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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0037 ALLOWING THE ESTABLISHMENT AND OPERATION OF AN OUTLET STORE WITHIN A 2,146 SQUARE FOOT TENANT SPACE LOCATED AT 523 S. RIVERSIDE AVENUE WITHIN THE CENTRAL COMMERCIAL (C-2) ZONE.

WHEREAS, the applicant, Adam Awwad, proposes to establish and operate an outlet store (“Project”) within a 2,146 square foot tenant space located at 523 S. Riverside Avenue (APN:1133-110-57) within the Central Commercial (C-2) Zone (“Site”); and

WHEREAS, pursuant to Section 18.66.030Q of the Rialto Municipal Code, the establishment and operation of an outlet store, such as the Project, within the C-2 zone requires the approval of a conditional development permit by the Planning Commission, and the applicant has applied for Conditional Development Permit No. 2021-0037 (“CDP No. 2021-0037”); and

WHEREAS, on November 10, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0037, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0037; 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.

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2021-0037, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2021-0037 satisfies the requirements of

1 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
2 precedent to granting a conditional development permit. The findings are as follows:

- 3
4 1. The proposed use is deemed essential or desirable to provide a service or facility
5 which will contribute to the convenience or general well-being of the neighborhood
6 or community; and

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

8 The Project will provide a benefit to the community and customers within the vicinity by
9 providing an assortment of products: small and large kitchen appliances, dinnerware
10 collections, toys, small bikes and scooters, patio furniture and indoor furniture (sofas
11 beds, drawers, dining tables and chairs), coffee tables, and home décor. Additionally, the
Conditions of Approval imposed on the establishment 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.

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

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

15 The Site consists of a 2,146 square foot tenant space within the Five Points Plaza
16 commercial center located at the southeast corner of Riverside Avenue and Merrill
17 Avenue. To the north, across Merrill Avenue, is an AT&T telecommunications center
18 and a residential townhome development, and to the east is a single-family residential
19 subdivision built in 1957. To the south are several residential triplexes and the Plaza
Rialto commercial center comprised of three (3) buildings totaling approximately 23,000
square feet in size, and to the west, across Riverside Avenue, is a Walgreens drug store.

20 The Project is consistent with the Central Commercial (C-2) land use district of the, the
21 commercial uses within the Five Points Plaza commercial center, and the commercial
22 uses to the south of the Site. Retail outlet stores are generally compatible with other
23 retail uses and services typically found in commercial centers, including the businesses
24 that currently exist within the center. These sensitive uses are not expected to be
negatively impacted by the Project since the applicant is required by the conditions of
approval contained herein to implement.

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

27 *This finding is supported by the following facts:*
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1 The Site is within the Five Point Plaza commercial center. The commercial center consists
2 of five (5) parcels of land, approximately 103,113 square feet or 12.69 acres in size, located
3 at the southeast corner of Merrill Avenue and Riverside Avenue. The applicant proposes to
4 operate an outlet store within a 2,146 square foot tenant space within one (1) of the four (4)
5 buildings on the commercial center. The applicant's tenant space and the Five Point Plaza
commercial center have adequate physical characteristics to accommodate the addition of a
new product for sale within the tenant space.

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

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

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

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

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

15 The Site consists of an existing tenant space within an existing commercial center that
16 has been developed and maintained in a manner that is consistent with the C-2 zone. The
17 operation of the proposed outlet store within the Site is also consistent with the General
18 Commercial general plan land use district.. If all Conditions of Approval contained
herein are satisfied, the Project will not negatively impact any land uses within the
vicinity.

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

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

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

25 The Conditions of Approval contained herein will minimize the Project's impacts. The
26 granting of CDP No. 2021-0037, allowing the establishment and operation of an outlet
27 store within an existing tenant space, will potentially maintain a viable tenant within a
28 commercial building that has historically suffered from high turnover. Furthermore, the
use will continue to offer residents and visitors seeking assortment of products for the

community. Therefore, the adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. No new construction or physical alterations are proposed as a part of the Project. 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 4. CDP No. 2021-0037 is granted to Adam Awwad, in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. CDP No. 2021-0037 is granted allowing the establishment and operation of an outlet store within a 2,146 square foot tenant space located at 523 S. Riverside Avenue, and as approved by the Planning Commission. If the 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.
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, 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, 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 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.

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 and storage of any kind is prohibited at all times.
6. All items for sale shall be displayed in an orderly manner on the show room floor, shelves, and racks.
7. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto Municipal Code.
8. A City business license shall be required prior to issuance of a Certificate of Occupancy (C of O) or final permits.
9. Six (6) months after the date of approval, the Planning Commission may review Conditional Development Permit No. 2021-0037 to determine if the operator has complied with all of the required conditions of approval. Thereafter, the Planning Commission may review the approved facility on an annual or as needed basis.
10. 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 privileges granted hereunder shall terminate automatically. If the applicant or his or 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 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional Development Permit No. 2021-0037 shall be revoked,

1 suspended or modified in accordance with Section 18.66.070 of the Zoning
2 Ordinance at the discretion of the Planning Commission if:

- 3 a) The use for which such approval was granted has ceased to exist, been
4 subsequently modified or have been suspended for six (6) months or more;
- 5 b) Any of the express conditions or terms of such permit are violated;
- 6 c) The use for which such approval was granted becomes or is found to be
7 objectionable or incompatible with the character of the City and its
8 environs due to noise, loitering, criminal activity or other undesirable
9 characteristics including, but not strictly limited to uses which are or have
become offensive to neighboring property or the goals and objectives of
the Central Commercial (C-2) zone, and the City's General Plan.

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

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14 PASSED, APPROVED AND ADOPTED this 10th day of November, 2021.

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FRANK GONZALEZ, CHAIR
18 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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