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**RESOLUTION NO. 19-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, APPROVING VARIANCE NO. 2018-0007 TO REDUCE THE MINIMUM REQUIRED STREET-SIDE LANDSCAPE SETBACK FROM 25 FEET TO 13.5 FEET, AS IT RELATES TO A PROPOSAL TO DEVELOP A USED CAR DEALERSHIP WITH INCIDENTAL VEHICLE SERVICE AND REPAIRS ON 1.46 GROSS ACRES OF LAND (APN: 0254-091-13) LOCATED AT THE SOUTHWEST CORNER OF VALLEY BOULEVARD AND LILAC AVENUE WITHIN THE INDUSTRIAL PARK (I-P) ZONE OF THE GATEWAY SPECIFIC PLAN.

WHEREAS, the applicant, Liskanich-Stevens Trust 12-2-04, proposes to develop a used car dealership with incidental vehicle service and repairs, to include the construction of a 4,381 square foot sales and service building, ("Development") on 1.46 gross acres of land (APN: 0254-091-13) located at the southwest corner of Valley Boulevard and Lilac Avenue within the Industrial Park (I-P) zone of the Gateway Specific Plan ("Site"); and

WHEREAS, pursuant to Section 18.35.030B of the Rialto Municipal Code, the minimum street-side landscape setback within the I-P zone shall be 25 feet; and

WHEREAS, the minimum street-side landscape setback along Valley Boulevard proposed for the Development is 13.5 feet; and

WHEREAS, the minimum street-side landscape setback along Valley Boulevard proposed for the Development does not comply with Section 18.35.030B of the Rialto Municipal Code, thus requiring a reduction in the minimum landscape setback within the I-P zone in order to facilitate the Development ("Project"); and

WHEREAS, pursuant to Section 18.64.030 of the Rialto Municipal Code, the Project requires the approval of a Variance, and the applicant has agreed to apply for Variance No. 2018-0007 ("VAR No. 2018-0007"); and

WHEREAS, on May 29, 2019, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on VAR No. 2018-0007, took testimony, at

1 which time it received input from staff, the city attorney, and the applicant; heard public  
2 testimony; discussed the VAR No. 2018-0007; and closed the public hearing; and

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

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

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

8 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
9 the public hearing conducted with regard to VAR No. 2018-0007, including written staff reports,  
10 verbal testimony, site plan, other documents, and the conditions of approval stated herein, the  
11 Planning Commission hereby determines that VAR No. 2018-0007 satisfies the requirements of the  
12 Section 18.64.020 of the Rialto Municipal Code pertaining to the findings which must be made  
13 precedent to granting a variance. The findings are as follows:

- 14  
15 1. There are exceptional circumstances or conditions applicable to the property  
16 involved, or to the intended use of the property, that do not apply generally to the  
17 property or class of use in the same vicinity or district.

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

19 Strict enforcement of the minimum landscape setback of 25 feet required by the I-P zone  
20 will prevent the applicant from providing the highest quality design of the site. With a  
21 reduced landscape setback of 13.5 feet, the applicant will be able to design a site that can  
22 accommodate proper parking and on-site traffic, while also appear aesthetically pleasing.

- 23 2. This variance is necessary for the preservation and enjoyment of a substantial  
24 property right of the applicant as possessed by other property owners in the same  
25 vicinity and district.

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

27 The proposed development offers the highest and best use of the property under the  
28 current zoning. However, given the relatively small size of the Site (1.46 gross acres), a  
reduction to the 25 foot minimum street-side landscape setback is necessary in order to  
develop a viable used car dealership with adequate space for on-site parking and traffic  
control. Without a variance, the applicant cannot design and construct a viable used car

dealership on the site, thereby giving an unfair advantage to other nearby developments not restricted by the 25 foot street-side landscape setback.

3. The granting of this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

*This finding is supported by the following facts:*

The proposed 13.5 foot difference in the depth of the street-side landscape setback is negligible considering the depths of the existing street-side landscape setbacks in the vicinity. Granting the variance will not be detrimental or injurious to the public welfare or to the property, as the proposed depth of the landscape setback along Valley Boulevard is still more than adequate to ensure the planting of an abundance of trees, shrubs, and groundcover to help soften views of the Development as seen from the public-right-of-way. In spite of the variance, the Development will still provide the City with street and sidewalk improvements and all other health and safety requirements consistent with the General Plan and the Gateway Specific Plan.

4. The proposed use and development are consistent with the General Plan and objectives of the zoning ordinance.

*This finding is supported by the following facts:*

Granting the variance will facilitate the development of a high-quality used car dealership that is consistent with the General Plan Land Use Element Goal 2-22, which requires the City to “Promote commercial and/or industrial development planned that is well designed, people oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose”.

SECTION 3. This project is categorically exempt pursuant to Section No. 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary documents with the Clerk of the Board Supervisors for San Bernardino County.

SECTION 4. That VAR No. 2018-0007 is granted to Liskanich-Stevens Trust 12-2-04, in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. Variance No. 2018-0007 is approved to reduce the minimum depth of the street-side landscape setback along Valley Boulevard from 25 feet to 13.5 feet for the proposed development of a used car dealership with incidental vehicle service and repairs, to include the construction of a 4,381 square foot sales and service building, on 1.46

gross acres of land (APN: 0254-091-13), as shown on the plans submitted to the Planning Division on May 8, 2019, and as approved by the Planning Commission.

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.
3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning VAR No. 2018-0007. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and applicant will cooperate fully in the defense.
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.

SECTION 5. 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 29th day of May, 2019.

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JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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14 STATE OF CALIFORNIA )  
15 COUNTY OF SAN BERNARDINO ) ss  
16 CITY OF RIALTO )  
17

18 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
19 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the  
20 Planning Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2019.

21 Upon motion of Planning Commissioner\_\_\_\_\_, seconded by Planning Commissioner  
22 \_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

23 Vote on the motion:

24 AYES:

25 NOES:

26 ABSENT:

27 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
28 of Rialto this \_\_\_\_th day of \_\_\_\_, 2019.

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ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT