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WHEREAS, the applicant, Madrona Real Estate, LLC, proposes to develop and use a 54,484 square foot industrial storage warehouse/distribution center building for the storage and distribution of fuel products and lubricants (“Project”) on 4.87 gross acres (4.77 net acres) of land (APN: 0258-121-08) within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan (“Site”); and

WHEREAS, in conjunction with the Project, the applicant submitted Precise Plan of Design No. 2019-0043 (“PPD No. 2019-0043”) to facilitate the development of a 54,484 square foot industrial storage warehouse/distribution center building and associated paving, landscaping, fencing, lighting, and drainage improvements on the Site; and

WHEREAS, on April 28, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2019-0020 and PPD No. 2019-

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. 2019-0020 and PPD No. 2019-0043; 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. 2019-0020, 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. 2019-0020 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 rectangular-shaped, expansive in size, vacant, and covered only by natural grasses and shrubs. The Project will develop the highest and best use for the Site, in accordance with the proposed Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan. Additionally, the Project will provide employment opportunities within the City.

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

*This finding is supported by the following facts:*

The development and use of an industrial storage warehouse/distribution center building for the storage and distribution of fuel products and lubricants on the Site is consistent with the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, which conditionally permits developments of storage warehouse/distribution center buildings and operations involving the storage and distribution of petroleum products. To the north of the project site, across Santa Ana Avenue, is a 525,110 square foot industrial warehouse building occupied by The Gilbert Company, and to the east is an existing non-conforming single-

1 family residence on approximately 3.86 acres of land. To the south are several industrial  
2 developments with various light industrial uses, and to the west is a commercial bakery on  
3 approximately 3.89 acres of land and a truck storage yard on approximately 4.86 acres of  
4 land. The zoning of the project site and the zoning of all the surrounding properties is H-  
5 IND. The Project is consistent with the H-IND zone and the surrounding land uses. The  
6 nearby area is predominantly zoned for and developed with industrial uses except for one  
7 (1) non-conforming single-family residence to the east of the project site. The project is  
8 not expected to negatively impact any uses since measures, such as the installation of a  
9 solid screen wall and landscape buffering, will ensure that both noise and visual impacts  
10 remain at acceptable levels. The project will be a benefit to the community and an  
11 improvement to the surrounding area.

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

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

16 The Site contains 4.87 gross acres (4.77 net-acres), is rectangular-shaped, fairly level, and  
17 adjacent to one (1) public street, which will be able to accommodate the proposed use. The  
18 Project will have two (2) points of access – both via Santa Ana Avenue. The westerly  
19 driveway on Santa Ana Avenue will provide full access for both trucks and passenger  
20 vehicles, and the easterly driveway on Santa Ana Avenue will provide full access for trucks  
21 only. In addition, the building will have 66 parking spaces, which equals the amount required  
22 by Table 13 (Off-Street Parking Requirements) of the Agua Mansa Specific Plan.

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

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

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

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

*This finding is supported by the following facts:*

As previously stated, the use is consistent with the H-IND zone. The building will be  
oriented such that none of the dock doors will front or face the public right-of-way, the  
design includes a solid screen wall around the truck, the building will have sixty-six (66)  
parking spaces, and the parking will have a Floor Area Ratio (FAR) of 26.2 percent, all of  
which comply with the General Plan, the H-IND zone, and the City's Design Guidelines.

1 Additionally, a twenty-five (25) foot wide landscape setback will be provided along the  
2 entire frontage of Santa Ana Avenue. Landscaping will be abundantly incorporated into  
3 the Site, as the landscape coverage for the project is 10.1 percent, which exceeds the  
4 minimum required amount of 10.0 percent.

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

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

9 The Project's effects will be minimized through the implementation of the Conditions of  
10 Approval contained herein, and through the implementation of Conditions of Approval  
11 imposed by the Planning Commission on the Precise Plan of Design, such as extensive  
12 landscaping, solid screen walls, decorative paving, and enhanced architectural features.  
13 The development of a high-quality industrial development will provide additional  
14 employment opportunities for residents and visitors to the City. The Project is consistent  
15 with the H-IND zone and the surrounding land uses. The nearest sensitive use is the non-  
16 confirming single-family residence to the east of the Site. The project is not expected to  
17 negatively impact any use with the successful implementation of measures such as  
18 landscape buffering, the installation of solid screen walls, and aesthetic building  
19 enhancements. Therefore, any potential adverse effects are outweighed by the benefits  
20 conferred upon the community and neighborhood as a whole.

21 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,  
22 staff determined that the project will not have an adverse impact on the environment, provided that  
23 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The local  
24 newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for  
25 the project, and the City mailed the notice to all property owners within 300 feet of the project site for  
26 a public comment period held from March 1, 2021 to March 20, 2021. The Mitigated Negative  
27 Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). The  
28 Planning Commission directs the Planning Division to file the necessary documentation with the  
Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. CDP No. 2019-0020 is granted to Madrona Real Estate, LLC, in accordance  
with the plans and application on file with the Planning Division, subject to the following conditions:

1. CDP No. 2019-0020 is approved allowing the development and use of a 54,484 square  
foot industrial storage warehouse/distribution center building for the storage and  
distribution fuel products and lubricants on 4.87 gross acres (4.77 net acres) of land (APN:

0258-121-08) located on the south side of Santa Ana Avenue approximately 300 feet west of Riverside Avenue within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, as shown on the plans attached as Exhibit A 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.

2. 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.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of CDP No. 2019-0020.
4. 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.

5. The Project is approved for the storage and distribution of fuel products and lubricants only, including the ancillary parking and dispatch of fuel trailers from the sixty-three (63) trailers spaces on the south side of the Site and ancillary fleet maintenance within 8,719 square feet of the south side of the building.
6. All storage of fuel products and lubricants shall be conducted entirely within the building on-site, except for high-octane fuel and diesel fuel stored within pre-packaged metal cans and 55-gallon drums underneath the 1,500 square foot fence-enclosed canopy proposed at the southeast corner of the Site and empty fuel containers stored underneath the 1,460 square foot canopy proposed at the southeast corner of the Site.
7. The operator(s) and/or tenant(s) on the Site and within the building shall always conduct operations consistent with the environmental analysis contained within Environmental Assessment Review No. 2019-0020.
8. The applicant shall complete and abide by all pre-construction mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with Environmental Assessment Review No. 2019-0053, prior to the issuance of a grading permit.
9. The applicant shall complete and abide by all during-construction mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with Environmental Assessment Review No. 2019-0053, prior to the conducting of a final inspection by the Building Division.
10. The applicant, operator(s), and tenant(s) shall always abide by all operational mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with Environmental Assessment Review No. 2019-0053.
11. The applicant shall submit an annual trip generation assessment by May 1 for a period of three years after project completion to the Community Development Director. The assessment shall provide a comparison between the projected average daily trip generation and peak hour generation in the approved Traffic Impact Analysis (TIA) dated December 2, 2020 and the actual average daily trip generation and peak hour generation of the facility to verify the accuracy of the projected trips, identify any increase in trips beyond the projected trip generation (i.e., net increase), and identify the need for any additional fair share contributions associated with the net increase. The assessment shall be prepared by a licensed traffic engineer, include independent count data, document any net increase in trips, and calculate any necessary additional fair share contributions, if warranted.
12. The operator shall submit and implement an Emergency Response Plan (ERP), to address and/or manage potential spills, releases, or emergency events.
13. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall not queue or stage on any public street at any time. Activities on-site shall not operate in

1 such a manner that would impact traffic lanes, cause back up (queuing or staging) of  
2 vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police  
3 access and passage around trucks queuing or staging on-site shall be feasible at all times  
4 and activities shall not block parking areas, access or passage for disabled persons or  
5 emergency response vehicles.

6 14. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and  
7 trailers within designated truck and trailer parking spaces on-site. No trucks or trailers  
8 shall be parked or stored within any drive-aisles or passenger vehicle parking areas at any  
9 time.

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

19 16. Approval of CDP No. 2019-0020 will not become effective until the applicant has signed  
20 a statement acknowledging awareness and acceptance of the required conditions of  
21 approval contained herein.

22 17. In the event, that any operation on the Site is found to be objectionable or incompatible  
23 with the character of the City and its environs due to excessive noise, excessive traffic,  
24 loitering, criminal activity or other undesirable characteristics including, but not strictly  
25 limited to, uses which are or have become offensive to neighboring property or the goals  
26 and objectives of the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan  
27 and the City's General Plan, the applicant shall address the issues within forty-eight (48)  
28 hours of being notified by the City.

18. If the applicant fails to comply with any of the conditions of approval placed upon CDP  
No. 2019-0020 or PPD No. 2019-0043, 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. Conditional Development Permit No. 2019-0020 may be revoked, suspended or  
modified in accordance with Section 18.66.070 of the Zoning Ordinance at the  
discretion of the Planning Commission if:

- a) The use for which such approval was granted has ceased to exist, been  
subsequently modified, or has been suspended for six (6) months or more;
- b) Any of the express conditions or terms of such permit are violated;





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

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 Planning  
7 Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2021.

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 of  
15 Rialto this \_\_\_\_th day of \_\_\_\_, 2021.

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19 \_\_\_\_\_  
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
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Exhibit A

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