

1 SECTION 2. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to CDP No. 2022-0014, including written staff reports,
3 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
4 Planning Commission hereby determines that CDP No. 2022-0014 satisfies the requirements of
5 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
6 precedent to granting a conditional development permit, which findings are as follows:

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

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

10 The Site is comprised of one (1) parcel of land approximately 0.5 acre in size. The Project
11 will replace an existing triplex development and redevelop the Site with 6 detached
12 apartment units, in accordance with the Multiple Family Residential (R-3) zone and
13 Residential 21 land use designation. The Project will provide addition detached rental
 product opportunities within the City.

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

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

17 The development of 6 detached unit apartment complex on the Site is consistent with the
18 R-3 zone, which conditionally permits the development. The proposed multi-family
19 residential development is compatible with all nearby land uses as all the surrounding
20 properties also consist of multiple unit developments. Therefore, the project is not
21 expected to negatively impact any surrounding uses with the successful implementation of
 measures such as landscape buffering, the installation of perimeter walls and fencing, and
 aesthetic building enhancements.

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

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

26 The Site is 0.5 acre in size adjacent to Third Street, which will be able to accommodate the
27 proposed use. The Project will have one (1) driveway along the Third Street frontage and one
28 (1) driveway on the south for fire apparatus ally access. In addition, the project has space for
 on-site stacking at the entry gate as well as adequate vehicle parking spaces as required by
 Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

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

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

4 The Site consists of an existing triplex development which currently has adequate access to
5 all utilities and the new development will be required to connect through main water, electric,
6 sewer, and other utility lines hook up for the Site as well.

7 5. The proposed use will be arranged, designed, constructed, and maintained so as it will
8 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

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

10 As previously stated, the proposed use is consistent with the Multiple Family Residential
11 (R-3) zone. The buildings will incorporate footprint articulation and projections on all four
12 side to ensure architectural enhancements are visible from public views. The Project also
13 includes adequate vehicle parking spaces as required by Chapter 18.58 (Off-Street Parking)
14 of the Rialto Municipal Code as well as open space area in compliance with Chapter 18.22
15 (Multiple Family Residential Zone) of the Rialto Municipal Code, and the City's Design
16 Guidelines. A condition of approval has been included in the draft resolution requiring the
incorporation of abundant landscaping on the Site, and the developer shall submit
landscape and irrigation plans to the Planning Division for review and approval in
compliance with the conditions of approval herein.

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

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

20 The Project is consistent with the Residential 21 General Plan land use designation and the
21 R-3 zoning designation. The Site is bound on the north by Third Street. All the
22 surrounding properties are similarly zoned R-3 and are within the same General Plan
23 designation of Residential 21. The proposed multi-family residential development is
24 compatible with all nearby land uses as all the surrounding properties also consist of
25 multiple unit developments. Construction impacts will be limited through the strict
26 enforcement of the allowable construction hours listed in Section 9.50.070 of the Rialto
27 Municipal Code, as well as enforcement of regular watering of the Site to limit airborne
28 dust and other particulate matter. The project is not expected to negatively impact any
surrounding uses with the successful implementation of measures such as landscape
buffering, the installation of perimeter walls and fencing, and aesthetic building
enhancements. 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. 2022-0014 is granted to Jose Zepeda, in accordance with the plans
6 and application on file with the Planning Division, subject to the following conditions:

- 7 1. The approval is granted allowing the development of a 6-unit apartment complex
8 consisting of 6 two-story buildings and associated paving, landscaping, lighting and
9 drainage improvements on a 0.5-acre parcel of land (APN: 0130-082-05) located on the
10 south side of Third Street approximately 200 feet east of Lilac Avenue, as shown on the
11 plans attached as Exhibit A and as approved by the Planning Commission. If the
12 Conditions of Approval specified herein are not satisfied or otherwise completed, the
13 project shall be subject to revocation.
- 14 2. City inspectors shall have access to the site to reasonably inspect the site during
15 normal working hours to assure compliance with these conditions and other codes.
- 16 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
17 and/or any of its officials, officers, employees, agents, departments, agencies, and
18 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
19 demands, law suits, writs of mandamus, and other actions and proceedings (whether
20 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
21 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
22 and other such procedures), (collectively “Actions”), brought against the City, and/or
23 any of its officials, officers, employees, agents, departments, agencies, and
24 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
25 annul, the any action of, or any permit or approval issued by, the City and/or any of
26 its officials, officers, employees, agents, departments, agencies, and instrumentalities
27 thereof (including actions approved by the voters of the City), for or concerning the
28 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 be 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

1 Action(s) are a result of the City Parties' fraud, intentional misconduct or gross
2 negligence in connection with issuing the Entitlements. The applicant shall execute
3 an agreement to indemnify, protect, defend, and hold the City harmless as stated
4 herein within five (5) days of approval of CDP No. 2022-0014.

- 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
7 the Project or within 90 days after the date of the imposition of the fees, dedications,
8 reservations, or exactions imposed on the Project.
- 8 5. The applicant, landlord, and/or tenant(s) shall record the Declaration of Restrictions
9 attached to the staff report with the County of San Bernardino restricting the subdivision
10 of the property. The Declaration of Restrictions shall be recorded prior to the issuance
11 of building permits.
- 11 6. The applicant, landlord, and/or tenant(s) shall install red curbing and "No Parking"
12 signage along the entire length of the Fire Lane including Fire turnaround areas to the
13 satisfaction of the Fire Department prior to the issuance of a Certificate of Occupancy.
14 The red curbing and "No Parking" signage shall be identified on the formal Building
15 Permit submittal prior to the issuance of a building permit.
- 14 7. 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 (1) 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 her
19 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.
- 21 8. Approval of CDP No. 2022-0014 will not become effective until the applicant has
22 signed a statement acknowledging awareness and acceptance of the required conditions
23 of approval contained herein.
- 23 9. In the event, that any operation on the Site is found to be objectionable or incompatible
24 with the character of the City and its environs due to excessive noise, excessive traffic,
25 loitering, criminal activity or other undesirable characteristics including, but not strictly
26 limited to, uses which are or have become offensive to neighboring property or the goals
27 and objectives of the Multiple Family Residential (R-3) zoning district and/or the City's
28 General Plan, the applicant shall address the issues within forty-eight (48) hours of being
29 notified by the City.
- 28 10. If the applicant fails to comply with any of the conditions of approval placed upon
30 CDP No. 2022-0014 or PPD No. 2022-0016, the Planning Commission may initiate

1 proceedings to revoke the conditional development permit in accordance with the
2 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
3 Municipal Code. Conditional Development Permit No. 2022-0014 may be revoked,
4 suspended or modified in accordance with Section 18.66.070 of the Zoning
5 Ordinance 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;
- 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 Multiple Family Residential (R-3) zone and/or the City's
15 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 3rd day of April, 2024.

19 _____
20 JERRY GUTIERREZ, CHAIR
21 CITY OF RIALTO PLANNING COMMISSION

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23 STATE OF CALIFORNIA)
24 COUNTY OF SAN BERNARDINO) ss
25 CITY OF RIALTO)
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I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ____th day of ____, 2024.

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

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this __rd day of ____, 2024.

KIMBERLY DAME, ADMINISTRATIVE ANALYST

Exhibit "A"
Project Plans

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Exhibit "B"

Attachment B – Project Trip Generation

From the Traffic Impact Analysis Scoping Agreement prepared for the Project by Ganddini Group.
– Dated December 22, 2022

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Exhibit "C"

Rialto General Plan Truck Route

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