

1 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the
2 Project on August 15, 2018 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 June 12, 2019, the Planning Commission of the City of Rialto conducted
6 a duly noticed public hearing, as required by law, on CDP No. 2018-0021, CDP No. 2018-0020,
7 CDP No. 2018-0022, CDP No. 2018-0023, and CDP No. 2018-0024, took testimony, at which
8 time it received input from staff, the city attorney, and the applicant; heard public testimony;
9 discussed the proposed CDP No. 2018-0021, CDP No. 2018-0020, CDP No. 2018-0022, CDP
10 No. 2018-0023, and CDP No. 2018-0024; 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. 2018-0021, including written staff reports,
18 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
19 Planning Commission hereby determines that CDP No. 2018-0021 satisfies the requirements of
20 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
21 precedent to granting a 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 Site is located at the southwest corner of the intersection of Riverside Avenue and
27 Randall Avenue, which is currently not served by any other convenience market or retail
28 use. The next nearest convenience market is located over one-third (0.33) mile to the
north of the Site. The Project is anticipated to be a benefit to the community and an
improvement to the surrounding area by providing additional retail choices for consumers

1 at a convenient location that is currently not served. The Project will provide a more
2 diverse economic base for the surrounding area and will provide necessary goods and
3 services for the residents and travelers within the City.

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

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

7 The project site is bound by Randall Avenue to the north and Riverside Avenue to the
8 east. To the north of the project site, across Randall Avenue, are several single-family
9 residences, and to the east, across Riverside Avenue, is a sixty-four (64) unit apartment
10 complex. To the south is a single-family residence on approximately 0.49 acres of land,
11 and to the west is a single-family residence approximately 0.51 acres of land. The
12 Project is consistent with the underlying Neighborhood Commercial (C-1) zone. The
13 nearest sensitive uses are the single-family residences adjacent to the south and west of
14 the Site. These land uses are not expected to be negatively impacted by the proposed
15 project, since measures, such as landscape buffering, the installation of solid block walls
16 for noise attenuation, and safety measures listed within the Crime Prevention Plan will be
17 implemented. Additionally, the project has been reviewed by the Design Review
18 Committee (DRC) for compliance with all health, safety, and design requirements to
19 ensure the project will significantly enhance the infrastructure and aesthetics of the local
20 community.

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

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

25 The Site contains 2.07 acres, is fairly level, and adjacent to one (1) major arterial street and
26 one (1) secondary arterial street, which will be able to accommodate the proposed use. The
27 development will have two (2) points of access – one (1) a driveway connected directly to
28 Riverside Avenue and one (1) driveway connected directly to Randall Avenue. The
driveway along Riverside Avenue is limited to right-in/right-out access only, while the
driveway along Randall Avenue will allow full access.

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

This finding is supported by the following facts:

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

- 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 underlying Neighborhood Commercial (C-1) zone. The
7 Project will feature high-quality building exteriors designed in compliance with the
8 City's Design Guidelines. Landscaping has been abundantly incorporated into the site.
9 The landscape coverage for the Project is 21.0 percent, which greatly exceeds the
10 minimum required amount of 10.0 percent. Landscape planters containing trees spaced
11 every thirty (30) linear feet will be installed along the entire perimeter of the Site to
12 provide a buffer between the neighboring residential uses and the Project. Additionally,
13 the applicant will install a six (6) foot high solid block wall along the south and west
14 property lines for further buffering and sound attenuation. Furthermore, the Project
15 includes the installation of 53 parking spaces, which exceeds the minimum parking
16 requirement of 50 parking spaces required by Chapter 18.58 (Off-Street Parking
17 Regulations) of the Rialto Municipal Code.

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

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

22 The Project's effects will be minimized through the implementation of the Conditions of
23 Approval contained herein, and through the implementation of Conditions of Approval
24 imposed by the Development Review Committee during the Precise Plan of Design
25 Process, such as extensive landscaping, a decorative trash enclosure, decorative paving,
26 and enhanced architectural features. The development of a convenience market, a vehicle
27 fuel station, a car wash, and a restaurant with drive-thru service at a major intersection
28 will provide additional employment opportunities and a convenient location for residents
29 and visitors to purchase fuel and other goods. Additionally, the applicant will implement
30 landscape buffering, solid wall buffering, and a Crime Prevention Plan, which has been
31 endorsed by the Rialto Police Department as a means to minimize crime and nuisance
32 activities generated by the Project. Therefore, any potential adverse effects are
33 outweighed by the benefits conferred upon the community and neighborhood as a whole.

34 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
35 staff determined that the project will not have an adverse impact on the environment, provided that
36 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
37 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
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1 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
2 the project site for a public comment period held from May 19, 2019 to June 6, 2019. The
3 Mitigated Negative Declaration was prepared in accordance with the California Environmental
4 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
5 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

6 SECTION 4. CDP No. 2018-0021 is granted to Beyond International, LLC in accordance
7 with the plans and application on file with the Planning Division, subject to the following
8 conditions:
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- 10 1. The applicant is granted CDP No. 2018-0021 allowing the development of a 7,250
11 square foot convenience market on 2.07 gross acres of land (APNs: 0132-031-03 & -
12 21) located at the southwest corner of Riverside Avenue and Randall Avenue, as shown
13 on the plans submitted to the Planning Division on June 5, 2019, and as approved by the
14 Planning Commission. If the Conditions of Approval specified herein are not satisfied
15 or otherwise completed, 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. 2018-0021. The City will promptly notify the applicant of any
26 such claim, action, or proceeding against the City and will cooperate fully in the
27 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. The applicant shall secure the services of a tribal cultural monitor to be present during
all ground disturbance activities associated with the construction of this project. The
tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
Kizh Nation, and documentation of coordination between the applicant and the

1 Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
2 Planning Division prior to the issuance of a grading permit.

- 3 7. The applicant shall install decorative pavement within the driveway connected to
4 Riverside Avenue. The decorative pavement shall extend across the entire width of the
5 driveway and shall have a minimum depth of fourteen (14) feet as measured from the
6 property line along Riverside Avenue. Decorative pavement means decorative pavers
7 and/or color concrete with patterns and color variety. The location of the decorative
8 pavement shall be identified on the Precise Grading Plan prior to the issuance of a
9 grading permit, and it shall also be identified on the site plan within the formal building
10 plan check submittal prior to the issuance of building permits. The type of decorative
11 pavement shall be identified on the formal Landscape Plan submittal prior to the
12 issuance of building permits.
- 13 8. The applicant shall install decorative pavement within the driveway connected to
14 Randall Avenue. The decorative pavement shall extend across the entire width of each
15 driveway and shall have a minimum depth of thirty (30) feet as measured from the
16 property line along Randall Avenue. Decorative pavement means decorative pavers
17 and/or color concrete with patterns and color variety. The location of the decorative
18 pavement shall be identified on the Precise Grading Plan prior to the issuance of a
19 grading permit, and it shall also be identified on the site plan within the formal building
20 plan check submittal prior to the issuance of building permits. The type of decorative
21 pavement shall be identified on the formal Landscape Plan submittal prior to the
22 issuance of building permits.
- 23 9. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
24 Guidelines) of the Rialto Municipal Code, the applicant shall route all downspouts
25 through the interior of the building. The internal downspouts shall be identified within
26 the formal building plan check submittal prior to the issuance of building permits.
- 27 10. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
28 Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns,
at least five (5) feet in depth from the main wall plane, at all height variations on all four
(4) sides of the building. The parapet returns shall be demonstrated on the roof plans
within the formal building plan check submittal prior to the issuance of building permits.
11. In order to provide enhanced site design in accordance with Chapter 18.61 (Design
Guidelines) of the Rialto Municipal Code, the applicant shall install any required
bollards shall be constructed in a decorative manner. The decorative design shall be
consistent with the overall architecture of the project. The final design of any bollards
shall be approved by the Planning Division prior to the issuance of building permits. An
elevation detail for any required bollards shall be included 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 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.

13. 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 cement board siding on all exterior sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials to use as a part of the trash enclosure. An elevation detail for the trash enclosure shall be provided within formal building plan check submittal prior to the issuance of building permits.
14. All 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.
15. 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.
16. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
17. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setback along Riverside Avenue. All trees within the landscape setbacks shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained. At least fifty (50) percent of the trees within the setbacks 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.

- 1 18. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
2 landscape setback along Randall Avenue. All trees within the landscape setbacks shall
3 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the
4 trees within the landscape setback shall be permanently irrigated and maintained. At
5 least fifty (50) percent of the trees within the setbacks shall consist of evergreen
6 broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees
7 and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal
8 prior to the issuance of a landscape permit.
- 9 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
10 right-of-way parkway along Riverside Avenue. All trees within the public right-of-way
11 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
12 Thereafter, the trees within the public right-of-way parkway shall be permanently
13 irrigated and maintained, as required by the Public Works Department. The street tree
14 species along Riverside Avenue shall be the Platanus Yarwoodi "London Plane" and/or
15 the Magnolia Grandiflora "Southern Magnolia". The trees shall be identified on the
16 formal Landscape Plan submittal prior to the issuance of building permits.
- 17 20. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
18 right-of-way parkway along Randall Avenue. All trees within the public right-of-way
19 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
20 Thereafter, the trees within the public right-of-way parkway shall be permanently
21 irrigated and maintained, as required by the Public Works Department. The street tree
22 species along Randall Avenue shall be the Tristania Conferta "Brisbane Box" and/or the
23 Quercus Virginianan "Southern Live Oak". The trees shall be identified on the formal
24 Landscape Plan submittal prior to the issuance of building permits.
- 25 21. The applicant shall plant a row of shrubs at the rear of the landscape setbacks along
26 Riverside Avenue and Randall Avenue for the purpose of creating a solid hedge to
27 screen the headlights of vehicles from within the Site. All of the shrubs shall be a
28 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 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.
- 22 22. The applicant shall plant shrubs that surround all ground mounted equipment and utility
23 boxes, including transformers, fire-department connections, backflow devices, etc. for
24 the purpose of providing screening of said equipment and utility boxes. All equipment
25 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
26 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
27 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
28 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.

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23. 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.
 24. 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.
 25. The applicant shall install a bicycle rack within the pathway on the east side of the building prior to the issuance of the Certificate of Occupancy.
 26. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
 27. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
 28. Outdoor display and storage of any kind is prohibited at all times.
 29. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this Resolution as "Exhibit 'A'" shall be adhered to at all times.
 30. 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.
 - b. A locking device shall be installed on the cash register. An adequate floor safe shall be installed behind the counter. Only a minimum amount of cash shall be kept in the cash register at all times.

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- c. Burglary and robbery alarm systems shall be installed as required and approved by the Rialto Police Department. A telephone with speaker push button alarm shall be installed. The telephone must have a separate button that automatically dials into 911 and will transmit on-going conversations and activity. Alternatively, a panic-button, which automatically contacts the Rialto Police Department upon activation, may be installed at each register. A 24-hour security camera system shall be installed on the premises with camera locations approved by the Rialto Police Department. All surveillance and security equipment shall be continuously maintained and in operation during business hours. Surveillance footage shall be provided to the Rialto Police Department within 12 hours after a request has been made for said footage. The software or media player required to view the type of video format shall be provided to the Rialto Police Department, if necessary. An R-P card must be filed with the Rialto Police Department containing twenty-four (24) hour phone numbers of persons to be contacted.
 - d. All tobacco products will be displayed and sold from behind the cash register counter area.
 - e. The height of the cash register counter shall be no more than forty-two (42) inches above the floor level, and shall be illuminated during the hours of darkness so as to be clearly visible through the window areas.
31. The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and materials is prohibited.
32. Measures to discourage loitering shall be incorporated in the design and operation of the business as follows:
- a. Signs displaying "No Loitering" shall be posted on the building, to the satisfaction of the Rialto Police Department, at all times.
 - b. Arcades and video games are prohibited from being on the premises.
33. 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.
34. The applicant shall establish building maintenance program for the purposes of maintaining the building structure and landscaping on-site in good physical appearance. The building maintenance program shall be submitted to the Planning Division prior to the issuance of a Certificate of Occupancy.

- 1 35. All signage on the canopy shall comply with Chapter 18.102 (Regulation of Signs and
2 Advertising Structures) of the Rialto Municipal Code and any subsequent Master Sign
3 Program.
- 4 36. The applicant shall obtain all necessary approvals and operating permits from all
5 Federal, State, and local agencies and provide proof thereof to the City prior to the
6 issuance of a Certificate of Occupancy.
- 7 37. The privileges granted by the Planning Commission pursuant to approval of this
8 Conditional Development Permit are valid for one (1) year from the effective date of
9 approval. If the applicant fails to commence the project within one year of said
10 effective date, this conditional development permit shall be null and void and any
11 privileges granted hereunder shall terminate automatically. If the applicant or his or
12 her successor in interest commence the project within one year of the effective date of
13 approval, the privileges granted hereunder will continue inured to the property as long
14 as the property is used for the purpose for which the conditional development permit
15 was granted, and such use remains compatible with adjacent property uses.
- 16 38. If the applicant fails to comply with any of the conditions of approval placed upon
17 CDP No. 2018-0021, CDP No. 2018-0020, CDP No. 2018-0022, CDP No. 2018-
18 0023, or CDP No. 2018-0024, or any conditions placed upon the approval of the
19 Precise Plan of Design required by Condition No. 2 above, the Planning Commission
20 may initiate proceedings to revoke the conditional development permit in accordance
21 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
22 Municipal Code.

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

25 PASSED, APPROVED AND ADOPTED this 12th day of June, 2019.

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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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Exhibit “A”

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