

RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0036 TO ALLOW THE DEVELOPMENT OF A 4,500 SQUARE FOOT 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 construct a 4,500 square foot 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, the development of a convenience market 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. 2018-0036”); 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. 2018-0038 (“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, 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. 2018-0036, 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. 2018-0036 satisfies the requirements of
18 Sections 18.66.020 and 18.106.040(A) of the Rialto Municipal Code pertaining to the findings
19 which must be made precedent to granting a conditional development permit for a convenience-type
20 market. The findings are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
30 staff determined that the project will not have an adverse impact on the environment, provided that
31 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
32 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
33 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
34 the project site for a public comment period held from October 29, 2018 to November 17, 2018.
35 The Mitigated Negative Declaration was prepared in accordance with the California Environmental

1 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
2 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

3 SECTION 4. The Planning Commission hereby approves CDP No. 2018-0036, in
4 conjunction with CDP No. 2018-0037, CDP No. 2018-0038, CDP No. 2018-0039, and CDP No.
5 2018-0017 to allow the development of a convenience market – quick service restaurant building
6 located at the southwest corner of Casmalia Street and Ayala Drive within the Freeway Incubator
7 (FI) zone of the Renaissance Specific Plan, in accordance with the plans and application on file with
8 the Planning Division, subject to the following conditions:
9

- 10 1. CDP No. 2018-0036 is granted allowing the development of a 4,500 square foot
11 convenience market on 2.98 acres of land (APN: 1133-521-04) located at the southwest
12 corner of Casmalia Street and Ayala Drive, as shown on the plans submitted to the
13 Planning Division on October 31, 2018, and as approved by the Planning Commission.
14 If the Conditions of Approval specified herein are not satisfied or otherwise completed,
15 the project shall be subject to revocation.
- 16 2. Prior to the issuance of building or grading permits for the proposed development, a
17 Precise Plan of Design shall be approved by the City's Development Review Committee
18 (DRC).
- 19 3. City inspectors shall have access to the site to reasonably inspect the site during
20 normal working hours to assure compliance with these conditions and other codes.
- 21 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
22 officers, or employees from any claims, damages, action, or proceeding against the
23 City or its agents, officers, or employees to attack, set aside, void, or annul any
24 approval of the City, its advisory agencies, appeal boards, or legislative body
25 concerning CDP No. 2018-0036. The City will promptly notify the applicant of any
26 such claim, action, or proceeding against the City, and the parties will cooperate fully
27 in the defense.
- 28 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. 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

1 a minimum depth of twenty-five (25) feet as measured from the property line along
2 Renaissance Parkway. Decorative pavement means decorative pavers and/or color
3 stamped concrete. The location of the decorative pavement shall be identified on the
4 Precise Grading Plan prior to the issuance of a grading permit, and it shall also be
5 identified on the site plan within the formal building plan check submittal prior to the
6 issuance of building permits. The type of decorative pavement shall be identified on the
7 formal Landscape Plan submittal prior to the issuance of building permits.

- 8 7. In order to provide enhanced building modulation in accordance with Section 4 (Design
9 Guidelines) of the Renaissance Specific Plan, the tower elements of the building shall
10 feature four-sided parapets so that there is no view of the rear side of any parapet. The
11 four-sided parapets shall be identified on the roof plan within the formal building plan-
12 check submittal prior to the issuance of building permits.
- 13 8. In order to provide enhanced building modulation in accordance with Section 4 (Design
14 Guidelines) of the Renaissance Specific Plan, façade returns, at least five (5) feet in
15 depth from the main wall plane, shall be provided at all height variations on all four (4)
16 sides of each building. The façade returns shall be demonstrated on the roof plans
17 within the formal building plan check submittal prior to the issuance of building permits.
- 18 9. Decorative stone veneer cladding at the fuel canopy columns shall extend to a height of
19 no less than seventy-two (72) inches above the adjacent finished surface and shall be
20 included in the formal building plan check submittal prior to the issuance of building
21 permits.
- 22 10. Any required bollards shall be constructed in a decorative manner. The decorative
23 design shall be consistent with the overall architecture of the project. The final design of
24 any bollards shall be approved by the Planning Division prior to the issuance of building
25 permits. A detail for any required bollards shall be included within the formal building
26 plan check submittal prior to the issuance of building permits.
- 27 11. All downspouts on all elevations of the convenience market building shall be routed
28 through the building. The internal downspouts shall be identified within the formal
building plan check submittal prior to the issuance of building permits.
12. 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.

- 1 13. The exterior of the trash enclosure shall match the color and materials of the buildings
2 on-site. This includes a plaster finish and a wainscot of the stone veneer on all exterior
3 sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors
4 and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials
5 to use within the trash enclosure. An elevation detail for the trash enclosure shall be
6 provided within formal building plan check submittal prior to the issuance of building
7 permits.
- 8 14. All light standards, including the base, shall be a maximum twenty-five (25) feet high,
9 as measured from the finished surface. Lighting shall be shielded and/or directed toward
10 the site so as not to produce direct glare or "stray light" onto adjacent properties. All
11 light standards shall be identified on the site plan and a note/detail indicating the height
12 restriction shall be included within the formal building plan check submittal prior to the
13 issuance of building permits.
- 14 15. A formal Landscape Plan Review application shall be submitted to the Planning
15 Division prior to the issuance of building permits. The submittal shall include three (3)
16 sets of planting and irrigation plans, a completed Landscape Plan Review application,
17 and the applicable review fee.
- 18 16. All landscape plant species shall comply with the approved Plant Palette of the RSP.
- 19 17. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All
20 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be
21 identified on the formal Landscape Plan submittal prior to the issuance of a landscape
22 permit.
- 23 18. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the
24 on-site landscape setback along Casmalia Street. At least fifty (50) percent of the trees
25 shall consist of evergreen broadleaf trees, while the remaining percentage may consist of
26 broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal
27 Landscape Plan submittal prior to the issuance of a landscape permit.
- 28 19. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the
on-site landscape setback along Ayala Drive. At least fifty (50) percent of the trees shall
consist of evergreen broadleaf trees, while the remaining percentage may consist of
broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal
Landscape Plan submittal prior to the issuance of a landscape permit.
20. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet
within the public right-of-way parkway along Casmalia Street. The street tree species
along Casmalia Street shall be the *Hymenosporum Flavum* "Wedding Tree" and/or the
Pistachia Chinensis "Chinese Pistache". The trees shall be identified on the formal
Landscape Plan submittal prior to the issuance of a landscape permit.

- 1 21. One (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet
2 within the public right-of-way parkway along Ayala Drive. The street tree species along
3 Ayala Drive shall be the Quercus Suber “Cork Oak” and/or the Liriodendron Tulipifera
4 “Tulip Tree”. The trees shall be identified on the formal Landscape Plan submittal prior
5 to the issuance of a landscape permit.
- 6 22. All land not covered by structures, walkways, parking areas, and driveways, unless
7 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and
8 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs
9 and groundcover shall be spaced an average of three (3) feet on-center or less. All
10 planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic
11 mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite
12 are not acceptable materials to use within planter areas. All planter areas on-site shall be
13 permanently irrigated and maintained. The planting and irrigation shall be identified on
14 the formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 15 23. All ground mounted equipment and utility boxes, including transformers, fire-
16 department connections, backflow devices, etc. shall be surrounded by a minimum of
17 two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-
18 center, prior to the issuance of a Certificate of Occupancy.
- 19 24. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
20 of a Certificate of Occupancy.
- 21 25. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
22 issuance of a Certificate of Occupancy.
- 23 26. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this
24 Resolution as “Exhibit ‘A’” shall be adhered to at all times.
- 25 27. Outdoor display and storage of any kind is prohibited.
- 26 28. The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and
27 materials is prohibited.
- 28 29. Crime prevention measures, as endorsed by the City of Rialto Police Department, shall
be incorporated into the design and operation of the business as follows:
- a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as
measured at the ground level of the entire site, from the period of one-half hour
before sunset until one-half hour after sunrise. Lighting fixtures shall be so
situated and shielded as not to direct or reflect lighting glare on adjacent
properties or public rights-of-way.

- 1 b. A locking device shall be installed on the cash register. An adequate floor safe
2 shall be installed behind the counter. Only a minimum amount of cash shall be
3 kept in the cash register at all times.
- 4 c. Burglary and robbery alarm systems shall be installed as required and approved
5 by the Rialto Police Department. A telephone with speaker push button alarm
6 shall be installed. The telephone must have a separate button that automatically
7 dials into 911 and will transmit on-going conversations and activity.
8 Alternatively, a panic-button, which automatically contacts the Rialto Police
9 Department upon activation, may be installed at each register. A 24-hour
10 security camera system shall be installed on the premises with camera locations
11 approved by the Rialto Police Department. All surveillance and security
12 equipment shall be continuously maintained and in operation during business
13 hours. Surveillance footage shall be provided to the Rialto Police Department
14 within 12 hours after a request has been made for said footage. The software or
15 media player required to view the type of video format shall be provided to the
16 Rialto Police Department, if necessary. An R-P card must be filed with the
17 Rialto Police Department containing twenty-four (24) hour phone numbers of
18 persons to be contacted.
- 19 d. All tobacco products will be displayed and sold from behind the cash register
20 counter area.
- 21 e. The height of the cash register counter shall be no more than forty-two (42)
22 inches above the floor level, and shall be illuminated during the hours of
23 darkness so as to be clearly visible through the window areas.
- 24 30. Measures to discourage loitering shall be incorporated in the design and operation of the
25 business as follows:
- 26 a. Signs displaying "No Loitering" shall be posted on the building, to the
27 satisfaction of the Rialto Police Department, at all times.
- 28 b. Arcades and video games are prohibited from being on the premises.
31. 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.
32. A building maintenance program shall be established for the purposes of maintaining the
building structure and landscaping on-site in good physical appearance.
33. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan and
the Approved Master Sign Program for the project.

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- 2 34. Prior to issuance of a grading permit, the Applicant shall coordinate with the
- 3 Gabrieleno Band of Mission Indians-Kizh Nation (Kizh Nation) to provide an on-site
- 4 tribal monitor for all ground disturbance activities. Applicant shall provide the City
- 5 with documented proof of monitoring coordination with the Kizh Nation prior to
- 6 issuance of a grading permit.
- 7
- 8 35. 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
- 12 36. The privileges granted by the Planning Commission pursuant to approval of this
- 13 Conditional Development Permit are valid for one (1) year from the effective date of
- 14 approval. If the applicant fails to commence the project within one year of said
- 15 effective date, this conditional development permit shall be null and void and any
- 16 privileges granted hereunder shall terminate automatically. If the applicant or his or
- 17 her successor in interest commence the project within one year of the effective date of
- 18 approval, the privileges granted hereunder will continue inured to the property as long
- 19 as the property is used for the purpose for which the conditional development permit
- 20 was granted, and such use remains compatible with adjacent property uses.
- 21
- 22 37. If the applicant fails to comply with any of the conditions of approval placed upon
- 23 Conditional Development Permit No. 2018-0036 or any conditions placed upon the
- 24 approval of the Precise Plan of Design required by Condition No. 2 above, the
- 25 Planning Commission may initiate proceedings to revoke the conditional
- 26 development permit in accordance with the provisions of Sections 18.66.070 through
- 27 18.66.090, inclusive, of the Rialto Municipal Code.
- 28

18 SECTION 5. The Chairman of the Planning Commission shall sign the passage and

19 adoption of this resolution and thereupon the same shall take effect and be in force.

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

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25 JOHN PEUKERT, CHAIR

26 CITY OF RIALTO PLANNING COMMISSION

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