

1 **RESOLUTION NO. 24-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL
4 DEVELOPMENT PERMIT NO. 2024-0002 TO ALLOW THE
5 OPERATION OF A DOLLAR TREE OVERSTOCK/DISCOUNT
6 STORE WITHIN AN EXISTING 16,391 SQUARE FOOT
7 COMMERCIAL BUILDING IN THE RIALTO SQUARE
8 SHOPPING CENTER AT 200 WEST FOOTHILL BOULEVARD
9 (APN: 0127-591-40) WITHIN A COMMERCIAL PEDESTRIAN
10 (C-P) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC
11 PLAN.

12 WHEREAS, the applicant, Dollar Tree, Inc., proposes to operate a single-price
13 overstock/discount store (“Project”) within an existing 16,391 square foot tenant space located at
14 200 West Foothill Boulevard (APN 0127-591-40) in the existing Rialto Square shopping center
15 at the northeast corner of West Foothill Boulevard and North Willow within the Commercial
16 Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan (“Site”) with a Specific Zone
17 General Plan Land Use designation; and

18 WHEREAS, pursuant to Section 18.66.030(Q) of the Rialto Municipal Code, the
19 establishment of a single-price overstock/discount store, such as the Project, within the C-P zone
20 requires a conditional development permit, and the applicant has applied for a conditional
21 development permit (“CDP No. 2024-0002”); and

22 WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted
23 a duly noticed public hearing, as required by law, on CDP No. 2024-0002, took testimony, at
24 which time it received input from staff, the city attorney, and the applicant; heard public
25 testimony; discussed the proposed CDP No. 2024-0002; and closed the public hearing; and

26 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

27 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
28 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.

1 SECTION 2. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to CDP No. 2024-0002, 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. 2024-0002 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. The 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 Project will provide a benefit to the community and neighborhood by providing
11 residents and visitors additional options for purchasing everyday household goods at
12 affordable price points.

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

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

16 The properties north of Rialto Square are single-family homes zoned Single- Family
17 Residential (R-1C). The properties to the south, across West Foothill Boulevard, are
18 commercial businesses zoned as Commercial Pedestrian (C-P) in the Foothill Boulevard
19 Specific Plan. The properties to the east are homes zoned Single-Family Residential (R-
20 1C). The properties to the west are commercial businesses zoned as Commercial
21 Pedestrian (C-P) in the Foothill Boulevard Specific Plan.

22 The proposed Dollar Tree is consistent with the C-P zone and the surrounding land uses.
23 Rialto Square accommodates various retail and restaurant uses. Single-price
24 overstock/discount stores are generally compatible with other retail uses and services
25 typically found in commercial centers, including the types of businesses that are likely to
26 exist within the center.

27 On March 14, 2012, the Planning Commission instituted a policy requiring a one-half
28 (0.5) mile separation between sole proprietor owned single-price overstock/discount
stores, and a one (1) mile separation between national chain single-price
overstock/discount stores. Dollar Tree is a national chain single-price overstock/discount
store. Currently there are six (6) chain single-price overstock/discount stores located
within the City, and all are at least more than one (1) mile away from the site. The
Planning Division has determined that the addition of the Dollar Tree will not create an
over-proliferation of national chain single-price overstock/discount stores serving the

1 immediate area beyond what the Planning Commission has previously approved. The
2 Planning Division considers the Dollar Tree operation to be compatible with the area in
3 which it will locate.

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

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

8 The proposed Dollar Tree location is at an existing vacant commercial space within the
9 existing Rialto Square commercial shopping center. Rialto Square consists of ten (10)
10 parcels of land, approximately 467,737 square feet or 10.74 acres in size, located at the
11 northeast corner of West Foothill Boulevard and North Willow Avenue. Existing businesses
12 in the center include Cardenas Market, Wells Fargo Bank, O'Reilly Auto Parts, Western
13 Dental, and Speed Wash Laundromat in five different buildings.

- 14 4. The site has adequate access to those utilities and other services required for the
15 proposed use; and

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

17 The Project will have adequate access to all utilities and services required through main
18 water, electric, sewer, and other utility lines that will be hooked up to the Site.

- 19 5. The proposed use will be arranged, designed, constructed, and maintained so as it
20 will not be injurious to property or improvements in the vicinity or otherwise be
21 inharmonious with the General Plan and its objectives, the Foothill Boulevard
22 Specific Plan, or any zoning ordinances; and

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

24 The proposed Dollar Tree will be located within an existing vacant building that will be
25 maintained in a manner that is consistent with the C-P zone. The operation of a single-price
26 overstock/discount store is consistent with the C-P zone. If all Conditions of Approval
27 contained within CDP No. 2024-0002 are satisfied, the Project should not negatively impact
28 any of the neighboring land uses.

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

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

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

2 The Conditions of Approval contained herein will minimize the Project's impacts. The
3 granting of CDP No. 2024-0002, allowing the operation of a single-price
4 overstock/discount store, will potentially maintain a long-term tenant and prevent
5 vacancy within a new commercial center. Furthermore, the use will provide residents
6 and visitors an additional option for purchasing everyday household goods. Therefore,
7 any potential adverse effects are outweighed by the benefits conferred upon the community
8 and neighborhood.

9 SECTION 3. Dollar Tree, Inc., is hereby granted CDP No. 2024-0002 to allow the
10 operation of a single-price overstock/discount store within an existing 16,391 square foot
11 commercial building in the commercial center located at 200 West Foothill Boulevard (APN 0127-
12 591-40) in the existing shopping center at the northeast corner of West Foothill Boulevard and
13 North Willow within the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific
14 Plan

15 SECTION 4. The project is Exempt in accordance with the categorical exemption
16 requirements of the California Environmental Quality Act (CEQA) Section 15301 Existing
17 Facilities (Environmental Assessment Review 2024-0005). The project consists of the operation,
18 repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private
19 structures, facilities, mechanical equipment, or topological features, involving negligible or no
20 expansion of existing or former use. No further environmental review is required for Conditional
21 Development Permit No. 2024-0002.

22 SECTION 5. CDP No. 2024-0002 is granted to Dollar Tree, Inc., in accordance with the
23 plans and application on file with the Planning Division, subject to the following conditions:

- 24 1. The approval is granted to allow the operation of a single-price overstock/discount store
25 within an existing 16,391 vacant tenant space in the Rialto Square commercial center
26 located at 200 West Foothill Boulevard, as shown on the plans submitted to the Planning
27 Division on February 29, 2024, and as approved by the Planning Commission. If the
28 Conditions of Approval specified herein are not satisfied or otherwise completed, the
 Project shall be subject to revocation.
2. City inspectors shall have access to the site to reasonably inspect the site during
 normal working hours to assure compliance with these conditions and other codes.

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3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the “City Parties”), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether 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, 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 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 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, and hold the City harmless as stated herein within five (5) days of approval of CDP No. 2024-0002.

4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

5. Outdoor display or storage of any kind is prohibited.

6. All items for sale shall be displayed in a case, on a shelf, or on a rack in an orderly fashion.

- 1 7. The applicant shall obtain a building permit for any wall, monument, and/or pylon
2 signage prior to the issuance of a Certificate of Occupancy (C of O).
- 3 8. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
4 Municipal Code and/or the Foothill Boulevard Specific Plan.
- 5 9. A City business license shall be required prior to issuance of a Certificate of Occupancy
6 or final permits.
- 7 10. Six (6) months after the date of approval, the Planning Commission may review the
8 approved single-price overstock/discount store to determine if the operator has complied
9 with all conditions of approval of the Conditional Development Permit. Thereafter, the
10 Planning Commission may review the approved facility on an annual basis.
- 11 11. The applicant shall obtain all necessary approvals and operating permits from all
12 Federal, State, and local agencies prior to the issuance of a Certificate of Occupancy.
- 13 12. The privileges granted by the Planning Commission pursuant to approval of this
14 Conditional Development Permit are valid for one (1) year from the effective date of
15 approval. If the applicant fails to commence the project within one year of said
16 effective date, this conditional development permit shall be null, and void and any
17 privileges granted hereunder shall terminate automatically. If the applicant or his or
18 her successor in interest commences the project within one year of the effective date
19 of approval, the privileges granted hereunder will continue inured to the property as
20 long as the property is used for the purpose for which the conditional development
21 permit was granted, and such use remains compatible with adjacent property uses.
- 22 13. If the applicant fails to comply with any of the Conditions of Approval placed upon
23 Conditional Development Permit No. 2024-0002, the Planning Commission may
24 initiate proceedings to revoke the Conditional Development Permit in accordance
25 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
26 Municipal Code. Conditional Development Permit No. 2024-0002 shall be revoked,
27 suspended, or modified in accordance with Section 18.66.070 of the Zoning
28 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 have 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 noise, 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

1 the Commercial Pedestrian (C-P) zone, the Foothill Boulevard Specific
2 Plan, and the City’s General Plan.

3 SECTION 6. 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 3rd day of April 2024.

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9 JERRY GUTIERREZ, CHAIR
10 CITY OF RIALTO PLANNING COMMISSION
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