

## **RESOLUTION NO. 19-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 810 TO ALLOW THE DEVELOPMENT OF A 4,100 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH DRIVE-THRU SERVICE ON 6.06 ACRES OF LAND (APNS: 1133-181-18, -19, -20 & -22) LOCATED AT THE SOUTHEAST CORNER OF ALDER AVENUE AND CASMALIA STREET WITHIN THE FREEWAY INCUBATOR (FI) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, on April 15, 2019, the Director of Development Services approved Lot Line Adjustment No. 231 allowing the adjustment of the property lines between four (4) parcels of land (APNs: 1133-181-18, -19, -20 & -22) located at the southeast corner of Alder Avenue and Casmalia Street within the Freeway Incubator (FI) zone of the Renaissance Specific Plan (“Site”) resulting in the formation of Parcel 1 (1.81 acres), Parcel 2 (0.96 acres), Parcel 3 (1.17 acres), and Parcel 4 (2.12 acres); and

WHEREAS, the applicant, Alessandro Service Station, LP, proposes to develop a 4,100 square foot multi-tenant building with drive-thru service (“Project”) on Parcel 3 of the Site; and

WHEREAS, Pursuant to Table 3-2 (General Permitted Uses) of the Renaissance Specific Plan, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 810 (“CDP No. 810”); and

WHEREAS, the Project will consist of a 4,100 square foot commercial building, a drive-thru lane with stacking for approximately ten (10) vehicles, forty-nine (49) parking spaces, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 811 (“CDP No. 811”) to allow the development of a 3,200 square foot restaurant building with drive-thru service on Parcel 2 of the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 812 (“CDP No. 812”) to allow the development of diesel fuel service

1 station consisting of a 1,368 square foot canopy and four (4) fuel dispensers on Parcel 1 of the Site;  
2 and

3 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the  
4 Project on May 18, 2016 for compliance with health, safety, and design requirements and  
5 forwarded the a recommendation of approval to the Planning Commission subject to the  
6 incorporation of DRC comments; and

7 WHEREAS, on April 24, 2019, the Planning Commission of the City of Rialto conducted  
8 a duly noticed public hearing, as required by law, on CDP No. 810, took testimony, at which  
9 time it received input from staff, the city attorney, and the applicant; heard public testimony;  
10 discussed the proposed CDP No. 810; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
17 the public hearing conducted with regard to CDP No. 810, CDP No. 811, and CDP No. 812,  
18 including written staff reports, verbal testimony, site plans, other documents, and the conditions of  
19 approval stated herein, the Planning Commission hereby determines that CDP No. 810, CDP No.  
20 811, and CDP No. 812 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code  
21 pertaining to the findings which must be made precedent to granting a conditional development  
22 permit. The findings are as follows:

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

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

26 The Project is anticipated to be a benefit to the community creating a more diverse  
27 economic base for the community by providing additional choices of food, beverages,  
28 and other retail products and services at a convenient location. Additionally, the Project

1 will replace the blight of undeveloped property with desirable improvements that will  
2 aesthetically enhance the appearance of the community.

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

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

6 The zoning of the Site and the properties to the east, south, and west is Freeway Incubator  
7 (FI) within the Renaissance Specific Plan. The project is consistent with the FI zone, and  
8 the uses adjacent to the project site. There are no sensitive uses adjacent to or near the  
9 Site. Additionally, the project has been reviewed by the Design Review Committee  
10 (DRC) for compliance with all health, safety, and design requirements to ensure the  
11 project will significantly enhance the infrastructure and aesthetics of the local  
12 community.

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

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

17 The Site contains 6.06 acres of land, is fairly level, is adjacent to two (2) public streets, and  
18 has two (2) existing driveways connected to Casmalia Street. Parcel 3 of the Site  
19 contains 1.17 acres, and has reciprocal access throughout the Site. Upon completion of  
20 the Project, Parcel 3 of the Site will contain forty-nine (49) parking spaces, which  
21 exceeds the amount of parking spaces required by Table 3-6 (Parking Standards) of the  
22 Renaissance Specific Plan. In addition, the development will have a trash enclosure,  
23 lighting, and accessible pathways leading to and from the public right-of-way.

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

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

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

30 5. The proposed use will be arranged, designed, constructed, and maintained so as it  
31 will not be injurious to property or improvements in the vicinity or otherwise be  
32 inharmonious with the General Plan and its objectives, the Foothill Boulevard  
33 Specific Plan, or any zoning ordinances; and

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

1       The use is consistent with the FI zone. The Project, as submitted, meets or exceeds the  
2       applicable development criteria of the FI zone and the design criteria contained in  
3       Renaissance Specific Plan. Furthermore, the Site will be aesthetically enhanced with a  
4       new structure and landscaping that comply with the City's Design Guidelines. The  
5       project is anticipated to be a benefit to the community and an improvement to the  
6       surrounding area.

7

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

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

11      The Project's effects will be minimized through the implementation of the Conditions of  
12      Approval contained herein, and through the implementation of Conditions of Approval  
13      imposed by the Development Review Committee during the Precise Plan of Design  
14      Process, such as extensive landscaping, a decorative trash enclosure, decorative paving  
15      and enhanced architectural features. The project will meet or exceed the development  
16      criteria of the FI zone and the design criteria of the Renaissance Specific Plan. The  
17      project is consistent with the FI zone, and the uses adjacent to the project site. There are  
18      no sensitive uses adjacent to or near the Site. As such, the project will not negatively  
19      affect the surrounding area. Therefore, any potential adverse effects are outweighed by  
20      the benefits conferred upon the community and neighborhood as a whole.

21      SECTION 3. Alessandro Service Station, LP is hereby granted CDP No. 810 to allow the  
22      development of a 4,100 square foot multi-tenant commercial building with drive-thru service on  
23      Parcel 3 of the Site.

24      SECTION 4. Based on the findings and recommended mitigation within the Initial Study,  
25      staff determined that the project will not have an adverse impact on the environment, provided that  
26      mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The  
27      local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative  
28      Declaration for the project, and the City mailed the notice to all property owners within 300 feet of  
      the project site for a public comment period held from December 15, 2018 to January 3, 2019. The  
      Mitigated Negative Declaration was prepared in accordance with the California Environmental  
      Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary  
      documentation with the Clerk of the Board of Supervisors for San Bernardino County.

1           SECTION 5. CDP No. 810 is granted to Alessandro Service Station, LP in accordance with  
2 the plans and application on file with the Planning Division, subject to the following conditions:

- 3           1. The approval is granted allowing the development of a 4,100 square foot multi-tenant  
4 commercial building with drive-thru service on Parcel 3 of the Site, as shown on the  
5 plans submitted to the Planning Division on October 2, 2018 and as approved by the  
6 Planning Commission. If the Conditions of Approval specified herein are not satisfied  
7 or otherwise completed, the project shall be subject to revocation.
- 8           2. Prior to the issuance of building or grading permits for the proposed development, a  
9 Precise Plan of Design shall be approved by the City's Development Review Committee  
10 (DRC).
- 11           3. City inspectors shall have access to the site to reasonably inspect the site during  
12 normal working hours to assure compliance with these conditions and other codes.
- 13           4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
14 officers, or employees from any claims, damages, action, or proceeding against the  
15 City or its agents, officers, or employees to attack, set aside, void, or annul any  
16 approval of the City, its advisory agencies, appeal boards, or legislative body  
17 concerning CDP No. 810. The City will promptly notify the applicant of any such  
18 claim, action, or proceeding against the City and will cooperate fully in the defense.
- 19           5. In accordance with the provisions of Government Code Section 66020(d)(1), the  
20 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
21 subject to protest by the applicant at the time of approval or conditional approval of  
22 the Project or within 90 days after the date of the imposition of the fees, dedications,  
23 reservations, or exactions imposed on the Project.
- 24           6. In order to provide enhanced building design in accordance with Section 4 of the  
25 Renaissance Specific Plan (Design Guidelines), the applicant shall route all downspouts  
26 through the interior of the building. The internal downspouts shall be identified within  
27 the formal building plan check submittal prior to the issuance of building permits.
- 28           7. Any new walls, including any retaining walls, shall be comprised of decorative masonry  
block. Decorative masonry block means tan-colored slumpstone block, tan-colored  
split-face block, or precision block with a stucco, 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.

1       8. The exterior of the trash enclosure shall match the color and materials of the buildings  
2       on-site. This includes a stucco finish and a wainscot and/or columns of matching stone  
3       veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall  
4       contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not  
5       acceptable materials to use as a part of the trash enclosure. An elevation detail for the  
6       trash enclosure shall be provided within formal building plan check submittal prior to  
7       the issuance of building permits.  
8  
9       9. All new light standards, including the base, shall have a maximum height of twenty-five  
10      (25) feet, as measured from the finished surface. Lighting shall be shielded and/or  
11      directed toward the site so as not to produce direct glare or "stray light" onto adjacent  
12      properties. All light standards shall be identified on the site plan and a detail indicating  
13      the height shall be included within the formal building plan check submittal prior to the  
14      issuance of building permits.  
15  
16      10. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the  
17      issuance of building permits. The submittal shall include three (3) sets of planting and  
18      irrigation plans, a completed Landscape Plan Review application, and the applicable  
19      review fee.  
20  
21      11. All landscape plant species shall comply with the approved Plant Palette of the  
22      Renaissance Specific Plan.  
23  
24      12. 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.  
29  
30      13. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site  
31      landscape setback along Casmalia Street. All trees within the landscape setbacks shall  
32      be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the  
33      trees within the landscape setback shall be permanently irrigated and maintained. At  
34      least fifty (50) percent of the trees within the setbacks shall consist of evergreen  
35      broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees  
36      and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal  
37      prior to the issuance of a landscape permit.  
38  
39      14. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public  
40      right-of-way parkway along Casmalia Street. All trees within the public right-of-way  
41      parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.  
42      Thereafter, the trees within the public right-of-way parkway shall be permanently  
43      irrigated and maintained, as required by the Public Works Department. The street tree  
44      species along Casmalia Street shall be the Pistacia Chinensis "Chinese Pistache" and/or  
45      the Hymenosporum Flavum "Wedding Tree". The trees shall be identified on the  
46      formal Landscape Plan submittal prior to the issuance of building permits.

1

2 15. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane

3 for the purpose of creating a solid hedge to screen the headlights of vehicles within the

4 drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size

5 upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-

6 center. Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained

7 into a continuous box-shape along the entire length of the drive-thru lane with a height

8 of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall

9 be identified on the formal Landscape Plan submittal prior to the issuance of a landscape

10 permit.

11

12 16. 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.

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22 17. The applicant shall plant a substantial amount of trees, shrubs, and groundcover

23 throughout all land not covered by structures, walkways, parking areas, and driveways.

24 Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and

25 groundcover shall be planted an average of three (3) feet on-center or less. All trees

26 shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise

27 specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless

28 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.

29

30 18. All planting and irrigation shall be installed on-site in accordance with the approved

31 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The

32 installation of the planting and irrigation shall be certified in writing by the landscape

33 architect responsible for preparing the landscape plans prior to the issuance of a

34 Certificate of Occupancy.

35

36 19. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of

37 the drive-thru lane. The trash receptacle shall be installed prior to issuance to the

38 Certificate of Occupancy.

39

40 20. The applicant shall install a bicycle rack within the pathway area around the perimeter of

41 the building prior to the issuance of the Certificate of Occupancy.

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

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

6 23. All signage on the building and on the Site shall comply with Section 5 (Signs) of the  
7 Renaissance Specific Plan.

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

10 25. The privileges granted by the Planning Commission pursuant to approval of this  
11 Conditional Development Permit are valid for one (1) year from the effective date of  
12 approval. If the applicant fails to commence the project within one year of said  
13 effective date, this conditional development permit shall be null and void and any  
14 privileges granted hereunder shall terminate automatically. If the applicant or his or  
15 her successor in interest commence the project within one year of the effective date of  
16 approval, the privileges granted hereunder will continue inured to the property as long  
17 as the property is used for the purpose for which the conditional development permit  
18 was granted, and such use remains compatible with adjacent property uses.

19 26. If the applicant fails to comply with any of the conditions of approval placed upon  
20 Conditional Development Permit No. 810 or any conditions placed upon the approval  
21 of the Precise Plan of Design required by Condition No. 2 above, the Planning  
22 Commission may initiate proceedings to revoke the conditional development permit  
23 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,  
24 of the Rialto Municipal Code.

25

26 SECTION 6. The Chairman of the Planning Commission shall sign the passage and  
27 adoption of this resolution and thereupon the same shall take effect and be in force.

28 PASSED, APPROVED AND ADOPTED this 24th day of April, 2019.

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31 JOHN PEUKERT, CHAIR  
32 CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
6 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2019.

8 Upon motion of Planning Commissioner\_\_\_\_\_, seconded by Planning Commissioner  
9 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
15 of Rialto this \_\_\_\_th day of \_\_\_\_, 2019.

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20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
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