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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0031, A REQUEST TO OPERATE AN OUTLET STORE WITHIN AN EXISTING 1,530 SQUARE FOOT TENANT SPACE LOCATED AT 678 W. BASELINE ROAD WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE.

WHEREAS, the applicant, Mayra Olascuaga, requests to operate an outlet within an existing 1,530 square foot tenant space located at 678 W Baseline Road (APN:0127-281-10), within the Neighborhood Commercial (C-1) Zone (“Site”); and

WHEREAS, pursuant to Chapter 18.28 of the C-1 zone, all other uses not listed as a permitted use within the C-1 zone of Chapter 18.66.030Q of the Rialto Municipal Code, such as the Project, require the approval of a conditional development permit by the Planning Commission, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2021-0031”); and

WHEREAS, pursuant to Section 18.110.040 of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2021-0031 (“CDP No. 2021-0031”); and

WHEREAS, on December 8, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0031, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0031; 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.

1 SECTION 2. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to CDP No. 2021-0031, 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. 2021-0031 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
8 1. The proposed use is deemed essential or desirable to provide a service or facility
9 which will contribute to the convenience or general well-being of the neighborhood
 or community; and

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

11 The Project will provide a benefit to the community and customers within the vicinity by
12 providing an assortment of products of discounted, discontinued and overstock
13 merchandise. Additionally, the Conditions of Approval imposed on the establishment
14 will ensure that establishment contributes to the well-being of the community and that it
 doesn't become a nuisance or hazard to the public.

- 15 2. The proposed use will not be detrimental or injurious to 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 Site consists of a 1,530 square foot tenant space within a commercial center located
19 at the north of Baseline Road, the shopping center is bound by west Cactus Avenue and
20 on the north by Base Line Road. To the north and south are single family residences, to
 the west is a 76 Gas Station and Convenience Store and to the east is a La Petite
 Academy preschool.

21 The Project is consistent with the Neighborhood Commercial (C-1) land use district of
22 the of the Rialto Municipal Code, the commercial uses within the commercial center, and
23 the commercial uses to the west of the Site. The nearest sensitive uses are the preschool
24 to the east and single-family residences to the north and south of the Site. These sensitive
25 uses are not expected to be negatively impacted by the Project since the applicant is
 required to implement the conditions of approval contained herein.

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

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

2 The Site is within an existing in line commercial center. The commercial center consists of
3 two (2) parcels of land, approximately 10,074 square feet or 2.46 acres in size, located at the
4 north side of Baseline Road and east of North Cactus Avenue. The applicant proposes to
5 operate an outlet store within a 1,530 square foot tenant space within one (1) of the six (6)
6 tenant spaces on the in line commercial center. The applicant's tenant space and the
 commercial center have adequate physical characteristics to accommodate the addition of a
 new product for sale within the tenant space.

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

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

10 The existing tenant space has adequate access to all utilities and services required through
11 main water, electric, sewer, and other utility lines that are already hooked up to the Site.
12 The Project will not require any additional utilities or services.

- 13 5. The proposed use will be arranged, designed, and maintained so as it will not be
14 injurious to property or improvements in the vicinity or otherwise be inharmonious
 with the General Plan and its objectives, or any zoning ordinances; and

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

16 The Site consists of an existing tenant space within an existing commercial center that
17 has been developed and maintained in a manner that is consistent with the C-1 land use
18 district. The operation of the proposed outlet store within the Site is also consistent with
19 the C-1 land use district. The Conditions of Approval contained herein require the
20 applicant to conform to the standards for the outlet store set forth in Chapter 18.66.030Q
 Single Price Overstock/Discount Store. If all Conditions of Approval contained herein
 are satisfied, the Project will not negatively impact any land uses within the vicinity.

21 Furthermore, the Project is consistent with Goal 3-1 of the General Plan by contributing
22 to the strengthening of an economic base and employment opportunities.

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

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

26 The Conditions of Approval contained herein will minimize the Project's impacts. The
27 granting of CDP2021-0037, allowing an outlet store within an existing tenant space, will
28 potentially maintain a viable tenant within a commercial building that has historically

1 suffered from high turnover. Furthermore, the use will continue to offer residents and
2 visitors seeking an assortment of products for the community. Therefore, the adverse
3 effects are outweighed by the benefits conferred upon the community and neighborhood
as a whole.

4 SECTION 3. The Project is categorically exempt from the requirements of the California
5 Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. No new
6 construction or physical alterations are proposed as a part of the Project. The Planning Commission
7 directs the Planning Division to file the necessary documentation with the Clerk of the Board of
8 Supervisors for San Bernardino County.

9 SECTION 5. CDP No. 2021-0037 is granted to Mayra Olascuaga, in accordance with the
10 plans and application on file with the Planning Division, subject to the following conditions:

- 11 1. CDP No. 2021-0037 is granted allowing the outlet store use, from an existing tenant
12 space located at 678 W Baseline Road and as approved by the Planning Commission. If
13 the Conditions of Approval specified herein are not satisfied or otherwise completed, the
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

1 with such proceeding whether incurred by applicant, Property owner, or the City
2 and/or other parties initiating or bringing such proceeding (collectively, subparts (i)
3 and (ii) are the "Damages"). Notwithstanding anything to the contrary contained
4 herein, the Applicant shall not be liable to the City Parties under this indemnity to the
5 extent the Damages incurred by any of the City Parties in such Action(s) are a result
6 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. 2021-0037.

- 7 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
8 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
9 subject to protest by the applicant at the time of approval or conditional approval of
10 the Project or within 90 days after the date of the imposition of the fees, dedications,
11 reservations, or exactions imposed on the Project.
- 12 5. Outdoor display and storage of any kind is prohibited at all times.
- 13 6. All items for sale shall be displayed in an orderly manner on the show room floor,
14 shelves, and racks.
- 15 7. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
16 Municipal Code.
- 17 8. A City business license shall be required prior to issuance of a Certificate of Occupancy
18 (C of O) or final permits.
- 19 9. Six (6) months after the date of approval, the Planning Commission may review
20 Conditional Development Permit No. 2021-0037 to determine if the operator has
21 complied with all of the required conditions of approval. Thereafter, the Planning
22 Commission may review the approved facility on an annual or as needed basis.
- 23 10. The privileges granted by the Planning Commission pursuant to approval of this
24 Conditional Development Permit are valid for one (1) year from the effective date of
25 approval. If the applicant fails to commence the project within one year of said
26 effective date, this conditional development permit shall be null and void and any
27 privileges granted hereunder shall terminate automatically. If the applicant or his or
28 her successor in interest commences 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.
11. If the applicant fails to comply with any of the Conditions of Approval placed upon
Conditional Development Permit No. 2021-0037, the Planning Commission may
initiate proceedings to revoke the Conditional Development Permit in accordance

1 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
2 Municipal Code. Conditional Development Permit No. 2021-0037 shall be revoked,
3 suspended or modified in accordance with Section 18.66.070 of the Zoning
Ordinance at the discretion of the Planning Commission if:

- 4 a) The use for which such approval was granted has ceased to exist, been
5 subsequently modified or have been suspended for six (6) months or more;
- 6 b) Any of the express conditions or terms of such permit are violated;
- 7 c) The use for which such approval was granted becomes or is found to be
8 objectionable or incompatible with the character of the City and its
9 environs due to noise, loitering, criminal activity or other undesirable
10 characteristics including, but not strictly limited to uses which are or have
11 become offensive to neighboring property or the goals and objectives of
the Neighborhood Commercial (C-1) land use district, and the City's
General Plan.

12 SECTION 6. The Chairman of the Planning Commission shall sign this resolution
13 evidencing it's the passage and adoption of this resolution and thereupon the same shall take effect
14 and be in force.

15 PASSED, APPROVED AND ADOPTED this 8th day of December, 2021.

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19 FRANK GONZALEZ, CHAIR
20 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the ____th day of ____, 2021.

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
15 of Rialto this ____th day of ____, 2021.
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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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