

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0020 TO ALLOW THE DEVELOPMENT OF A VEHICLE FUEL STATION ON 2.07 GROSS ACRES OF LAND (APNS: 0132-031-03 & -21) LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE AVENUE AND RANDALL AVENUE WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE.

WHEREAS, the applicant, Beyond International, LLC, proposes to develop a vehicle fuel station (“Project”) on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone (“Site”); and

WHEREAS, the Project will be comprised of ten (10) fuel dispensers and a 5,460 square foot overhead canopy; and

WHEREAS, pursuant to Section 18.28.020C(1) of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2018-0020 (“CDP No. 2018-0020”); and

WHEREAS, pursuant to Section 18.28.020C(1) of the Rialto Municipal Code, CDP No. 2018-0020 for the Project requires City Council approval; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0021 to allow the development and operation of a 7,250 square foot convenience market on the Site (“CDP No. 2018-0021”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0022 to allow drive-thru service for merchandise pick-up, in conjunction with the development and operation of a 7,250 square foot convenience market on the Site (“CDP No. 2018-0022”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0023 to allow the development of a 1,750 square foot automated car wash on the Site (“CDP No. 2018-0023”); and

1 **WHEREAS**, in conjunction with the Project, the applicant has applied for Conditional
2 Development Permit No. 2018-0024 to allow the development of a 1,800 square foot restaurant
3 building with drive-thru service on the Site (“CDP No. 2018-0024”); and

4 **WHEREAS**, the Development Review Committee (DRC) preliminarily reviewed the
5 Project on August 15, 2018 for compliance with health, safety, and design requirements and
6 forwarded the a recommendation of approval to the Planning Commission subject to the
7 incorporation of DRC comments; and

8 **WHEREAS**, on June 12, 2019, the Planning Commission of the City of Rialto conducted
9 a duly noticed public hearing, as required by law, on CDP No. 2018-0020, CDP No. 2018-0021,
10 CDP No. 2018-0022, CDP No. 2018-0023, and CDP No. 2018-0024, took testimony, at which
11 time it received input from staff, the city attorney, and the applicant; heard public testimony;
12 discussed the proposed CDP No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-0022, CDP
13 No. 2018-0023, and CDP No. 2018-0024; and closed the public hearing; and

14 **WHEREAS**, on June 12, 2019, the Planning Commission voted 7-0 to recommend
15 approval of CDP No. 2018-0020 to the City Council; and

16 **WHEREAS**, on June 12, 2019, the Planning Commission voted 7-0 to approve CDP No.
17 2018-0021, CDP No. 2018-0022, CDP No. 2018-0023, and CDP No. 2018-0024; and

18 **WHEREAS**, on July 23, 2019, the City Council conducted a public hearing, as required
19 by law on CDP No. 2018-0020, took testimony, at which time it received input from staff, the
20 city attorney, and the applicant; heard public testimony, discussed CDP No. 2018-0020; and
21 closed the public hearing; and

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

23 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

24 **SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in the
25 recitals above of this Resolution are true and correct and incorporated herein.

26 **SECTION 2.** Based on substantial evidence presented to the City Council during the
27 public hearing conducted with regard to CDP No. 2018-0020, including written staff reports, verbal
28 testimony, site plans, other documents, and the conditions of approval stated herein, the City

1 Council hereby determines that CDP No. 2018-0020 satisfies the requirements of Section 18.66.020
2 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
3 conditional development permit. The findings are as follows:

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 Site is located at the southwest corner of the intersection of Riverside Avenue and
9 Randall Avenue, which is currently not served by any other vehicle fuel station. The next
10 nearest vehicle fuel station is located over one-half (0.5) mile to the north of the Site.
11 The Project is anticipated to be a benefit to the community and an improvement to the
12 surrounding area by providing additional fueling choices for consumers at a convenient
13 location that is currently not served. The Project will provide a more diverse economic
14 base for the surrounding area and will provide necessary goods and services for the
15 residents and travelers within the City.

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

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

19 The project site is bound by Randall Avenue to the north and Riverside Avenue to the
20 east. To the north of the project site, across Randall Avenue, are several single-family
21 residences, and to the east, across Riverside Avenue, is a sixty-four (64) unit apartment
22 complex. To the south is a single-family residence on approximately 0.49 acres of land,
23 and to the west is a single-family residence approximately 0.51 acres of land. The
24 Project is consistent with the underlying Neighborhood Commercial (C-1) zone. The
25 nearest sensitive uses are the single-family residences adjacent to the south and west of
26 the Site. These land uses are not expected to be negatively impacted by the proposed
27 project, since measures, such as landscape buffering, the installation of solid block walls
28 for noise attenuation, and safety measures listed within the Crime Prevention Plan will be
implemented. Additionally, the project has been 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.

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

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

1 The Site contains 2.07 acres, is fairly level, and adjacent to one (1) major arterial street and
2 one (1) secondary arterial street, which will be able to accommodate the proposed use. The
3 development will have two (2) points of access – one (1) a driveway connected directly to
4 Riverside Avenue and one (1) driveway connected directly to Randall Avenue. The
driveway along Riverside Avenue is limited to right-in/right-out access only, while the
driveway along Randall Avenue will allow full access.

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

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

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

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

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

15 The use is consistent with the underlying Neighborhood Commercial (C-1) zone. The
16 Project will feature high-quality building exteriors designed in compliance with the
17 City's Design Guidelines. Landscaping has been abundantly incorporated into the site.
18 The landscape coverage for the Project is 21.0 percent, which greatly exceeds the
19 minimum required amount of 10.0 percent. Landscape planters containing trees spaced
20 every thirty (30) linear feet will be installed along the entire perimeter of the Site to
21 provide a buffer between the neighboring residential uses and the Project. Additionally,
the applicant will install a six (6) foot high solid block wall along the south and west
22 property lines for further buffering and sound attenuation. Furthermore, the Project
includes the installation of 53 parking spaces, which exceeds the minimum parking
23 requirement of 50 parking spaces required by Chapter 18.58 (Off-Street Parking
Regulations) of the Rialto Municipal Code.

24 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.

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

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

1 Process, such as extensive landscaping, a decorative trash enclosure, decorative paving,
2 and enhanced architectural features. The development of a vehicle fuel station, a
3 convenience market, a car wash, and a restaurant with drive-thru service at a major
4 intersection will provide additional employment opportunities and a convenient location
5 for residents and visitors to purchase fuel and other goods. Additionally, the applicant
6 will implement landscape buffering, solid wall buffering, and a Crime Prevention Plan,
7 which has been endorsed by the Rialto Police Department as a means to minimize crime
8 and nuisance activities generated by the Project. Therefore, any potential adverse effects
9 are outweighed by the benefits conferred upon the community and neighborhood as a
10 whole.

11 **SECTION 3.** Based on the findings and recommended mitigation within the Initial Study,
12 staff determined that the project will not have an adverse impact on the environment, provided that
13 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
14 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
15 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
16 the project site for a public comment period held from May 19, 2019 to June 6, 2019. The
17 Mitigated Negative Declaration was prepared in accordance with the California Environmental
18 Quality Act (CEQA). The Planning Commission adopted the Mitigated Negative Declaration
19 (Environmental Assessment Review No. 2018-0063) prepared for the Project on June 12, 2019. No
20 further review under CEQA is required for the project.

21 **SECTION 4.** The City Council hereby approves CDP No. 2018-0020 to allow the
22 development of a vehicle fuel station on 2.07 gross acres of land (APNs: 0132-031-03 & -21)
23 located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood
24 Commercial (C-1) zone, in accordance with the plans and application on file with the Planning
25 Division, subject to the following conditions:

26 1. The applicant is granted CDP No. 2018-0020 allowing the development of a vehicle fuel
27 station on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest
28 corner of Riverside Avenue and Randall Avenue, as shown on the plans submitted to the
Planning Division on June 5, 2019, and as approved by the Planning Commission and
City Council. If the Conditions of Approval specified herein are not satisfied or
otherwise completed, the project shall be subject to revocation.

1 2. Prior to the issuance of building or grading permits for the proposed development, a
2 Precise Plan of Design shall be approved by the City's Development Review Committee
3 (DRC).

4 3. City inspectors shall have access to the site to reasonably inspect the site during
5 normal working hours to assure compliance with these conditions and other codes.

6 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
7 officers, or employees from any claims, damages, action, or proceeding against the
8 City or its agents, officers, or employees to attack, set aside, void, or annul any
9 approval of the City, its advisory agencies, appeal boards, or legislative body
concerning CDP No. 2018-0020. The City will promptly notify the applicant of any
such claim, action, or proceeding against the City, and the parties will cooperate fully
in the defense.

10 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
11 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
12 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,
13 reservations, or exactions imposed on the Project.

14 6. The applicant shall secure the services of a tribal cultural monitor to be present during
15 all ground disturbance activities associated with the construction of this project. The
16 tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
Kizh Nation, and documentation of coordination between the applicant and the
17 Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
Planning Division prior to the issuance of a grading permit.

18 7. The applicant shall install decorative pavement within the driveway connected to
19 Riverside Avenue. The decorative pavement shall extend across the entire width of the
20 driveway and shall have a minimum depth of fourteen (14) feet as measured from the
property line along Riverside Avenue. Decorative pavement means decorative pavers
21 and/or color concrete with patterns and color variety. 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
22 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
23 issuance of building permits.

24 8. The applicant shall install decorative pavement within the driveway connected to
Randall Avenue. The decorative pavement shall extend across the entire width of each
25 driveway and shall have a minimum depth of thirty (30) feet as measured from the
property line along Randall Avenue. Decorative pavement means decorative pavers
26 and/or color concrete with patterns and color variety. The location of the decorative
pavement shall be identified on the Precise Grading Plan prior to the issuance of a
27 28

1 grading permit, and it shall also be identified on the site plan within the formal building
2 plan check submittal prior to the issuance of building permits. The type of decorative
3 pavement shall be identified on the formal Landscape Plan submittal prior to the
issuance of building permits.

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

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

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

24 12. The exterior of the healy tank enclosure shall match the color and materials of the
25 buildings on-site. This includes a stucco finish and a wainscot and/or columns of
26 cement board siding on all exterior sides of the enclosure. Additionally, the healy tank
27 enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal
and chain-link are not acceptable materials to use within the healy tank enclosure. An
elevation detail for the healy tank enclosure shall be provided within formal building
plan check submittal prior to the issuance of building permits.

28 13. All new 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.

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

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

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

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

26 18. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
27 right-of-way parkway along Riverside Avenue. All trees within the public right-of-way
28 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 parkway shall be permanently
 irrigated and maintained, as required by the Public Works Department. The street tree
 species along Riverside Avenue shall be the *Platanus Yarwoodi* "London Plane" and/or
 the *Magnolia Grandiflora* "Southern Magnolia". The trees shall be identified on the
 formal Landscape Plan submittal prior to the issuance of building permits.

19 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
20 right-of-way parkway along Randall Avenue. All trees within the public right-of-way
21 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
22 Thereafter, the trees within the public right-of-way parkway shall be permanently
23 irrigated and maintained, as required by the Public Works Department. The street tree
24 species along Randall Avenue shall be the *Tristania Conferta* "Brisbane Box" and/or the

1 Quercus Virginianan "Southern Live Oak". The trees shall be identified on the formal
2 Landscape Plan submittal prior to the issuance of building permits.

3 20. The applicant shall plant a row of shrubs at the rear of the landscape setbacks along
4 Riverside Avenue and Randall Avenue for the purpose of creating a solid hedge to
5 screen the headlights of vehicles from within the Site. All of the shrubs shall be a
6 minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced
7 no more than three (3) feet on-center. Thereafter, the shrubs shall be permanently
8 irrigated and maintained into a continuous box-shape along the entire length of the
9 drive-thru lane with a height of no less than three and one-half (3.5) feet above the
10 finished grade. The shrubs shall be identified on the formal Landscape Plan submittal
11 prior to the issuance of a landscape permit.

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

21 22. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
22 throughout all land not covered by structures, walkways, parking areas, and driveways.
23 Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and
24 groundcover shall be planted an average of three (3) feet on-center or less. All trees
25 shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise
26 specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless
27 otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick
28 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.

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

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

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

3 26. All signage on the canopy shall comply with Chapter 18.102 (Regulation of Signs and
4 Advertising Structures) of the Rialto Municipal Code and any subsequent Master Sign
Program.

5 27. The applicant shall obtain all necessary approvals and operating permits from all
6 Federal, State, and local agencies and provide proof thereof to the City prior to the
issuance of a Certificate of Occupancy.

7 28. The privileges granted by the Planning Commission pursuant to approval of this
8 Conditional Development Permit are valid for one (1) year from the effective date of
9 approval. If the applicant fails to commence the project within one year of said
10 effective date, this conditional development permit shall be null and void and any
11 privileges granted hereunder shall terminate automatically. If the applicant or his or
12 her successor in interest commence the project within one year of the effective date of
13 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.

14 29. If the applicant fails to comply with any of the conditions of approval placed upon
15 CDP No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-0022, CDP No. 2018-
16 0023, or CDP No. 2018-0024, or any conditions placed upon the approval of the
17 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
18 Municipal Code.

19 **SECTION 5.** The Mayor shall sign the passage and adoption of this resolution and
20 thereupon the same shall take effect and be in force.

21 PASSED, APPROVED AND ADOPTED this 23rd day of July, 2019.

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25 DEBORAH ROBERTSON, MAYOR
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1 ATTEST:

5 BARBARA MCGEE, CITY CLERK

7 APPROVED AS TO FORM:

10 FRED GALANTE, CITY ATTORNEY

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
7 City Council of the City of Rialto held on the _____ day of _____, 2019.

8 Upon motion of Councilmember _____, seconded by Councilmember
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 _____ day of _____, 2019.

20 BARBARA MCGEE, CITY CLERK
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