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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0007 ALLOWING THE ESTABLISHMENT OF VEHICULAR DRIVE-THRU SERVICE IN CONJUNCTION WITH A PROPOSED 2,364 SQUARE FOOT RESTAURANT BUILDING ON 0.39 ACRES OF LAND (PAD 'F') WITHIN THE CEDARHILL PLAZA COMMERCIAL CENTER LOCATED AT THE SOUTHEAST CORNER OF FOOTHILL BOULEVARD AND CEDAR AVENUE WITHIN THE COMMERCIAL PEDESTRIAN (C-P) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC PLAN.

WHEREAS, the applicant, The Noble Comet, LLC, proposes to establish vehicular drive-thru service in conjunction with a proposed 2,364 square foot restaurant building (“Project”) on 0.39 acres of land (Pad ‘F’) within the Cedarhill Plaza commercial center located at the southeast corner of Foothill Boulevard and Cedar Avenue within the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan (“Site”); and

WHEREAS, Pursuant to Table 3-1 (Permitted Uses) of the Foothill Boulevard Specific Plan, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2020-0007 (“CDP No. 2020-0007”); and

WHEREAS, the Project will consist of a 2,364 square foot commercial building, a drive-thru lane with stacking for approximately eleven (11) vehicles, twelve (12) parking spaces in addition to 245 existing parking spaces within the Cedarhill Plaza commercial center, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, the applicant, intends to operate an Arby's restaurant at the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2020-0013 to allow the development of a 2,364 square foot restaurant building with drive-thru service on the Site (“PPD No. 2020-0013”); and

WHEREAS, on July 29, 2020, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2020-0007 and PPD No. 2020-0013, took testimony, at which time it received input from staff, the city attorney, and the applicant;

1 heard public testimony; discussed the proposed CDP No. 2020-0007 and PPD No. 2020-0013; and
2 closed the public hearing; and

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

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

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

8 SECTION 2. Based on substantial evidence presented to the Planning Commission during
9 the public hearing conducted with regard to CDP No. 2020-0007, including written staff reports,
10 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
11 Planning Commission hereby determines that CDP No. 2020-0007 satisfies the requirements of
12 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
13 precedent to granting a conditional development permit. The findings are as follows:

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

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

18 The applicant, or a franchisee, proposes to operate an Arby's within the proposed 2,364
19 square foot restaurant building with drive-thru service. Arby's specializes in the sale of
20 roast beef sandwiches, chicken sandwiches, deli-style sandwiches, wraps, sliders, fries,
21 shakes, drinks, and desserts. There are currently no other Arby's locations in the City of
22 Rialto, and no other similar locations within several miles of the Site. The Project is
23 anticipated to be a benefit to the community and an improvement to the surrounding area
24 by providing an additional choice of food and beverages at a convenient location that is
25 currently underserved by Arby's offerings. The Project will provide a more diverse
26 economic base for the surrounding area and will provide a necessary service for residents
27 and travelers within the City.

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

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

27 To the north of the Site and the Cedarhill Plaza commercial center, across Foothill
28 Boulevard is the Tudor Plaza commercial center comprised of six (6) buildings totaling
approximately 45,000 square feet, and to the east is a 36,681 square foot County of San

1 Bernardino County Transitional Assistance Department office. To the south is a single-
2 family residential subdivision built in 1984, and to the west of the Cedarhill Plaza, across
3 Cedar Avenue, is the Home Depot commercial center comprised of four (4) buildings,
4 totaling approximately 141,000 square feet, and a Chevron gas station. The Project is
5 consistent with the underlying Commercial Pedestrian (C-P) zone. The nearest sensitive
6 uses are the single-family residences approximately 250 feet to south of the Site. The
7 development and operation of the Project will not impact the residents to the south as they
8 are approximately 250 feet apart as well as separated by an existing commercial building
9 and a six (6) foot high block wall that runs along the entire southern boundary of the
10 Cedarhill Plaza commercial center. In addition, the Project has been reviewed by the City
11 staff for compliance with all health, safety, and design requirements to ensure the project
12 will significantly enhance the infrastructure and aesthetics of the local community.

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

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

17 The Site contains 0.39 acre of vacant land, is fairly level, and is adjacent to a public street.
18 The project site will be accessible from driveways and drive-aisles within the Cedarhill
19 Plaza commercial center. Upon completion of the Project, the Cedarhill Plaza commercial
20 center will contain 257 parking spaces, fourteen (14) more parking spaces than required by
21 Table 3.4 (Parking Standards) of the Foothill Boulevard Specific Plan and Chapter 18.58
22 (Off-Street Parking) of the Rialto Municipal Code. All tenants within the center, including
23 the Project, share these parking spaces and all access ways within the commercial center.
24 In addition, the development will have a trash enclosure, lighting, and accessible pathways
25 leading to the public right-of-way and all the other buildings within the Cedarhill Plaza
26 commercial center.

- 27 4. The site has adequate access to those utilities and other services required for the
28 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.

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

This finding is supported by the following facts:

The use is consistent with the underlying Commercial Pedestrian (C-P) zone of the Foothill
Boulevard Specific Plan. The Project will feature high-quality building exteriors designed

1 in compliance with the City's Design Guidelines. Landscaping has been abundantly
2 incorporated into the site. The landscape coverage for the Project is 26.0 percent, which
3 greatly exceeds the minimum required amount of 5.0 percent. Landscape planters
4 containing trees spaced every thirty (30) linear feet will be installed along the entire
5 perimeter of the Site. Furthermore, the Project includes the installation of 12 parking
6 spaces, and upon completion of the Project, the Cedarhill Plaza commercial center will
contain 257 parking spaces, fourteen (14) more parking spaces than required by Table 3.4
(Parking Standards) of the Foothill Boulevard Specific Plan and Chapter 18.58 (Off-Street
Parking) of the Rialto Municipal Code.

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

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

11 The Project's effects will be minimized through the implementation of the Conditions of
12 Approval contained herein, and through the implementation of Conditions of Approval
13 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
14 landscaping, decorative paving, and enhanced architectural features. The Project will meet
15 the development criteria of the C-P zone and the design criteria of the Foothill Boulevard
16 Specific Plan. The project is consistent with the C-P zone, the existing and speculative
17 uses within the Cedarhill Plaza commercial center, and the uses adjacent to the Cedarhill
18 Plaza commercial center. The nearest sensitive uses are the single-family residences
19 located to the south of the project site. The development and operation of Pad 'F' will not
impact the residents to the south as they are approximately 250 feet apart and separated by
an existing commercial building and a six (6) foot high block wall that runs along the entire
southern boundary of the Cedarhill Plaza commercial center. Therefore, any potential
adverse effects are outweighed by the benefits conferred upon the community and
neighborhood as a whole.

20 SECTION 3. On April 19, 2017, the Development Review Committee approved Precise
21 Plan of Design No. 2433 and adopted a Mitigated Negative Declaration (Environmental Assessment
22 Review No. 16-01) for the development of the Cedarhill Plaza commercial center in accordance with
23 the requirements of the California Environmental Quality Act (CEQA). The Initial Study prepared
24 for Environmental Assessment Review No. 16-01 analyzed the construction and operation of a
25 commercial center consisting of five (5) buildings totaling 57,068 square feet in size with an estimated
26 total of 5,164 daily vehicle trips. On January 17, 2018, the Development Review Committee
27 approved Precise Plan of Design No. 2018-0002, a revision to the design of the Cedarhill Plaza
28 commercial center to instead include four (4) commercial buildings totaling 44,710 square feet and

two (2) future development pads – Pad ‘E’ and Pad ‘F’. Pad ‘E’ subsequently developed into a 2,052 square foot coffee shop with drive-thru service (Starbucks) and the Project consists of the development of a 2,364 square foot restaurant with drive-thru service (Arby’s) on the final remaining development pad (Pad ‘F’). This brings the total floor area of all commercial buildings within the Cedarhill Plaza commercial center to 49,126 square feet, far less than the 57,068 square feet analyzed as a part of Environmental Assessment Review No. 16-01. Furthermore, a total of 5,141 daily vehicle trips were estimated with the revised design of Cedarhill Plaza commercial center, which is also less than the number of daily vehicle trips estimated and analyzed as a part of Environmental Assessment Review No. 16-01. The ultimate buildout of the Cedarhill Plaza, including the Project, is consistent with the analysis documented in Environmental Assessment Review No. 16-01. No further environmental review is required for the Project.

SECTION 4. CDP No. 2020-0007 is granted to The Noble Comet, LLC in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. The applicant is granted CDP No. 2020-0007 allowing the establishment of vehicular drive-thru service in conjunction with a proposed 2,364 square foot restaurant building on 0.39 acres of land, referred to as “Pad F”, within the Cedarhill Plaza commercial center located at the southeast corner of Foothill Boulevard and Cedar Avenue within the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan, as shown on the plans submitted to the Planning Division on July 21, 2020, 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. 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.
3. 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. 2020-0007. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
4. 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.

- 1 5. The applicant shall complete and abide by all mitigation measures contained within the
2 Mitigation Monitoring and Reporting Program associated with the Mitigated Negative
3 Declaration prepared for the project (Environmental Assessment Review No. 16-01).
- 4 6. The applicant shall install a "DO NOT ENTER" street sign and an illuminated "DO NOT
5 ENTER" directional sign on the drive-side of the drive-thru lane at the exit of the drive-
6 thru lane. The street sign and directional sign shall be identified on the site plan within
7 the building plan check submittal set, prior to the issuance of a building permit.
8 Furthermore, the street sign and the directional sign shall be installed prior to the issuance
9 of the Certificate of Occupancy.
- 10 7. The applicant shall paint "EXIT" and a directional arrow within the center of the drive-
11 thru lane at the exit of the drive-thru lane, prior to the issuance of the Certificate of
12 Occupancy.
- 13 8. The property owner, and the tenant utilizing the drive-thru use, shall ensure that vehicle
14 stacking/queuing for the drive-thru lane does not create circulation impacts within the
15 Cedarhill Plaza commercial center at all times. The property owner and the tenant shall
16 implement measures to address and eliminate any impacts, should they occur, as required
17 by the Community Development Director.
- 18 9. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of
19 the drive-thru lane. The trash receptacle shall be installed prior to issuance of the
20 Certificate of Occupancy.
- 21 10. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane
22 for the purpose of creating a solid hedge to screen the headlights of vehicles within the
23 drive-thru. All of the drive-thru shrubs shall be a minimum of five (5) gallons in size upon
24 initial planting, and the shrubs shall be spaced no more than three (3) feet on-center.
25 Thereafter, the drive-thru shrubs shall be permanently irrigated and maintained into a
26 continuous box-shape along the entire length of the drive-thru lane with a height of no
27 less than three and one-half (3.5) feet above the finished grade. The shrubs shall be
28 identified on the formal Landscape Plan submittal prior to the issuance of a landscape
 permit.
11. The restaurant and drive-thru use is approved to operate between the hours of 9:00 a.m.
 and 12:00 a.m., seven (7) days a week.
12. 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 13. If the applicant fails to comply with any of the conditions of approval placed upon CDP
4 No. 2020-0007 or PPD No. 2020-0013, the Planning Commission may initiate
5 proceedings to revoke the conditional development permit in accordance with the
6 provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal
7 Code. CDP No. 2020-0007 may be revoked, suspended or modified in accordance with
8 Section 18.66.070 of the Zoning Ordinance at the discretion of the Planning
9 Commission if:

- 10 a) The use for which such approval was granted has ceased to exist, been
11 subsequently modified, or has been suspended for six (6) months or more;
12 b) Any of the express conditions or terms of such permit are violated;
13 c) The use for which such approval was granted becomes or is found to be
14 objectionable or incompatible with the character of the City and its environs
15 due to noise, loitering, criminal activity or other undesirable characteristics
16 including, but not strictly limited to uses which are or have become
17 offensive to neighboring property or the goals and objectives of the
18 Commercial Pedestrian (C-P) zone, the Foothill Boulevard Specific Plan,
19 and the City's General Plan.

20 14. Approval of CDP No. 2020-0007 will not become effective until the applicant has signed
21 a statement acknowledging awareness and acceptance of the required conditions of
22 approval contained herein.

23 SECTION 5. 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 29th day of July, 2020.

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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)
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 Planning
7 Commission of the City of Rialto held on the ____th day of ____, 2020.

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 of
15 Rialto this ____th day of ____, 2020.

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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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