RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0043 TO ALLOW UP TO A TEN PERCENT (10%) INCREASE IN THE PERMITTED FLOOR AREA RATIO FROM FORTY PERCENT (40%) TO FIFTY PERCENT (50%) THROUGH THE IMPLEMENTATION OF NON-RESIDENTIAL DEVELOPMENT INCENTIVES FOR THE DEVELOPMENT OF A 99,999 SQUARE FOOT WAREHOUSE BUILDING ON 4.61 NET ACRES OF LAND LOCATED ON THE NORTH SIDE OF BASE LINE ROAD APPROXIMATELY 315 FEET EAST OF PALMETTO AVENUE WITHIN THE EMP (EMPLOYMENT) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, CDRE Holdings 11, LLC, proposes to construct a 99,999 square foot warehouse building ("Project") on 4.61 net acres of land (APNs: 0240-181-32 & -33) located on the north side of Base Line Road approximately 315 feet east of Palmetto Avenue within the Employment (EMP) zone of the Renaissance Specific Plan ("Site"); and

WHEREAS, the Project will consist of 3,836 square feet of office space on the first floor, 3,164 square feet of office space on the second floor, and 92,999 square feet of warehouse space with 14 dock-high loading 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 49.7% FAR, which is nine and seven-tenths percent (9.7%) 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 has agreed to apply for Conditional Development Permit No. 2018-0043 (“CDP No. 2018-0043”) to incorporate five (5) development incentive features into the Project, including (i) reciprocal driveway access, (ii) pedestrian building orientation, (iii) public art, (iv) employee plaza, and (v) landmark features, which will provide an additional 10.0% in the maximum FAR, in order to reach the desired FAR of 49.7%; and

WHEREAS, on January 9, 2019, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0043, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2018-0043; 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. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2018-0043, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2018-0043 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit, which findings are as follows:

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

This finding is supported by the following facts:

The Site is a rectangular-shaped piece of land, which is undeveloped. The Project will develop the highest and best use for the Site, in accordance with the Renaissance Specific

1 Plan. Additionally, the Project will provide employment opportunities within the City
2 and reduce blight by implementing a use on vacant, unimproved land.

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

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

6 The development of an industrial warehouse building on the Site is consistent with the
7 Renaissance Specific Plan, which permits light industrial, warehousing, and related
8 storage uses by right within the EMP zone. To the north of the project site is a 677,225
9 square foot industrial warehouse building on 29.5 acres of land, and to the east is a
10 church on 0.95 acres of land. To the south, across Base Line Road, is tract of single-
11 family residences developed in 1981, and to the west is a mixture of vacant land and
12 three (3) separate legal non-conforming single-family residences. The zoning of the
13 project site and the properties to the east and west is Employment (EMP) within the
14 Renaissance Specific Plan, the zoning of the property to the north is Planned Industrial
15 Development (I-PID) within the Rialto Airport Specific Plan, and the properties to the
16 south, across Base Line Road, are within the City of Fontana. The Project is consistent
17 with the Employment (EMP) zone and the surrounding land uses. The nearest sensitive
18 uses are the legal non-conforming single-family residences located to the west of the
19 project site, across Alder Avenue. The project is not expected to negatively impact any
20 uses with the successful implementation of mitigations such as landscape buffering, the
21 installation of solid screen walls, aesthetic building enhancements, and other traffic
22 relates measures. Additionally, the ten percent (10%) increase in the allowable FAR,
23 resulting in a larger building at the Site, has been assessed in the Initial Study prepared
24 for the Project, in which it is determined that the increase will not result in any significant
25 impacts to persons residing or working in the area.

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

This finding is supported by the following facts:

22 The Site contains 4.61 net-acres, is rectangular, fairly level, and adjacent to one (1) public
23 street, which will be able to accommodate the proposed use. The Project will have two (2)
24 points of access – both via Base Line Road. The westerly driveway on Base Line Road
25 will serve as the primary access point for both trucks and passenger vehicles. The
26 easterly driveway on Base Line Road will provide emergency access only. The westerly
27 driveway on Base Line Road will also serve as a shared driveway for any future
28 development to the west. A reciprocal driveway easement will be recorded to guarantee
the shared access point. In addition, the building will have 82 parking spaces, which
equals the amount required by Table 3-6 (Parking Standards) 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. The
11 building will be oriented such that none of the dock doors will be visible from the public
12 right-of-way and will have 82 parking spaces. A twenty (20) foot wide landscaped
13 setback will be provided along Base Line Road. Landscaping will be abundantly
14 incorporated into the Site, as the landscape coverage for the project is 10.1 percent, which
15 exceeds the minimum required amount of 10 percent. To achieve the desired 0.497 FAR,
16 the applicant proposed a building location that orients the main entrance towards the
public sidewalk, will install a decorative steel sculpture near the public sidewalk along
Base Line Road, will construct an outdoor employee plaza consisting decorative
overhead trellises and durable outdoor furniture to serve as break/lunch/meeting area for
employees.

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

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

21 The Project's effects will be minimized through the implementation of the Conditions of
22 Approval contained herein, and through the implementation of Conditions of Approval
23 imposed by the Development Review Committee during the Precise Plan of Design
24 Process. The development of a high-quality industrial development will provide
25 additional employment opportunities for residents and visitors to the City. The Project
26 will also serve to develop a piece of land, which has remained historically
27 underdeveloped. Additionally, although an initial study indicates that Project could have
28 a significant effect on cultural resources, noise, and tribal resources, 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.

1 SECTION 3. CDRE Holdings 11, LLC is hereby granted CDP No. 2018-0043 to allow up
2 to a ten percent (10.0%) increase in the permitted floor area ratio through the implementation of
3 non-residential development incentives as it relates to the development of a 99,999 square foot
4 industrial warehouse building on 4.61 net acres of land located on the north side of Base Line Road
5 approximately 315 feet east of Palmetto Avenue within the Employment (EMP) zone of the
6 Renaissance Specific Plan.

7 SECTION 4. Based on the findings and recommended mitigation within the Initial Study,
8 staff determined that the project will not have an adverse impact on the environment, provided that
9 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
10 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
11 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
12 the project site for a public comment period held from October 31, 2018 to November 19, 2018.
13 The Mitigated Negative Declaration was prepared in accordance with the California Environmental
14 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
15 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
16

17 SECTION 5. CDP No. 2018-0043 is granted to CDRE Holdings 11, LLC, in accordance
18 with the plans and application on file with the Planning Division, subject to the following
19 conditions:
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- 21 1. The approval is granted allowing up to a ten percent (10.0%) increase in the allowable
22 floor area ratio (FAR) through the implementation of the following development
23 features:
 - 24 a. Reciprocal Driveway Access
 - 25 b. Pedestrian Building Orientation
 - 26 c. Public Art
 - 27 d. Employee Plaza
 - 28 e. Landmark Intersection Feature
2. The approval is granted allowing the development of a 99,999 square foot warehouse
building on 4.61 net acres of land (APN: 0240-181-32 & -33) located on the north side
of Base Line Road approximately 315 feet east of Palmetto Avenue, as shown on the
plans submitted to the Planning Division on June 21, 2018, and as approved by the

1 Planning Commission. If the Conditions of Approval specified herein are not satisfied
2 or otherwise completed, the project shall be subject to revocation.

- 3 3. Prior to the issuance of building or grading permits for the proposed development, a
4 Precise Plan of Design shall be approved by the City's Development Review Committee
(DRC).
- 5 4. City inspectors shall have access to the site to reasonably inspect the site during
6 normal working hours to assure compliance with these conditions and other codes.
- 7 5. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
8 officers, or employees from any claims, damages, action, or proceeding against the
9 City or its agents, officers, or employees to attack, set aside, void, or annul any
10 approval of the City, its advisory agencies, appeal boards, or legislative body
11 concerning CDP No. 2018-0043. The City will promptly notify the applicant of any
such claim, action, or proceeding against the parties and will cooperate fully in the
defense.
- 12 6. In accordance with the provisions of Government Code Section 66020(d)(1), the
13 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
14 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,
15 reservations, or exactions imposed on the Project.
- 16 7. The applicant shall complete and abide by all mitigation measures contained within the
17 Mitigation Monitoring and Reporting Program associated with the Mitigated Negative
Declaration prepared for the project (Environmental Assessment Review No. 2018-
18 0024).
- 19 8. The applicant shall secure the services of a tribal cultural monitor to be present during
20 all ground disturbance activities associated with the construction of this project. The
tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
21 Kizh Nation, and documentation of coordination between the applicant and the
Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
22 Planning Division prior to the issuance of a grading permit.
- 23 9. The applicant shall install decorative pavement within each driveway connected to Base
24 Line Road. The decorative pavement shall extend across the entire width of each
driveway and shall have a minimum depth of twenty-eight (28) feet as measured from
25 the property line along Base Line Road. Decorative pavement means decorative pavers
and/or color concrete with patterns and color variety. The location of the decorative
26 pavement shall be identified on the Precise Grading Plan prior to the issuance of a
grading permit, and it shall also be identified on the site plan within the formal building
27 plan check submittal prior to the issuance of building permits. The type of decorative
28 pavement shall be identified on the formal Landscape Plan submittal prior to the
issuance of building permits.

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10. The proposed public art shall be setback a minimum of five (5) feet behind the landscape easement along Base Line Road. 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.
 11. In order to provide enhanced building design in accordance with Section 4 of the Renaissance Specific Plan (Design Guidelines), the applicant shall route all downspouts through the interior of the building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
 12. 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.
 13. All new walls installed on site, including retaining walls, shall be comprised of decorative masonry block or decorative concrete. Decorative masonry block means tan slumpstone block, tan split-face block, 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 visible from the public right-of-way. 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.
 14. All entryways into the truck court shall be secured with solid metal gates up to the height of the adjoining wall for the purpose of screening trucks and trailers parked within the truck court. All new gates shall be identified on the site plan, and an elevation detail for the gates shall be included in the formal building plan check submittal prior to the issuance of building permits.
 15. All new fencing installed on site shall be comprised of tubular steel. Decorative masonry or decorative concrete pilasters, with a minimum dimension of sixteen (16) inch square, shall be incorporated within all new fencing visible from any public right-of-way. Decorative masonry block means tan slumpstone block, tan split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or trim lines. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the fencing. All decorative masonry pilasters shall include a decorative masonry

- cap. All fencing and pilasters shall be identified on the site plan, and an elevation detail for the fencing and pilasters shall be included in the formal building plan check submittal prior to the issuance of building permits
16. The applicant shall construct an ADA accessible trash enclosure on the project site. The trash enclosure shall provide room for one (1) commercial waste container and one (1) commercial recycling container. The exterior of the trash enclosure shall match the material and base color of the building. Additionally, the trash enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials to use as a part of the trash enclosure. The location of the trash enclosure shall be identified on the site plan within the formal building plan check prior to the issuance of building permits. An elevation detail for the trash enclosures shall be provided within formal building plan check submittal prior to the issuance of building permits.
17. All light standards installed on site, shall be a maximum twenty-five (25) feet high, including the base, 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.
18. 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.
19. All landscape plant species installed on site shall comply with the approved Plant Palette of the Renaissance Specific Plan, unless specified otherwise herein.
20. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. 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 a landscape permit.
21. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setback along Base Line Road. All trees within the landscape setbacks shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained. At least fifty (50) percent of the trees within the setbacks shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

- 1 22. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
2 right-of-way parkway along Base Line Road. All trees within the public right-of-way
3 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial
4 planting. Thereafter, the trees within the public right-of-way parkway shall be
5 permanently irrigated and maintained, as required by the Public Works Department.
6 The street tree species along Base Line Road shall be the *Pyrus Calleryana* "Bradford
7 Flowering Pear" and/or the *Quercus Virginianan* "Southern Live Oak". The trees
8 shall be identified on the formal Landscape Plan submittal prior to the issuance of
9 building permits.
- 10 23. The applicant shall plant shrubs that surround all ground mounted equipment and
11 utility boxes, including transformers, fire-department connections, backflow devices,
12 etc. for the purpose of providing screening of said equipment and utility boxes. All
13 equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size
14 upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-
15 center. Thereafter, the equipment and utility box screen shrubs shall be permanently
16 irrigated and maintained into a continuous box-shape with a height of no less than
17 three and one-half (3.5) feet above the finished grade. The shrubs shall be identified
18 on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 19 24. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
20 throughout all land on-site and off-site that is not covered by structures, walkways,
21 parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet
22 on-center, and all shrubs and groundcover shall be planted an average of three (3) feet
23 on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon
24 initial planting, unless otherwise specified herein. All shrubs shall be a minimum of
25 one (1) gallon in size, unless otherwise specified herein. All planter areas shall
26 receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or
27 decorative rock upon initial planting. Pea gravel and decomposed granite are not
28 acceptable materials to use within on-site and off-site 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 a
landscape permit.
- 25 25. All planting and irrigation shall be installed on-site in accordance with the approved
26 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The
27 installation of the planting and irrigation shall be certified in writing by the landscape
28 architect responsible for preparing the landscape plans prior to the issuance of a
Certificate of Occupancy.
- 26 26. All tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
of a Certificate of Occupancy.
- 27 27. 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 28. All signage on the building shall comply with Section 5 (Signs) of the Renaissance
2 Specific Plan.

3 29. 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 30. 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 31. If the applicant fails to comply with any of the conditions of approval placed upon
15 CDP No. 2018-0043 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 9th day of January, 2019.

23 _____
24 JOHN PEUKERT, CHAIR
25 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the ____th day of ____, 2019.

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 ____, 2019.
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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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