

**RESOLUTION NO. 18-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0038 TO ALLOW THE DEVELOPMENT OF A GAS STATION 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 gas station ("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, the Project will be comprised of six (6) fuel dispensers, containing a total of twelve (12) individual pumps, and a 4,300 square foot overhead canopy; and

WHEREAS, the development of a gas station use such as the Project within the FI zone of the Renaissance Specific Plan requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit ("CDP No. 2018-0038"); 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 and operation 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. 2018-0037 ("CDP No. 2018-0037") to allow the off-sale of beer and wine within the convenience market 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, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0017 ("CDP No. 2018-0017") to allow the establishment of a

1 drive-through use in conjunction the development of a stand-alone fast-food restaurant building  
2 on the Site; and

3 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto  
4 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0036, CDP No.  
5 2018-0037, CDP No. 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017, took  
6 testimony, at which time it received input from staff, the city attorney, and the applicant; heard  
7 public testimony; discussed the proposed CDP No. 2018-0036, CDP No. 2018-0037, CDP No.  
8 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017; and closed the public hearing; and

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

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

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

14 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
15 the public hearing conducted with regard to CDP No. 2018-0038, including written staff reports,  
16 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
17 Planning Commission hereby determines that CDP No. 2018-0038 satisfies the requirements of  
18 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
19 precedent to granting a conditional development permit. The findings are as follows:

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

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

24 The Project is anticipated to be a benefit to the community and a compliment to the  
25 Renaissance Marketplace shopping center by providing additional retail fueling choices  
26 for consumers on a smaller scale at a convenient location. The Project will provide a  
27 more diverse economic base for shopping and will provide necessary goods and services  
28 for the residents and travelers within the City.

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 south of the Site is the Cactus Flood Channel, the 210 freeway, and the  
4 Renaissance Market Place on the south side of the 210 freeway. To the east, across  
5 Ayala Drive, is a non-conforming residence and vacant land slated for future commercial  
6 retail within the same zoning designation of Freeway Incubator. To the north is an  
7 existing residential neighborhood across the 100 foot right-of-way of Casmalia Street.  
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  
zone of the Renaissance Specific Plan and the future uses adjacent to the project site.  
The closest sensitive use are residences located more than 125 feet from the development.  
As such, the project will not negatively affect the surrounding area, specifically since the  
applicant will implement the safety measures listed within the Crime Prevention Plan.

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

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

14 The Site contains 2.98 acres, is fairly level, and adjacent to a major arterial street and a  
15 secondary arterial street, which will be able to accommodate the proposed use. The  
16 development will have two (2) points of access via two (2) driveways connected directly to  
17 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.

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

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

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

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

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

27 The use is consistent with the Specific Plan with a Specific Plan Overlay General Plan  
28 designation and the FI zone of the Renaissance Specific Plan. The Project will feature

1 high-quality building exteriors designed in compliance with the City's Design Guidelines  
2 and the Section 4 (Design Guidelines) of the Renaissance Specific Plan. Landscaping has  
3 been abundantly incorporated into the site. The landscape coverage for the Project is 18  
4 percent, which greatly exceeds the minimum required amount of 10.0 percent.  
5 Furthermore, the Project includes the installation of 18 parking spaces, which equals the  
6 minimum parking requirement within Table 3-6 (Parking Standards) of the Renaissance  
7 Specific Plan.

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

*This finding is supported by the following facts:*

9 The Project's effects will be minimized through the implementation of the Conditions of  
10 Approval contained herein, and through the implementation of Conditions of Approval  
11 imposed by the Development Review Committee during the Precise Plan of Design  
12 Process. The development of a gas station and convenience market within a major  
13 shopping center will provide additional employment opportunities and a convenient  
14 location for residents and visitors to purchase gasoline and other goods. Additionally, the  
15 applicant will implement a Crime Prevention Plan, which has been endorsed by the Rialto  
16 Police Department as a means to minimize crime and nuisance activities generated by the  
17 Project. Therefore, any potential adverse effects are outweighed by the benefits conferred  
18 upon the community and neighborhood as a whole.

16 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,  
17 staff determined that the project will not have an adverse impact on the environment, provided that  
18 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The  
19 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative  
20 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of  
21 the project site for a public comment period held from October 29, 2018 to November 17, 2018.  
22 The Mitigated Negative Declaration was prepared in accordance with the California Environmental  
23 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary  
24 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

26 SECTION 4. The Planning Commission hereby approves CDP No. 2018-0038, in  
27 conjunction with CDP No. 2018-0036, CDP No. 2018-0037, CDP No. 2018-0039, and CDP No.  
28 2018-0017 to allow the development of a convenience market – quick service restaurant building

1 located at the southwest corner of Casmalia Street and Ayala Drive within the Freeway Incubator  
2 (FI) zone of the Renaissance Specific Plan, in accordance with the plans and application on file with  
3 the Planning Division, subject to the following conditions:  
4

- 5 1. CDP No. 2018-0038 is granted allowing the development of a gas station on 2.98 acres  
6 of land (APN: 1133-521-04) located at the southwest corner of Casmalia Street and  
7 Ayala Drive, as shown on the plans submitted to the Planning Division on October 31,  
8 2018, and as approved by the Planning Commission. If the Conditions of Approval  
9 specified herein are not satisfied or otherwise completed, the project shall be subject to  
10 revocation.  
11
- 12 2. Prior to the issuance of building or grading permits for the proposed development, a  
13 Precise Plan of Design shall be approved by the City's Development Review Committee  
14 (DRC).  
15
- 16 3. City inspectors shall have access to the site to reasonably inspect the site during  
17 normal working hours to assure compliance with these conditions and other codes.  
18
- 19 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
20 officers, or employees from any claims, damages, action, or proceeding against the  
21 City or its agents, officers, or employees to attack, set aside, void, or annul any  
22 approval of the City, its advisory agencies, appeal boards, or legislative body  
23 concerning CDP No. 2018-0038. The City will promptly notify the applicant of any  
24 such claim, action, or proceeding against the City, and the parties will cooperate fully  
25 in the defense.  
26
- 27 5. In accordance with the provisions of Government Code Section 66020(d)(1), the  
28 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.
6. Decorative pavement shall be provided within the driveway on Casmalia Street. The  
decorative pavement shall extend across the entire width of the driveway and shall have  
a minimum depth of twenty-five (25) feet as measured from the property line along  
Renaissance Parkway. Decorative pavement means decorative pavers and/or color  
stamped concrete. The location of the decorative pavement shall be identified on the  
Precise Grading Plan prior to the issuance of a grading permit, and it shall also be  
identified on the site plan within the formal building plan check submittal prior to the  
issuance of building permits. The type of decorative pavement shall be identified on the  
formal Landscape Plan submittal prior to the issuance of building permits.

- 1 7. All downspouts on all elevations of the canopy shall be routed through the building.  
2 The internal downspouts shall be identified within the formal building plan check  
3 submittal prior to the issuance of building permits.
- 4 8. Any new walls, including any retaining walls, shall be comprised of decorative masonry  
5 block. Decorative masonry block means precision block with a plaster or cultured stone  
6 finish. Pilasters shall be incorporated within all new walls. The pilasters shall be spaced  
7 a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the  
8 wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the  
9 wall. All decorative masonry walls and pilasters, including retaining walls, shall include  
10 a decorative masonry cap. All walls and pilasters shall be identified on the site plan, and  
11 an elevation detail for the walls shall be included in the formal building plan check  
12 submittal prior to the issuance of building permits.
- 13 9. The exterior of the trash enclosure shall match the color and materials of the buildings  
14 on-site. This includes a plaster finish and a wainscot of the stone veneer on all exterior  
15 sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors  
16 and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials  
17 to use within the trash enclosure. An elevation detail for the trash enclosure shall be  
18 provided within formal building plan check submittal prior to the issuance of building  
19 permits.
- 20 10. The exterior of the healy tank enclosure shall match the color and materials of the  
21 buildings on-site. This includes a plaster finish and a wainscot of the stone veneer on all  
22 exterior sides of the enclosure. Additionally, the healy tank enclosure shall contain solid  
23 steel doors and a trellis or solid cover. Corrugated metal and chain-link are not  
24 acceptable materials to use within the healy tank enclosure. An elevation detail for the  
25 healy tank enclosure shall be provided within formal building plan check submittal prior  
26 to the issuance of building permits.
- 27 11. All light standards, including the base, shall be a maximum twenty-five (25) feet high,  
28 as measured from the finished surface. Lighting shall be shielded and/or directed toward  
the site so as not to produce direct glare or "stray light" onto adjacent properties. All  
light standards shall be identified on the site plan and a note/detail indicating the height  
restriction shall be included within the formal building plan check submittal prior to the  
issuance of building permits.
12. A formal Landscape Plan Review application shall be submitted to the Planning  
Division prior to the issuance of building permits. The submittal shall include three (3)  
sets of planting and irrigation plans, a completed Landscape Plan Review application,  
and the applicable review fee.
13. All landscape plant species shall comply with the approved Plant Palette of the RSP.

- 1 14. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All  
2 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be  
3 identified on the formal Landscape Plan submittal prior to the issuance of a landscape  
4 permit.
- 5 15. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the  
6 on-site landscape setback along Casmalia Street. At least fifty (50) percent of the trees  
7 shall consist of evergreen broadleaf trees, while the remaining percentage may consist of  
8 broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal  
9 Landscape Plan submittal prior to the issuance of a landscape permit.
- 10 16. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the  
11 on-site landscape setback along Ayala Drive. At least fifty (50) percent of the trees shall  
12 consist of evergreen broadleaf trees, while the remaining percentage may consist of  
13 broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal  
14 Landscape Plan submittal prior to the issuance of a landscape permit.
- 15 17. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet  
16 within the public right-of-way parkway along Casmalia Street. The street tree species  
17 along Casmalia Street shall be the *Hymenoporus Flavum* "Wedding Tree" and/or the  
18 *Pistachia Chinensis* "Chinese Pistache". The trees shall be identified on the formal  
19 Landscape Plan submittal prior to the issuance of a landscape permit.
- 20 18. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet  
21 within the public right-of-way parkway along Ayala Drive. The street tree species along  
22 Ayala Drive shall be the *Quercus Suber* "Cork Oak" and/or the *Liriodendron Tulipifera*  
23 "Tulip Tree". The trees shall be identified on the formal Landscape Plan submittal prior  
24 to the issuance of a landscape permit.
- 25 19. All land not covered by structures, walkways, parking areas, and driveways, unless  
26 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and  
27 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs  
28 and groundcover shall be spaced an average of three (3) feet on-center or less. 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.
20. All ground mounted equipment and utility boxes, including transformers, fire-  
department connections, backflow devices, etc. shall be surrounded by a minimum of  
two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-  
center, prior to the issuance of a Certificate of Occupancy.

- 1 21. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance  
2 of a Certificate of Occupancy.
- 3 22. All non-glass doors shall be painted to match the color of the adjacent wall prior to the  
4 issuance of a Certificate of Occupancy.
- 5 23. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan and  
6 the Approved Master Sign Program for the project.
- 7 24. The applicant shall obtain all necessary approvals and operating permits from all  
8 Federal, State, and local agencies and provide proof thereof to the City prior to the  
9 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. 2018-0038 or any conditions placed upon the  
21 approval of the Precise Plan of Design required by Condition No. 2 above, the  
22 Planning Commission may initiate proceedings to revoke the conditional  
23 development permit in accordance with the provisions of Sections 18.66.070 through  
24 18.66.090, inclusive, of the Rialto Municipal Code.

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

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

28  
\_\_\_\_\_  
JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION