

RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0017 TO ALLOW THE ESTABLISHMENT OF A DRIVE-THRU USE IN CONJUNCTION WITH THE DEVELOPMENT OF A 3,000 SQUARE FOOT RESTAURANT 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 develop a 3,000 square foot restaurant building (“Development”) with drive-thru service (“Project”) located at the southwest corner of Casmalia Street and Ayala Drive (APN: 1133-521-04) within the Freeway Incubator (FI) zone of the Renaissance Specific Plan (“Site”); and

WHEREAS, the Development will be comprised of a 3,000 square foot restaurant, a minimum of (27) auto parking spaces and a drive through service aisle with stacking for approximately 17 vehicles; and

WHEREAS, the establishment of a drive-thru 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. 2018-0017”); and

WHEREAS, the Design Review Committee (DRC) reviewed the Site, including the Project, on November 14, 2018 for health safety, access, circulation, parking, drainage, and other Site related requirements, and recommendation of approval to the Planning Commission subject to the incorporation of DRC comments; and

WHEREAS, a subsequent application shall be reviewed DRC for the specific building design including floor plan layout, orientation, and exterior elevations to ensure compliance with the City’s Design Guidelines and consistency with the design of other on-site structures; 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

1 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
2 Development Permit No. 2018-0037 (“CDP No. 2018-0037”) to allow the off-sale of beer and
3 wine within the convenience market on the Site; and

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

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

11 WHEREAS, pursuant to Section 18.66.040A(1) of the Rialto Municipal Code (RMC),
12 the establishment of a drive-thru use requires a Conditional Development Permit and the
13 applicant has agreed to apply for Conditional Development Permit (“CDP No. 2018-0017”); and

14 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto
15 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0036, CDP No.
16 2018-0037, CDP No. 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017, took
17 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
18 public testimony; discussed the proposed CDP No. 2018-0036, CDP No. 2018-0037, CDP No.
19 2018-0038, CDP No. 2018-0039, and CDP No. 2018-0017;; and closed the public hearing; and

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

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

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

25 SECTION 2. Based on substantial evidence presented to the Planning Commission during
26 the public hearing conducted with regard to CDP No. 2018-0017, including written staff reports,
27 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
28 Planning Commission hereby determines that CDP No. 2018-0017 satisfies the requirements of

1 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
2 precedent to granting a conditional development permit. The findings are as follows:

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

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

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

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

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

15 To the south of the Site is the Cactus Flood Channel, the 210 freeway, and the
16 Renaissance Market Place on the south side of the 210 freeway. To the east, across
17 Ayala Drive, is a non-conforming residence and vacant land slated for future commercial
18 retail within the same zoning designation of Freeway Incubator. To the north is an
19 existing residential neighborhood across the 100 foot right-of-way of Casmalia Street.

20 The zoning of the project site and all of the properties to the east, and west is Freeway
21 Incubator (FI) within the Renaissance Specific Plan. The project is consistent with the FI
22 zone of the Renaissance Specific Plan and the future uses adjacent to the project site.
23 The closest sensitive use are residences located more than 125 feet from the development.
24 As such, the project will not negatively affect the surrounding area, specifically since the
25 applicant will implement the safety measures listed within the Crime Prevention Plan..

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

This finding is supported by the following facts:

The Site contains 2.98 acres, is fairly level, and adjacent to a major arterial street and a
secondary arterial street, which will be able to accommodate the proposed use. The
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.

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

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

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

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

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

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

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

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

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

SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
staff determined that the project will not have an adverse impact on the environment, provided that

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

8
9 SECTION 4. The Planning Commission hereby approves CDP No. 2018-0017, in
10 conjunction with CDP No. 2018-0036, CDP No. 2018-0037, CDP No. 2018-0038, and CDP No.
11 2018-0039 to allow the establishment of a drive-thru use in conjunction with the development of a
12 3,000 square foot restaurant building located at the southwest corner of Casmalia Street and Ayala
13 Drive within the Freeway Incubator (FI) zone of the Renaissance Specific Plan, in accordance with
14 the plans and application on file with the Planning Division, subject to the following conditions:

- 15 1. CDP No. 2018-0017 is granted allowing a drive-thru use in conjunction with the
16 development of a 3,000 square foot restaurant on the site located at the southwest
17 corner of Casmalia Street and Ayala Avenue within the Freeway Incubator (FI) zone
18 of the Renaissance Specific Plan, as shown on the plans submitted to the Planning
19 Division on October 31, 2018 and as approved by the Planning Commission. If the
20 Conditions of Approval specified herein are not satisfied or otherwise completed, the
21 project shall be subject to revocation.
- 22 2. Prior to the issuance of building or grading permits for the proposed development, the
23 City's Development Review Committee (DRC) shall approve a Precise Plan of Design.
- 24 3. City inspectors shall have access to the site to inspect the site during normal working
25 hours to assure compliance with these conditions and other codes.
- 26 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
27 officers, or employees from any claims, damages, action, or proceeding against the
28 City or its agents, officers, or employees to attack, set aside, void, or annul any
approval of the City, its advisory agencies, appeal boards, or legislative body
concerning CDP No. 2018-0017. The City will promptly notify the applicant of any
such claim, action, or proceeding against the City and will cooperate fully in the
defense.

5. In accordance with the provisions of Government Code Section 66020(d)(1), the 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. A porte cochere structure that extends over the drive-thru window, across the drive –thru lane down into the landscaped area on the opposite side shall be constructed. The porte cochere shall be designed using the same color scheme color and material as the building.
7. The applicant shall provide adequate screening of headlights on all automobiles within the drive-thru lane to eliminate any light spillover onto adjacent right-of-way.
8. All food user trash enclosures shall incorporate a solid overhead cover that designed and constructed of materials consistent with the architecture of the structure.
9. A drive-thru lane trash receptacle shall be installed prior to issuance to the Certificate of Occupancy.
10. All proposed patio seating area shall have a permanent covering extending from the building or freestanding.
11. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan and the Approved Master Sign Program for the project.
12. 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.
13. 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, Conditional Development Permit No. 2018-0017 shall be invalid 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.
14. If the applicant fails to comply with any of the conditions of approval placed upon Conditional Development Permit No. 2018-0017 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 2 above, the Planning Commission may initiate proceedings to revoke the conditional

development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code.

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

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

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION