

RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2018-0096) FOR A PROJECT CONSISTING OF THE THE DEVELOPMENT OF A FUELING STATION WITH FUEL CANOPY, 4,500 SQUARE FOOT CONVENIENCE MARKET – QUICK SERVICE RESTAURANT, AUTOMATED CAR WASH, 3,000 SQUARE FOOT DRIVE THROUGH RESTAURANT AND AN 8,500 SQUARE FOOT MULTI-TENANT RETAIL BUILDING ON 2.98 ACRES OF LAND (APN: 1133-521-04) LOCATED AT THE SOUTHWEST CORNER OF CASMALIA STREET AND AYALA DRIVE WITHIN THE FREEWAY INCUBATOR (FI) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Pacific Oil, LLC, proposes to construct a fueling station with fuel canopy, 4,500 square foot convenience market – quick service restaurant, automated car wash, 3,000 square foot drive through restaurant and 8,500 square foot multi-tenant retail building (“Project”) on 2.98 acres of land (APN: 1133-521-04) located at the southwest corner of Casmalia Street and Ayala Drive within the Freeway Incubator (FI) zone of the Renaissance Specific Plan (“Site”); and

WHEREAS, pursuant to the FI zone of the Renaissance Specific Plan, and Section 18.110.040 of the Rialto Municipal Code, the Project requires multiple conditional development permits (“CDP”), and the applicant has agreed to apply for CDP No. 2018-0036 (for the convenience market), CDP No. 2018-0037 (for the off-sale of beer and wine), CDP No. 2018-0038 (for the gas station), CDP No. 2018-0039 (for the car wash), and CDP No. 2018-0017 (for the drive through restaurant); and

WHEREAS, as part of the Project, the Applicant filed a Precise Plan of Design application for the architectural design and site layout of the proposed Project; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. (“CEQA”), the State's CEQA Guidelines,

1 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
2 65962.5(f) (Hazardous Waste and Substances Statement), the City prepared an Initial Study and
3 Mitigated Negative Declaration (Environmental Assessment Review (“EAR”) No. 2018-0096)
4 (attached as Exhibit A hereto) and determined that there is no substantial evidence that supports
5 a fair argument that the approval of the Project would result in a significant adverse effect on the
6 environment, provided appropriate mitigation measures are imposed on the Project; thus, a
7 Mitigated Negative Declaration, which imposes feasible mitigation measures that ensure all of
8 the Project’s environmental impacts will be less than significant, was prepared and notice thereof
9 was given in the manner required by law; and

10 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the
11 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners
12 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from
13 October 29, 2018 to November 17, 2018; and

14 WHEREAS, the City mailed public hearing notices for the proposed Project to all
15 property owners within 300 feet of the Project site, and published the public hearing notice in the
16 San Bernardino Sun newspaper as required by State law; and

17 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto
18 conducted a duly-noticed public hearing, as required by law, on the Initial Study and Mitigated
19 Negative Declaration (EAR No. 2018-0096), CDP No. 2018-0036, CDP No. 2018-0037, CDP
20 No. 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017; took testimony, at which time it
21 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed
22 the proposed EAR No. 2018-0096, CDP No. 2018-0036, CDP No. 2018-0037, CDP No. 2018-
23 0038, CDP No. 2018-0039, and CDP No. 2018-0017; and closed the public hearing; and

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

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

27 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true
28 and correct.

1 SECTION 2: The Initial Study and Mitigated Negative Declaration (EAR No. 2018-
2 0096) concluded that even without mitigation, the Project's impacts on aesthetics, agricultural
3 and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and
4 hazardous materials, hydrology and water quality, land use and planning, mineral resources,
5 population and housing, public services, recreation, and utilities and service systems would be
6 less than significant. The Initial Study and Mitigated Negative Declaration (EAR No. 2018-
7 0096) further concluded that, after incorporation of the recommended mitigation measures, the
8 Project's impacts on noise, biological resources, tribal cultural resources, and
9 transportation/traffic would also be less than significant.

10 SECTION 3: The Planning Commission has independently reviewed and considered the
11 Initial Study and Mitigated Negative Declaration, related technical studies, the public comments,
12 the Staff Report and oral report at the public hearing and other evidence and finds that the
13 Mitigated Negative Declaration was prepared in the manner required by law, and there is no
14 substantial evidence in the record supporting a fair argument that the Project would result in a
15 significant adverse effect upon the environment, after the imposition of the mitigation measures
16 recommended by the Initial Study and Mitigated Negative Declaration.

17 SECTION 4: The Planning Commission hereby recommends imposing all mitigation
18 measures recommended in the Initial Study and Mitigated Negative Declaration, as set forth in,
19 and fully enforced by, the Mitigation Monitoring and Reporting Program, attached hereto as
20 Exhibit B and incorporated herein by this reference, which will ensure that the proposed
21 Project's impacts will be less than significant.

22 SECTION 5: For the foregoing reasons and based on the information and findings
23 included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation
24 Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and
25 evidence in the administrative record of proceedings, the Planning Commission has determined
26 that, based on the foregoing substantial evidence in the administrative record of proceedings, the
27 Project, as conditioned and mitigated, will not have a significant adverse impact on the
28 environment, and also finds that the preparation of the Mitigated Negative Declaration attached

1 hereto complies with CEQA. Therefore, the Planning Commission hereby adopts the Mitigated
2 Negative Declaration, which is incorporated herein by this referencem and the Mitigation
3 Monitoring and Reporting Program.

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

6 PASSED, APPROVED, AND ADOPTED this 28th day of November 2018.

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10 JOHN PEUKERT, CHAIR
11 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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5 I, _____, 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 Planning
7 Commission of the City of Rialto held on the 28th day of March, 2018.
8

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
16 of Rialto this 28th day of March, 2018.

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18 _____, ADMINISTRATIVE ASSISTANT
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