

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. 2018-0018, 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. 2018-0018 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:

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

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

14 The Project is anticipated to be a benefit to the community by providing expanded pallet
15 services for consumers in the area and replacing the blight of an undeveloped property
16 with improvements that will aesthetically enhance the appearance of the neighborhood.

- 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 Project is consistent with the Light Industrial (M-1) zone. The nearest sensitive uses
21 are the single-family residences located to the west of the project site. The development
22 and operation of the project will not significantly affect the residents to the west, as
23 Cactus Avenue separates the residential uses approximately 100 feet from the project site.
24 An eight (8) foot high decorative block wall is proposed to be constructed throughout the
25 property boundaries, and evergreen trees will be incorporated along the landscape
26 setbacks, serving as mitigations for any potential impacts related to screening and noise.
27 The pallet repair operation below the canopy will be located at the rear of the project site,
28 approximately 370 feet away from any residential uses. In addition, the project has been
reviewed by the Design Review Committee (DRC) for compliance with all health, safety,
and design requirements to ensure the project will significantly enhance the infrastructure
and aesthetics of the local community.

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

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

3 The Site contains 1.4 acres, is fairly level, and is adjacent to a public street. The Project will
4 have one (1) point of access via Cactus Avenue. In addition, the development will have a
5 trash enclosure, water basin and designated parking spaces per Section 18.58.050 of the
6 RMC.

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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 Site is an in-fill development that is surrounded by existing developments and has adequate access to all utilities and services required through main water, electric, sewer, and other utility lines that will be hooked up to the Site 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, the Agua Mansa Specific Plan, or any zoning ordinances; and

This finding is supported by the following facts:

The use is consistent with the Light Industrial (M-1) zone. The Project, as submitted, meets or exceeds the applicable development criteria of the Light Industrial (M-1) 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. The project is anticipated to be a benefit to the community and an improvement to the surrounding area.

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:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, and through the implementation of Conditions of Approval imposed by the Development Review Committee during the Precise Plan of Design Process. We anticipate the project to be a benefit to the community and an improvement to the surrounding area. Additionally, the project will serve to develop a piece of land which will increased property values, property tax collection distributed to the City, and will generate additional business license tax revenue to the City. Therefore, any potential

1 adverse effects are outweighed by the benefits conferred upon the community and
2 neighborhood as a whole.

3 SECTION 3. Jairo Perez, is hereby granted CDP No. 2018-0018 to allow an outdoor pallet
4 storage facility with the development of a 1,486 square foot office building and a 1,200 square foot
5 canopy (“Project”) on a 1.4-acre parcel of land located at 2257 S. Cactus Avenue (APN: 0258-011-
6 19) within the Light Industrial (M-1) zone.

7 SECTION 4. The proposed project is categorically exempt from the requirements of the
8 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill
9 Development Projects. Class 32 allows for the exemption of in-fill projects on a site of no more
10 than five (5) acres within an urban area and adequately served by utilities, provided that the project
11 is consistent with the general plan, zoning regulations, and has no environmental impacts.
12 Specifically, the Project is (a) less than 5.0 acres in size and surrounded by existing developments;
13 (b) consistent with the applicable general plan designation and all applicable general plan policies as
14 well as with applicable zoning designation and regulations; (c) of no value as habitat for
15 endangered, rare or threatened species; (d) not going to result in any significant effects relating to
16 traffic, noise, air quality, or water quality; and (e) adequately served by all required utilities and
17 public services. In addition, the Project (i) by virtue of its location, will not impact a sensitive
18 environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on
19 the environment through successive projects of the same type, in the same place, over time; (iii)
20 does not have any unusual circumstances that will have a significant effect on the environment; (iv)
21 does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not
22 adversely impact a historical resource. Accordingly, none of the exceptions to categorical
23 exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this Project.

24 SECTION 5. CDP No. 2018-0018 is granted to Jairo Perez, in accordance with the plans
25 and application on file with the Planning Division, subject to the following conditions:
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- 27 1. The approval is granted to CDP No. 2018-0018, allowing an outdoor pallet storage yard
28 with the development of a 1,486 square foot office building and a 1,200 square foot

1 canopy on a 1.4 acre parcel of land located at 2257 S. Cactus Avenue, as shown on the
2 plans re-submitted to the Planning Division on August 13, 2018, and as approved by the
3 Planning Commission. If the Conditions of Approval specified herein are not satisfied
or otherwise completed, the project shall be subject to revocation.

- 4 2. Prior to the issuance of building or grading permits for the proposed development, a
5 Precise Plan of Design shall be approved by the City's Development Review Committee
6 (DRC).
- 7 3. City inspectors shall have access to the site to reasonably inspect the site during
8 normal working hours to assure compliance with these conditions and other codes.
- 9 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
10 officers, or employees from any claims, damages, action, or proceeding against the
11 City or its agents, officers, or employees to attack, set aside, void, or annul any
12 approval of the City, its advisory agencies, appeal boards, or legislative body
concerning CDP No. 2018-0018. The City will promptly notify the applicant of any
such claim, action, or proceeding against the City and will cooperate fully in the
defense.
- 13 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
14 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
15 subject to protest by the applicant at the time of approval or conditional approval of
16 the Project or within 90 days after the date of the imposition of the fees, dedications,
reservations, or exactions imposed on the Project.
- 17 6. All storage at the site shall be limited to pallet storage only and shall be properly
18 screened from public view. No storage of any items shall be visible from public view,
19 including a prohibition of the stacking of pallets and other materials above the height of
the block wall.
- 20 7. Prior to the issuance of a Certificate of Occupancy, an eight (8) foot decorative high
21 block wall shall be constructed on all sides of the property along with evergreen trees as
specified on the conceptual landscape plan.
- 22 8. The applicant shall obtain all necessary approvals and operating permits from all
23 Federal, State and local agencies, if applicable, prior to the issuance of a Certificate of
24 Occupancy.
- 25 9. The privileges granted by the Planning Commission pursuant to approval of this
26 Conditional Development Permit are valid for one (1) year from the effective date of
27 approval. If the applicant fails to commence the project within one year of said
28 effective date, this conditional development permit shall be null and void and any
privileges granted hereunder shall terminate automatically. If the applicant or his or
her successor in interest commence the project within one year of the effective date of
approval, the privileges granted hereunder will continue inured to the property as long

1 as the property is used for the purpose for which the conditional development permit
2 was granted, and such use remains compatible with adjacent property uses.

3 10. If the applicant fails to comply with any of the conditions of approval placed upon
4 Conditional Development Permit No. 2018-0018 or any conditions placed upon the
5 approval of the Precise Plan of Design required by Condition No. 2 above, the
6 Planning Commission may initiate proceedings to revoke the conditional
7 development permit in accordance with the provisions of Sections 18.66.070 through
8 18.66.090, inclusive, of the Rialto Municipal Code.

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

11 PASSED, APPROVED AND ADOPTED this 12th day of December, 2018.

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14 JOHN PEUKERT, CHAIR
15 CITY OF RIALTO PLANNING COMMISSION
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