



# City of Rialto

## Legislation Text

---

File #: 17-765, Version: 1

---

For City Council Meeting [August 22, 2017]

TO: Honorable Mayor and City Council

APPROVAL: Michael Story, City Administrator

Request City Council to Conduct a Public Hearing to adopt **Resolution No. 7184** approving an Addendum (Environmental Assessment Review 15-47) to the 2010 Certified Renaissance Specific Plan Final Environmental Impact Report, **Resolution No. 7185** approving Tentative Parcel Map 19680 to subdivide three (3) parcels and create four (4) developable lots and (1) remainder parcel, **Resolution No. 7186** approving Conditional Development Permit No. 781 to construct an automobile service station, **Resolution No. 7187** approving Conditional Development Permit No. 782 to construct a convenience store, **Resolution No. 7188** approving Conditional Development Permit No. 784 to construct a car wash and **Resolution No. 7189** approving Conditional Development Permit No. 783 for the sale of Beer and Wine (ABC Type 20 License) at the northwest corner of Alder Avenue and Renaissance Parkway within the Freeway Commercial (FC) zone of the Renaissance Specific Plan (Master Case No. 2017-0040).

**(ACTION) POWERPOINT**

### **BACKGROUND:**

#### *Applicant*

The applicant is Sater Bros, Inc. Their mailing address is 4300 Edison Avenue, Chino, CA 91710.

#### *Location*

The site is 5.3-acres in size located at the northwest corner of Alder Avenue and Renaissance Parkway within the Freeway Commercial (FC) zone of Planning Area No. 11 of the Renaissance Specific Plan. The Project is comprised of (3) parcels of land (Assessor Parcel Numbers (APNs): 0240-191-034, 0250-191-035, and 0240-191-043). (See **Exhibit A** Location Map.)

#### *Project Summary*

The site is vacant and physically divided into two sections by Renaissance Parkway. The largest section lies on the north side of Renaissance Parkway and is approximately 4.86 acres in size. The smaller section lies on the south side of Renaissance Parkway and is approximately 0.37 acres in size. For Phase One of the Project, a gas service station, convenience store, and car wash will be developed on one of the pads in the northern section. For Phase two of the Project, two quick service restaurants with drive-thru lanes and a hotel will also be developed on the other pads in the northern section. No tenants are identified for the restaurants or hotel shown on the site plan, and as such Phase Two will be entitled separately in a subsequent phase. The remainder parcel will remain vacant and undeveloped. (See **Exhibit B** Site Plan.)

**Zoning and General Land Use Designation**

The tables below identify the land uses surrounding the subject site and their corresponding zoning and General Plan designations:

**Table 2-1 Surrounding Land Uses and Development**

Location	Existing Land Use	Zoning
Project Site	Vacant Land	RSP- Freeway Commercial (FC)
North	SR-210 Off-Ramp and SR-210	N/A (SR-210)
East	Vacant Land	N/A (Alder Avenue)
South	Vacant Land, Public Facilities, Industrial Warehouses	RSP-Freeway Commercial. Planned Industrial Development (I-PID)
West	Vacant Land	RSP-Freeway Commercial (FC)

**Table 2-2 General Plan Land Use Designations**

Location	General Plan Designations
Project Site	Specific Plan
North	SR-210 Freeway/interchange and Specific Plan
East	Specific Plan
South	Business Park
West	Specific Plan

**Project Data**

APN#: 0240-191-034, 035 & 043  
ZONING: FREEWAY COMMERCIAL

Parcel	Site Area	Building Area	Parking Required	Parking Proposed	Uses
PARCEL 1	50,568 SF	5,720 SF	22	31	GAS STATION, CARWASH & FOOD, 1-STORY
PARCEL 2	33,395 SF	3,590 SF	36	34	QSR WITH DRIVE-THRU, 1-STORY
PARCEL 3	91,628 SF	60,372 SF	102	102	HOTEL (100) KEYS, 4-STORY
PARCEL 4	36,478 SF	1,850 SF	19	46	QSR WITH DRIVE-THRU, 1-STORY
		4,000 SF	32		FULL SERVICE RESTAURANT, 1-STORY
REMAINDER PARCEL	16,293 SF	--	--	--	
SUB-TOTAL:	228,362 SF	75,532 SF	211	213	
STREET DEDICATION: 1,850+2,338=4,188 SF					
TOTAL: 232,550 SF (5.339 AC.)					

**Entitlements**

Development of the site requires several entitlement applications:

- 1) Tentative Parcel Map to subdivide the three existing parcels and create four (4) developable lots and one (1) remainder parcel (RMC Chapter 17.16);
- 2) Conditional Development Permit for each of the following:
  - a. Fuel service station (Rialto Municipal Code ("RMC") § 18.106.040),
  - b. Convenience store (RMC § 18.106.040),
  - c. Car wash (RMC § 18.66.030), and
  - d. Alcohol sales (RMC § 18.110.040); and
- 3) Precise Plan of Design for the site plan and design of the buildings.

The developer filed applications for the subdivision of the site into developable lots, the development of a service station, convenient store, and car wash, and the sale of beer and wine for off-site consumption.

The other uses shown on the site plan (i.e. restaurants and hotel) are subject to review by the Economic Development Commission for tenancy and design. No applications have been filed to develop the southern portion of the site on the south side of Renaissance Parkway.

#### *Previously Certified EIR*

The City Council certified the program Environmental Impact Report (EIR) for the Renaissance Specific Plan on November 9, 2010. Each project within the Renaissance Specific Plan Area must be reviewed in conjunction with the EIR. Since the Lead Agency determined that an addendum to the previously certified EIR is the appropriate CEQA document for the proposed Project, the City and applicant prepared the Addendum to the EIR. (See **Exhibit C** Addendum to EIR.) The certifying body, which is the Rialto City Council, must review and approve the Addendum to the EIR. (RMC § 18.70.070.) (See **Exhibit D** Resolution Approving the Addendum to the EIR.)

#### *Planning Commission Action*

The Planning Commission has the role of determining the adequacy of the Addendum and making a recommendation to the City Council. On July 26, 2017 the Planning Commission voted 7-0 to recommend approval of the Addendum to the City Council.

In addition, the Planning Commission typically takes action on tentative parcel maps and conditional development permits, pursuant to Rialto Municipal Code Chapters 17.04, 17.16, and 18.66. However, Rialto Municipal Code Sections 18.70.070 and 18.106.040 require the City Council to take action on the Addendum and fuel service station, respectively. Since the Addendum and fuel service station must be reviewed and approved by the City Council, all related discretionary project entitlements will be reviewed by the City Council instead of the Planning Commission.

#### *Development Review Committee*

The Precise Plan of Design is a ministerial application and is limited to the design of the site plan, floor plan, and elevations. The Development Review Committee reviews the Precise Plan of Design at an administrative meeting subsequent to actions taken by the City Council.

### **ANALYSIS/DISCUSSION:**

#### *Proposal*

The goal of the Project is:

- To provide new retail opportunities for residents of and visitors to the City of Rialto.
- To develop commercial uses on the site that will take advantage of the adjacent I-210 freeway and complement existing uses in the Renaissance Specific Plan area, and to help build a robust, employment based economy in the City of Rialto.
- To develop and maximize the build out potential of a vacant and undeveloped property in the Renaissance Specific Plan that has access to available infrastructure.

- To attract new employment-generating businesses to the Renaissance Specific Plan area, thereby enhancing the City's existing job base and reducing the need for members of the local work force to commute outside of the area for employment.
- To develop a vacant and undeveloped property with Freeway Commercial retail uses that would attract businesses that can diversify the City's employment base and improve its jobs-to-housing balance.

Phase one will consist of the fuel service station and convenience store with car wash. For Phase Two, the applicant intends to develop the remaining parcels with two (2) quick service restaurants (i.e., fast food restaurants) with drive-thru lanes, one (1) sit down restaurant, and one (1) 100-room 4-story hotel at a later time. Approval by the Economic Development Commission will be required for tenancy prior to submittal of plans for the quick service restaurants and hotel.

#### *Tentative Parcel Map*

As stated above, the applicant has submitted an application for a tentative parcel map (TPM No. 19680) to subdivide the three (3) existing parcels and create four (4) developable lots and one (1) remainder parcel. (See **Exhibit E** Resolution Approving TPM No. 19680.)

Parcel	Site Area
PARCEL 1	50,568 SF
PARCEL 2	33,395 SF
PARCEL 3	91,628 SF
PARCEL 4	36,478 SF
REMAINDER PARCEL	16,293 SF

The minimum lot size for parcels in the Freeway Commercial (FC) zone is one acre. All four developable lots will exceed the one acre minimum requirement.

The remainder parcel is legal non-conforming because it was legally created prior to the adoption of the Renaissance Specific Plan and does not meet the minimum lot size requirement of one acre.

#### *Dedications*

Renaissance Parkway exists today as an easement. TPM No. 19680 will permanently dedicate land area for a public street in fee to the City. Street dedications would consist of 2,338 square feet (0.054-acre) on the north side of W. Renaissance Parkway and 1,850 square feet (0.042-acre) on the south side of W. Renaissance Parkway. The street will be fully improved with a 108-foot right of way and an 18-foot median. Conditions of Approval have been incorporated in to the Resolution to require the 4-foot bike path, on the north and south sides of Renaissance Parkway and the 10-foot landscape easement. Alder Avenue will be dedicated to the full 50-foot half width to centerline.

#### *Site Access*

Regional access to the site is provided by I-210 via Alder Avenue. Project Driveway 1 is located near the western portion of the site and provides full access from W. Renaissance Parkway. Project Driveway 2 would be located near the east-central portion of the site and provides right-in/right-out

access from W. Renaissance Parkway. A reciprocal ingress egress and parking agreement must be prepared, reviewed, and approved prior to approval of the Final Map.

#### *Utility Infrastructure and Off-Site Improvements*

The Fontana Water Company serves the site. The Project will connect to existing water lines within Renaissance Parkway in the vicinity of the Renaissance/Alder intersection. Sewer service is provided by the City of Rialto. Edison will retain an easement along the rear of the property.

#### *Fuel Service Station*

The applicant submitted an application for a conditional development permit for a fuel service station ("CDP No. 781"). (See **Exhibit F** Resolution Approving CDP No. 781.) According to the site plan, the fuel service station will consist of sixteen (16) fueling pumps and an overhead canopy. Underground storage tanks (USTs) are located immediately south of the fueling pumps. UST access for refilling is shown within the southerly drive aisle to accommodate fuel deliveries.

#### *Convenience Store*

The applicant submitted an application for a conditional development permit for a convenience store ("CDP No. 782"). (See **Exhibit G** Resolution Approving CDP No. 782.) The convenience store brand is Beyond Food Mart. According to their website, other Beyond Food Mart convenient stores are located in Los Angeles, La Crescenta, and Riverside. For the project, the convenience store will consist of a 5,171 square foot sales area, 1,105 square foot car wash, and a fuel service station canopy for 16-pump islands.

The brand differs from other convenience stores by incorporating a brand image that is vibrant and modern with upscale design. The applicant intends to provide a Fat Burger quick service counter at the location. The floor plan shows a café corner for hot beverages and juice, ice cream, a soda/ice fountain. The convenience store also carries various food items, snacks, health/beauty, dry goods, toys, and sundry items.

#### *Car wash*

The applicant submitted an application for a conditional development permit for a car wash ("CDP No. 783"). (See **Exhibit H** Resolution Approving CDP No. 783.) The car wash is a drive-thru mechanical car wash connected to the convenience store. The car wash is 1,105 square feet in size (approximately 65 feet in length and 17 feet in depth).

#### *Off-Sale of Beer and Wine*

In addition to the sale of typical convenience goods, the applicant also intends to sell alcoholic beverages within the convenience market for off-site consumption and submitted an application for a conditional development permit for the off-site consumption of alcohol sales ("CDP No. 784"). (See **Exhibit I** Resolution Approving CDP No. 784.) Specifically, the applicant is seeking to obtain a Type 20 license from the State's Alcoholic Beverage Control (ABC) Department for the sale of beer and wine. Section 18.110.050 of the Rialto Municipal Code provides separation criteria between establishments that engage in the off-sale of alcohol, and sensitive uses, such as churches, schools, etc. Measurements are obtained by measuring the shortest route from any point upon the outside wall of the convenience market to the nearest property line of the location in question. The proposed location of the convenience market, in which beer and wine will be available for sale, exceeds the minimum separation criteria as shown in the chart below and as required by Section 18.110.050 of the Rialto Municipal Code:

<b><i>Separation from...</i></b>	<b><i>Requirement</i></b>	<b><i>Proposed</i></b>	<b><i>Meets Code</i></b>
<i>Schools</i>	Min. 1,000 ft.	Exceeds 1,000 ft.	Yes
<i>Churches/Parks</i>	Min. 500 ft.	Exceeds 500 ft.	Yes
<i>Residential Areas</i>	Min. 100 ft.	Exceeds 100. ft.	Yes

The Draft Resolution of Approval for the off-sale of beer and wine request contains Conditions of Approval that restrict the display and advertising of alcoholic beverages, and the age of employees who sell alcoholic beverages. Additionally, the Draft Resolution of Approval requires the applicant to provide public education regarding drinking laws in the form of signage and decals at the register. In addition to a Conditional Development Permit, the ABC Department may require a Public Convenience and Necessity (PCN) letter prior to issuance of the Type 20 license. A PCN letter is typically required if an area is designated to be over-concentrated with establishments selling alcohol based on the criteria of the ABC Department. Planning Division staff will prepare a PCN letter for the project, should it be required by the ABC Department.

#### ***Architecture and Signage***

The Project's proposed final architecture, walls, and fencing design would be required to be consistent with the Design Guidelines, as set forth in the Renaissance Specific Plan document. City monument signs would be provided near the intersection of W. Renaissance Parkway and Alder Avenue and on the south side of W. Renaissance Parkway. A monument sign would be provided in the southwestern portion of the site on the south side of the proposed restaurant and in the southeastern portion of the site near the gas station and convenience store.

#### ***Lighting***

The Project's lighting features would be designed in accordance with the Design Guidelines as set forth in the Renaissance Specific Plan document. All streetlights and other outdoor lighting would be submitted to the City Development Services Department for plan check and would be required to comply with the relevant requirements of the City's General Plan and Development Code and current building codes. The Renaissance Specific Plan requires the preparation of a detailed lighting plan with the submittal of development applications and both the Renaissance Specific Plan and the City's zoning ordinance limits light source intensities adjacent to residential and non-residential uses.

#### ***Safety***

The applicant must prepare and submit a Crime Prevention Plan (**Exhibit G**) for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code. The Rialto Police Department must review and endorse the prevention measures within the Crime Prevention Plan. Safety measures contained within the Crime Prevention Plan include the installation of security lighting at a minimum of 1.5 foot-candles around the entire building, the installation of burglary and robbery alarms, as well as security cameras.

The Crime Prevention Plan must include measures to discourage loitering. Signs displaying "No Loitering" will be posted on the building, and arcades and video games will not be allowed. The Rialto Police Department concludes that, if properly implemented and sustained, these safety measures will minimize crime and nuisance activities that may otherwise be associated with the establishment.

## **ENVIRONMENTAL IMPACT:**

### *Lead Agency*

The City of Rialto is the Lead Agency as set forth in CEQA Section 21067 and is responsible for reviewing and approving the Addendum to the Renaissance Specific Plan EIR. The City Council certified the EIR and approved the Specific Plan on November 9, 2010. The Applicant prepared an Addendum to the Renaissance Specific Plan EIR and associated technical studies to evaluate the potential impacts associated with the construction and operation of the project.

### *Addendum to a Certified EIR*

According to Section 15164 of the California Environmental Quality Act, an Addendum to a certified EIR may be prepared according to the following:

- The lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions calling for preparation of a subsequent EIR have occurred.
- An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- The decision making body shall consider the addendum with the final EIR prior to making a decision on the project.
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As detailed in the Addendum to the EIR, the proposed Project would not result in any new significant impacts that were not analyzed in the Final EIR, nor would the project because a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with this proposed project would be the same or less than those described in the EIR. In addition, there are no substantial changes to the circumstances under which the proposed project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, the Addendum to the previously certified EIR is the appropriate environmental documentation for the commercial center. In taking action on any of the approvals for the proposed project, the decision making body must consider the whole of the data presented in the EIR, and as augmented by the Addendum and the previously adopted Mitigation Monitoring and Reporting Program (MMRP). -

Implementation of mitigation measures identified in the Final EIR reduces potentially significant impacts to a level of insignificance. As applicable, the Final EIR incorporates mitigation measures into the proposed project as a condition of approval. The following technical studies were prepared for the Addendum:

1. Air Quality Impact Analysis
2. Greenhouse Gas Analysis
3. Noise Impact Analysis

4. Traffic Impact Analysis
5. Traffic Impact Supplemental Analysis

The Transportation Commission reviewed the Traffic Impact Analysis and the Supplemental Traffic Impact Analysis and voted 5-0 to recommend approval to the City Council.

The Addendum is included as an attachment to the report as **(EXHIBIT C)**. Electronic and hard copies of the technical studies are available for review in the Development Services Department, Planning Division.

### **GENERAL PLAN CONSISTENCY**

The project is consistent with the following goals of the Land Use Element of the Rialto General Plan:

- **Goal 2-17:** Provide high quality and environmentally sustainable landscaping.
- **Goal 2-21:** Ensure high-quality planned developments in Rialto.
- **Goal 2-22:** Promote commercial and/or industrial development that is well designed, people-oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose.

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report.

### **FINANCIAL IMPACT:**

The applicant will bear the full capital cost of construction of the Project and the required infrastructure improvements. The City will not contribute funds to construct the Project. Prior to completion of the project, the applicant will be required to pay plan check, permit, and development impact fees to the City. Additionally, the value of the new commercial development will increase the value of the land, which will result in increased property tax collection from the County of San Bernardino, of which a portion will be distributed to the City. Retail sales tax generated by the gas station and convenience market will also result in additional tax revenue distributed to the City. Furthermore, the project is estimated to generate approximately 35 to 40 jobs, increasing employment opportunities for City of Rialto residents.

### **RECOMMENDATION:**

It is recommended that the City Council:

- Adopt the attached Resolution **(Exhibit D)** approving the Addendum to the certified EIR for the 2010 Renaissance Specific Plan; and
- Adopt the attached Resolution **(Exhibit E)** approving Tentative Parcel Map No. 19680 to subdivide three (3) existing parcels and create four (4) developable lots and one (1) remainder parcel; and
- Adopt the attached Resolution **(Exhibit F)** approving Conditional Development Permit No. 781 to allow the



development of a gas station consisting of a 3,096 square foot overhead canopy with sixteen (16) fuel dispensers, subject to the findings and conditions therein; and

- Adopt the attached Resolution (**Exhibit G**) approving Conditional Development Permit No. 782 to allow the development of a 5,171 square foot convenience market, subject to the findings and conditions therein; and
- Adoption of the attached Resolution (**Exhibit H**) approving Conditional Development Permit No. 784 to allow a 1,105 square foot car wash subject to the findings and conditions therein; and
- Adoption of the attached Resolution (**Exhibit I**) approving Conditional Development Permit No. 783 to allow the off-sale of beer and wine in conjunction with the proposed convenience market, subject to the findings and conditions therein.