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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. 2020-0001, 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. 2020-0001 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, which 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
9 or community; and

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

11 The Site is rectangular-shaped, expansive in size, vacant, and covered only by natural
12 grasses and shrubs. The Project will develop the highest and best use for the Site, in
13 accordance with the proposed Heavy Industrial (H-IND) zone of the Agua Mansa Specific
14 Plan. Additionally, the Project will provide employment opportunities within the City.

- 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 development and operation of an outdoor contractor's storage yard on the Site is
19 consistent with the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan,
20 which, per Section 18.66.030 of the Rialto Municipal Code, conditionally permits the
21 development and operation of outdoor storage yards. To the north of the project site is a
22 non-conforming single-family residence located on approximately 0.77 acres of land, and
23 to the east, across Sycamore Avenue, is the Kinder Morgan West Colton Tank Farm facility
24 located within the City of Colton. To the south are two (2) non-conforming single-family
25 residences and approximately 0.28 acres of vacant land located within the City of Colton,
26 and to the west is a non-conforming single-family residence located on approximately 0.74
27 acres of land. The zoning of the project site and the zoning of all the surrounding properties
28 within the City of Rialto is H-IND. The most sensitive uses near the project site are the
existing non-conforming single-family residences located to the north, south, and west of
the project site. The project is not expected to negatively impact these uses since measures,
such as the installation of a solid screen wall and landscape buffering, will ensure that both
noise and visual impacts remain at acceptable levels. The project will be a benefit to the
community and an improvement to the surrounding area.

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

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

2 The Site contains 0.77 acres, is rectangular-shaped, fairly level, and adjacent to one (1) public
3 street, which will be able to accommodate the proposed use. The Project will have one (1)
4 point of access via Sycamore Avenue. The driveway on Santa Ana Avenue will provide full
5 access for vehicles of all types. In addition, the project will have eight (8) parking spaces,
6 which exceeds the amount required by Table 13 (Off-Street Parking Requirements) of the
7 Agua Mansa Specific Plan.

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

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

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

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

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

18 As previously stated, the use is consistent with the H-IND zone of the Agua Mansa Specific
19 Plan. A ten (10) foot high solid block wall will be constructed along the east side of the
20 Site, while an eight (8) foot high solid block wall will be constructed along the north, south,
21 and west sides of the Site. These walls will provide adequate screening of the Project from
22 the public right-of-way and the adjacent uses. Additionally, a fully landscaped twenty-five
23 (25) foot setback will be planted along the Project frontage of both Sycamore Avenue. This
24 landscape setback will help soften views of the development from the public right-of-way.
25 Furthermore, a five (5) foot landscape buffer with trees planted every thirty (30) linear feet
26 on-center will be installed along the entire north, south, and west property lines of the Site.
27 These landscape buffers will serve to screen views of the Site and will prevent the Project
28 from becoming a nuisance to the existing non-conforming single-family residences located
29 to the north, south, and west of the Site.

30 Additionally, the proposed use is consistent with Goal 3-1 of the Economic Development
31 Element of the Rialto General Plan by strengthening the business climate and by providing
32 additional employment opportunities in the area.

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

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

1 The Project's effects will be minimized through the implementation of the Conditions of
2 Approval contained herein. The development and operation of an outdoor contractor's
3 storage yard will provide additional employment opportunities for residents and visitors to
4 the City. The Project will also serve to bring development to the Site, which has remained
5 historically vacant. Therefore, any potential adverse effects are outweighed by the benefits
6 conferred upon the community and neighborhood as a whole.

7 SECTION 3. The Project is categorically exempt from the requirements of the California
8 Environmental Quality Act (CEQA), pursuant to Section 15332, In-Fill Development Projects. The
9 Planning Commission directs the Planning Division to file the necessary documentation with the
10 Clerk of the Board of Supervisors for San Bernardino County.

11 SECTION 4. CDP No. 2020-0001 is granted to AFS Investments, LLC, in accordance with
12 the plans and application on file with the Planning Division, subject to the following conditions:

- 13 1. CDP No. 2020-0001 is approved allowing the development and operation of an outdoor
14 contractor's storage yard on 0.77 acres of land (APN: 0254-142-15) located on the west
15 side of Sycamore Avenue approximately 100 feet north of Slover Avenue within the
16 Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, as shown on the plans
17 attached as Exhibit A and as approved by the Planning Commission. If the Conditions of
18 Approval specified herein are not satisfied or otherwise completed, the project shall be
19 subject to revocation.
- 20 2. City inspectors shall have access to the site to reasonably inspect the site during normal
21 working hours to assure compliance with these conditions and other codes.
- 22 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
23 and/or any of its officials, officers, employees, agents, departments, agencies, and
24 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
25 demands, law suits, writs of mandamus, and other actions and proceedings (whether
26 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
27 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
28 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, the 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,

1 or any decision of a court of competent jurisdiction. This condition to indemnify,
2 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
3 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
4 and other costs, liabilities and expenses incurred in connection with such proceeding
5 whether incurred by applicant, Property owner, or the City and/or other parties
6 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
7 "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
8 shall not be liable to the City Parties under this indemnity to the extent the Damages
9 incurred by any of the City Parties in such Action(s) are a result of the City Parties'
10 fraud, intentional misconduct or gross negligence in connection with issuing the
11 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
12 and hold the City harmless as stated herein within five (5) days of approval of CDP No.
13 2020-0001.

- 14 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
15 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
16 subject to protest by the applicant at the time of approval or conditional approval of the
17 Project or within 90 days after the date of the imposition of the fees, dedications,
18 reservations, or exactions imposed on the Project.
- 19 5. The Project is approved for the outdoor storage of goods, materials, machines, vehicles,
20 trailers, and other equipment, as defined by Section 18.104.015(A)(1) of the Rialto
21 Municipal Code. Truck yard uses, as defined by Section 18.104.015(A)(2) of the Rialto
22 Municipal Code, are not permitted to operate on the Site without the approval of a separate
23 Conditional Development Permit by the Planning Commission.
- 24 6. Operations on the Site shall only be conducted between the hours of 6:00 a.m. and 7:00
25 p.m. on any day of the week.
- 26 7. The storage of goods and materials on the Site, except for vehicles and trailers, shall not
27 exceed the height of the block perimeter wall at any time.
- 28 8. The applicant, landlord, operator(s) and/or tenant(s) shall only store equipment, materials,
vehicles, and trailers within designated storage areas on-site. No storage or parking shall
be conducted within any drive-aisles, fire-lanes, or passenger vehicle parking areas at any
time.
9. No paving materials shall be stored on the Site at any time.
10. All vehicles on the Site shall not run idle for more than five (5) minutes. A vehicle idling
for five (5) minutes shall immediately leave the Site or the engine shall be shut off.
11. The privileges granted by the Planning Commission pursuant to approval of this
Conditional Development Permit are valid for one (1) year from the effective date of
approval. If the applicant fails to commence the project within one year of said
effective date, this conditional development permit shall be null and void and any

1 privileges granted hereunder shall terminate automatically. If the applicant or his or
2 her successor in interest commence the project within one year of the effective date of
3 approval, the privileges granted hereunder will continue inured to the property as long
4 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.

5 12. Approval of CDP No. 2020-0001 will not become effective until the applicant has signed
6 a statement acknowledging awareness and acceptance of the required conditions of
approval contained herein.

7 13. In the event, that any operation on the Site is found to be objectionable or incompatible
8 with the character of the City and its environs due to excessive noise, excessive traffic,
9 loitering, criminal activity or other undesirable characteristics including, but not strictly
10 limited to, uses which are or have become offensive to neighboring property or the goals
11 and objectives of the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan
and the City's General Plan, the applicant shall address the issues within forty-eight (48)
hours of being notified by the City.

12 14. If the applicant fails to comply with any of the conditions of approval placed upon CDP
13 No. 2020-0001 or PPD No. 2020-0001, the Planning Commission may initiate
14 proceedings to revoke the conditional development permit in accordance with the
15 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal
16 Code. Conditional Development Permit No. 2020-0010 may be revoked, suspended or
modified in accordance with Section 18.66.070 of the Zoning Ordinance at the
discretion of the Planning Commission if:

- 17 a) The use for which such approval was granted has ceased to exist, been
18 subsequently modified, or has been suspended for six (6) months or more;
- 19 b) Any of the express conditions or terms of such permit are violated;
- 20 c) The use for which such approval was granted becomes or is found to be
21 objectionable or incompatible with the character of the City and its environs
22 due to excessive noise, excessive traffic, loitering, criminal activity or other
23 undesirable characteristics including, but not strictly limited to uses which
24 are or have become offensive to neighboring property or the goals and
objectives of the Heavy Industrial (H-IND) zone of the Agua Mansa
Specific Plan and the City's General Plan.

25 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
26 adoption of this resolution and thereupon the same shall take effect and be in force.

27 PASSED, APPROVED AND ADOPTED this 28th day of April, 2021.

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FRANK GONZALEZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ____th day of ____, 2021.

Upon motion of Planning Commissioner_____, seconded by Planning Commissioner_____, the foregoing Resolution No. ____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ____th day of ____, 2021.

ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT

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Exhibit A