

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2019-0022 TO ALLOW THE ESTABLISHMENT OF A 4,400 SQUARE FOOT CONVENIENCE STORE WITHIN A PROPOSED 7,948 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING ON 4.27 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF RENAISSANCE PARKWAY AND ALDER AVENUE (APN: 0240-211-14) WITHIN THE FREEWAY COMMERCIAL (FC) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Prestige Development Group, LLC, proposes the establishment of 4,400 square foot convenience store ("Project") within a proposed 7,948 square foot multi-tenant commercial building on 4.27 acres of land, located at the southeast corner of Renaissance Parkway and Alder Avenue (APNs: 0240-211-14) within the Freeway Commercial (FC) zone of the Renaissance Specific Plan. ("Site"); 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. 2019-0022 ("CDP No. 2019-0022"); and

WHEREAS, in conjunction herewith, the applicant has submitted Precise Plan of Design No. 2019-0048 to allow the development of a 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 on the Site ("PPD No. 2019-0048"); and

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

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

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

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

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

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

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

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

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2019-0022, including written staff reports,

verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2019-0022 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit. The findings are as follows:

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

This finding is supported by the following facts:

The Site is located at the southeast corner of Renaissance Parkway and Alder Avenue, which is currently served by only one (1) other convenience market, north of the 210 freeway. The next nearest convenience market is located over a mile (1.38) to the east 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 at a convenient location that is currently underserved. The Project will provide a more diverse economic base for the surrounding area and will provide necessary goods and services for residents and visitors within the City.

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

This finding is supported by the following facts:

The project site is bound by Renaissance Parkway to the north and Alder Avenue to the west. North of the project site is vacant lot and to the west, a utility site and a vacant lot. The Target Food Distribution Center is located south and east of the project site. The Project is consistent with the Freeway Commercial (F-C) zone. There are no sensitive uses immediately adjacent to or nearby the project site. As such, the project will not negatively affect the surrounding area. These land uses are not expected to be negatively impacted by the proposed project, since features and measures, such as an existing block wall, landscape buffering, and safety measures listed within the Crime Prevention Plan will be maintained and implemented. In addition, the project has been reviewed by all of the Departments for compliance with all health, safety, and design requirements to ensure the project will significantly enhance the infrastructure and aesthetics of the local community.

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

This finding is supported by the following facts:

The Site contains 4.27 acres, is fairly level, and fronting two streets, which are able to accommodate the proposed use. The development will have three (3) points of access – three (3) driveways connected directly Renaissance Parkway and Alder Avenue. The north driveway has a width of (40) feet that will allow right in and right out access to Renaissance Parkway. The westerly driveway in the center of the parcel has a width of fifty (50) feet that will allow right in right out access to Alder Avenue. The second westerly driveway south of the parcel has a width of twenty-six (26) feet that will only allow right out access to Alder Avenue.

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.

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, the Foothill Boulevard Specific Plan, or any zoning ordinances; and

This finding is supported by the following facts:

The use is consistent with the Freeway Commercial (FC) zone of the Renaissance Specific Plan. The Project will feature high-quality building exteriors designed in compliance with the City's Design Guidelines. Landscaping has been abundantly incorporated into the site. The landscape coverage for the Project is 21 percent, which greatly exceeds the minimum required amount of 10 percent. Landscape planters containing trees spaced every thirty (30) linear feet will be installed along the entire perimeter of the Site to provide a buffer between the adjacent properties and streets. Furthermore, the Project includes the installation of 82 vehicle parking spaces, which exceeds the minimum parking requirement of 80 parking spaces required by Table 3-6 (Parking Standards) of the Renaissance Specific Plan.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, such as extensive landscaping, a decorative trash enclosure, decorative paving, and enhanced architectural features. The development of a

convenience store, vehicle and truck fuel stations and restaurant buildings with drivethrough service, will provide additional employment opportunities and a convenient location for residents and visitors to purchase fuel and other goods. Additionally, the applicant will implement landscape buffering and a Crime Prevention Plan, which has been endorsed by the Rialto Police Department, as a means to minimize crime and nuisance activities generated by the Project. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. Based on the findings and recommended mitigation within the Initial Study, staff determined that the project will not have an adverse impact on the environment, provided that mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice to all property owners within 300 feet of the project site for a public comment period held from July 18, 2020 to August 6, 2020. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. CDP No. 2019-0022 is granted to Prestige Development Group, 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. 2019-0022 allowing the establishment of a 4,400 square foot convenience store within a proposed 7,948 square foot multi-tenant commercial building on 4.27 acres of land, located at the southeast corner of Renaissance Parkway and Alder Avenue (APN: 0240-211-14) within the Freeway Commercial (FC) zone of the Renaissance Specific Plan., as shown on the plans resubmitted to the Planning Division on May 27, 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 indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether

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legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of CDP No. 2019-0022.

- 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.
- 5. The applicant shall complete and abide by all mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Mitigated Negative Declaration prepared for the project (Environmental Assessment Review No. 2019-0060).
- 6. Outdoor display and storage of any kind is prohibited at all times.
- 7. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this Resolution as "Exhibit 'A" shall be adhered to at all times.
- 8. Additional 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. The management shall be responsible for educating the public regarding drunken driving laws and the related penalties for breaking those laws. This included minimum age laws, open container laws and laws related to driving under the influence of alcohol. Shall be accomplished by posting prominent signs or decals, providing brochures at the point of purchase and providing adequate training for employees.
- b. Surveillance cameras shall be installed and shall be available to Rialto Police Department upon request.
- c. Any coolers containing alcoholic beverages shall automatically lock at 2:00 a.m. and unlock at 6:00 a.m. daily.
- d. Consumption of any alcoholic beverages on site is prohibited.
- e. No advertisement of beer and wine on the exterior of the building, including window decals, posters, signs, etc.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
- j. Employees on duty who sell alcoholic beverages must be at least 21 years of age and shall comply with the ABC rules and regulations.
- k. 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.
- A building maintenance program shall be established for the purposes of maintaining the building structure and landscaping on-site in good physical appearance.
- m. All tobacco products will be displayed and sold from behind the cash register counter area.
- 9. The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and materials is prohibited.
- 10. The applicant shall require adequate management to be on-site at the convenience market at all times to ensure proper execution of the Crime Prevention Plan.
- 11. 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.
- 12. 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.
- 13. All signage on the 7,948 square foot multi-tenant commercial building containing the convenience market shall comply with Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code or any subsequent Master Sign Program.

- 14. The applicant shall obtain all necessary approvals and operating permits from all Federal, State, and local agencies and provide proof thereof to the City 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 as the property is used for the purpose for which the conditional development permit was granted, and such use remains compatible with adjacent property uses.
- 16. Approval of CDP No. 2019-0022 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.
- 17. In the event, that any operation on the Site is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to, uses which are or have become offensive to neighboring property or the goals and objectives of the Freeway Commercial (FC) zone of the Renaissance Specific Plan and the City's General Plan, the applicant shall address the issues within forty-eight (48) hours of being notified by the City.
- 18. If the applicant fails to comply with any of the conditions of approval placed upon PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional Development Permit No. 2019-0022 may be revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the Planning Commission if:
 - a. The use for which such approval was granted has ceased to exist, been subsequently modified, or has been suspended for six (6) months or more;
 - b. Any of the express conditions or terms of such permit are violated;
 - c. The use for which such approval was granted becomes or is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to uses which are or have become offensive to neighboring property or the goals and objectives of the

Freeway Commercial (FC) zone of the Renaissance Specific Plan, and the City's General Plan. SECTION 6. 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

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2	STATE OF CALIFORNIA)
3	COUNTY OF SAN BERNARDINO) ss
4	CITY OF RIALTO)
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6	I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify tha
7	the foregoing Resolution No was duly passed and adopted at a regular meeting of the
8	Planning Commission of the City of Rialto held on the, 2020.
9	Upon motion of Planning Commissioner, seconded by Planning Commissione
10	, the foregoing Resolution Nowas 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
16	of Rialto this <u>th</u> day of <u></u> , 2020.
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21	ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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Exhibit "A"



KARAKI WESTERN STATES

4887 E. LA PALMA AVE. STE 707 ANAHEIM CA 92807 T: 714-695-9300 F: 714-693-1002 WWW.WESTERNSEC.COM

PROJECT: Alder & Renaissance Commercial Development

PROJECT ADDRESS: Southeast corner of Renaissance Parkway & North Alder Ave.., RIALTO CA 92376

City of Rialto - Crime Prevention Plan

1. Measures to Increase Employee and Customer Safety

- The employee and owner of Gas Station, Convenience Store, Quick-Service Restaurants and Drive-Thru
 Restaurant will participate a program that trains & informs all employee about security procedures, proper
 store maintenance, violence avoidance and recommended behaviors for robbery and any other potently
 violence.
- ii. The cash registers will be located in the front of the store which provides visual surveillance for outdoor, and exterior windows in front of sales area shall not be covered by signage and merchandises so that police and others are able to see the inside of store.
- The convenience store will participate to train the employee annually how to control the sales of age restricted products such as alcohol & cigarettes.
- iv. Any violations & accusations of violations shall be treated at the store. Full investigations are carried out with possibility of termination of employee or franchisee.
 - Enhanced Security Measures, including security lighting, approved alarm systems and other crime prevention
 measures to be incorporated into the design & operation of the convenience store. As a part of the required
 security measures, video security cameras shall be installed within the building.
- The store will equip security camera & alarm systems that include 24-hour monitoring, closed-circuit video camera with audio capability and high-resolution color monitor installed in clear view of customers. The security cameras are located at the main entrance, cash register, storefront & outdoor fuel canopy.
- ii. The alarm system will has both fixed and remote-activator devices.
- There will be a Time-Access Safe locks in the store, and all employee must be instructed that more than \$50 (\$30 at night) shall not be contained in cash register.
- iv. The store will provide a sign showing at entry door or storefront window to notify that no more than \$30 shall be in cash register after sunset, and none of employees are able to unlock the safe lock.
- v. The store & gas station will provide sufficient lighting in interior & exterior per the city regulation.



KARAKI WESTERN STATES

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3. Measures to Control Loitering

- i. The convenience store will be planning to control loitering by following:
- · Train employee how to ask loiterers to leave the premise (i.e. day-labors, panhandlers, loitering teens, etc.).
- Keep clear visibility at the site in order to monitor any outdoor activities.
- Post 'No Loitering' signs.
- Engage with local police.
- Support to municipality which assist panhandlers & day-labors.
- Any other crime-related measures, required by the police department, which are intended to mitigate the costs of city-provided services for the proposed convenience-type market.
- i. The store is prohibited to sell drug & gang paraphernalia and adult-oriented magazines & materials.
- ii. Provide signage showing "No Loitering". Placed where the city of Rialto Police Department approves.
- iii. No arcades and video games are prohibited in the premise.
- iv. Crime prevention measures, as endorsed by the city of Rialto Police Department, shall be incorporated into the design & operation of the business as follows:
 - Lighting of vehicle access areas. All alleyways, driveways, and uncovered parking areas shall be illuminated
 with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be
 designed / constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
 - Lighting of pedestrian access areas. All walkways, passageways, common lawn area, and locations
 where pedestrians are likely to gather, shall be illuminated the same as above.
 - Light fixtures and lighting hardware. All lighting fixtures and luminaries, including supports, poles and brackets, shall be designed / constructed in such a manner as to resist vandalism and/or destruction by hand.
 - Knox boxes. The main entry doors to the building and at least one rear door, shalt have, immediately
 adjacent to them, a Knox box to facilitate the entry of safety personnel. Knox boxes shall be installed in
 such a manner as to resist vandalism, removal, or destruction by hand, and be recessed into the
 building.
 - · The address for the location shall be illuminated during hours of darkness.
 - Exterior security cameras connected to <u>Fusus</u> program to allow for remote monitoring, by Rialto Police
 Department, of the exterior of the businesses on the property. The exterior cameras need to cover the
 entire perimeter of each building and fueling area.
 - The address of each building will be included on the roof.