

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

15 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
16 Rialto as follows:

17 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
18 forth in the recitals above of this Resolution are true and correct and incorporated herein.

19 SECTION 2. Based on substantial evidence presented to the Planning Commission during
20 the public hearing conducted with regard to CDP No. 2018-0020, including written staff reports,
21 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
22 Planning Commission hereby determines that CDP No. 2018-0020 satisfies the requirements of
23 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
24 precedent to granting a conditional development permit. The findings are as follows:

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

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

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

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

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

9
10 The project site is bound by Randall Avenue to the north and Riverside Avenue to the
11 east. To the north of the project site, across Randall Avenue, are several single-family
12 residences, and to the east, across Riverside Avenue, is a sixty-four (64) unit apartment
13 complex. To the south is a single-family residence on approximately 0.49 acres of land,
14 and to the west is a single-family residence approximately 0.51 acres of land. The
15 Project is consistent with the underlying Neighborhood Commercial (C-1) zone. The
16 nearest sensitive uses are the single-family residences adjacent to the south and west of
17 the Site. These land uses are not expected to be negatively impacted by the proposed
18 project, since measures, such as landscape buffering, the installation of solid block walls
19 for noise attenuation, and safety measures listed within the Crime Prevention Plan will be
20 implemented. Additionally, the project has been reviewed by the Design Review
21 Committee (DRC) for compliance with all health, safety, and design requirements to
22 ensure the project will significantly enhance the infrastructure and aesthetics of the local
23 community.

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

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

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

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

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

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

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

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

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

- 22 6. Any potential adverse effects upon the surrounding properties will be minimized to
23 every extent practical and any remaining adverse effects shall be outweighed by the
24 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
29 Process, such as extensive landscaping, a decorative trash enclosure, decorative paving,
30 and enhanced architectural features. The development of a vehicle fuel station, a
31 convenience market, a car wash, and a restaurant with drive-thru service at a major
32 intersection will provide additional employment opportunities and a convenient location
33 for residents and visitors to purchase fuel and other goods. Additionally, the applicant
34 will implement landscape buffering, solid wall buffering, and a Crime Prevention Plan,
35 which has been endorsed by the Rialto Police Department as a means to minimize crime
36 and nuisance activities generated by the Project. Therefore, any potential adverse effects
37 are outweighed by the benefits conferred upon the community and neighborhood as a
38 whole.

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2 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
3 staff determined that the project will not have an adverse impact on the environment, provided that
4 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
5 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
6 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
7 the project site for a public comment period held from May 19, 2019 to June 6, 2019. The
8 Mitigated Negative Declaration was prepared in accordance with the California Environmental
9 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
10 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

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

- 17
- 18 1. The applicant is granted CDP No. 2018-0020 allowing the development of a vehicle fuel
19 station on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest
20 corner of Riverside Avenue and Randall Avenue, as shown on the plans submitted to the
21 Planning Division on June 5, 2019, and as approved by the Planning Commission. If the
22 Conditions of Approval specified herein are not satisfied or otherwise completed, the
23 project shall be subject to revocation.
 - 24 2. Prior to the issuance of building or grading permits for the proposed development, a
25 Precise Plan of Design shall be approved by the City's Development Review Committee
26 (DRC).
 - 27 3. City inspectors shall have access to the site to reasonably inspect the site during
28 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. 2018-0020. The City will promptly notify the applicant of any

1 such claim, action, or proceeding against the City, and the parties will cooperate fully
2 in the defense.

- 3 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
4 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
5 subject to protest by the applicant at the time of approval or conditional approval of
6 the Project or within 90 days after the date of the imposition of the fees, dedications,
7 reservations, or exactions imposed on the Project.
- 8 6. The applicant shall secure the services of a tribal cultural monitor to be present during
9 all ground disturbance activities associated with the construction of this project. The
10 tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
11 Kizh Nation, and documentation of coordination between the applicant and the
12 Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
13 Planning Division prior to the issuance of a grading permit.
- 14 7. The applicant shall install decorative pavement within the driveway connected to
15 Riverside Avenue. The decorative pavement shall extend across the entire width of the
16 driveway and shall have a minimum depth of fourteen (14) feet as measured from the
17 property line along Riverside Avenue. Decorative pavement means decorative pavers
18 and/or color concrete with patterns and color variety. The location of the decorative
19 pavement shall be identified on the Precise Grading Plan prior to the issuance of a
20 grading permit, and it shall also be identified on the site plan within the formal building
21 plan check submittal prior to the issuance of building permits. The type of decorative
22 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
25 Randall Avenue. The decorative pavement shall extend across the entire width of each
26 driveway and shall have a minimum depth of thirty (30) feet as measured from the
27 property line along Randall Avenue. Decorative pavement means decorative pavers
28 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
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.
9. 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 canopy. The internal downspouts shall be identified within
the formal building plan check submittal prior to the issuance of building permits.
10. All new walls, including any retaining walls, shall be comprised of decorative masonry
block. Decorative masonry block means tan-colored slumpstone block, tan-colored

1 split-face block, or precision block with a stucco, plaster, or cultured stone finish.
2 Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a
3 maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the
4 wall. All pilasters shall protrude a minimum of one (1) block course above the wall and
5 a minimum of six (6) inches to the side of the wall. All decorative masonry walls and
6 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.

7 11. The exterior of the trash enclosure shall match the color and materials of the buildings
8 on-site. This includes a stucco finish and a wainscot and/or columns of cement board
9 siding on all exterior sides of the enclosure. Additionally, the trash enclosure shall
10 contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not
11 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.

12 12. The exterior of the healy tank enclosure shall match the color and materials of the
13 buildings on-site. This includes a stucco finish and a wainscot and/or columns of
14 cement board siding on all exterior sides of the enclosure. Additionally, the healy tank
15 enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal
16 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.

17 13. All new light standards, including the base, shall have a maximum height of twenty-five
18 (25) feet, as measured from the finished surface. Lighting shall be shielded and/or
19 directed toward the site so as not to produce direct glare or "stray light" onto adjacent
20 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.

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

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

- 1 16. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
2 landscape setback along Riverside Avenue. All trees within the landscape setbacks shall
3 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the
4 trees within the landscape setback shall be permanently irrigated and maintained. At
5 least fifty (50) percent of the trees within the setbacks shall consist of evergreen
6 broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees
7 and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal
8 prior to the issuance of a landscape permit.
- 9 17. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
10 landscape setback along Randall Avenue. All trees within the landscape setbacks shall
11 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the
12 trees within the landscape setback shall be permanently irrigated and maintained. At
13 least fifty (50) percent of the trees within the setbacks shall consist of evergreen
14 broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees
15 and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal
16 prior to the issuance of a landscape permit.
- 17 18. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
18 right-of-way parkway along Riverside Avenue. All trees within the public right-of-way
19 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
20 Thereafter, the trees within the public right-of-way parkway shall be permanently
21 irrigated and maintained, as required by the Public Works Department. The street tree
22 species along Riverside Avenue shall be the *Platanus Yarwoodi* "London Plane" and/or
23 the *Magnolia Grandiflora* "Southern Magnolia". The trees shall be identified on the
24 formal Landscape Plan submittal prior to the issuance of building permits.
- 25 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
26 right-of-way parkway along Randall Avenue. All trees within the public right-of-way
27 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
28 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 Randall Avenue shall be the *Tristania Conferta* "Brisbane Box" and/or the
Quercus Virginianan "Southern Live Oak". The trees shall be identified on the formal
Landscape Plan submittal prior to the issuance of building permits.
20. The applicant shall plant a row of shrubs at the rear of the landscape setbacks along
Riverside Avenue and Randall Avenue for the purpose of creating a solid hedge to
screen the headlights of vehicles from within the Site. All of the 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 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.

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- 21. 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.

- 22. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land 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.

- 23. 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.

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

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

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

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

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28. 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.

29. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-0022, CDP No. 2018-0023, or CDP No. 2018-0024, 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 5. 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 June, 2019.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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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 ____, 2019.

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 ____, 2019.

ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT