

RESOLUTION NO. 19-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2018-0063) FOR A PROJECT CONSISTING OF THE DEVELOPMENT OF A VEHICLE FUEL STATION CONSISTING OF A 5,460 SQUARE FOOT CANOPY AND TEN (10) FUEL DISPENSERS, A 7,250 SQUARE FOOT CONVENIENCE MARKET WITH DRIVE-THRU SERVICE FOR MERCHANDISE PICK-UP, A 1,750 SQUARE FOOT AUTOMATED CARWASH, AND A 1,800 SQUARE FOOT RESTAURANT BUILDING WITH DRIVE-THRU SERVICE ON 2.07 GROSS ACRES OF LAND (APNS: 0132-031-03 & -21) LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE AVENUE AND RANDALL AVENUE WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE.

WHEREAS, the applicant, Beyond International, LLC, proposes to construct vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers, a 7,250 square foot convenience market with drive-thru service for merchandise pick-up, a 1,750 square foot automated carwash, a 1,800 square-foot restaurant building with drive-thru service, and associated paving, drainage, lighting, fencing, and landscaping ("Project") on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone ("Site"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2018-0020 to allow the development of a vehicle service station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers on the Site ("CDP No. 2018-0020"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2018-0021 to allow the development of a 7,250 square foot convenience market on the Site ("CDP No. 2018-0021"); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2018-0022 to allow drive-thru service for merchandise pick-up, in

1 conjunction with the development of a 7,250 square foot convenience market on the Site ("CDP
2 No. 2018-0022"); and

3 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
4 Development Permit No. 2018-0023 to allow the development of a 1,750 square foot automated
5 carwash on the Site ("CDP No. 2018-0023"); and

6 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
7 Development Permit No. 2018-0024 to allow the development of a 1,800 square foot restaurant
8 building with drive-thru service on the Site ("CDP No. 2018-0024"); and

9 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
10 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
11 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
12 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
13 (Environmental Assessment Review No. 2018-0063) prepared by Lilburn Corporation and
14 determined that there is no substantial evidence that the approval of the Project would result in a
15 significant adverse effect on the environment, provided appropriate mitigation measures are
16 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof
17 was given in the manner required by law; and

18 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the
19 Project was published in the San Bernardino Sun newspaper, and mailed to all property owners
20 within 300 feet of the Site, and a twenty (20) day public comment period was held from May 19,
21 2019 to June 6, 2019; and

22 WHEREAS, one (1) comment letter was received from the South Coast Air Quality
23 Management District (SCAQMD), which was submitted on June 5, 2019; and

24 WHEREAS, the comment letter from SCAQMD requested that the Air Quality and
25 Greenhouse Gas Assessment associated with the project include an analysis of operational
26 Reactive Organic Gas (ROG) emissions generated by the underground storage tanks and the
27 fueling process; and
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1 WHEREAS, on June 5, 2019, the applicant submitted a response letter to the Planning
2 Division that noted that the Mitigated Negative Declaration did in fact include a Health Risk
3 Assessment, which analyzed the operation of ten (10) fuel dispensers (20 pumps) and a
4 maximum annual throughout of approximately 3,500,000 gallons of fuel on the Site and
5 concluded that ROG emissions generated by the project are below the SCAQMD's threshold of
6 significance; and

7 WHEREAS, June 6, 2019, the Planning Division forwarded the response letter to the
8 SCAQMD; and

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

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

14 WHEREAS, on June 12, 2019, the Planning Commission of the City of Rialto conducted
15 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, CDP
16 No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-0022, CDP No. 2018-0023, and CDP No.
17 2018-0024, took testimony, at which time it received input from staff, the city attorney, and the
18 Applicant; heard public testimony; discussed the proposed Mitigated Negative Declaration, CDP
19 No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-0022, CDP No. 2018-0023, and CDP No.
20 2018-0024; and closed the public hearing; and

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

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

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

26 SECTION 2: The Planning Commission has independently reviewed and considered the
27 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review
28 No. 2018-0063) attached hereto as Exhibit "B" and incorporated herein by this reference, the

1 public comments upon it, and other evidence and finds that the Mitigated Negative Declaration
2 was prepared in the manner required by law, and there is no substantial evidence in the record to
3 support a fair argument that the Project would result in a significant adverse effect upon the
4 environment, provided appropriate mitigation measures are imposed as recommended below.

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

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

14 SECTION 5: With the imposition of mitigation measures that address potential
15 significant impacts upon biological resources, cultural resources, hydrology and water quality,
16 noise, tribal cultural resources, and mandatory findings of significance in the community, and as
17 set forth in the Mitigation Monitoring & Reporting Program, Exhibit "C" hereto, which is
18 attached hereto and incorporated herein by this reference, the proposed Project's potential
19 significant impacts will be reduced below a level of significance.

20 SECTION 6: For the foregoing reasons and based on the information and findings
21 included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation
22 Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and
23 evidence in the administrative record of proceedings, the Planning Commission has determined
24 that the Project, as conditioned and mitigated, will not have a significant adverse impact on the
25 environment and also finds that the preparation of the Initial Study and Mitigated Negative
26 Declaration attached hereto complies with CEQA. Therefore, the Planning Commission certifies
27 and adopts the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring
28 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 12th day of June 12, 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, Edgar Gonzalez, Assistant Planner of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **19-30** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 12th day of June, 2019.

8 Upon motion of Planning Commissioner Jerry Gutierrez, second by Commissioner Artist
9 Gilbert the foregoing Resolution No. **19-30** was duly passed and adopted.

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11 Vote on the motion:

12 AYES: 7

13 NOES: 0

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 12th day of June, 2019.

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20 Edgar Gonzalez, Assistant Planner
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