

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0014 TO ALLOW THE DEVELOPMENT OF A 2,542 SQUARE FOOT PAD RESTAURANT BUILDING WITH DRIVE-THROUGH SERVICE 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 development of a 2,542 square foot pad restaurant building with drive-through service ("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, 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. 2020-0014 ("CDP No. 2020-0014"); 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. 2019-0022 to allow the establishment of a 4,400 square foot convenience store within a proposed 7,948 square foot multi-tenant building on the Site ("CDP No. 2019-0022"); 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

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

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

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

11 WHEREAS, on September 30, 2020, the Planning Commission of the City of Rialto
12 conducted a duly noticed public hearing, as required by law, Mitigated Negative Declaration,
13 PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-0014, CDP No.
14 2020-0015, 2020-0016 and CDP No. 2020-0017, took testimony, at which time it received input
15 from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed
16 Mitigated Negative Declaration, PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-
17 0013, CDP No. 2020-0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017; and
18 closed the public hearing; and WHEREAS, all legal prerequisites to the adoption of this
19 Resolution have occurred.

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

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

24 SECTION 2. Based on substantial evidence presented to the Planning Commission during
25 the public hearing conducted with regard to CDP No. 2020-0014, including written staff reports,
26 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
27 Planning Commission hereby determines that CDP No. 2020-0014 satisfies the requirements of
28

1 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
2 precedent to granting a conditional development permit. The findings are as follows:

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

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

7 Additionally, the nearest restaurant use with a drive-through services that is currently in
8 operation in the City of Rialto is the Habit Burger which is located approximately more
9 than one mile (1.2) to the east of the Site. The Project is anticipated to be a benefit to the
10 community and an improvement to the surrounding area by providing an additional
11 choice of food and beverages at a convenient location that is currently underserved. The
12 Project will provide a more diverse economic base for the surrounding area and will
13 provide a necessary service for residents, visitors and industrial employees within the
14 City.

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

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

18 The project site is bound by Renaissance Parkway to the north and Alder Avenue to the
19 west. North of the project site is vacant lot and to the west, a utility site and a vacant lot.
20 The Target Food Distribution Center is located south and east of the project site. The
21 Project is consistent with the Freeway Commercial (F-C) zone. There are no sensitive
22 uses immediately adjacent to or nearby the project site. As such, the project will not
23 negatively affect the surrounding area. These land uses are not expected to be negatively
24 impacted by the proposed project, since features and measures, such as an existing block
25 wall, landscape buffering, and safety measures listed within the Crime Prevention Plan
26 will be maintained and implemented. In addition, the project has been reviewed by all of
27 the Departments for compliance with all health, safety, and design requirements to ensure
28 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

1 Parkway. The westerly driveway in the center of the parcel has a width of fifty (50) feet that
2 will allow right in right out access to Alder Avenue. The second westerly driveway south of
3 the parcel has a width of twenty-six (26) feet that will only allow right out access to Alder
Avenue.

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

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

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

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

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

13 The use is consistent with the Freeway Commercial (FC) zone of the Renaissance
14 Specific Plan. The Project will feature high-quality building exteriors designed in
15 compliance with the City's Design Guidelines. Landscaping has been abundantly
16 incorporated into the site. The landscape coverage for the Project is 21 percent, which
17 greatly exceeds the minimum required amount of 10 percent. Landscape planters
18 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
19 exceeds the minimum parking requirement of 80 parking spaces required by Table 3-6
(Parking Standards) of the Renaissance Specific Plan.

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

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

24 The Project's effects will be minimized through the implementation of the Conditions of
25 Approval contained herein, such as extensive landscaping, a decorative trash enclosure,
26 decorative paving, and enhanced architectural features. The development of a
27 convenience store, vehicle and truck fuel stations and restaurant buildings with drive-
through service, will provide additional employment opportunities and a convenient
28 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

1 nuisance activities generated by the Project. Therefore, any potential adverse effects are
2 outweighed by the benefits conferred upon the community and neighborhood as a whole.

3 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
4 staff determined that the project will not have an adverse impact on the environment, provided that
5 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The
6 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative
7 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of
8 the project site for a public comment period held from July 18, 2020 to August 6, 2020. The
9 Mitigated Negative Declaration was prepared in accordance with the California Environmental
10 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary
11 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
12

13 SECTION 4. CDP No. 2020-0014 is granted to Prestige Development Group, LLC in
14 accordance with the plans and application on file with the Planning Division, subject to the
15 following conditions:

- 16 1. The applicant is granted CDP No. 2020-0014 allowing the development of a 2,542
17 square foot pad restaurant building with drive-through service on 4.27 acres of land,
18 located at the southeast corner of Renaissance Parkway and Alder Avenue (APN: 0240-
19 211-14) within the Freeway Commercial (FC) zone of the Renaissance Specific Plan.,
20 as shown on the plans resubmitted to the Planning Division on May 27, 2020, and as
21 approved by the Planning Commission. If the Conditions of Approval specified herein
22 are not satisfied or otherwise completed, the project shall be subject to revocation.
- 23 2. City inspectors shall have access to the site to reasonably inspect the site during
24 normal working hours to assure compliance with these conditions and other codes.
- 25 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
26 and/or any of its officials, officers, employees, agents, departments, agencies, and
27 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
28 demands, law suits, writs of mandamus, and other actions and proceedings (whether
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

1 its officials, officers, employees, agents, departments, agencies, and instrumentalities
2 thereof (including actions approved by the voters of the City), for or concerning the
3 Project (collectively, the "Entitlements"), whether such Actions are brought under the
4 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
5 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
6 Records Act, or any other state, federal, or local statute, law, ordinance, rule,
7 regulation, or any decision of a court of competent jurisdiction. This condition to
8 indemnify, protect, defend, and hold the City harmless shall include, but not limited
9 to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit,
10 attorneys' fees and other costs, liabilities and expenses incurred in connection with
11 such proceeding whether incurred by applicant, Property owner, or the City and/or
12 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. 2020-0014.

- 13 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
14 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
15 subject to protest by the applicant at the time of approval or conditional approval of
16 the Project or within 90 days after the date of the imposition of the fees, dedications,
reservations, or exactions imposed on the Project.
- 17 5. The applicant shall complete and abide by all mitigation measures contained within the
18 Mitigation Monitoring and Reporting Program associated with the Mitigated Negative
19 Declaration prepared for the project (Environmental Assessment Review No. 2019-
0060).
- 20 6. The applicant shall plant shrubs around the entire outer perimeter of the drive-through
21 lane for the purpose of creating a solid hedge to screen the headlights of vehicles within
22 the drive-through. All of the drive-through shrubs shall be a minimum of five (5)
23 gallons in size upon initial planting, and the shrubs shall be spaced no more than three
24 (3) feet on-center. Thereafter, the drive-through shrubs shall be permanently irrigated
25 and maintained into a continuous box-shape along the entire length of the drive-through
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.
- 26 7. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of
27 the drive-through lane. The trash receptacle shall be installed prior to issuance to the
28 Certificate of Occupancy.

- 1 8. The applicant shall obtain all necessary approvals and operating permits from all
2 Federal, State, and local agencies and provide proof thereof to the City prior to the
3 issuance of a Certificate of Occupancy.
- 4 9. The privileges granted by the Planning Commission pursuant to approval of this
5 Conditional Development Permit are valid for one (1) year from the effective date of
6 approval. If the applicant fails to commence the project within one year of said
7 effective date, this conditional development permit shall be null and void and any
8 privileges granted hereunder shall terminate automatically. If the applicant or his or
9 her successor in interest commence the project within one year of the effective date of
10 approval, the privileges granted hereunder will continue inured to the property as long
11 as the property is used for the purpose for which the conditional development permit
12 was granted, and such use remains compatible with adjacent property uses.
- 13 10. Approval of CDP No. 2020-0014 will not become effective until the applicant has
14 signed a statement acknowledging awareness and acceptance of the required conditions
15 of approval contained herein.
- 16 11. In the event, that any operation on the Site is found to be objectionable or incompatible
17 with the character of the City and its environs due to excessive noise, excessive traffic,
18 loitering, criminal activity or other undesirable characteristics including, but not strictly
19 limited to, uses which are or have become offensive to neighboring property or the goals
20 and objectives of the Freeway Commercial (FC) zone of the Renaissance Specific Plan
21 and the City's General Plan, the applicant shall address the issues within forty-eight (48)
22 hours of being notified by the City.
- 23 12. If the applicant fails to comply with any of the conditions of approval placed upon
24 PPD No. 2019-0048, CDP No. 2019-0022, CDP No. 2020-0013, CDP No. 2020-
25 0014, CDP No. 2020-0015, 2020-0016 and CDP No. 2020-0017, the Planning
26 Commission may initiate proceedings to revoke the conditional development permit
27 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
28 of the Rialto Municipal Code. Conditional Development Permit No. 2020-0014 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 5. 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
8 Planning 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
16 of Rialto this ____th day of ____, 2020.
17
18
19

20 _____
21 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
22
23
24
25
26
27
28