RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0046 TO ALLOW THE DEVELOPMENT OF A 2,570 SQUARE FOOT RESTAURANT BUILDING WITH DRIVE-THRU SERVICE ON 1.31 GROSS ACRES OF LAND (APNS: 0258-041-42 & -43) LOCATED ON THE WEST SIDE OF RIVERSIDE AVENUE APPROXIMATELY 200 FEET SOUTH OF SLOVER AVENUE WITHIN THE HEAVY INDUSTRIAL (H-IND) ZONE OF THE AGUA MANSA SPECIFIC PLAN.

WHEREAS, the applicant, Rialto PDRC, LP, proposes to develop a 2,570 square foot restaurant building with drive-thru service ("Project") on 1.31 gross acres of land (APNs: 0258-041-42 & -43) located on the west side of Riverside Avenue approximately 200 feet south of Slover Avenue within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan ("Site"); and

WHEREAS, pursuant to Section 18.66.040A(1) of the Rialto Municipal Code, the Project, which has a drive-thru use, requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2018-0046 ("CDP No. 2018-0046"); and

WHEREAS, in conjunction with the Project, the applicant will also construct two (2) 2,800 square foot multi-tenant commercial buildings on the Site ("Development"); and

WHEREAS, the Development will consist of a 2,570 square foot restaurant building, a drive-thru lane with stacking for approximately seven (7) vehicles, two (2) 2,800 square foot multi-tenant commercial buildings, seventy-three (73) parking spaces, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, on October 24, 2007, the Planning Commission approved Conditional Development Permit No. 565 allowing the development of a 2,570 square foot restaurant building with drive-thru service on the Site, and the applicant never commenced construction, resulting in the expiration of the conditional development permit after one (1) year; and

WHEREAS, on December 12, 2018, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0046, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard

public testimony; discussed the proposed CDP No. 2018-0046; 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. 2018-0046, 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. 2018-0046 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit. The findings are as follows:

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

This finding is supported by the following facts:

The Project is anticipated to be a benefit to the community creating a more diverse economic base for the community by providing an additional choice of food and beverages for consumers at a convenient location. Additionally, the Project will replace the blight of undeveloped property with desirable improvements that will aesthetically enhance the appearance of the community.

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

This finding is supported by the following facts:

The zoning of the Site and all of the surrounding properties is Heavy Industrial (H-IND) within the Agua Mansa Specific Plan. The project is consistent with the H-IND zone, and the uses adjacent to the project site. There are no sensitive uses adjacent to or nearby the Site. In addition, the project will be reviewed by the Design Review Committee (DRC) for compliance with all health, safety, and design requirements to ensure the project will significantly enhance the infrastructure and aesthetics of the local community.

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

This finding is supported by the following facts:

The Site contains 1.31 gross acres of land, is fairly level, and is adjacent to one (1) public street. The project site will be accessible from a driveway connected to Riverside Avenue and a reciprocal drive-aisle connected to the property to the north. Upon completion, the development will contain seventy-three (73) parking spaces, which equals the amount of parking spaces required by Section 18.58.050I(2) of the Rialto Municipal Code and Table 13 of the Agua Mansa Specific Plan. In addition, the development will have a trash enclosure, lighting, and accessible pathways leading to and from the public right-of-way.

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

This finding is supported by the following facts:

The Site has adequate access to all utilities and services required through main water, electric, sewer, and other utility lines that will be hooked up to the Site as part of the proposed Project.

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 Agua Mansa Specific Plan, or any zoning ordinances; and

This finding is supported by the following facts:

The use is consistent with the H-IND zone. The Project will be reviewed by the Development Review Committee, prior to construction, to ensure the design meets or exceeds the applicable development criteria of the H-IND zone and the applicable design criteria contained within Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code. The project is anticipated to be a benefit to the community and an improvement to the surrounding area.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, and through the implementation of Conditions of Approval imposed by the Development Review Committee during the Precise Plan of Design

Process, such as extensive landscaping, a decorative trash enclosure, decorative paving and enhanced architectural features. The project will meet the development criteria of the H-IND zone and the design criteria required by Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code. The project is consistent with the H-IND zone, and the uses adjacent to the project site. There are no sensitive uses adjacent to or nearby the project site. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. Rialto PDRC, LP is hereby granted CDP No. 2018-0046 to allow the development of a 2,570 square foot restaurant building with drive-thru service on 1.31 gross acres of land (APNs: 0258-041-42 & -43) located on the west side of Riverside Avenue approximately 200 feet south of Slover Avenue within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan.

SECTION 4. The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332, In-Fill Development Projects. Specifically, the Project is (a) less than 5.0 acres in size and surrounded by existing developments(a), (b) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (c) of no value as habitat for endangered, rare or threatened species; (d) not going to result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) adequately served by all required utilities and public services.. 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. 2018-0046 is granted to Rialto PDRC, LP in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. The approval is granted allowing the development of a 2,570 square foot restaurant building with drive-thru service on 1.31 gross acres of land (APN: 0258-041-42 &-43) located on the west side of Riverside Avenue approximately 200 feet south of Slover Avenue within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, as shown on the plans submitted to the Planning Division on October 15, 2018 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. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan of Design shall be approved by the City's Development Review Committee (DRC).

3. 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.

4. 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 CDP No. 2018-0046. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense.

5. 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.

6. The restaurant operator shall install a trash receptacle on the "driver's side" at the end of the drive-thru lane, prior to the issuance of a Certificate of Occupancy. The trash receptacle shall be maintained at all times and kept free of overflowing trash.

7. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall route all downspouts through the interior of the restaurant building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.

8. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the restaurant building shall incorporate design elements including wall plane articulations (pop-outs, masses, projections, etc.), tower elements (primarily at building entrances, corners, and drive-thru windows), and recessed doors/windows on all sides of the building that are visible from the public right-of-way and any on-site pedestrian or vehicular access areas. The design elements shall be present on the floor plan, roof plan, and elevations within the formal building plan check submittal set prior to the issuance of building permits.

9. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the exterior design of the restaurant building shall be consistent, in terms of distribution of color, material, and articulation, with the two (2) multi-tenant commercial building proposed on the same Site, in order to achieve harmony and continuity amongst all buildings on-site.

10. In order to provide enhanced site design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall install development pavement within the driveway connected to Riverside Avenue. Decorative pavement means concrete pavers and/or colored concrete with patterns and color variety. The decorative pavement shall extend across the entire width of the driveway and shall have a minimum depth equal to the minimum depth of the landscape setback along Riverside Avenue, beginning from the property line along Riverside Avenue and ending at the front edge of the easterly parking spaces. The location of the decorative pavement shall be identified on the Precise Grading Plan prior to the issuance of a grading permit, and it shall also be identified on the site plan within the formal building plan check submittal prior to the issuance of building permits. The type of decorative pavement shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.

11. Any new walls, including any retaining walls, shall be comprised of decorative masonry block. Decorative masonry block means precision block with a plaster or cultured stone finish. Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum of one (1) block course above the wall and a minimum of six (6) inches to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.

12. The exterior of the trash enclosure shall match the color and materials of the buildings on-site. This includes a stucco finish and a wainscot and/or columns of matching stone veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials to use as a part of the trash enclosure. An elevation detail for the trash enclosure shall be provided within formal building plan check submittal prior to the issuance of building permits.

13. All light standards, including the base, shall have a maximum height of twenty-five (25) feet, as measured from the finished surface. Lighting shall be shielded and/or directed toward the site so as not to produce direct glare or "stray light" onto adjacent properties. All light standards shall be identified on the site plan and a detail indicating the height shall be included within the formal building plan check submittal prior to the issuance of building permits.

14. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.

15. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit 1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.

16. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setback along Riverside Avenue. All trees within the landscape setback shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

17. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Riverside Avenue. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parking shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Riverside Avenue shall be the Pistachia Chinensis "Chinese Pistache" and/or the Eucalyptus Ficifolia "Rosey Red Iron Bark". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.

18. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane for the purpose of creating a solid hedge to screen the headlights of vehicles within the drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the drive-thru lane with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

19. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

20. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land on-site and off-site that is not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

21. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.

22. The applicant shall install a bicycle rack within the pathway area around the perimeter of the building prior to the issuance of the Certificate of Occupancy.

23. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.

24. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.

25. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto Municipal Code.

26. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.

27. 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 commence 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.

28. If the applicant fails to comply with any of the conditions of approval placed upon Conditional Development Permit No. 2018-0046 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 2 above, 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.

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 12th day of December, 2018.

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JOHN PEUKERT, 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 ____, 2018.

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 ___, 2018.

_____

ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT