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WHEREAS, the applicant, Laguna Canyon Group LLC, proposes to establish a 117,621 square foot climate-controlled indoor self-storage facility (“Project”) located along Eucalyptus Avenue approximately 284 feet south of Foothill Boulevard (APNs: 0131-061-06 and 0131-061-27) within the Commercial-Mixed Use (C-MU) zone of the Foothill Boulevard Specific Plan (“Site”); and

WHEREAS, in conjunction with the Project, the applicant submitted Precise Plan of Design No. 2022-0083 (“PPD No. 2022-0083”) to facilitate the modification of the exterior façade of the existing commercial building located on the Site; 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:

1        SECTION 1. The Planning Commission hereby specifically finds that all the facts set forth  
2 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. 2023-0001, 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. 2023-0001 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, which 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  
11                      or community; and

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

13            The Project will provide a benefit to the community and neighborhood by providing  
14 residents and visitors additional options of renting self-storage units for the purpose of  
storing personal items, including the unique feature of climate-controlled storage.

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

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

18            The project site is bound to the north is multi-tenant retail buildings, west by the shopping  
19 center called Foothill Acacia Plaza, on the east by Eucalyptus Avenue, and single-family  
20 residences to the south. The property is vacant and covered by natural grasses and shrubs,  
except for the existing curb, gutter, and sidewalk along the Eucalyptus Avenue frontage.  
21 The zoning of the project site and the properties to the north and east is Commercial-Mixed  
22 Use (C-MU) within the Foothill Boulevard Specific Plan. The proposed operation is  
consistent with the C-MU zone and the surrounding land uses. The nearby area is  
23 predominantly zoned for and developed with commercial uses, and as a result, there are no  
sensitive land uses near the project site. The Project is not expected to negatively impact  
24 any uses with the successful implementation of the Conditions of Approval contained  
herein.

- 25            3.        The site for the proposed use is adequate in size, shape, topography, accessibility, and  
26                      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 consists of two (2) parcels of land that are relatively flat and irregularly  
2 shaped. The parcel is 3.19 acres in size with approximate dimensions of 318.36 feet (north-  
3 south) by 455.34 feet (east-west). To the north of the project site, are multi-family units and  
4 three (3) multi-tenant commercial buildings, to the west there is the Foothill Acacia Plaza with  
Stater Bro's, with additional multi-commercial tenants, to the east across the Eucalyptus  
Avenue is a multi-unit condominium, to the south are single-family residences.

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

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

8 The Site has adequate access to all utilities and services required through main water,  
9 electricity, sewer, and other utility lines hooked up to the Site.

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

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

14 The Project will be located within an existing building that has been developed and maintained  
15 in a manner that is consistent with the C-MU zone. The operation of a climate-controlled  
16 indoor self-storage facility is consistent with the C-MU zone. If all Conditions of Approval  
17 contained within the CDP are satisfied, the Project should not negatively impact any of the  
neighboring land uses.

18 Additionally, the proposed use is consistent with Goal 3-1 of the General Plan by contributing  
19 to the strengthening of an economic base and employment opportunities.

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

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

23 The Conditions of Approval contained herein will minimize the Project's impacts. The  
24 granting of the CDP, allowing the establishment and operation of a climate-controlled  
25 indoor self-storage facility, will potentially maintain a long-term tenant and prevent  
26 vacancy within a building that has had difficulty in attracting a tenant for this particular  
27 location. Furthermore, the use will provide residents and visitors an additional option for  
28 renting self-storage units for the purpose of storing personal items, including the unique  
feature of climate-controlled storage. Therefore, any potential adverse effects are  
outweighed by the benefits conferred upon the community and neighborhood as a whole.

1        SECTION 3. The project is categorically exempt from the requirements of the California  
2 Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities. The Planning  
3 Commission directs the Planning Division to file the necessary documentation with the Clerk of the  
4 Board of Supervisors for San Bernardino County.

5        SECTION 4. CDP No. 2023-0001 is granted in accordance with the plans and application on  
6 file with the Planning Division, subject to the following conditions:  
7

- 8        1. CDP No. 2023-0001 is approved allowing the establishment of a 117,621 square-foot  
9 climate-controlled indoor self-storage facility within an existing commercial building  
10 located along Eucalyptus Avenue approximately 284 feet south of Foothill Boulevard  
11 (APNs: 0131-061-06 and 0131-061-27) within the Commercial-Mixed Use (C-MU) zone  
12 of the Foothill Boulevard Specific Plan, as shown on the plans attached as Exhibit A, and  
13 as approved by the Planning Commission. If the Conditions of Approval specified herein  
14 are not satisfied or otherwise completed, the project shall be subject to revocation.
- 15        2. City inspectors shall have access to the site to reasonably inspect the site during normal  
16 working hours to assure compliance with these conditions and other codes.
- 17        3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
18 and/or any of its officials, officers, employees, agents, departments, agencies, and  
19 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
20 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
21 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
22 dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
23 and other such procedures), (collectively "Actions"), brought against the City, and/or  
24 any of its officials, officers, employees, agents, departments, agencies, and  
25 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
26 annul, the any action of, or any permit or approval issued by, the City and/or any of its  
27 officials, officers, employees, agents, departments, agencies, and instrumentalities  
28 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 the 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'

1 fraud, intentional misconduct, or gross negligence in connection with issuing the  
2 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,  
3 and hold the City harmless as stated herein within five (5) days of approval of CDP.

- 4 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
5 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
6 subject to protest by the applicant at the time of approval or conditional approval of the  
7 Project or within 90 days after the date of the imposition of the fees, dedications,  
8 reservations, or exactions imposed on the Project.
- 9 5. The applicant, landlord, and/or operator of the climate-controlled indoor self-storage  
10 facility shall prepare and implement a Site Maintenance Program for the purposes of  
11 ensuring that the area around the exterior of the self-storage facility remains free from  
12 trash, debris, and other litter, and that the exterior façade of the self-storage facility  
13 remains in good physical appearance. The Site Maintenance Program shall be reviewed  
14 and approved by the Planning Division prior to the issuance of a business license for the  
15 self-storage facility use.
- 16 6. The applicant, landlord, and/or operator shall place and maintain an exterior trash  
17 receptacle for employee and customer use near the entrance of the store.
- 18 7. Customer access to the self-storage facility is allowed only between the hours of 6:00 a.m.  
19 and 10:00 p.m. seven (7) days a week.
- 20 8. Outdoor display or storage of any kind is strictly prohibited.
- 21 9. The applicant shall submit a Building Permit application for the proposed interior and  
22 exterior tenant improvement along with all required fees and documentation to the  
23 Building Division, prior to the issuance of a building permit.
- 24 10. The applicant, landlord, and/or operator shall install and maintain exterior security  
25 cameras on the Site that cover the entire extent of the self-storage facility, as approved by  
26 the Rialto Police Department. The security cameras shall be accessible to the Rialto Police  
27 Department via the internet through FUSUS hardware and application. The security  
28 cameras shall be installed and operational prior to the issuance of a business license for  
the self-storage facility.
11. The applicant, landlord, and/or operator shall install and maintain knox boxes  
immediately adjacent to the exterior of the main entry and at least one (1) rear door to the  
self-storage facility to facilitate the entry of safety personnel. The knox boxes shall be  
installed in such a manner as to resist vandalism, removal, or destruction by hand, and be  
fully recessed into the building. The knox boxes shall be installed and equipped with the  
appropriate keys prior to the issuance of a business license for the self-storage facility.

12. The applicant and/or landlord shall provide and maintain an illuminated channel letter address prominently placed on the building to be visible from the front of the location, prior to the issuance of a business license for the self-storage facility.
13. The applicant and/or landlord shall prominently display and maintain the address on the building rooftop to be visible to aerial law enforcement or fire aircraft. Specifications to be followed for alphanumeric characters are as follows: Three (3) foot tall and six (6) inches thick alphanumeric characters. The alphanumeric characters shall be constructed in such a way that they are in stark contrast to the background to which they are attached (e.g. white numbers and letters on a black background), and resistant weathering that would cause a degradation of the contrast. The address shall be displayed on the building rooftop accordingly prior to the issuance of a business license for the self-storage facility.
14. The applicant shall provide and maintain an audible alarm within the building, including at the rear door, prior to the issuance of a business license for the self-storage facility. The building shall be alarmed in such a way as to emit a continuous audible notification until reset by responsible personnel (e.g. alarmed exit device / crash bar).
15. The operator of the self-storage facility shall always maintain a valid City of Rialto Business License.
16. Approval of the CDP will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.
17. The privileges granted by the Planning Commission pursuant to the approval of this Conditional Development Permit are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said 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 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.
18. In the event, that self-storage facility operation on the Site 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 a neighboring property or the goals and objectives of the Commercial-Mixed Use (C-MU) zone of the Foothill Boulevard Specific Plan and the City's General Plan, the applicant and/or operator of the self-storage facility shall address the issues within forty-eight (48) hours of being notified by the City.
19. If the applicant and/or operator of the self-storage facility fails to comply with any of the conditions of approval placed upon the CDP or PPD, the Planning Commission

1 may initiate proceedings to revoke the conditional development permit in accordance  
2 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
3 Municipal Code. Conditional Development Permit No. 2023-0001 may be revoked,  
4 suspended, or modified in accordance with Section 18.66.070 of the Zoning Ordinance  
5 at the discretion of the Planning Commission if:

- 6 a) The use for which such approval was granted has ceased to exist, been  
7 subsequently modified, or has been suspended for six (6) months or more;
- 8 b) Any of the express conditions or terms of such permit are violated; and,
- 9 c) The use for which such approval was granted becomes or is found to be  
10 objectionable or incompatible with the character of the City and its environs  
11 due to excessive noise, excessive traffic, loitering, criminal activity, or other  
12 undesirable characteristics including, but not strictly limited to uses which  
13 are or have become offensive to neighboring property or the goals and  
14 objectives of the Commercial-Mixed Use (C-MU) zone of the Foothill  
15 Boulevard Specific Plan, and the City's General Plan.

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

18 PASSED, APPROVED, AND ADOPTED this 6th day of December, 2023.

19 \_\_\_\_\_  
20 JERRY GUTIERREZ, CHAIR  
21 CITY OF RIALTO PLANNING COMMISSION  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
4

5 I, Kim Dame, Administrative Analyst of the City of Rialto, do hereby certify that the  
6 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 \_\_\_\_, 2023.

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 \_\_\_\_, 2023.  
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19 \_\_\_\_\_  
20 KIM DAME, ADMINISTRATIVE ANALYST  
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Exhibit A

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