

RESOLUTION NO. 19-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0006 TO ALLOW UP TO A TEN PERCENT (10%) INCREASE PLUS AN ADDITIONAL 10,000 SQUARE FEET OF BUILDING AREA IN THE PERMITTED FLOOR AREA RATIO THROUGH THE IMPLEMENTATION OF NON-RESIDENTIAL DEVELOPMENT INCENTIVES FOR THE DEVELOPMENT OF A 225,173 SQUARE FOOT WAREHOUSE BUILDING ON 11.48 NET ACRES ON LAND LOCATED ON THE NORTHWEST CORNER OF BASELINE ROAD AND ALDER AVENUE WITHIN THE EMP (EMPLOYMENT) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Pacific Industrial, LLC, proposes to construct a 255,173 square foot industrial warehouse distribution facility ("Project") on 11.48 net acres of land (APN: 0240-201-10, -12 thru-15, -18, -38, -42, & -44 thru -47) located at the northwest corner of Baseline Road 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. 2018-0003 ("TPM No. 19968"), in accordance with Government Code Sections 66473.5 and 66474; and

WHEREAS, the Project will consist of 9,000 square feet of office space and 246,173 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 51.0% FAR, which is eleven percent (11.0%) 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,

1 and each development feature listed in the Renaissance Specific Plan provides a certain
2 percentage bonus in the allowable FAR; and

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

7 WHEREAS, the applicant has agreed to apply for Conditional Development Permit No.
8 2018-0006 (“CDP No. 2018-0006”) to incorporate four (4) development incentives into the
9 Project, including (i) lot consolidation, (ii) LEED certification, (iii) Public Art, and (iv) Public
10 Plaza, which will provide an additional 12.0% in the maximum FAR, in order to reach the
11 desired FAR of 51.0%; and

12 WHEREAS, on January 30, 2019, the Planning Commission of the City of Rialto
13 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0006, took
14 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
15 public testimony; discussed the proposed CDP No. 2018-0006; and closed the public hearing;
16 and

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

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

22 SECTION 2. Based on substantial evidence presented to the Planning Commission during
23 the public hearing conducted with regard to CDP No. 2018-0006, including written staff reports,
24 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
25 Planning Commission hereby determines that CDP No. 2018-0006 satisfies the requirements of
26 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
27 precedent to granting a conditional development permit, which findings are as follows:
28

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

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

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

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

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

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

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

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

33 The Site contains 11.48 net acres, is rectangular-shaped, fairly level, and adjacent to two (2)
34 public streets, all of which will be able to accommodate the proposed use. The Project will
35 have three (3) points of access – two (2) driveways connected directly to Baseline Road and
36 one (1) driveway connected directly to Alder Avenue. The westerly Baseline Road and the
37 Alder Avenue driveways are designated for both trucks and passenger vehicles while the
38 easterly driveway on Baseline Road is for passenger vehicle access only. In addition, the

1 building will have 138 auto-parking spaces, which exceeds the 128 required parking spaces
2 required under Table 3-6 of the Renaissance Specific Plan.

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

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

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

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

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

13 The use is consistent with the Renaissance Specific Plan. Concrete tilt-up screen walls
14 and a solid landscape hedge will be installed around the truck court from the public right-
15 of-way. Landscaping has been abundantly incorporated into the Site, and landscape
16 coverage for is 16.8 percent, which exceeds the minimum required amount of 10.0
17 percent. To achieve the proposed 0.51 FAR, the applicant proposes to consolidate twelve
18 parcels of land into one 11.48 net acre parcel and will also install public art and a public
19 plaza at the southeast corner of the Site, near the intersection of Baseline Road and Alder
20 Avenue.

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

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

25 The Project's effects will be minimized through the implementation of the Conditions of
26 Approval contained herein, and through the implementation of Conditions of Approval
27 imposed by the Development Review Committee during the Precise Plan of Design
28 Process. The development of a high-quality industrial development will provide
additional employment opportunities for residents and visitors to the City. The Project
will also serve to develop a piece of land, which has remained historically
underdeveloped. Additionally, although an initial study indicates that Project could have
a significant effect on air quality, cultural resources, noise, transportation/traffic, and
tribal cultural 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. Pacific Industrial, LLC is hereby granted CDP No. 2018-0006 to allow up to a
2 ten percent (10.0%) increase plus 10,000 square feet of additional building in the permitted floor
3 area ratio through the implementation of non-residential development incentives for the
4 development of a 255,173 square foot industrial warehouse building on 11.48 net acres of land
5 located on the northwest corner of Baseline Road and Alder Avenue within the EMP (Employment)
6 zone of the 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 December 21, 2018 to January 9, 2019. The
13 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 SECTION 5. CDP No. 2018-0006 is granted to Pacific Industrial, LLC, in accordance with
17 the plans and application on file with the Planning Division, subject to the following conditions:
18

- 19 1. The approval is granted allowing up to a ten percent (10.0%) increase and 10,000 square
20 feet of building in the allowable floor area ratio (FAR) through the implementation of
21 the following development features:
- 22 a. Lot Consolidation = 6%
 - 23 b. LEED Certification = 2%
 - 24 c. Public Art = 2%
 - 25 d. Public Plaza = 10,000 s.f. of building (2%)
- 26 2. The approval is granted allowing the development of a 255,173 square foot warehouse
27 building on 11.48 net acres of land (APNs: 0240-201-10, -12 thru -15, -18, -38, -42, & -
28 44 thru -47) located on the northwest corner of Baseline Road and Alder Avenue, as
shown on the plans submitted to the Planning Division on January 15, 2019, 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, the City's Development Review Committee (DRC) shall approve a Precise Plan of Design.
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. 2018-0006. 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 9,000 square feet of office space. Any proposal for additional office area in excess of 9,000 square feet thru interior tenant improvements shall be reviewed by Planning and may require additional on-site parking. The addition of on-site parking shall comply with the requirements of Table 3-6 of the Renaissance Specific Plan, Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code.
8. The proposed public art and or monument sign shall be setback a minimum of five (5) feet behind the landscape easements. Public art shall incorporate an 18 to 24 inch elevated base if located behind a monument sign to ensure public visibility. 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

1 pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All
2 decorative masonry walls and pilasters shall include a decorative masonry cap. All
3 walls and pilasters shall be identified on the site plan, and an elevation detail for the
4 walls shall be included in the formal building plan check submittal prior to the issuance
5 of building permits.

- 6 11. Detention basin fencing shall consist of a combination of wrought-iron fencing and
7 decorative masonry block pilasters. Decorative masonry block means tan slumpstone,
8 tan split-face, or precision block with a stucco, plaster, or cultured stone finish. All
9 pilasters shall have a width of at least minimum 24 inches by 24 inches. The pilasters
10 shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners
11 and ends of the fencing. The basin fencing shall be setback at the rear of the landscape
12 setback. The fencing and pilasters shall be identified on the Precise Grading Plan prior
13 to the issuance of a grading permit. The fencing and pilasters shall also be identified on
14 the site plan within the formal building plan check submittal prior to the issuance of
15 building permits, and an elevation detail for the fencing and pilasters shall be included
16 within the formal building plan check submittal prior to the issuance of building permits.
- 17 12. Decorative pavement shall be provided at all vehicular access points to the site. The
18 decorative pavement shall extend across the entire width of the driveway and shall have
19 a minimum depth of thirty-eight (38) feet as measured from the property line along
20 Baseline Road and a minimum depth of forty (40) feet as measured from the property
21 line along Alder Avenue. Decorative pavement means decorative pavers and/or color
22 stamped concrete. The location of the decorative pavement shall be identified on the
23 Precise Grading Plan prior to the issuance of a grading permit, and it shall also be
24 identified on the site plan within the formal building plan check submittal prior to the
25 issuance of building permits. The type of decorative pavement shall be identified on the
26 formal Landscape Plan submittal prior to the issuance of building permits.
- 27 13. The exterior of the trash enclosure shall match the material and base color of the
28 building. Additionally, the trash enclosure shall contain solid steel doors. Corrugated
metal and chain-link are not acceptable materials to use within the trash enclosure. An
elevation detail for the trash enclosures shall be provided within formal building plan
check submittal prior to the issuance of building permits.
14. All light standards, including the base, shall be a maximum twenty-five (25) feet high,
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.

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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 *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.
 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 Baseline Road. 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 Baseline Road. The street tree species along Baseline Road shall be the *Pyrus Calleryana* "Bradford Flowering Pear", and/or the *Quercus Virginianan* "Southern Live Oak". 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 Baseline Road. 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.

- 1 23. All landscape plant species shall comply with the approved Plant Palette of the RSP
2 except as specified in the conditions herein.
- 3 24. All land not covered by structures, walkways, parking areas, and driveways, unless
4 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and
5 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs
6 and groundcover shall be spaced an average of three (3) feet on-center or less. All
7 planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic
8 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.
- 9 25. All ground mounted equipment and utility boxes, including transformers, fire-
10 department connections, backflow devices, etc. shall be surrounded by a minimum of
11 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.
- 12 26. All downspouts on all elevations of each building shall be routed through the building.
13 The internal downspouts shall be identified within the formal building plan check
submittal prior to the issuance of building permits.
- 14 27. All tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
15 of a Certificate of Occupancy.
- 16 28. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
17 issuance of a Certificate of Occupancy.
- 18 29. All signage on the building shall comply with Section 5 (Signs) of the Renaissance
19 Specific Plan.
- 20 30. The applicant shall obtain all necessary approvals and operating permits from all
21 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
- 22 31. The privileges granted by the Planning Commission pursuant to approval of this
23 Conditional Development Permit are valid for one (1) year from the effective date of
24 approval. If the applicant fails to commence the project within one year of said
25 effective date, this conditional development permit shall be null and void and any
26 privileges granted hereunder shall terminate automatically. If the applicant or his or
27 her successors in interest commence the project within one year of the effective date
28 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. 2018-0006 or any conditions placed upon the approval of the Precise Plan

1 of Design required by Condition No. 3 above, the Planning Commission may initiate
2 proceedings to revoke the conditional development permit in accordance with the
3 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
Municipal Code.

4 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
5 adoption of this resolution and thereupon the same shall take effect and be in force.
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7 PASSED, APPROVED AND ADOPTED this 30th day of January, 2019.
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10 _____
11 JOHN PEUKERT, CHAIR
12 CITY OF RIALTO PLANNING COMMISSION
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2 STATE OF CALIFORNIA)
3 COUNTY OF SAN BERNARDINO) ss
4 CITY OF RIALTO)
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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 ____, 2019.

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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