



1 testimony, at which time it received input from staff, the city attorney, and the applicant;  
2 accepted public comments; discussed the proposed CDP No. 2020-0004; and closed the public  
3 hearing; and

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

5 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of  
6 Rialto as follows:

7 SECTION 1. The Planning Commission hereby specifically finds that all the facts set forth  
8 in the recitals above of this Resolution are true and correct and incorporated herein.

9 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
10 the public hearing conducted with regard to CDP No. 2020-0004, including written staff reports,  
11 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
12 Planning Commission hereby determines that CDP No. 2020-0004 satisfies the requirements of  
13 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
14 precedent to granting a conditional development permit. The findings are as follows:

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

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

19 The Project will accommodate a new tenant for the property as it will provide a critical  
20 repair and maintenance service component for a merchant wholesaler of industrial  
21 machinery and equipment. The project will replace a property vacancy in the area with a  
22 local business that would create employment opportunities, pay a sales tax and a business  
23 license tax to the City.

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

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

27 The truck repair use in conjunction with the industrial machinery and equipment  
28 wholesale facility on the Site is consistent with the EMP zone of the Renaissance Specific  
Plan, which permits vehicle repair facilities subject to a Conditional Development Permit.  
To the north of the site is a 3-acre parcel of vacant land. To the west of the project site is  
a 3.9-acre parcel of vacant land. To the south of the project site is a 4.9-acre parcel of

1 vacant land. To the east, across Fitzgerald Avenue, is an Industrial warehouse facility.  
2 The zoning of the project site and the properties to the north and east is EMP within the  
3 Renaissance Specific Plan. The zoning of the property to the west of the project site is  
4 Low-Density Residential (LDR). The zoning of the property to the south of the project  
5 site is School (S). As such, the applicant provided an acoustical analysis to show that the  
6 proposed operation will not negatively impact the adjacent property and a condition of  
7 approval has been included requiring future implementation noise mitigations in the case  
8 of an event unacceptable levels of noise are present. The Project is consistent with the  
9 EMP zone and the surrounding land uses. With the successful implementation of  
10 conditions of approval contained herein the project will not be detrimental or injurious to  
11 health, safety, or general welfare. The project is anticipated to be a benefit to the  
12 community.

- 13  
14 3. The site for the proposed use is adequate in size, shape, topography, accessibility  
15 and other physical characteristics to accommodate the proposed use in a manner  
16 compatible with existing land uses; and

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

18 The project site consists of an existing 17,876 square foot building with 1,782 square feet of  
19 canopy, a 227 square foot storage shed and a fully paved storage yard with an existing block  
20 wall along the Fitzgerald Avenue property frontage. As proposed, the project will not add  
21 any new building square footage and the tenant intends to occupy the existing facility with  
22 only minor maintenance and repairs to the facility such as landscaping, painting, restriping,  
23 installation of equipment and security measures. All of which are physical characteristics  
24 that can accommodate the proposed use in a compatible manner.

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

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

28 The Site is an existing development that consists of an existing 17,876 square foot building  
with 1,782 square feet of canopy and has adequate connection to all utilities and services  
required through main water, electric, sewer, and other utility lines.

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 Renaissance Specific  
Plan, or any zoning ordinances; and

*This finding is supported by the following facts:*

As previously stated, the proposed use is consistent with the EMP zone of the Renaissance  
Specific Plan. The site is designed with three (3) existing driveway access points to

1 Fitzgerald Avenue with vehicle circulation paths including an existing fire lane as well as  
2 a total of thirty-five (35) parking spaces which exceeds the minimum amount required by  
3 the Renaissance Specific Plan. All repairs will be conducted indoors and no outdoor  
4 equipment will be used. As conditioned, in the event that any activities produce noise  
5 that exceeds the City's Noise Ordinance, the operator will be required to implement  
6 measures to reduce the noise to an acceptable level.

7 Additionally, the proposed use is consistent with Goals 2-22 of the Land Use Element of  
8 the Rialto General Plan and Goal 3-1 of the Economic Development Element of the  
9 Rialto General Plan by promoting a well-designed industrial development, and by  
10 strengthening the business climate and by providing additional employment opportunities  
11 in the area.

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

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

16 The Project's effects will be minimized through the implementation of the Conditions of  
17 Approval contained herein. The project will replace a property vacancy in the area with a  
18 local business that would create employment opportunities and pay a sales tax and a  
19 business license tax to the City. The Project will result in a tenant to maintain the  
20 property in an aesthetically acceptable condition and install security measures to  
21 discourage unauthorized entry or removal of materials. Furthermore, the operation is  
22 subject to an initial 6-month review and annual review thereafter to ensure compliance  
23 with conditions of approval. Therefore, any potential adverse effects are outweighed by  
24 the benefits conferred upon the community and neighborhood as a whole.

25 SECTION 3. Mike Lee, is hereby granted CDP No. 2020-0004 to allow the operation of a  
26 truck repair use located at 1450 North Fitzgerald Avenue within the Employment (EMP) zone of the  
27 Renaissance Specific Plan.

28 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  
Planning Commission directs the Planning Division to file the necessary documentation with the  
Clerk of the Board of Supervisors for San Bernardino County.

SECTION 5. CDP No. 2020-0004 is granted to Mike Lee, in accordance with the plans and  
application on file with the Planning Division, subject to the following conditions:

- 1 1. The approval is granted to allow truck repair use in conjunction with an industrial  
2 machinery and equipment wholesale facility on an existing developed site (APN: 0264-  
3 212-61) located at 1450 North Fitzgerald Avenue, as shown on the plans submitted to  
4 the Planning Division on February 6, 2020, and as approved by the Planning  
5 Commission. The facility shall be limited to the following activities:
- 6 a. Indoor repair and maintenance of vehicles using the engines, transmissions, and  
7 parts that Valley Power represents;
  - 8 b. Sales of both taxable and non-taxable parts;
  - 9 c. Storage and distribution of industrial machinery and equipment with  
10 approximately two to three inbound and two to three outbound shipments per day;  
11 and,
  - 12 d. Operation of six field vehicles providing scheduled maintenance on emergency  
13 standby generator sets at customer locations throughout the Greater Los Angeles  
14 and Inland Empire areas.
- 15 2. City inspectors shall have access to the site to reasonably inspect the site during  
16 normal 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  
27 its 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 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

1 the Entitlements. The applicant shall execute an agreement to indemnify, protect,  
2 defend, and hold the City harmless as stated herein within five (5) days of approval of  
3 CDP No. 2020-0004.

- 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.
- 9 5. All operations shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m.  
10 Monday through Friday, and 7:00 a.m. and 12:00 p.m. on Saturdays.
- 11 6. All vehicles and equipment shall be parked in locations depicted on the approved site  
12 plan submitted September 23, 2020. At no time shall the designated fire lane be  
13 obstructed with parked vehicles or machinery.
- 14 7. Power-driven equipment shall not be permitted to operate outside of the building.  
15 Should the operation generate noise levels that are not acceptable in accordance with the  
16 City's General Plan or create a nuisance condition for the adjacent properties, the owner  
17 and tenant of the project site shall be responsible for incorporating measures to  
18 effectively mitigate noise to acceptable levels which may include but not limited to  
19 change in operations or installation of physical barrier.
- 20 8. All areas of the site and street frontage shall be cleaned and kept free of litter and any  
21 undesirable material on a daily basis.
- 22 9. Burglary and robbery alarm systems shall be installed as required and approved by the  
23 Rialto Police Department to discourage unauthorized entry or removal of materials. A  
24 24-hour security camera system shall be installed on the premises with camera locations  
25 approved by the Rialto Police Department. All surveillance and security equipment  
26 shall be continuously maintained and in operation during business hours. Surveillance  
27 footage shall be provided to the Rialto Police Department within 12 hours after a request  
28 has been made for said footage. The software or media player required to view the type  
of video format shall be provided to the Rialto Police Department, if necessary. An R-P  
card must be filed with the Rialto Police Department containing twenty-four (24) hour  
phone numbers of persons to be contacted
10. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as  
measured at the ground level of the entire site, from the period of one-half hour before  
sunset until one-half hour after sunrise. Lighting fixtures shall be so situated and  
shielded as not to direct or reflect lighting glare on adjacent properties or public rights-  
of-way.

- 1 11. The operator shall be responsible for painting and maintaining the “existing fire lane”  
2 as shown on the Site Plan submitted to the Planning Division on September 23, 2020.
- 3 12. Any wrought-iron fencing and/or sliding gates shall be painted black prior to the start of  
4 operation.
- 5 13. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto  
6 Municipal Code.
- 7 14. The applicant shall obtain all necessary approvals and operating permits from all  
8 Federal, State, County, and local agencies prior to the issuance of a Certificate of  
9 Occupancy.
- 10 15. Six (6) months after the date of issuance of the business license, the Planning  
11 Commission may review the approved facility if complaints have been received and  
12 verified by the Community Development Director to review the use and determine if  
13 the operator has complied with all conditions of approval of the Conditional  
14 Development Permit or if there are adverse conditions that were not anticipated. If  
15 validated concerns exist, the property owner and operator shall propose modified  
16 operations that address the concerns for the Planning Commissions review and  
17 approval through a modification to this conditional development permit. Thereafter,  
18 the Planning Commission may review the approved facility on an annual basis, or as  
19 needed, in response to validated complaints received by the City.
- 20 16. The applicant shall be responsible for maintaining the site and operating the use in  
21 accordance with the plans dated September 23, 2020.
- 22 17. The privileges granted by the Planning Commission pursuant to approval of CDP No.  
23 2020-0004 are valid for one (1) year from the effective date of approval. If the  
24 applicant fails to commence the project within one year of said effective date, this  
25 conditional development permit shall be null and void and any privileges granted  
26 hereunder shall terminate automatically. If the applicant or his or her successor in  
27 interest commences the project within one year of the effective date of approval, the  
28 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. If the applicant fails to comply with any of the Conditions of Approval placed upon  
CDP No. 2020-0004, the Planning Commission may initiate proceedings to revoke  
CDP No. 2020-0004 in accordance with the provisions of sections 18.66.070 through  
18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2020-0004 shall be  
revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning  
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 the Employment (EMP) zone, the Renaissance Specific Plan, and the City's General Plan.

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

PASSED, APPROVED AND ADOPTED this 30th day of September, 2020.

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JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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