

RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING 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, AS AN ADDITION TO AN EXISTING SERVICE STATION, ON 6.06 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, 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, the applicant, Alessandro Service Station, LP, proposes to develop a new diesel fuel service station ("Project") on Parcel 1 of the Site, as an addition to a gasoline and diesel service station that exists on the Site; and

WHEREAS, the Project will consist of a 1,368 square foot canopy, four (4) fuel dispensers, and full vehicle access; 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. 812 ("CDP No. 812"); and

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

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 811 ("CDP No. 811") to allow the development of a 3,200 square foot restaurant building with drive-thru service on Parcel 2 of the Site; and

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2 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the
3 Project on May 18, 2016 for compliance with health, safety, and design requirements and
4 forwarded the a recommendation of approval to the Planning Commission subject to the
5 incorporation of DRC comments; 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 CDP No. 812, CDP No. 810, and CDP No.
8 811, took testimony, at which time it received input from staff, the city attorney, and the
9 applicant; heard public testimony; discussed the proposed CDP No. 812, CDP No. 810, and CDP
10 No. 811; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during
17 the public hearing conducted with regard to CDP No. 812, including written staff reports, verbal
18 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
19 Commission hereby determines that CDP No. 812 satisfies the requirements of Section 18.66.020 of
20 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
21 conditional development permit. The findings are as follows:

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

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

26 The Project is anticipated to be a benefit to the community as it will provide an increase
27 in diesel fuel service for consumers at a convenient location. Additionally, the Site is
28 located near the interchange of the SR-210 Freeway and Alder Avenue, which maintains
a high level of vehicular traffic in need of diesel fuel service. The Project will provide an

1 expanded economic base for the City of Rialto and it will provide a desired service for
2 the residents and travelers within the City.

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

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

6 To the north of the Site, across Casmalia Street, is a 630,000 square foot industrial
7 warehouse building, and to the east is approximately 5.13 acres of vacant land. To the
8 south lies a flood channel owned and maintained by the San Bernardino County Flood
9 Control District, and to the west, across Alder Avenue, is approximately 5.78 acres of
10 vacant land. The zoning of the Site and the properties to the east, south, and west is
11 Freeway Incubator (FI) within the Renaissance Specific Plan. The project is consistent
with the FI zone, and the uses adjacent to the project site. There are no sensitive uses
adjacent to or near the Site. As such, the project will not negatively affect the
surrounding area.

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

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

16 The Site contains 6.06 acres of land, is fairly level, and is adjacent to two (2) public
17 streets, which will be able to accommodate the proposed use. Parcel 1 of the Site
18 contains 1.81 acres, and has reciprocal access throughout the Site. The Site already has
19 two (2) points of access – two (2) driveways connected directly to Casmalia Street. The
westerly driveway along Casmalia Street is limited to right-in/right-out access only, while
the easterly driveway is a signalized full access intersection on Casmalia Street.

- 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
proposed Project.

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

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

1 The use is consistent with the FI zone of the Renaissance Specific Plan. The Project, as
2 submitted, meets or exceeds the applicable development criteria of the FI zone of the
3 Renaissance Specific Plan. Furthermore, the Site will be aesthetically enhanced with a
4 new a canopy structure and landscaping that comply with the City's Design Guidelines
5 and Section 4 (Design Guidelines) of the Renaissance Specific Plan. The project is
6 anticipated to be a benefit to the community and an improvement to the surrounding area.

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

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

9 The Project's effects will be minimized through the implementation of the Conditions of
10 Approval contained herein, and through the implementation of Conditions of Approval
11 imposed by the Development Review Committee during the Precise Plan of Design
12 Process. The development of an additional diesel fuel service station on the Site will
13 provide an increase in diesel fuel service for residents and visitors in a convenient
14 location near the SR-210 Freeway. The project is consistent with the FI zone, and the
15 uses adjacent to the project site. There are no sensitive uses adjacent to or near the Site.
16 As such, the project will not negatively affect the surrounding area. Therefore, any
17 potential adverse effects are outweighed by the benefits conferred upon the community
18 and neighborhood as a whole.

16 SECTION 3. Alessandro Service Station, LP is hereby granted CDP No. 812 to allow the
17 development of a diesel fuel service station consisting of a 1,368 square foot canopy and four (4)
18 fuel dispensers on Parcel 1 of the Site.

19 SECTION 4. Based on the findings and recommended mitigation within the Initial Study,
20 staff determined that the project will not have an adverse impact on the environment, provided that
21 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
22 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
23 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
24 the project site for a public comment period held from December 15, 2018 to January 3, 2019. The
25 Mitigated Negative Declaration was prepared in accordance with the California Environmental
26 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
27 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
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1 SECTION 5. CDP No. 812 is granted to Alessandro Service Station, LP in accordance with
2 the plans and application on file with the Planning Division, subject to the following conditions:

- 3 1. The approval is granted allowing the development of a diesel fuel service station
4 consisting of a 1,368 square foot canopy and four (4) fuel dispensers on Parcel 1 of the
5 Site, as shown on the plans submitted to the Planning Division on October 2, 2018 and
6 as approved by the Planning Commission. If the Conditions of Approval specified
7 herein are not satisfied or otherwise completed, the project shall be subject to revocation.
- 8 2. Prior to the issuance of building or grading permits for the proposed development, a
9 Precise Plan of Design shall be approved by the City's Development Review Committee
10 (DRC).
- 11 3. City inspectors shall have access to the site to reasonably inspect the site during
12 normal working hours to assure compliance with these conditions and other codes.
- 13 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
14 officers, or employees from any claims, damages, action, or proceeding against the
15 City or its agents, officers, or employees to attack, set aside, void, or annul any
16 approval of the City, its advisory agencies, appeal boards, or legislative body
17 concerning CDP No. 812. The City will promptly notify the applicant of any such
18 claim, action, or proceeding against the City and will cooperate fully in the defense.
- 19 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
20 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
21 subject to protest by the applicant at the time of approval or conditional approval of
22 the Project or within 90 days after the date of the imposition of the fees, dedications,
23 reservations, or exactions imposed on the Project.
- 24 6. Any new walls, including any retaining walls, shall be comprised of decorative masonry
25 block. Decorative masonry block means tan-colored slumpstone block, tan-colored
26 split-face block, or precision block with a stucco, plaster, or cultured stone finish.
27 Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a
28 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.
7. Any new light standards, including the base, shall have a maximum height of twenty-
 five (25) feet, 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 detail indicating

the height shall be included within the formal building plan check submittal prior to the issuance of building permits.

8. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.
9. All landscape plant species shall comply with the approved Plant Palette of the Renaissance Specific Plan.
10. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all new planters on Parcel 1. 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.
11. 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.
12. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
13. All signage on the canopy and on the Site shall comply with Section 5 (Signs) of the Renaissance Specific Plan.
14. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
15. 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

1 as the property is used for the purpose for which the conditional development permit
2 was granted, and such use remains compatible with adjacent property uses.

3 16. If the applicant fails to comply with any of the conditions of approval placed upon
4 Conditional Development Permit No. 812 or any conditions placed upon the approval
5 of the Precise Plan of Design required by Condition No. 2 above, the Planning
6 Commission may initiate proceedings to revoke the conditional development permit
7 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
8 of the Rialto Municipal Code.

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

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

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14 JOHN PEUKERT, CHAIR
15 CITY OF RIALTO PLANNING COMMISSION
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3 STATE OF CALIFORNIA)
4 COUNTY OF SAN BERNARDINO) ss
5 CITY OF RIALTO)
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7 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
8 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
9 Planning Commission of the City of Rialto held on the ____th day of ____, 2019.

10 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
11 ____, the foregoing Resolution No. ____ was duly passed and adopted.

12 Vote on the motion:

13 AYES:

14 NOES:

15 ABSENT:

16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
17 of Rialto this ____th day of ____, 2019.
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21 _____
22 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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