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WHEREAS, on April 15, 2019, the Director of Development Services approved Lot Line Adjustment No. 231 allowing the adjustment of the property lines between four (4) parcels 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”) resulting in the formation of Parcel 1 (1.81 acres), Parcel 2 (0.96 acres), Parcel 3 (1.17 acres), and Parcel 4 (2.12 acres); and

WHEREAS, Pursuant to Table 3-2 (General Permitted Uses) of the Renaissance Specific Plan, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 811 (“CDP No. 811”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 810 (“CDP No. 810”) to allow the development of a 4,100 square foot multi-tenant commercial building with drive-thru service on Parcel 3 of the Site; and

-1-

1 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the
2 Project on May 18, 2016 for compliance with health, safety, and design requirements and
3 forwarded the a recommendation of approval to the Planning Commission subject to the
4 incorporation of DRC comments; and

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

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

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

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

15 SECTION 2. Based on substantial evidence presented to the Planning Commission during
16 the public hearing conducted with regard to CDP No. 811, including written staff reports, verbal
17 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
18 Commission hereby determines that CDP No. 811 satisfies the requirements of Section 18.66.020 of
19 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
20 conditional development permit. 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
or community; and

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

24
25 The Project is anticipated to be a benefit to the community creating a more diverse
26 economic base for the community by providing an additional choice of food and
27 beverages at a convenient location. Additionally, the Project will replace the blight of
undeveloped property with desirable improvements that will aesthetically enhance the
appearance of the community.

- 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 The zoning of the Site and the properties to the east, south, and west is Freeway Incubator
5 (FI) within the Renaissance Specific Plan. The project is consistent with the FI zone, and
6 the uses adjacent to the project site. There are no sensitive uses adjacent to or near the
7 Site. Additionally, the project has been reviewed by the Design Review Committee
8 (DRC) for compliance with all health, safety, and design requirements to ensure the
 project will significantly enhance the infrastructure and aesthetics of the local
 community.

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

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

13 The Site contains 6.06 acres of land, is fairly level, is adjacent to two (2) public streets, and
14 has to two (2) existing driveways connected to Casmalia Street. Parcel 2 of the Site
15 contains 0.96 acres, and has reciprocal access throughout the Site. Upon completion of
16 the Project, Parcel 2 of the Site will contain thirty-three (33) parking spaces, which
17 exceeds the amount of parking spaces required by Table 3-6 (Parking Standards) of the
18 Renaissance Specific Plan. In addition, the development will have a trash enclosure,
19 lighting, and accessible pathways leading to and from the public right-of-way.

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

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

23 The Site has adequate access to all utilities and services required through main water,
24 electric, sewer, and other utility lines that will be hooked up to the Site as part of the
25 proposed Project.

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

This finding is supported by the following facts:

 The use is consistent with the FI zone. The Project, as submitted, meets or exceeds the
 applicable development criteria of the FI zone and the design criteria contained in
 Renaissance Specific Plan. Furthermore, the Site will be aesthetically enhanced with a

1 new structure and landscaping that comply with the City's Design Guidelines. The
2 project is anticipated to be a benefit to the community and an improvement to the
3 surrounding area.

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

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

8 The Project's effects will be minimized through the implementation of the Conditions of
9 Approval contained herein, and through the implementation of Conditions of Approval
10 imposed by the Development Review Committee during the Precise Plan of Design
11 Process, such as extensive landscaping, a decorative trash enclosure, decorative paving
12 and enhanced architectural features. The project will meet or exceed the development
13 criteria of the FI zone and the design criteria of the Renaissance Specific Plan. The
14 project is consistent with the FI zone, and the uses adjacent to the project site. There are
15 no sensitive uses adjacent to or near the Site. As such, the project will not negatively
16 affect the surrounding area. Therefore, any potential adverse effects are outweighed by
17 the benefits conferred upon the community and neighborhood as a whole.

18 SECTION 3. Alessandro Service Station, LP is hereby granted CDP No. 811 to allow the
19 development of a 3,200 square foot restaurant building with drive-thru service on Parcel 2 of the
20 Site.

21 SECTION 4. Based on the findings and recommended mitigation within the Initial Study,
22 staff determined that the project will not have an adverse impact on the environment, provided that
23 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
24 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
25 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
26 the project site for a public comment period held from December 15, 2018 to January 3, 2019. The
27 Mitigated Negative Declaration was prepared in accordance with the California Environmental
28 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 5. CDP No. 811 is granted to Alessandro Service Station, LP in accordance with
the plans and application on file with the Planning Division, subject to the following conditions:

1. The approval is granted allowing the development of a 3,200 square foot restaurant building with drive-thru service on Parcel 2 of the Site, as shown on the plans submitted to the Planning Division on October 2, 2018 and as approved by the Planning Commission. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the project shall be subject to revocation.
2. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan of Design shall be approved by the City's Development Review Committee (DRC).
3. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.
4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the 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. 811. 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. In order to provide enhanced building design in accordance with Section 4 of the Renaissance Specific Plan (Design Guidelines), the applicant shall route all downspouts through the interior of the building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
7. Any new walls, including any retaining walls, shall be comprised of decorative masonry block. Decorative masonry block means tan-colored slumpstone block, tan-colored split-face block, or precision block with a stucco, 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 of one (1) block course above the wall and a minimum of six (6) inches 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.
8. The exterior of the trash enclosure shall match the color and materials of the buildings on-site. This includes a stucco finish and a wainscot and/or columns of matching stone veneer on all exterior sides of the enclosure. Additionally, the trash enclosure shall

- 1 contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not
2 acceptable materials to use as a part of the trash enclosure. An elevation detail for the
3 trash enclosure shall be provided within formal building plan check submittal prior to
4 the issuance of building permits.
- 5 9. All new light standards, including the base, shall have a maximum height of twenty-five
6 (25) feet, as measured from the finished surface. Lighting shall be shielded and/or
7 directed toward the site so as not to produce direct glare or "stray light" onto adjacent
8 properties. All light standards shall be identified on the site plan and a detail indicating
9 the height shall be included within the formal building plan check submittal prior to the
10 issuance of building permits.
- 11 10. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the
12 issuance of building permits. The submittal shall include three (3) sets of planting and
13 irrigation plans, a completed Landscape Plan Review application, and the applicable
14 review fee.
- 15 11. All landscape plant species shall comply with the approved Plant Palette of the
16 Renaissance Specific Plan.
- 17 12. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
18 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter,
19 the parking lot trees shall be permanently irrigated and maintained. All parking lot tree
20 species shall consist of evergreen broadleaf trees. The trees shall be identified on the
21 formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 22 13. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
23 landscape setback along Casmalia Street. All trees within the landscape setbacks shall
24 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the
25 trees within the landscape setback shall be permanently irrigated and maintained. At
26 least fifty (50) percent of the trees within the setbacks shall consist of evergreen
27 broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees
28 and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal
prior to the issuance of a landscape permit.
14. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
right-of-way parkway along Casmalia Street. All trees within the public right-of-way
parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
Thereafter, the trees within the public right-of-way parkway shall be permanently
irrigated and maintained, as required by the Public Works Department. The street tree
species along Casmalia Street shall be the *Pistachia Chinensis* "Chinese Pistache" and/or
the *Hymenosporum Flavum* "Wedding Tree". The trees shall be identified on the
formal Landscape Plan submittal prior to the issuance of building permits.
15. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane
for the purpose of creating a solid hedge to screen the headlights of vehicles within the

drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the drive-thru lane with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

16. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
17. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. 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.
18. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.
19. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of the drive-thru lane. The trash receptacle shall be installed prior to issuance to the Certificate of Occupancy.
20. The applicant shall install a bicycle rack within the pathway area around the perimeter of the building prior to the issuance of the Certificate of Occupancy.
21. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.

- 1
- 2 22. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
- 3 issuance of a Certificate of Occupancy.
- 4 23. All signage on the building and on the Site shall comply with Section 5 (Signs) of the
- 5 Renaissance Specific Plan.
- 6 24. The applicant shall obtain all necessary approvals and operating permits from all
- 7 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
- 8 25. The privileges granted by the Planning Commission pursuant to approval of this
- 9 Conditional Development Permit are valid for one (1) year from the effective date of
- 10 approval. If the applicant fails to commence the project within one year of said
- 11 effective date, this conditional development permit shall be null and void and any
- 12 privileges granted hereunder shall terminate automatically. If the applicant or his or
- 13 her successor in interest commence the project within one year of the effective date of
- 14 approval, the privileges granted hereunder will continue inured to the property as long
- 15 as the property is used for the purpose for which the conditional development permit
- 16 was granted, and such use remains compatible with adjacent property uses.
- 17 26. If the applicant fails to comply with any of the conditions of approval placed upon
- 18 Conditional Development Permit No. 811 or any conditions placed upon the approval
- 19 of the Precise Plan of Design required by Condition No. 2 above, the Planning
- 20 Commission may initiate proceedings to revoke the conditional development permit
- 21 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
- 22 of the Rialto Municipal Code.

23

24 SECTION 6. The Chairman of the Planning Commission shall sign the passage and

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

26

27 PASSED, APPROVED AND ADOPTED this 24th day of April, 2019.

28

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

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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