

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

3 SECTION 2. Based on substantial evidence presented to the Planning Commission during
4 the public hearing conducted with regard to CDP No. 2019-0014, including written staff reports,
5 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
6 Planning Commission hereby determines that CDP No. 2019-0014 satisfies the requirements of
7 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
8 precedent to granting a conditional development permit. The findings are as follows:

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

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

12 The project will improve an undeveloped property with desirable improvements that will
13 aesthetically enhance the appearance of the community and contribute to general well-
14 being of the community. Improvements include new light standards, water quality
15 management facilities for storm water runoff, screen walls, landscaping, and missing street
16 improvements for safer vehicle circulation. The implementation of the project's Conditions
 of Approval will ensure that there is no interference with of the neighborhood or.

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

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

20 The zoning of the Site is Heavy Industrial (H-IND) within the Agua Mansa Specific Plan.
21 The Project is consistent with the H-IND zone and the surrounding industrial land uses in
22 the vicinity. There are no sensitive uses near the project site. Surrounding land uses
23 consist of truck terminals, truck repair facilities, steel yard, industrial lubricant product
24 manufacturing and other heavy industrial uses. These land uses are not expected to be
 negatively impacted by the proposed project, since features and measures, such as screen
 fencing, property setbacks and site landscaping will serve to physically separate the uses
 mitigating any potential impacts.

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

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

1 The Project Site is rectangular in shape, consists of one (1) parcel and is 3.3 acres in size
2 with direct frontage and access onto Riverside Avenue. The Site is able to accommodate up
3 to 99 truck trailer spaces with adequate space for maneuvering. The propose project site
4 will have one (1) point of access – one (1) thirty-seven (37) foot wide driveway connected
5 directly to Riverside Avenue.

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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:

The Project Site is a vacant parcel of land that is surrounded by existing development and has adequate access to all utilities and services required to install improvements such as lighting and irrigation as part of the proposed Project.

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, or any zoning ordinances; and

This finding is supported by the following facts:

The use is consistent with the H-IND zone. The Project, as submitted, meets or exceeds the applicable development criteria of the H-IND zone and the design criteria contained in Chapter 18.61 (Design Guidelines) of the RMC. Furthermore, the Site will be aesthetically enhanced with new street improvements, landscaping and screening that complies with the City’s Design Guidelines.

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

This finding is supported by the following facts:

A Mitigated Negative Declaration has been prepared for the proposed project pursuant to California Environmental Quality Act (CEQA) and the potential Project impacts will be mitigated to a level of insignificance with the successful implementation of the Conditions of Approval contained herein. The project will improve an undeveloped property with desirable improvements that will aesthetically enhance the appearance of the community with improvements including new light standards, water quality management facilities for storm water runoff, screen walls, landscaping, and missing street improvements for safer vehicle circulation as well as payment of fair-share contribution fee of transportation and development impact fees. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

1 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
2 staff determined that the project will not have an adverse impact on the environment, provided that
3 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
4 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
5 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
6 the project site for a public comment period held from February 16, 2021 to March 7, 2021. The
7 Mitigated Negative Declaration was prepared in accordance with the California Environmental
8 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
9 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

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11 SECTION 4. CDP No. 2019-0014 is granted to Crown Enterprises, Inc., in accordance with
12 the plans and application on file with the Planning Division, subject to the following conditions:

- 13 1. The applicant is granted CDP No. 2019-0014 allowing the establishment and operation
14 of an outdoor storage yard for truck trailer parking on 3.3 acres of land (APN: 0258-121-
15 51), located on the west side of Riverside Avenue approximately 280 feet north of
16 Industrial Drive, in conjunction with the existing truck terminal located at 2765 S.
17 Riverside Avenue within the Heavy Industrial (H-IND) zone of the Agua Mansa
18 Specific Plan, as shown on the plans resubmitted to the Planning Division dated July 9,
19 2020 and as approved by the Planning Commission. If the Conditions of Approval
20 specified herein are not satisfied or otherwise completed, the project shall be subject to
21 revocation.
- 22 2. City inspectors shall have access to the site to reasonably inspect the site during
23 normal working hours to assure compliance with these conditions and other codes.
- 24 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
25 and/or any of its officials, officers, employees, agents, departments, agencies, and
26 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
27 demands, law suits, writs of mandamus, and other actions and proceedings (whether
28 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

1 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
2 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
3 Records Act, or any other state, federal, or local statute, law, ordinance, rule,
4 regulation, or any decision of a court of competent jurisdiction. This condition to
5 indemnify, protect, defend, and hold the City harmless shall include, but not limited
6 to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
7 attorneys' fees and other costs, liabilities and expenses incurred in connection with
8 such proceeding whether incurred by applicant, Property owner, or the City and/or
9 other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
10 are the "Damages"). Notwithstanding anything to the contrary contained herein, the
11 Applicant shall not be liable to the City Parties under this indemnity to the extent the
12 Damages incurred by any of the City Parties in such Action(s) are a result of the City
13 Parties' fraud, intentional misconduct or gross negligence in connection with issuing
14 the Entitlements. The applicant shall execute an agreement to indemnify, protect,
15 defend, and hold the City harmless as stated herein within five (5) days of approval of
16 CDP No. 2019-0014.

- 17 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
18 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
19 subject to protest by the applicant at the time of approval or conditional approval of
20 the Project or within 90 days after the date of the imposition of the fees, dedications,
21 reservations, or exactions imposed on the Project.
- 22 5. The applicant shall complete and abide by all mitigation measures contained within the
23 Mitigation Monitoring and Reporting Program associated with the Mitigated Negative
24 Declaration prepared for the project (Environmental Assessment Review No. 2019-
25 0048).
- 26 6. Trucks shall not run idle for more than five (5) minutes. A truck idling for five (5)
27 minutes shall immediately leave the site or the engine shall be shut off.
- 28 7. A guard may be utilized to secure the site from vandalism and theft, however, overnight
camping, sleeping, and similar occupancies are strictly prohibited.
8. Truck parking on the site shall be limited to operations associated with the truck
terminal located at 2765 South Riverside Avenue. Sub-lease parking, storage of
inoperable vehicles or other unauthorized storage on the site is strictly prohibited.
9. All arrivals and departures shall abide by the right-in/right-out.
10. The applicant shall install the proper fencing and landscaping to properly screen truck
trailers from public view, as shown on the plans submitted to the City.

- 1 11. The applicant shall obtain all necessary approvals and operating permits from all
2 Federal, State, and local agencies and provide proof thereof to the City prior to the
3 issuance of a Certificate of Occupancy.
- 4 12. The privileges granted by the Planning Commission pursuant to approval of this
5 Conditional Development Permit are valid for one (1) year from the effective date of
6 approval. If the applicant fails to commence the project within one year of said
7 effective date, this conditional development permit shall be null and void and any
8 privileges granted hereunder shall terminate automatically. If the applicant or his or
9 her successor in interest commence the project within one year of the effective date of
10 approval, the privileges granted hereunder will continue inured to the property as long
11 as the property is used for the purpose for which the conditional development permit
12 was granted, and such use remains compatible with adjacent property uses.
- 13 13. Approval of CDP No. 2019-0014 will not become effective until the applicant has
14 signed a statement acknowledging awareness and acceptance of the required conditions
15 of approval contained herein.
- 16 14. In the event, that any operation on the Site is found to be objectionable or incompatible
17 with the character of the City and its environs due to excessive noise, excessive traffic,
18 loitering, criminal activity or other undesirable characteristics including, but not strictly
19 limited to, uses which are or have become offensive to neighboring property or the goals
20 and objectives of the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan
21 and the City's General Plan, the applicant shall address the issues within forty-eight (48)
22 hours of being notified by the City.
- 23 15. If the applicant fails to comply with any of the conditions of approval placed upon
24 PPD No. 2019-0048 and CDP No. 2019-0014, the Planning Commission may initiate
25 proceedings to revoke the conditional development permit in accordance with the
26 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
27 Municipal Code. Conditional Development Permit No. 2019-0014 may be revoked,
28 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;
 - c. The use for which such approval was granted becomes or is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to uses which are or have become offensive to neighboring property or the goals and objectives of the

1 Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, and the City's
2 General Plan.

3 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
4 adoption of this resolution and thereupon the same shall take effect and be in force.

5 PASSED, APPROVED AND ADOPTED this 28th day of April, 2021.

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9 FRANK GONZALEZ, CHAIR
10 CITY OF RIALTO PLANNING COMMISSION
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19 STATE OF CALIFORNIA)
20 COUNTY OF SAN BERNARDINO) ss
21 CITY OF RIALTO)
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23 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
24 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
25 Planning Commission of the City of Rialto held on the ___th day of ____, 2021.

26 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
27 ____, the foregoing Resolution No. ____ was duly passed and adopted.

28 Vote on the motion:

1 AYES:
2 NOES:
3 ABSENT:

4 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
5 of Rialto this th day of , 2021.

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10 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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