

**RESOLUTION NO. 19-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 16-26) FOR A PROJECT CONSISTING OF THE DEVELOPMENT OF A 4,100 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH DRIVE-THRU SERVICE, A 3,200 SQUARE FOOT RESTAURANT BUILDING WITH DRIVE-THRU SERVICE, AND A DIESEL FUEL SERVICE STATION CONSISTING OF A 1,368 SQUARE FOOT CANOPY AND FOUR (4) FUEL DISPENSERS ON 6.06 GROSS ACRES OF LAND (APNS: 1133-181-18, -19, -20, & -22) LOCATED AT THE SOUTHEAST CORNER OF ALDER AVENUE AND CASMALIA STREET WITHIN THE FREEWAY INCUBATOR (FI) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Alessandro Service Station, LP, proposes to construct a 4,100 square foot multi-tenant commercial building with drive-thru service, a 3,200 square foot restaurant building with drive-thru service, and a diesel fuel service station consisting of a 1,368 square foot canopy and four (4) fuel dispensers ("Project") on 6.06 gross acres of land (APNs: 1133-181-18, -19, -20, & -22) located at the southeast corner of Alder Avenue and Casmalia Street within the Freeway Incubator (FI) zone of the Renaissance Specific Plan ("Site"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 810 to allow the development of a 4,100 square foot multi-tenant commercial building with drive-thru service on the Site ("CDP No. 810"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 811 to allow the development of a 3,200 square foot restaurant building with drive-thru service on the Site ("CDP No. 811"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 812 to allow the development of a diesel fuel service station consisting of a 1,368 square foot canopy and four (4) fuel dispensers on the Site ("CDP No. 812"); and

1 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,  
2 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,  
3 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section  
4 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study  
5 (Environmental Assessment Review No. 16-26) prepared by VCS Environmental, Inc. and  
6 determined that there is no substantial evidence that the approval of the Project would result in a  
7 significant adverse effect on the environment, provided appropriate mitigation measures are  
8 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof  
9 was given in the manner required by law; and

10 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the  
11 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners  
12 within 300 feet of the Site, and a twenty (20) day public comment period was held from  
13 December 15, 2018 to January 3, 2019; and

14 WHEREAS, one (1) comment letter was received from the South Coast Air Quality  
15 Management District (SCAQMD), which was submitted on December 21, 2018; and

16 WHEREAS, the comment letter from SCAQMD requested that the Air Quality and  
17 Greenhouse Gas Assessment associated with the project include an analysis of operational  
18 Reactive Organic Gas (ROG) emissions generated by the underground storage tanks and the  
19 fueling process; and

20 WHEREAS, on February 4, 2019, the applicant submitted a revised Air Quality and  
21 Greenhouse Gas Assessment, a revised Initial Study, and a response letter that addressed the  
22 comment letter from SCAQMD, documented that the revised documents included an updated  
23 analysis of the ROG emissions generated by the underground storage tanks and the fueling  
24 process, and concluded that ROG emissions generated by the project remain below the  
25 SCAQMD's threshold of significance; and

26 WHEREAS, February 7, 2019, the Planning Division forwarded the revised Air Quality  
27 and Greenhouse Gas Assessment, the revised Initial Study, and the response letter to the  
28 SCAQMD; and

1 WHEREAS, the Planning Division did not receive any further comment from SCAQMD  
2 upon providing the documents and the response letter; and

3 WHEREAS, the City mailed public hearing notices for the proposed Project to all  
4 property owners within 300 feet of the project site, and published the public hearing notice in the  
5 San Bernardino Sun newspaper as required by State law; and

6 WHEREAS, on April 24, 2019, the Planning Commission of the City of Rialto conducted  
7 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, CDP  
8 No. 810, CDP No. 811, and CDP No. 812, took testimony, at which time it received input from  
9 staff, the city attorney, and the Applicant; heard public testimony; discussed the proposed  
10 Mitigated Negative Declaration, CDP No. 810, CDP No. 811, and CDP No. 812; and closed the  
11 public hearing; and

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

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

15 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true  
16 and correct.

17 SECTION 2: The Planning Commission has independently reviewed and considered the  
18 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review  
19 No. 16-26) attached hereto as Exhibit "B" and incorporated herein by this reference, the public  
20 comments upon it, and other evidence and finds that the Mitigated Negative Declaration was  
21 prepared in the manner required by law, and there is no substantial evidence in the record to  
22 support a fair argument that the Project would result in a significant adverse effect upon the  
23 environment, provided appropriate mitigation measures are imposed as recommended below.

24 SECTION 3: The Initial Study and Mitigated Negative Declaration prepared for the  
25 project identified that the Site did not have suitable habitat for any threatened or endangered  
26 species, and therefore the proposed Project will have no individual or cumulative adverse  
27 impacts upon such resources, as defined in Section 711. 2 of the State Fish and Game Code.

**SECTION 4:** The attached proposed Initial Study and Mitigated Negative Declaration finds that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, and utilities and service systems.

SECTION 5: With the imposition of mitigation measures that address potential impacts upon biological resources, cultural resources, transportation/traffic, tribal cultural resources, and mandatory findings of significance in the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit “C” hereto, which is attached hereto and incorporated herein by this reference, the proposed Project’s potential significant impacts will be reduced below a level of significance.

SECTION 6: For the foregoing reasons and based on the information and findings included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and evidence in the administrative record of proceedings, the Planning Commission has determined that the Project, as conditioned and mitigated, will not have a significant adverse impact on the environment and also finds that the preparation of the Initial Study and Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission certifies and adopts the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, making certain environmental findings to allow the Project.

SECTION 7: 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 24th day of April, 2019.

JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
6 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2019.

8 Upon motion of Planning Commissioner\_\_\_\_\_, seconded by Planning Commissioner  
9 \_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
15 of Rialto this \_\_\_\_th day of \_\_\_\_, 2019.  
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19 \_\_\_\_\_  
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
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