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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. 2018-0039, 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. 2018-0039 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 is anticipated to be a benefit to the community and a compliment to the  
21 Renaissance Marketplace shopping center by providing additional retail choices for  
22 consumers on a smaller scale at a convenient location. The Project will provide a more  
23 diverse economic base for shopping and will provide necessary goods and services for  
24 the residents and travelers within the City.

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

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

28 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 The zoning of the project site and all of the properties to the east, and west is Freeway  
4 Incubator (FI) within the Renaissance Specific Plan. The project is consistent with the FI  
5 zone of the Renaissance Specific Plan and the future uses adjacent to the project site.  
6 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.

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

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

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

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

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

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

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

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

24 The use is consistent with the Specific Plan with a Specific Plan Overlay General Plan  
25 designation and the FI zone of the Renaissance Specific Plan. The Project will feature  
26 high-quality building exteriors designed in compliance with the City's Design Guidelines  
27 and the Section 4 (Design Guidelines) of the Renaissance Specific Plan. Landscaping has  
28 been abundantly incorporated into the site. The landscape coverage for the Project is 18  
percent, which greatly exceeds the minimum required amount of 10.0 percent.  
Furthermore, the Project includes the installation of 18 parking spaces, which equals the

1 minimum parking requirement within Table 3-6 (Parking Standards) of the Renaissance  
2 Specific Plan.

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

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

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

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

26 SECTION 4. The Planning Commission hereby approves CDP No. 2018-0039, in  
27 conjunction with CDP No. 2018-0036, CDP No. 2018-0037, CDP No. 2018-0038, and CDP No.  
28 2018-0017 to allow the development of a convenience market – quick service restaurant building  
located at the southwest corner of Casmalia Street and Ayala Drive within the Freeway Incubator

1 (FI) zone of the Renaissance Specific Plan, in accordance with the plans and application on file with  
2 the Planning Division, subject to the following conditions:

- 3 1. CDP No. 2018-0039 is granted allowing the development of a 2,400 square foot  
4 automated car wash in conjunction with the proposed convenience market on 2.98 acres  
5 of land (APN: 1133-521-04) located at the southwest corner of Casmalia Street and  
6 Ayala Drive, as shown on the plans submitted to the Planning Division on October 31,  
7 2018, and as approved by the Planning Commission. If the Conditions of Approval  
8 specified herein are not satisfied or otherwise completed, the project shall be subject to  
9 revocation.
- 10 2. Prior to the issuance of building or grading permits for the proposed development, a  
11 Precise Plan of Design shall be approved by the City's Development Review Committee  
12 (DRC).
- 13 3. City inspectors shall have access to the site to reasonably inspect the site during  
14 normal working hours to assure compliance with these conditions and other codes.
- 15 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
16 officers, or employees from any claims, damages, action, or proceeding against the  
17 City or its agents, officers, or employees to attack, set aside, void, or annul any  
18 approval of the City, its advisory agencies, appeal boards, or legislative body  
19 concerning CDP No. 2018-0039. The City will promptly notify the applicant of any  
20 such claim, action, or proceeding against the City, and the parties will cooperate fully  
21 in the defense.
- 22 5. In accordance with the provisions of Government Code Section 66020(d)(1), the  
23 imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
24 subject to protest by the applicant at the time of approval or conditional approval of  
25 the Project or within 90 days after the date of the imposition of the fees, dedications,  
26 reservations, or exactions imposed on the Project.
- 27 6. Decorative pavement shall be provided within the driveway on Casmalia Street. The  
28 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.
7. In order to provide enhanced building modulation in accordance with Section 4 (Design  
Guidelines) of the Renaissance Specific Plan, the tower elements of the building shall  
feature four-sided parapets so that there is no view of the rear side of any parapet. The

four-sided parapets shall be identified on the roof plan within the formal building plan-check submittal prior to the issuance of building permits.

8. In order to provide enhanced building modulation in accordance with Section 4 (Design Guidelines) of the Renaissance Specific Plan, façade returns, at least five (5) feet in depth from the main wall plane, shall be provided at all height variations on all four (4) sides of each building. The façade returns shall be demonstrated on the roof plans within the formal building plan check submittal prior to the issuance of building permits.
9. Any required bollards shall be constructed in a decorative manner. The decorative design shall be consistent with the overall architecture of the project. The final design of any bollards shall be approved by the Planning Division prior to the issuance of building permits. A detail for any required bollards shall be included within the formal building plan check submittal prior to the issuance of building permits.
10. All downspouts on all elevations of the convenience market building shall be routed through the building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
11. Any new walls, including any retaining walls, shall be comprised of decorative masonry block. Decorative masonry block means precision block with a plaster or cultured stone finish. Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.
12. The exterior of the trash enclosure shall match the color and materials of the buildings on-site. This includes a plaster finish and a wainscot of the stone veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials to use within the trash enclosure. An elevation detail for the trash enclosure shall be provided within formal building plan check submittal prior to the issuance of building permits.
13. All light standards, including the base, shall be a maximum twenty-five (25) feet high, 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.

- 1 14. A formal Landscape Plan Review application shall be submitted to the Planning  
2 Division prior to the issuance of building permits. The submittal shall include three (3)  
3 sets of planting and irrigation plans, a completed Landscape Plan Review application,  
4 and the applicable review fee.
- 5 15. All landscape plant species shall comply with the approved Plant Palette of the RSP.
- 6 16. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All  
7 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be  
8 identified on the formal Landscape Plan submittal prior to the issuance of a landscape  
9 permit.
- 10 17. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the  
11 on-site landscape setback along Casmalia Street. At least fifty (50) percent of the trees  
12 shall 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 18. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the  
16 on-site landscape setback along Ayala Drive. At least fifty (50) percent of the trees shall  
17 consist of evergreen broadleaf trees, while the remaining percentage may consist of  
18 broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal  
19 Landscape Plan submittal prior to the issuance of a landscape permit.
- 20 19. 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 Casmalia Street. The street tree species  
22 along Casmalia Street shall be the *Hymenosporum Flavum* "Wedding Tree" and/or the  
23 *Pistachia Chinensis* "Chinese Pistache". The trees shall be identified on the formal  
24 Landscape Plan submittal prior to the issuance of a landscape permit.
- 25 20. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet  
26 within the public right-of-way parkway along Ayala Drive. The street tree species along  
27 Ayala Drive shall be the *Quercus Suber* "Cork Oak" and/or the *Liriodendron Tulipifera*  
28 "Tulip Tree". The trees shall be identified on the formal Landscape Plan submittal prior  
to the issuance of a landscape permit.
- 21 21. All land not covered by structures, walkways, parking areas, and driveways, unless  
22 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and  
23 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs  
24 and groundcover shall be spaced an average of three (3) feet on-center or less. All  
25 planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic  
26 mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite  
27 are not acceptable materials to use within planter areas. All planter areas on-site shall be  
28 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.

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22. All ground mounted equipment and utility boxes, including transformers, fire-  
2 department connections, backflow devices, etc. shall be surrounded by a minimum of  
3 two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-  
4 center, prior to the issuance of a Certificate of Occupancy.
- 5 23. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance  
6 of a Certificate of Occupancy.
- 7 24. All non-glass doors shall be painted to match the color of the adjacent wall prior to the  
8 issuance of a Certificate of Occupancy.
- 9 25. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this  
10 Resolution as "Exhibit 'A'" shall be adhered to at all times.
- 11 26. Outdoor display and storage of any kind is prohibited.
- 12 27. The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and  
13 materials is prohibited.
- 14 28. Crime prevention measures, as endorsed by the City of Rialto Police Department, shall  
15 be incorporated into the design and operation of the business as follows:
- 16 a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as  
17 measured at the ground level of the entire site, from the period of one-half hour  
18 before sunset until one-half hour after sunrise. Lighting fixtures shall be so  
19 situated and shielded as not to direct or reflect lighting glare on adjacent  
20 properties or public rights-of-way.
- 21 b. A locking device shall be installed on the cash register. An adequate floor safe  
22 shall be installed behind the counter. Only a minimum amount of cash shall be  
23 kept in the cash register at all times.
- 24 c. Burglary and robbery alarm systems shall be installed as required and approved  
25 by the Rialto Police Department. A telephone with speaker push button alarm  
26 shall be installed. The telephone must have a separate button that automatically  
27 dials into 911 and will transmit on-going conversations and activity.  
28 Alternatively, a panic-button, which automatically contacts the Rialto Police  
Department upon activation, may be installed at each register. A 24-hour  
security camera system shall be installed on the premises with camera locations  
approved by the Rialto Police Department. All surveillance and security  
equipment shall be continuously maintained and in operation during business  
hours. Surveillance footage shall be provided to the Rialto Police Department  
within 12 hours after a request has been made for said footage. The software or  
media player required to view the type of video format shall be provided to the



Rialto Police Department, if necessary. An R-P card must be filed with the Rialto Police Department containing twenty-four (24) hour phone numbers of persons to be contacted.

- d. All tobacco products will be displayed and sold from behind the cash register counter area.
- e. The height of the cash register counter shall be no more than forty-two (42) inches above the floor level, and shall be illuminated during the hours of darkness so as to be clearly visible through the window areas.

29. Measures to discourage loitering shall be incorporated in the design and operation of the business as follows:

- a. Signs displaying "No Loitering" shall be posted on the building, to the satisfaction of the Rialto Police Department, at all times.
- b. Arcades and video games are prohibited from being on the premises.

30. The business licensee for the convenience market shall maintain a litter control 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.

31. A building maintenance program shall be established for the purposes of maintaining the building structure and landscaping on-site in good physical appearance.

32. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan and the Approved Master Sign Program for the project.

33. 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.

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

1 35. If the applicant fails to comply with any of the conditions of approval placed upon  
2 Conditional Development Permit No. 2018-0039 or any conditions placed upon the  
3 approval of the Precise Plan of Design required by Condition No. 2 above, the  
4 Planning Commission may initiate proceedings to revoke the conditional  
5 development permit in accordance with the provisions of Sections 18.66.070 through  
6 18.66.090, inclusive, of the Rialto Municipal Code.

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

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

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12 JOHN PEUKERT, CHAIR  
13 CITY OF RIALTO PLANNING COMMISSION  
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