

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0017 TO ALLOW THE DEVELOPMENT OF A TRUCK FUEL STATION CONSISTING OF A 1,152 SQUARE FOOT CANOPY WITH 3 ISLANDS AND 6 FUEL DISPENSERS ON 4.27 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF RENAISSANCE PARKWAY AND ALDER AVENUE (APNS: 0240-211-14) WITHIN THE FREEWAY COMMERCIAL (FC) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Prestige Development Group, LLC, proposes the development of a truck fuel station consisting of a 1,152 square foot canopy with 3 islands and 6 fuel dispensers (“Project”) on 4.27 acres of land, located at the southeast corner of Renaissance Parkway and Alder Avenue (APNs: 0240-211-14) within the Freeway Commercial (FC) zone of the Renaissance Specific Plan. (“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. 2020-0017 (“CDP No. 2020-0017”); and

WHEREAS, in conjunction herewith, the applicant has submitted Precise Plan of Design No. 2019-0048 to allow the development of a 7,948 square foot multi-tenant building with a convenience store and two (2) quick service restaurants, one with drive-through access, a 5,324 square foot automobile fuel canopy with 8 islands and 16 fuel dispensers, a 2,542 square foot drive-through restaurant and 1,152 square foot truck fuel canopy with 3 islands and 6 fuel dispensers on the Site (“PPD No. 2019-0048”); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2019-0022 to allow the establishment of a 4,400 square foot convenience store within a proposed 7,948 square foot multi-tenant building on the Site (“CDP No. 2019-0022”); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2020-0013 to allow the sale of beer and wine for off-site consumption

1 within a 4,400 square foot convenience store within a proposed 7,948 square foot multi-tenant
2 building on the Site (“CDP No. 2020-0013”); and

3 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
4 Development Permit No. 2020-0014 to allow the development of a 2,542 square foot pad
5 restaurant building with drive-through service on the Site (“CDP No. 2020-0014”); and

6 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
7 Development Permit No. 2020-0015 to allow the development of a 1,798 square foot quick service
8 restaurant with drive-through service within a proposed 7,948 square foot multi-tenant building on
9 the Site (“CDP No. 2020-0015”); and

10 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
11 Development Permit No. 2020-0016 to allow the development of an automobile fuel station
12 consisting of a 5,324 square foot canopy on the Site (“CDP No. 2020-0016”); and

13 WHEREAS, on September 30, 2020, the Planning Commission of the City of Rialto
14 conducted a duly noticed public hearing, as required by law, Mitigated Negative Declaration, PPD
15 No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-0014, CDP No. 2020-
16 0015, 2020-0016 and CDP No. 2020-0017, took testimony, at which time it received input from
17 staff, the city attorney, and the applicant; heard public testimony; discussed the proposed Mitigated
18 Negative Declaration, PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No.
19 2020-0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017; and closed the public
20 hearing; and WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

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

25 SECTION 2. Based on substantial evidence presented to the Planning Commission during
26 the public hearing conducted with regard to CDP No. 2020-0017, including written staff reports,
27 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
28 Planning Commission hereby determines that CDP No. 2020-0017 satisfies the requirements of

1 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
2 precedent to granting a conditional development permit. The findings are as follows:

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

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

7 The Project is anticipated to be a benefit to the community and an improvement to the
8 surrounding area by providing additional fueling choices for consumers at a convenient
9 location at the intersection of Renaissance Parkway and Alder Avenue, which is a busy
10 intersections in the City of Rialto. The Project will provide a more diverse economic base
11 for the surrounding area and will provide necessary goods and services for the residents,
12 visitors and industrial employees within the City.

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

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

16 The project site is bound by Renaissance Parkway to the north and Alder Avenue to the
17 west. North of the project site is vacant lot and to the west, a utility site and a vacant lot.
18 The Target Food Distribution Center is located south and east of the project site. The
19 Project is consistent with the Freeway Commercial (F-C) zone. There are no sensitive uses
20 immediately adjacent to or nearby the project site. As such, the project will not negatively
21 affect the surrounding area. These land uses are not expected to be negatively impacted by
22 the proposed project, since features and measures, such as an existing block wall, landscape
23 buffering, and safety measures listed within the Crime Prevention Plan will be maintained
24 and implemented. In addition, the project has been reviewed by all of the Departments for
25 compliance with all health, safety, and design requirements to ensure the project will
26 significantly enhance the infrastructure and aesthetics of the local community.

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

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

30 The Site contains 4.27 acres, is fairly level, and fronting two streets, which are able to
31 accommodate the proposed use. The development will have three (3) points of access – three
32 (3) driveways connected directly Renaissance Parkway and Alder Avenue. The north
33 driveway has a width of (40) feet that will allow right in and right out access to Renaissance
34 Parkway. The westerly driveway in the center of the parcel has a width of fifty (50) feet that
35 will allow right in right out access to Alder Avenue. The second westerly driveway south of

1 the parcel has a width of twenty-six (26) feet that will only allow right out access to Alder
2 Avenue.

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

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

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

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

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

13 The use is consistent with the Freeway Commercial (FC) zone of the Renaissance Specific
14 Plan. The Project will feature high-quality building exteriors designed in compliance with
15 the City's Design Guidelines. Landscaping has been abundantly incorporated into the site.
16 The landscape coverage for the Project is 21 percent, which greatly exceeds the minimum
17 required amount of 10 percent. Landscape planters containing trees spaced every thirty
18 (30) linear feet will be installed along the entire perimeter of the Site to provide a buffer
19 between the adjacent properties and streets. Furthermore, the Project includes the
20 installation of 82 vehicle parking spaces, which exceeds the minimum parking requirement
21 of 80 parking spaces required by Table 3-6 (Parking Standards) of the Renaissance Specific
22 Plan.

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

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

27 The Project's effects will be minimized through the implementation of the Conditions of
28 Approval contained herein, such as extensive landscaping, a decorative trash enclosure,
decorative paving, and enhanced architectural features. The development of a convenience
store, vehicle and truck fuel stations and restaurant buildings with drive-through service,
will provide additional employment opportunities and a convenient location for residents
and visitors to purchase fuel and other goods. Additionally, the applicant will implement
landscape buffering and a Crime Prevention Plan, which has been endorsed by the Rialto
Police Department, as a means to minimize crime and nuisance activities generated by the
Project. Therefore, any potential adverse effects are outweighed by the benefits conferred
upon the community and neighborhood as a 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 local
5 newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for
6 the project, and the City mailed the notice to all property owners within 300 feet of the project site for
7 a public comment period held from July 18, 2020 to August 6, 2020. The Mitigated Negative
8 Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). The
9 Planning Commission directs the Planning Division to file the necessary documentation with the
10 Clerk of the Board of Supervisors for San Bernardino County.

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12 **SECTION 4.** CDP No. 2020-0017 is granted to Prestige Development Group, LLC in
13 accordance with the plans and application on file with the Planning Division, subject to the following
14 conditions:

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16 1. The applicant is granted CDP No. 2020-0017 allowing the development of a truck fuel
17 station consisting of a 1,152 square foot canopy with 3 islands and 6 fuel dispensers on
18 4.27 acres of land, located at the southeast corner of Renaissance Parkway and Alder
19 Avenue (APN: 0240-211-14) within the Freeway Commercial (FC) zone of the
Renaissance Specific Plan, as shown on the plans resubmitted to the Planning Division on
May 27, 2020, and as approved by the Planning Commission. If the Conditions of
Approval specified herein are not satisfied or otherwise completed, the project shall be
subject to revocation.

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

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23 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
and/or any of its officials, officers, employees, agents, departments, agencies, and
instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
demands, law suits, writs of mandamus, and other actions and proceedings (whether
legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
dispute resolutions procedures (including, but not limited to arbitrations, mediations,
and other such procedures), (collectively “Actions”), brought against the City, and/or
any of its officials, officers, employees, agents, departments, agencies, and
instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
annul, the any action of, or any permit or approval issued by, the City and/or any of its

1 officials, officers, employees, agents, departments, agencies, and instrumentalities
2 thereof (including actions approved by the voters of the City), for or concerning the
3 Project (collectively, the "Entitlements"), whether such Actions are brought under the
4 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
5 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
6 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
7 or any decision of a court of competent jurisdiction. This condition to indemnify,
8 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
9 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
10 and other costs, liabilities and expenses incurred in connection with such proceeding
11 whether incurred by applicant, Property owner, or the City and/or other parties
12 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
13 "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
14 shall not be liable to the City Parties under this indemnity to the extent the Damages
15 incurred by any of the City Parties in such Action(s) are a result of the City Parties'
16 fraud, intentional misconduct or gross negligence in connection with issuing the
17 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
18 and hold the City harmless as stated herein within five (5) days of approval of CDP No.
19 2020-0017.

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4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
5. The applicant shall complete and abide by all mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Mitigated Negative Declaration prepared for the project (Environmental Assessment Review No. 2019-0060).
6. The applicant shall obtain all necessary approvals from the Hazardous Materials Division of San Bernardino County Fire (HMD) for the installation of the underground storage tanks (UST's) for the purpose of fuel storage on the Site, prior to the issuance of a building permit for the overhead vehicle fuel station canopy. The UST's shall be installed and permanently maintained to the standards and requirements of the HMD.
7. 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.
8. 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

1 her successor in interest commence the project within one year of the effective date of
2 approval, the privileges granted hereunder will continue inured to the property as long
3 as the property is used for the purpose for which the conditional development permit
4 was granted, and such use remains compatible with adjacent property uses.

5 9. Approval of CDP No. 2020-0017 will not become effective until the applicant has signed
6 a statement acknowledging awareness and acceptance of the required conditions of
7 approval contained herein.

8 10. In the event, that any operation on the Site is found to be objectionable or incompatible
9 with the character of the City and its environs due to excessive noise, excessive traffic,
10 loitering, criminal activity or other undesirable characteristics including, but not strictly
11 limited to, uses which are or have become offensive to neighboring property or the goals
12 and objectives of the Freeway Commercial (FC) zone of the Renaissance Specific Plan
13 and the City's General Plan, the applicant shall address the issues within forty-eight (48)
14 hours of being notified by the City.

15 11. 10. If the applicant fails to comply with any of the conditions of approval placed upon
16 PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-0014,
17 CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017, the Planning Commission
18 may initiate proceedings to revoke the conditional development permit in accordance
19 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
20 Municipal Code. Conditional Development Permit No. 2020-0017 may be revoked,
21 suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance
22 at the discretion of the Planning Commission if:

23 a. The use for which such approval was granted has ceased to exist, been
24 subsequently modified, or has been suspended for six (6) months or more;
25 b. Any of the express conditions or terms of such permit are violated;
26 c. The use for which such approval was granted becomes or is found to be
27 objectionable or incompatible with the character of the City and its environs due
28 to excessive noise, excessive traffic, loitering, criminal activity or other
undesirable characteristics including, but not strictly limited to uses which are or
have become offensive to neighboring property or the goals and objectives of the
Freeway Commercial (FC) zone of the Renaissance Specific Plan, and the City's
General Plan.

29 **SECTION 5.** The Chairman of the Planning Commission shall sign the passage and
30 adoption of this resolution and thereupon the same shall take effect and be in force.

31 PASSED, APPROVED AND ADOPTED this 30th day of September, 2020.

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4 JOHN PEUKERT, CHAIR
5 CITY OF RIALTO PLANNING COMMISSION
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2 STATE OF CALIFORNIA)
3 COUNTY OF SAN BERNARDINO) ss
4 CITY OF RIALTO)
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6 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
7 the foregoing Resolution No. was duly passed and adopted at a regular meeting of the Planning
8 Commission of the City of Rialto held on the th day of , 2020.

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

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this th day of , 2020.

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21 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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