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WHEREAS, the applicant, Prestige Development Group, LLC, proposes to construct 7,948 square foot multi-tenant building with a convenience store and two (2) quick service restaurants, one with drive-through access, a 5,324 square foot automobile fuel canopy with 8 islands and 16 fuel dispensers, a 2,542 square foot drive-through restaurant and 1,152 square foot truck fuel canopy with 3 islands and 6 fuel dispensers, and associated paving, drainage, lighting, fencing, and landscaping (“Project”) on 4.27 acres of land (APNs: 0240-211-14) located at the southeast corner of Renaissance Parkway and Alder Avenue within the Freeway Commercial (FC) zone of Renaissance Specific Plan (“Site”); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2019-0022 to allow the establishment of a 4,400 square foot convenience

1 store within a proposed 7,948 square foot multi-tenant building on the Site (“CDP No. 2019-
2 0022”); and

3 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
4 Development Permit No. 2020-0013 to allow the sale of beer and wine for off-site consumption
5 within a 4,400 square foot convenience store within a proposed 7,948 square foot multi-tenant
6 building on the Site (“CDP No. 2020-0013”); and

7 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
8 Development Permit No. 2020-0014 to allow the development of a 2,542 square foot pad
9 restaurant building with drive-through service on the Site (“CDP No. 2020-0014”); and

10 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
11 Development Permit No. 2020-0015 to allow the development of a 1,798 square foot quick service
12 restaurant with drive-through service within a proposed 7,948 square foot multi-tenant building on
13 the Site (“CDP No. 2020-0015”); and

14 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
15 Development Permit No. 2020-0016 to allow the development of an automobile fuel station
16 consisting of a 5,324 square foot canopy on the Site (“CDP No. 2020-0016”); and

17 WHEREAS, in conjunction herewith, the applicant has submitted Conditional
18 Development Permit No. 2020-0017 to allow the development of a truck fuel station consisting of
19 a 1,152 square foot canopy on the Site (“CDP No. 2020-0017”); and

20 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
21 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
22 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
23 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
24 (Environmental Assessment Review No. 2019-0060) prepared by Matthew Fagan Consulting
25 Services, Inc. and determined that there is no substantial evidence that the approval of the Project
26 would result in a significant adverse effect on the environment, provided appropriate mitigation
27 measures are imposed on the Project; thus, a Mitigated Negative Declaration was prepared and
28 notice thereof was given in the manner required by law; and

1 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project
2 was published in the San Bernardino Sun newspaper, and mailed to all property owners within 300
3 feet of the Site, and a twenty (20) day public comment period was held from June 18, 2020 to
4 August 6, 2020; and

5 WHEREAS, one (1) comment letter was received from the South Coast Air Quality
6 Management District (SCAQMD), which was submitted on August 6, 2020; and

7 WHEREAS, the comment letter from SCAQMD recommended that a health risk
8 assessment should be completed for the gasoline service station to provide substantial evidence to
9 support the conclusion that the proposed project's air quality impact to sensitive receptors from
10 exposure to air toxic contaminants would be less than significant. The letter also provided
11 guidance on the projects AQ/GHG analysis (VOC's emissions) and necessary SCAQMD permits
12 and compliance for the standard SCAQMD rules and regulations; and

13 WHEREAS, on August 18, 2020, the applicant submitted a response letter to the Planning
14 Division that stated that the California Air Pollution Control Officers Association health risk
15 assessment for proposed land use projects recommends that the minimum spacing for large
16 gasoline fueling stations (with 3.6 million gallons of through put per year or greater) is 300 feet
17 from sensitive receptors. The applicant concluded that project is located approximately 2,750 feet
18 from the nearest residential receptor, which is more than 9 times the recommended spacing. Based
19 on the CAPCOA established guidance, the project would not be expected to expose sensitive
20 receptors to substantial pollution concentrations. The applicant response letter also documented an
21 update to the VOC's analysis and indicated that the AQ/GHG analysis has been revised to correct
22 the calculation error, as it previously overestimated the amount of gasoline and diesel fuel expected
23 to be sold at the project site. No mitigation measures are required as a result of the revised
24 AQ/GHG Analysis and all impacts are still considered less than significant; and

25 WHEREAS, August 18, 2020, the Planning Division forwarded the response letter to the
26 SCAQMD; and

27 WHEREAS, the Planning Division did not receive any further comment from SCAQMD
28 upon providing the response letter; and

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

4 WHEREAS, on September 30, 2020, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
6 Declaration, PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-
7 0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017, took testimony, at which time it
8 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed
9 the proposed Mitigated Negative Declaration, PPD No. 2019-0048, CDP No. 2019-0022, CDP No.
10 2020-0013, CDP No. 2020-0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017; and
11 closed the public hearing; and

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

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

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

17 SECTION 2: The Planning Commission has independently reviewed and considered the
18 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review
19 No. 2019-0060) attached hereto as Exhibit "B" and incorporated herein by this reference, the
20 revised AQ/GHG study, and other evidence and finds that the Mitigated Negative Declaration was
21 prepared in the manner required by law, and there is no substantial evidence in the record to support
22 a fair argument that the Project would result in a significant adverse effect upon the environment,
23 provided appropriate mitigation measures are imposed as recommended below.

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

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

SECTION 5: With the imposition of mitigation measures that address potential significant impacts upon biological resources, cultural resources, transportation, tribal cultural resources, and mandatory findings of significance in the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit “B” hereto, which is attached hereto and incorporated herein by this reference, the proposed Project’s potential significant impacts will be reduced below a level of significance.

SECTION 6: For the foregoing reasons and based on the information and findings included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and evidence in the administrative record of proceedings, the Planning Commission has determined that the Project, as conditioned and mitigated, will not have a significant adverse impact on the environment and also finds that the preparation of the Initial Study and Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission certifies and adopts the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring 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 30th day of September, 2020.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1
2 STATE OF CALIFORNIA)
3 COUNTY OF SAN BERNARDINO) ss
4 CITY OF RIALTO)
5

6 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
7 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
8 Commission of the City of Rialto held on the ____th day of ____, 2020.

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

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this ____th day of ____, 2020.
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20 _____
21 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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