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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0003 ALLOWING 1,350 SQUARE FEET OF OUTDOOR STORAGE FOR COILED STEEL MATERIALS WITHIN THE TRUCK COURT OF AN EXISTING WAREHOUSE LOCATED AT 469 SOUTH YUCCA AVENUE (APN: 0131-011-38) WITHIN THE LIGHT INDUSTRIAL (M-1) ZONE.

WHEREAS, the applicant, Dedeaux Properties, LLC, proposes to incorporate 1,350 square feet of outdoor storage of materials within the truck court area of an existing warehouse development (“Project”) located at 469 South Yucca Avenue (APNs: 0131-011-38) within the Light Industrial (M-1) zone (“Site”); and

WHEREAS, the Project will include two (2) 675 square foot covered structures for the outdoor storage of coiled steel materials in conjunction with the existing on-site industrial operation; and

WHEREAS, Pursuant to Section 18.104 of the Rialto Municipal Code, the proposed outdoor storage use requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2023-0023 (“CDP No. 2023-0023”); and

WHEREAS, on December 6, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2023-0023, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2023-0023; 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. 2023-0023, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the

1 Planning Commission hereby determines that CDP No. 2023-0023 satisfies the requirements of  
2 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
3 precedent to granting a conditional development permit, which findings are as follows:

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

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

8 The Site is an existing industrial warehouse development that includes truck court area that  
9 is screened from public views with the building to the west and a 14-foot-high masonry  
10 screen wall to the south. The Site was recently approved and developed within the last few  
11 years and is consistent with the M-1 zone. The proposed Project is essential to the  
industrial operation that exists on-site and will allow the business tenant continued success  
in a trying economy.

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

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

15 The Site is an existing industrial warehouse that was recently approved and developed  
16 within the last few years and is consistent with the M-1 zone, which conditionally permits  
17 outdoor storage. To the north of the project site is an approximately 57,000 square foot  
18 industrial building occupied by Plant Prefab, a pre-fabricated home manufacturer, and to  
19 the east is both a San Bernardino County Flood Control Channel and a 258,857 square foot  
20 industrial warehouse building occupied by DeVilbiss HealthCare, a healthcare supply  
21 distributor. To the south, across Merrill Avenue, is a single-family residential subdivision  
22 built in 1981, and to the west, across Yucca Avenue, are four (4) small industrial buildings  
ranging in size from 6,000 square feet to 12,000 square that are occupied by various  
businesses. The nearest sensitive uses are the single-family residences to the south of the  
Site. The project is not expected to negatively impact any uses due to the installation of  
landscape buffering solid screen walls.

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

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

26 The Site is an existing industrial warehouse that was recently approved and developed  
27 within the last few years and is consistent with the M-1 zone. The Site meets the Rialto  
28 Municipal Code requirements and will continue to provide adequate access, parking,  
landscaping and screening.

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 existing development on the Site will continue to have adequate access to all utilities and  
5 services required through main water, electric, sewer, and other utility lines that are hooked  
6 up to the Site.

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  
9 inharmonious with the General Plan and its objectives, the M-1 zone, or any zoning  
10 ordinances, and

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

12 The storage structures will be installed in the truck court area in the place of truck trailer  
13 loading spaces such that none the structures will not front or face the public right-of-way  
14 which complies with the General Plan, the M-1 zone, and the City's Design Guidelines.  
15 The development will maintain abundant landscaping, screen wall so as to not be injurious  
16 to property or improvements in the vicinity.

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  
19 benefits conferred upon the community or neighborhood as a whole.

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

21 The Project's effects will be minimized through the implementation of the Conditions of  
22 Approval contained herein, and through the implementation of Conditions of Approval  
23 imposed by the Planning Commission such as maintaining abundant landscaping, solid  
24 screen walls, and incorporating colors and materials to architecturally integrate into the  
25 existing development. Therefore the project is not expected to negatively impact any uses  
26 and any potential adverse effects are outweighed by the benefits conferred upon the  
27 community and neighborhood as a whole.

28 SECTION 3. Dedeaux Properties, LLC is hereby granted CDP No. 2023-0023 to allow  
1,350 square feet of outdoor storage of materials within the truck court area of an existing warehouse  
development located at 469 South Yucca Avenue (APNs: 0131-011-38) within the Light Industrial  
(M-1) zone.

SECTION 4. The Project is categorically exempt from the requirements of the California  
Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities Projects. The

1 Planning Commission directs the Planning Division to file the necessary documentation with the  
2 Clerk of the Board of Supervisors for San Bernardino County.

3  
4 SECTION 5. CDP No. 2023-0023 is granted to Dedeaux Proeperties, LLC, in accordance  
5 with the plans and application on file with the Planning Division, subject to the following conditions:  
6

- 7 1. The approval is granted allowing allow 1,350 square feet of outdoor storage of coiled steel  
8 materials within the truck court area of an existing warehouse development located at 469  
9 South Yucca Avenue (APNs: 0131-011-38), as shown on the plans submitted to the  
10 Planning Division on August 21, 2023, and as approved by the Planning Commission. If  
11 the Conditions of Approval specified herein are not satisfied or otherwise completed, the  
12 project shall be subject to revocation.
- 13 2. City inspectors shall have access to the site to reasonably inspect the site during normal  
14 working hours to assure compliance with these conditions and other codes.
- 15 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
16 and/or any of its officials, officers, employees, agents, departments, agencies, and  
17 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
18 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
19 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
20 dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
21 and other such procedures), (collectively "Actions"), brought against the City, and/or  
22 any of its officials, officers, employees, agents, departments, agencies, and  
23 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
24 annul, the any action of, or any permit or approval issued by, the City and/or any of its  
25 officials, officers, employees, agents, departments, agencies, and instrumentalities  
26 thereof (including actions approved by the voters of the City), for or concerning the  
27 Project (collectively, the "Entitlements"), whether such Actions are brought under the  
28 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,

1 and hold the City harmless as stated herein within five (5) days of approval of CDP No.  
2 2023-0023.

- 3 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
4 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
5 subject to protest by the applicant at the time of approval or conditional approval of the  
6 Project or within 90 days after the date of the imposition of the fees, dedications,  
7 reservations, or exactions imposed on the Project.
- 8 5. The applicant, landlord, and/or tenant(s) remain subject to the conditions of approval.
- 9 6. The applicant, landlord, and/or tenant(s) shall only park or store truck and trailers within  
10 designated (marked) truck/trailer parking spaces. No truck or trailers shall be parked or  
11 stored within any drive-aisles or passenger vehicle parking areas at any time.
- 12 7. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of  
13 the building at any time, except for the 1,350 square feet of storage approved by the  
14 Planning Commission herein.
- 15 8. The privileges granted by the Planning Commission pursuant to approval of this  
16 Conditional Development Permit are valid for one (1) year from the effective date of  
17 approval. If the applicant fails to commence the project within one year of said  
18 effective date, this conditional development permit shall be null and void and any  
19 privileges granted hereunder shall terminate automatically. If the applicant or his or  
20 her successor in interest commence the project within one year of the effective date of  
21 approval, the privileges granted hereunder will continue inured to the property as long  
22 as the property is used for the purpose for which the conditional development permit  
23 was granted, and such use remains compatible with adjacent property uses.
- 24 9. Approval of CDP No. 2023-0023 will not become effective until the applicant has signed  
25 a statement acknowledging awareness and acceptance of the required conditions of  
26 approval contained herein.
- 27 10. In the event, that any operation on the Site is found to be objectionable or incompatible  
28 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 Light Industrial (M-1) zone and the City's General Plan, the  
applicant shall address the issues within forty-eight (48) hours of being notified by the  
City.
11. If the applicant fails to comply with any of the conditions of approval placed upon CDP  
No. 2023-0023, 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. 2023-0023 may be revoked, suspended or modified in

1 accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the  
2 Planning Commission if:

- 3 a) The use for which such approval was granted has ceased to exist, been  
4 subsequently modified, or has been suspended for six (6) months or more;
- 5 b) Any of the express conditions or terms of such permit are violated;
- 6 c) The use for which such approval was granted becomes or is found to be  
7 objectionable or incompatible with the character of the City and its environs  
8 due to excessive noise, excessive traffic, loitering, criminal activity or other  
9 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 Light Industrial (M-1) zone, and the City's General Plan.

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

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

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16 JERRY GUTIERREZ, CHAIR  
17 CITY OF RIALTO PLANNING COMMISSION  
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