

1 **RESOLUTION NO. 19-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL
4 DEVELOPMENT PERMIT NO. 2018-0029 TO ALLOW UP TO A
5 FOUR PERCENT (4%) INCREASE IN THE PERMITTED
6 FLOOR AREA RATIO FROM FORTY PERCENT (40%) TO
7 FORTY-FOUR PERCENT (44%) THROUGH THE
8 IMPLEMENTATION OF NON-RESIDENTIAL DEVELOPMENT
9 INCENTIVES FOR THE DEVELOPMENT OF A 78,860
10 SQUARE FOOT WAREHOUSE BUILDING ON 4.10 NET
11 ACRES OF LAND LOCATED ON THE WEST SIDE OF ALDER
12 AVENUE APPROXIMATELY 170 FEET SOUTH OF MIRO
13 WAY WITHIN THE EMP (EMPLOYMENT) ZONE OF THE
14 RENAISSANCE SPECIFIC PLAN.

15 WHEREAS, the applicant, CDRE Holdings 13, LLC, proposes to construct a 78,680
16 square foot warehouse building (“Project”) on 4.10 net acres of land (APNs: 0240-201-08 & -41)
17 located on the west side of Alder Avenue approximately 170 feet south of Miro Way within the
18 Employment (EMP) zone of the Renaissance Specific Plan (“Site”); and

19 WHEREAS, the Project will consist of 2,500 square feet of office space on the first floor,
20 2,500 square feet of office space on the second floor, and 73,860 square feet of warehouse space
21 with eight (8) dock-high loading doors, which will be located on the south side of the building;
22 and

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

26 WHEREAS, the applicant proposes to develop the Project with a 44.0% FAR, which is
27 four and zero-tenths percent (4.0%) higher than the maximum allowed in the EMP zone; and

28 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 indicates that the City may not
award the same incentive twice for the same project, the Director of Development Services has

1 determined that an applicant may be awarded the same incentive without limit through a
2 conditional development permit; and

3 WHEREAS, the applicant has agreed to apply for Conditional Development Permit No.
4 2018-0029 (“CDP No. 2018-0029”) to incorporate two (2) development incentive features into
5 the Project, including (i) public art and (ii) employee plaza, which will provide an additional
6 4.0% in the maximum FAR, in order to reach the desired FAR of 44.0%; and

7 WHEREAS, on February 13, 2019, the Planning Commission of the City of Rialto
8 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0029, took
9 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
10 public testimony; discussed the proposed CDP No. 2018-0029; and closed the public hearing;
11 and

12 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

13 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as
14 follows:

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

17 SECTION 2. Based on substantial evidence presented to the Planning Commission during
18 the public hearing conducted with regard to CDP No. 2018-0029, including written staff reports,
19 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
20 Planning Commission hereby determines that CDP No. 2018-0029 satisfies the requirements of
21 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
22 precedent to granting a conditional development permit, which findings are as follows:

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

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

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

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

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

5 The development of an industrial warehouse building on the Site is consistent with the
6 Renaissance Specific Plan, which permits light industrial, warehousing, and related
7 storage uses by right within the EMP zone. To the north of the project site is a vacant
8 parcel of land approximately 0.95 acres in size, and to the east, across Alder Avenue, is
9 the I-210 Logistics Center III warehouse building. To the south is a legal non-
10 conforming single-family residence on approximately 1.15 acres of land, and to the west
11 is a 6.96 acre stormwater detention basin that serves several of the Prologis warehouse
12 developments in the area. The zoning of the project site and the properties to the north,
13 east, and south is Employment (EMP) within the Renaissance Specific Plan, and the
14 zoning of the property to the west is Planned Industrial Development (I-PID) within the
15 Rialto Airport Specific Plan. The Project is consistent with the Employment (EMP) zone
16 and the surrounding land uses. The nearest sensitive use is the legal non-conforming
17 single-family residence located to the south of the project site. The project is not
18 expected to negatively impact this neighboring use or any other uses with the successful
19 implementation of mitigations such as landscape buffering, the installation of solid screen
20 walls, aesthetic building enhancements, and other traffic relates measures. Additionally,
21 the four percent (4.0%) increase in the allowable FAR, resulting in a larger building at
22 the Site, has been assessed in the Initial Study prepared for the Project, in which it is
23 determined that the increase will not result in any significant impacts to persons residing
24 or working in the area.

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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:

21 The Site contains 4.10 net-acres, is rectangular, fairly level, and adjacent to one (1) public
22 street, which will be able to accommodate the proposed use. The Project will have two (2)
23 points of access – both via Alder Avenue. The southerly driveway on Alder Avenue will
24 serve as the primary access point for both trucks and passenger vehicles. The northerly
25 driveway on Alder Avenue will provide access to passenger vehicles and emergency
26 vehicles only. In addition, the building will have 78 parking spaces, which exceeds the
27 amount required by Table 3-6 (Parking Standards) of the Renaissance Specific Plan.

- 28 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:

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

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

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

8 As previously stated, the use is consistent with the Renaissance Specific Plan. The
9 building will be oriented such that none of the dock doors will be visible from the public
10 right-of-way and will have 78 parking spaces. A thirty (30) foot wide combination
11 landscaped setback and landscape easement will be provided along Alder Avenue.
12 Landscaping will be abundantly incorporated into the Site, as the landscape coverage for
13 the project is 16.4 percent, which exceeds the minimum required amount of 10 percent.
14 To achieve the desired 0.44 FAR, the applicant will install a decorative steel sculpture
15 near the public sidewalk along Alder Avenue, and will construct an outdoor employee
16 plaza consisting decorative overhead trellises and durable outdoor furniture to serve as
17 break/lunch/meeting area for employees.

- 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 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.

29 SECTION 3. CDRE Holdings 13, LLC is hereby granted CDP No. 2018-0029 to allow up
30 to a four percent (4.0%) increase in the permitted floor area ratio through the implementation of
31 non-residential development incentives as it relates to the development of a 78,680 square foot
32 industrial warehouse building on 4.10 net acres of land located on the west side of Alder Avenue

1 approximately 170 feet south of Miro Way within the Employment (EMP) zone of the Renaissance
2 Specific Plan.

3 SECTION 4. Based on the findings and recommended mitigation within the Initial Study,
4 staff determined that the project will not have an adverse impact on the environment, provided that
5 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
6 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
7 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
8 the project site for a public comment period held from December 22, 2018 to January 10, 2019.
9 The Mitigated Negative Declaration was prepared in accordance with the California Environmental
10 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
11 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
12

13 SECTION 5. CDP No. 2018-0029 is granted to CDRE Holdings 13, LLC, in accordance
14 with the plans and application on file with the Planning Division, subject to the following
15 conditions:

- 16 1. The approval is granted allowing up to a four percent (4.0%) increase in the allowable
17 floor area ratio (FAR) through the implementation of the following development
18 features:
 - 19 a. Public Art
 - 20 b. Employee Plaza
- 21 2. The approval is granted allowing the development of a 78,680 square foot warehouse
22 building on 4.10 net acres of land (APN: 0240-201-08 & -41) located on the west side of
23 Alder Avenue approximately 170 feet south of Miro Way, as shown on the plans
24 submitted to the Planning Division on November 6, 2018, and as approved by the
25 Planning Commission. If the Conditions of Approval specified herein are not satisfied
26 or otherwise completed, the project shall be subject to revocation.
- 27 3. Prior to the issuance of building or grading permits for the proposed development, a
28 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.

- 1 5. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
2 officers, or employees from any claims, damages, action, or proceeding against the
3 City or its agents, officers, or employees to attack, set aside, void, or annul any
4 approval of the City, its advisory agencies, appeal boards, or legislative body
5 concerning CDP No. 2018-0029. The City will promptly notify the applicant of any
6 such claim, action, or proceeding against the parties and will cooperate fully in the
7 defense.
- 8 6. In accordance with the provisions of Government Code Section 66020(d)(1), the
9 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
10 subject to protest by the applicant at the time of approval or conditional approval of
11 the Project or within 90 days after the date of the imposition of the fees, dedications,
12 reservations, or exactions imposed on the Project.
- 13 7. The applicant shall complete and abide by all mitigation measures contained within the
14 Mitigation Monitoring and Reporting Program associated with the Mitigated Negative
15 Declaration prepared for the project (Environmental Assessment Review No. 2018-
16 0072).
- 17 8. The applicant shall secure the services of a tribal cultural monitor to be present during
18 all ground disturbance activities associated with the construction of this project. The
19 tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
20 Kizh Nation, and documentation of coordination between the applicant and the
21 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 Alder
24 Avenue. The decorative pavement shall extend across the entire width of each driveway
25 and shall have a minimum depth of thirty (30) feet as measured from the property line
26 along Base Line Road. Decorative pavement means decorative pavers and/or color
27 concrete with patterns and color variety. The location of the decorative pavement shall
28 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 plan check submittal
prior to the issuance of building permits. The type of decorative pavement shall be
identified on the formal Landscape Plan submittal prior to the issuance of building
permits.
10. The proposed public art shall be setback a minimum of five (5) feet behind the
landscape easement along Alder 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.

- 1 11. In order to provide enhanced building design in accordance with Section 4 of the
2 Renaissance Specific Plan (Design Guidelines), the applicant shall route all downspouts
3 through the interior of the building. The internal downspouts shall be identified within
4 the formal building plan check submittal prior to the issuance of building permits.
- 5 12. In order to provide enhanced building modulation in accordance with Section 4 of the
6 Renaissance Specific Plan (Design Guidelines), façade returns, at least three (3) feet in
7 depth from the main wall plane, shall be provided at all height variations on all four (4)
8 sides of the building. The façade returns shall be demonstrated on the roof plans within
9 the formal building plan check submittal prior to the issuance of building permits.
- 10 13. All new walls installed on site, including retaining walls, shall be comprised of
11 decorative masonry block or decorative concrete. Decorative masonry block means tan
12 slumpstone block, tan split-face block, or precision block with a stucco, plaster, or
13 cultured stone finish. Decorative concrete means painted concrete with patterns, reveals,
14 and/or trim lines. Pilasters shall be incorporated within all new walls visible from the
15 public right-of-way. The pilasters shall be spaced a maximum of seventy (70) feet on-
16 center and shall be placed at all corners and ends of the wall. All pilasters shall protrude
17 a minimum six (6) inches above and to the side of the wall. All decorative masonry
18 walls and pilasters shall include a decorative masonry cap. All walls and pilasters shall
19 be identified on the site plan, and an elevation detail for the walls shall be included in the
20 formal building plan check submittal prior to the issuance of building permits.
- 21 14. All entryways into the truck court shall be secured with solid metal gates up to the
22 height of the adjoining wall for the purpose of screening trucks and trailers parked
23 within the truck court. All new gates shall be identified on the site plan, and an
24 elevation detail for the gates shall be included in the formal building plan check
25 submittal prior to the issuance of building permits.
- 26 15. All new fencing installed on site shall be comprised of tubular steel. Decorative
27 masonry or decorative concrete pilasters, with a minimum dimension of sixteen (16)
28 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

1 acceptable materials to use as a part of the trash enclosure. The location of the trash
2 enclosure shall be identified on the site plan within the formal building plan check prior
3 to the issuance of building permits. An elevation detail for the trash enclosures shall be
4 provided within formal building plan check submittal prior to the issuance of building
5 permits.

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

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

16 19. All landscape plant species installed on site shall comply with the approved Plant Palette
17 of the Renaissance Specific Plan.

18 20. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
19 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting.
20 Thereafter, the parking lot trees shall be permanently irrigated and maintained. All
21 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be
22 identified on the formal Landscape Plan submittal prior to the issuance of a landscape
23 permit.

24 21. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-
25 site landscape setback along Alder Avenue. All trees within the landscape setbacks
26 shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
27 Thereafter, the trees within the landscape setback shall be permanently irrigated and
28 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.

29 22. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
30 right-of-way parkway along Alder Avenue. All trees within the public right-of-way
31 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial
32 planting. Thereafter, the trees within the public right-of-way parkway shall be
33 permanently irrigated and maintained, as required by the Public Works Department.
34 The street tree species along Alder Avenue shall be the Pistachia Chinensis "Chinese
35 Pistache", the Hymenosporum Flavum "Wedding Tree", and/or the Koelrueteria
36 Bipinnata "Chinese Lantern". The trees shall be identified on the formal Landscape
37 Plan submittal prior to the issuance of building permits.

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23. The applicant shall plant a row of shrubs along the east side of the parking lot for the purpose of screening vehicles. All parking lot screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the parking lot screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
 24. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
 25. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land on-site and off-site that is not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. 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 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.
 26. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.
 27. The applicant shall provide undulating berms within the landscape setback along Alder Avenue. The highest part of the berms shall be at least three (3) feet in height as measured from the finished surface of the parking lot to the west of the landscape setback. 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

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2 28. All tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
3 of a Certificate of Occupancy.
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5 29. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
6 issuance of a Certificate of Occupancy.
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8 30. All signage on the building shall comply with Section 5 (Signs) of the Renaissance
9 Specific Plan.
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11 31. The applicant shall obtain all necessary approvals and operating permits from all
12 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
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14 32. The privileges granted by the Planning Commission pursuant to approval of this
15 Conditional Development Permit are valid for one (1) year from the effective date of
16 approval. If the applicant fails to commence the project within one year of said
17 effective date, this conditional development permit shall be null and void and any
18 privileges granted hereunder shall terminate automatically. If the applicant or his or
19 her successor in interest commence the project within one year of the effective date of
20 approval, the privileges granted hereunder will continue inured to the property as long
21 as the property is used for the purpose for which the conditional development permit
22 was granted, and such use remains compatible with adjacent property uses.
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24 33. If the applicant fails to comply with any of the conditions of approval placed upon
25 CDP No. 2018-0029 or any conditions placed upon the approval of the Precise Plan
26 of Design required by Condition No. 3 above, the Planning Commission may initiate
27 proceedings to revoke the conditional development permit in accordance with the
28 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
Municipal Code.

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

22 PASSED, APPROVED AND ADOPTED this 13th day of February 13, 2019.
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26 _____
27 JOHN PEUKERT, CHAIR
28 CITY OF RIALTO PLANNING COMMISSION

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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ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT

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