

**RESOLUTION NO. 18-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0037 TO ALLOW THE OFF-SALE OF BEER AND WINE WITHIN A PROPOSED CONVENIENCE MARKET - QUICK SERVICE RESTAURANT 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 sell beer and wine for off-site consumption within a convenience market – quick service restaurant (“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, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0036 (“CDP No. 2018-0036”) to allow the development of a 4,500 square foot convenience market – quick service restaurant on the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0038 (“CDP No. 2018-0038”) to allow the development and operation of a gas station with six (6) fuel dispensers, containing a total of twelve (12) individual pumps, and a 4,300 square foot overhead canopy on the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0039 (“CDP No. 2018-0039”) to allow the development and operation of a 2,400 attached automated car wash on the Site; and

WHEREAS, pursuant to Section 18.110.040 of the Rialto Municipal Code, the off-sale of beer and wine, such as the Project, within a convenience market requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2018-0037”); and

WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0036, CDP No.

1 2018-0037, CDP No. 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017, took  
2 testimony, at which time it received input from staff, the city attorney, and the applicant; heard  
3 public testimony; discussed the proposed CDP No. 2018-0036, CDP No. 2018-0037, CDP No.  
4 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017; and closed the public hearing; and

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

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

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

10 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
11 the public hearing conducted with regard to CDP No. 2018-0037, including written staff reports,  
12 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
13 Planning Commission hereby determines that CDP No. 2018-0037 satisfies the requirements of  
14 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
15 precedent to granting a conditional development permit. The findings are as follows:

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

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

20 The Project will provide a benefit to the community and customers by providing sales of  
21 beer and wine, in addition to typical convenience goods, within one (1) convenient  
22 location. The Project will compliment to the Renaissance Marketplace shopping center  
23 by providing additional retail choices for consumers on a smaller scale. Beer and wine  
24 sales are commonly conducted within convenience markets, including others in the  
25 nearby area.

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

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

To the south of the Site is the Cactus Flood Channel, the 210 freeway, and the  
Renaissance Market Place on the south side of the 210 freeway. To the east, across  
Ayala Drive, is a non-conforming residence and vacant land slated for future commercial

1 retail within the same zoning designation of Freeway Incubator. To the north is an  
2 existing residential neighborhood across the 100 foot right-of-way of Casmalia Street.

3 Additionally, the conditions of approval, contained herein, require the applicant to  
4 implement and permanently maintain all of the safety measures documented within the  
5 Crime Prevention Plan prepared for the Project. Proper maintenance of these safety  
6 measures will minimize crime and nuisance activities associated with the Project to the  
7 fullest extent possible.

8 The zoning of the project site and all of the properties to the east, and west is Freeway  
9 Incubator (FI) within the Renaissance Specific Plan. The project is consistent with the FI  
10 zone of the Renaissance Specific Plan and the future uses adjacent to the project site.  
11 The closest sensitive use are residences located over 125 feet from the development. As  
12 such, the project will not negatively affect the surrounding area, specifically since the  
13 applicant will implement the safety measures listed within the Crime Prevention Plan.

14 The proposed use also meets the location criteria described in Section 18.110.050 by  
15 being at least 1,035 feet from schools (minimum of 1,000 feet required), at least 4,332  
16 feet from churches and parks (minimum of 500 feet required), and at least 125 feet from  
17 residential areas (minimum of 100 feet required).

18 Furthermore, conditions of approval contained herein restrict the display and advertising  
19 of alcoholic beverages, and the age of employees who sell alcoholic beverages, and  
20 require the applicant to provide public education regarding drinking laws in the form of  
21 signage and decals at the register.

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

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

26 The Site contains 2.98 acres, is fairly level, and adjacent to a major arterial street and a  
27 secondary arterial street, which will be able to accommodate the proposed use. The  
28 development will have two (2) points of access via two (2) driveways connected directly to  
Casmalia Street. The easterly driveway along Casmalia Street will be limited to right-  
in/right-out access only, while the westerly driveway along Casmalia Street will be full  
access.

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:*

1 The Site will have adequate access to all utilities and services required through main water,  
2 electric, sewer, and other utility lines that will be hooked up to the Site.

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

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

8 The use is consistent with the Specific Plan with a Specific Plan Overlay General Plan  
9 designation and the FI zone of the Renaissance Specific Plan. The Project will feature  
10 high-quality building exteriors designed in compliance with the City's Design Guidelines  
11 and the Section 4 (Design Guidelines) of the Renaissance Specific Plan. Landscaping has  
12 been abundantly incorporated into the site. The landscape coverage for the Project is 18  
13 percent, which greatly exceeds the minimum required amount of 10.0 percent.  
14 Furthermore, the Project includes the installation of 18 parking spaces, which equals the  
15 minimum parking requirement within Table 3-6 (Parking Standards) of the Renaissance  
16 Specific Plan.

17 Additionally, the conditions of approval contained herein require the applicant to  
18 conform with the development standards for the sale of beer and wine set forth in Chapter  
19 18.110 relating to frontage requirements, visibility, sign requirements, employees,  
20 education of the public, and litter control and maintenance.

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

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

25 Generally speaking, alcohol consumption can lead to an increase in the need for police  
26 services. However, as conditioned the Project's effects will be minimized through the  
27 implementation of the applicant's Crime Prevention Plan, safety measures endorsed by  
28 the Rialto Police Department, education of the public and employees, and litter control  
and maintenance. Additionally, the project will be responsible for the payment of  
Development Impact Fees towards certain public services, including police. Therefore,  
the adverse effects are outweighed by the benefits conferred upon the community and  
neighborhood as a whole.

25 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,  
26 staff determined that the project will not have an adverse impact on the environment, provided that  
27 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The  
28

1 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative  
2 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of  
3 the project site for a public comment period held from October 29, 2018 to November 17, 2018.  
4 The Mitigated Negative Declaration was prepared in accordance with the California Environmental  
5 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary  
6 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

7  
8 SECTION 4. The Planning Commission hereby approves CDP No. 2018-0037, in  
9 conjunction with CDP No. 2018-0036, CDP No. 2018-0038, CDP No. 2018-0039, and CDP No.  
10 2018-0017, to allow the off-sale of beer and wine within a proposed convenience market – quick  
11 service restaurant building located at the southwest corner of Casmalia Street and Ayala Drive  
12 within the Freeway Incubator (FI) zone of the Renaissance Specific Plan, in accordance with the  
13 plans and application on file with the Planning Division, subject to the following conditions:

- 14 1. CDP No. 2018-0037 is granted allowing the off-sale of beer and wine within a proposed  
15 convenience market on 2.98 acres of land (APN: 1133-521-04) located at the southwest  
16 corner of Casmalia Street and Ayala Drive, as shown on the plans submitted to the  
17 Planning Division on October 31, 2018, 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.
- 18 2. City inspectors shall have access to the site to reasonably inspect the site during  
19 normal working hours to assure compliance with these conditions and other codes.
- 20 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
21 officers, or employees from any claims, damages, action, or proceeding against the  
22 City or its agents, officers, or employees to attack, set aside, void, or annul any  
23 approval of the City, its advisory agencies, appeal boards, or legislative body  
24 concerning CDP No. 2018-0037. The City will promptly notify the applicant of any  
such claim, action, or proceeding against the City, and the parties will cooperate fully  
in the defense.
- 25 4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
26 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
27 subject to protest by the applicant at the time of approval or conditional approval of  
28 the Project or within 90 days after the date of the imposition of the fees, dedications,  
reservations, or exactions imposed on the Project.

- 1           5. The approval is for the sale of beer and wine only for off-site consumption.
- 2
- 3           6. Crime prevention measures as endorsed by the City of Rialto Police Department shall be
- 4               a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as
- 5               measured at the ground level of the entire site, from the period of one-half hour
- 6               before sunset until one-half hour after sunrise. Lighting fixtures shall be so
- 7               situated and shielded as not to direct or reflect lighting glare on adjacent
- 8               properties or public rights-of-way.
- 9               b. A locking device shall be installed on the cash register. An adequate floor safe
- 10              shall be installed behind the counter. Only a minimum amount of cash shall be
- 11              kept in the cash register at all times.
- 12              c. Burglary and robbery alarm systems shall be installed as required and approved
- 13              by the Rialto Police Department. A telephone with speaker push button alarm
- 14              shall be installed. The telephone must have a separate button that automatically
- 15              dials into 911 and will transmit on-going conversations and activity.
- 16              Alternatively, a panic-button, which automatically contacts the Rialto Police
- 17              Department upon activation, may be installed at each register. A 24-hour
- 18              security camera system shall be installed on the premises with camera locations
- 19              approved by the Rialto Police Department. All surveillance and security
- 20              equipment shall be continuously maintained and in operation during business
- 21              hours. Surveillance footage shall be provided to the Rialto Police Department
- 22              within 12 hours after a request has been made for said footage. The software or
- 23              media player required to view the type of video format shall be provided to the
- 24              Rialto Police Department, if necessary. An R-P card must be filed with the
- 25              Rialto Police Department containing twenty-four (24) hour phone numbers of
- 26              persons to be contacted.
- 27              d. The business licensee for the convenience market shall maintain a litter control
- 28              program around the exterior of the convenience market in order to minimize the
- resultant impacts of litter on properties adjacent to the store. An exterior trash
- receptacle for employee and customer use shall be placed near the entrance of
- the store.
- e. A building maintenance program shall be established for the purposes of
- maintaining the building structure and landscaping on-site in good physical
- appearance.
- f. The management shall be responsible for educating the public regarding drunken
- driving laws and the related penalties for breaking those laws. This included
- minimum age laws, open container laws and laws related to driving under the
- influence of alcohol. This can be accomplished by posting prominent signs or

1                   decals, providing brochures at the point of purchase and providing adequate  
2                   training for employees.

3                   g. Employees on duty who sell alcoholic beverages must be at least 21 years of  
4                   age.

5                   7. Sale of beer by the individual bottle or can is prohibited.

6                   8. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan and  
7                   the Renaissance Marketplace Sign Program.

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

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

20               11. If the applicant fails to comply with any of the conditions of approval placed upon  
21               Conditional Development Permit No. 2018-0037 or any conditions placed upon the  
22               approval of the Precise Plan of Design required by Condition No. 2 above, the  
23               Planning Commission may initiate proceedings to revoke the conditional  
24               development permit in accordance with the provisions of Sections 18.66.070 through  
25               18.66.090, inclusive, of the Rialto Municipal Code.

26               SECTION 5. 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    28th    day of   November, 2018.

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JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION