

1 **RESOLUTION NO. 2026-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL
4 DEVELOPMENT PERMIT NO. 25-0008 ALLOWING THE
5 ESTABLISHMENT OF VEHICULAR DRIVE-THRU SERVICE IN
6 CONJUNCTION WITH A PROPOSED 4,210 SQUARE FOOT
7 RESTAURANT BUILDING ON 1.94 ACRES OF LAND (APN:
8 0130-051-51) LOCATED AT THE SOUTHWEST CORNER OF
9 FOOTHILL BOULEVARD AND ACACIA AVENUE WITHIN
10 THE FOOTHILL MIXED-USE ZONE (FMUZ) LAND USE
11 DISTRICT OF THE FOOTHILL CENTRAL SPECIFIC PLAN.

12 WHEREAS, the applicant, McDonald’s USA, LLC, proposes to establish vehicular drive-
13 thru service in conjunction with a proposed 4,210 square foot restaurant building (“Project”) on 1.94
14 acres of land (APN: 0130-051-51) located at the southwest corner of Foothill Boulevard and Acacia
15 Avenue within the Foothill Mixed-Use Zone (FMUZ) land use district of the Foothill Central Specific
16 Plan (“Site”); and

17 WHEREAS, the Site is currently developed with one (1) existing 25,868 square-foot
18 commercial building, occupied by Black Friday Deals, one (1) existing 3,528 square-foot commercial
19 building, occupied by Chuck’s Liquor, a parking lot, and sparse amounts of landscape planters; and

20 WHEREAS, the Project will consist of the demolition of the existing 3,528 square-foot
21 commercial building and construction of a new 4,210 square foot commercial building, a drive-thru
22 lane with stacking for approximately eleven (11) vehicles, an abundant amount of landscaping, and
23 full pedestrian and vehicle access; and

24 WHEREAS, the applicant, intends to operate a McDonald’s restaurant at the Site; and

25 WHEREAS, Pursuant to Table 5-1 (Permitted Uses) of the Foothill Central Specific Plan, the
26 Project requires a Conditional Development Permit, and the applicant has agreed to apply for
27 Conditional Development Permit No. 25-0008 (“CDP No. 25-0008”); and

28 WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of
Design No. 25-0015 to allow the development of a 4,210 square foot restaurant building with drive-
thru service on the Site (“PPD No. 25-0015”); and

1 WHEREAS, on May 6, 2026, the Planning Commission of the City of Rialto conducted a
2 duly noticed public hearing, as required by law, on CDP No. 25-0008 and PPD No. 25-0015, took
3 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
4 public testimony; discussed the proposed CDP No. 25-0008 and PPD No. 25-0015; and closed the
5 public hearing; and

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

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

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

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to CDP No. 25-0008, including written staff reports, verbal
13 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
14 Commission hereby determines that CDP No. 25-0008 satisfies the requirements of Section 18.66.020
15 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
16 conditional development permit. The findings are as follows:

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

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

21 The applicant, or a franchisee, proposes to operate a McDonald's restaurant within the
22 proposed 4,210 square-foot restaurant building with drive-thru service. McDonald's
23 specializes in the sale of burgers, chicken sandwiches, chicken nuggets, salads, breakfast,
24 fries, drinks, coffee, shakes, and desserts. There are currently four (4) other McDonald's
25 locations in the City of Rialto, which are routinely busy with long lines both in store and
26 in the drive-thru. The existing locations highlight strong demand for the restaurant in the
27 City of Rialto. The Project is anticipated to be a benefit to the community and an
improvement to the surrounding area by providing an additional McDonald's location to
service the high demand in the City of Rialto. The Project will provide a more diverse
economic base for the surrounding area and will provide a necessary service for residents
and travelers within the City.

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

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

3 To the north of the project site, across Foothill Boulevard, are various commercial
4 developments including a multi-tenant commercial center, the El Rey motel, and a
5 restaurant with drive-thru service. To the east, across Acacia Avenue, is the Acacia Plaza
6 commercial center, occupied by tenants such as Stater Bros. Markets, Pep Boys, and Burger
7 King. To the south, across the public alley, are several single-family residences, and to the
8 west is an approximately 13,000 square foot multi-tenant commercial building occupied
9 by Metropolitan Clinic and Angie's Candyland. The Project is consistent with the
10 underlying Foothill Mixed-Use Zone (FMUZ) land use district of the Foothill Central
11 Specific Plan. The nearest sensitive uses are the existing single-family residences
12 approximately 30 feet to south of the project site. An existing public alley separates the
13 residences from the project and landscape buffering will be installed to ensure that the
14 project does not negatively impact the existing residences. In addition, the Project has been
15 reviewed by the City staff for compliance with all health, safety, and design requirements
16 to ensure the project will significantly enhance the infrastructure and aesthetics of the local
17 community.

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

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

22 The Site consists of a 1.94-acre parcel of land that is fairly level and adjacent to two (2) public
23 streets and one (1) public alley. The Site is developed with one (1) existing 25,868 square-
24 foot commercial building, occupied by Black Friday Deals, one (1) existing 3,528 square-
25 foot commercial building, occupied by Chuck's Liquor, a parking lot, and sparse amounts
26 of landscape planters. The Project will include the demolition of the existing 3,528 square
27 foot commercial building to make room for the proposed 4,210 square-foot restaurant
28 building with drive-thru service. An existing thirty-five (35) foot wide driveway near the
east end of the Foothill Boulevard frontage and (2) an existing twenty (20) foot wide public
alley driveway at the south end of the Acacia Avenue frontage will provide vehicular access
to the new restaurant. In addition, the new restaurant will have a trash enclosure, lighting,
and accessible pathways leading to the public right-of-way.

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

This finding is supported by the following facts:

The Site has adequate access to all utilities and services required through main water, electric,
sewer, and other utility lines that are already be hooked up to the Site.

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

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

5 The Project is consistent with the underlying Foothill Mixed-Use Zone (FMUZ) land use
6 district of the Foothill Central Specific Plan. The Project will feature a high-quality
7 building exterior designed in compliance with the City's Design Guidelines. Landscaping
8 has been abundantly incorporated into the site. The landscape coverage for the Project is
9 10.7 percent for the entire project site and 20.7 percent for McDonald's lease area, both
10 which exceed the minimum required amount of 10.0 percent. Landscape planters
11 containing trees spaced every thirty (30) linear feet will be installed along the street
12 frontages and throughout the parking areas.

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

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

17 The Project's effects will be minimized through the implementation of the Conditions of
18 Approval contained herein, and through the implementation of Conditions of Approval
19 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
20 landscaping and enhanced architectural features. The Project will meet the development
21 criteria of the FMUZ land use district and the design criteria of the Foothill Central Specific
22 Plan. The project is consistent with the FMUZ land use district and the existing commercial
23 uses to the north, east, and west of the Site. The nearest sensitive uses are the existing
24 single-family residences approximately 30 feet to south of the project site. An existing
25 public alley separates the residences from the project and landscape buffering will be
26 installed to ensure that the project does not negatively impact the existing residences.
27 Therefore, any potential adverse effects are outweighed by the benefits conferred upon the
28 community and neighborhood as a whole.

29 SECTION 3. Based on the foregoing and substantial evidence presented to the Planning
30 Commission during the public hearing conducted with regard to CDP No. 25-0008 and PPD No. 25-
31 0015, including written staff reports, verbal testimony, site plans, other documents, and the conditions
32 of approval stated herein, the Project is categorically exempt from the requirements of the California
33 Environmental Quality Act (CEQA), pursuant to Section 15303, New Construction or Conversion of
34 Small Structures. The Planning Commission directs the Planning Division to file the necessary
35 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

1 SECTION 4. Based on the foregoing and substantial evidence presented to the Planning
2 Commission during the public hearing conducted with regard to CDP No. 2025-0001 and PPD No.
3 2025-0001, including written staff reports, verbal testimony, site plans, other documents, and the
4 conditions of approval stated herein, approval of CDP No. 25-0008 is granted to McDonald’s, LLC
5 in accordance with the plans and application on file with the Planning Division, subject to the
6 following conditions:

- 7 1. The applicant is granted CDP No. 25-0008 allowing the establishment of vehicular drive-
8 thru service in conjunction with a proposed 4,210 square foot restaurant building on a
9 1.94-acre parcel of land (APN: 0130-051-51) located at the southwest corner of Foothill
10 Boulevard and Acacia Avenue within the Foothill Mixed-Use Zone (FMUZ) land use
11 district of the Foothill Central Specific Plan, as shown on the plans attached as Exhibit A
12 and as approved by the Planning Commission. If the Conditions of Approval specified
13 herein are not satisfied or otherwise completed, the project shall be subject to revocation.
- 14 2. City inspectors shall have access to the site to reasonably inspect the site during normal
15 working hours to assure compliance with these conditions and other codes.
- 16 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
17 and/or any of its officials, officers, employees, agents, departments, agencies, and
18 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
19 demands, law suits, writs of mandamus, and other actions and proceedings (whether
20 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
21 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
22 and other such procedures), (collectively “Actions”), brought against the City, and/or
23 any of its officials, officers, employees, agents, departments, agencies, and
24 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
25 annul, the any action of, or any permit or approval issued by, the City and/or any of its
26 officials, officers, employees, agents, departments, agencies, and instrumentalities
27 thereof (including actions approved by the voters of the City), for or concerning the
28 Project (collectively, the “Entitlements”), whether such Actions are brought under the
California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
or any decision of a court of competent jurisdiction. This condition to indemnify,
protect, defend, and hold the City harmless shall include, but not be limited to (i)
damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
attorneys’ fees and other costs, liabilities and expenses incurred in connection with
such proceeding whether incurred by applicant, Property owner, or the City and/or
other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii)
are the “Damages”). Notwithstanding anything to the contrary contained herein, the
Applicant shall not be liable to the City Parties under this indemnity to the extent the
Damages incurred by any of the City Parties in such Action(s) are a result of the City

1 Parties' fraud, intentional misconduct or gross negligence in connection with issuing
2 the Entitlements. The applicant shall execute an agreement to indemnify, protect,
3 defend, and hold the City harmless as stated herein within five (5) days of approval of
4 CDP No. 25-0008.

- 4 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
5 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
6 subject to protest by the applicant at the time of approval or conditional approval of the
7 Project or within 90 days after the date of the imposition of the fees, dedications,
8 reservations, or exactions imposed on the Project.
- 8 5. The applicant, property owner, and/or the tenant utilizing the drive-thru use, shall ensure
9 that vehicle stacking/queuing for the drive-thru lanes does not create circulation impacts
10 off-site at all times. The applicant, property owner, and/or the tenant shall implement
11 measures to address any impacts, should they occur, after discussion and mutual
12 agreement with the Community Development Director.
- 13 6. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of
14 the drive-thru lane. The trash receptacle shall be installed prior to issuance of the
15 Certificate of Occupancy.
- 16 7. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane
17 for the purpose of creating a solid hedge to screen the headlights of vehicles within the
18 drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size upon
19 initial planting, and the shrubs shall be spaced no more than three (3) feet on-center.
20 Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained into a
21 continuous box-shape along the entire length of the drive-thru lane with a height of no
22 less than three and one-half (3.5) feet above the finished grade. The shrubs shall be
23 identified on the formal Landscape Plan submittal prior to the issuance of a landscape
24 permit.
- 25 8. Approval of CDP No. 25-0008 will not become effective until the applicant has signed a
26 statement acknowledging awareness and acceptance of the required conditions of
27 approval contained herein.
- 28 9. In the event, that any operation on the Site is found to be objectionable or incompatible
with the character of the City and its environs due 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 Foothill Mixed-Use Zone (FMUZ) land use district of the Foothill
Central Specific Plan and/or the City's General Plan, the applicant shall address the issues
as quickly as reasonably possible after being notified by the City.
10. If the applicant fails to comply with any of the conditions of approval placed upon CDP
No. 25-0008 or PPD No. 25-0015, the Planning Commission may initiate proceedings
to revoke the conditional development permit in accordance with the provisions of

1 Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. CDP
2 No. 25-0008 may be revoked, suspended or modified in accordance with Section
3 18.66.070 of the Zoning Ordinance at the discretion of the Planning Commission if:

- 4 a) The use for which such approval was granted has ceased to exist, been
5 subsequently modified, or has been suspended for six (6) months or more;
- 6 b) Any of the express conditions or terms of such permit are violated;
- 7 c) The use for which such approval was granted becomes or is found to be
8 objectionable or incompatible with the character of the City and its environs
9 due to excessive noise, excessive traffic, loitering, criminal activity or other
10 undesirable characteristics including, but not strictly limited to uses which
11 are or have become offensive to neighboring property or the goals and
12 objectives of the Foothill Mixed-Use Zone (FMUZ) land use district, the
13 Foothill Central Specific Plan, and the City's General Plan.

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

16 PASSED, APPROVED AND ADOPTED this 6th day of May, 2026.

17 _____
18 MICHAEL E. STORY, CHAIR
19 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

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I, Heidy Gonzalez, 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 ____, 2026.

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 ____, 2026.

HEIDY GONZALEZ, ADMINISTRATIVE ASSISTANT

Exhibit "A"
Project Plans

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