

**RESOLUTION NO. 2020-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING 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 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 allow the development of a 1,798 square foot quick service restaurant with drive-through service (“Project”) within a proposed 7,948 square foot multi-tenant commercial building 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. 2020-0015 (“CDP No. 2020-0015”); 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

1 square foot convenience store within a proposed 7,948 square foot multi-tenant building on the Site  
2 (“CDP No. 2020-0013”); and

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

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

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

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

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

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

25 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
26 the public hearing conducted with regard to CDP No. 2020-0015, including written staff reports,  
27 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
28 Planning Commission hereby determines that CDP No. 2020-0015 satisfies the requirements of

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. 2020-0015 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. 2020-0015 allowing the development of a 1,798  
17 square foot quick service restaurant with drive-through service within a proposed 7,948  
18 square foot multi-tenant commercial building on 4.27 acres of land, located at the  
19 southeast corner of Renaissance Parkway and Alder Avenue (APN: 0240-211-14)  
20 within the Freeway Commercial (FC) zone of the Renaissance Specific Plan, as shown  
21 on the plans resubmitted to the Planning Division on May 27, 2020, and as approved by  
22 the Planning Commission. If the Conditions of Approval specified herein are not  
23 satisfied or otherwise completed, the project shall be subject to revocation.
- 24 2. City inspectors shall have access to the site to reasonably inspect the site during  
25 normal working hours to assure compliance with these conditions and other codes.
- 26 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
27 and/or any of its officials, officers, employees, agents, departments, agencies, and  
28 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
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 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. 2020-0015.

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. The applicant shall plant shrubs around the entire outer perimeter of the drive-through lane for the purpose of creating a solid hedge to screen the headlights of vehicles within the drive-through. All of the drive-through shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the drive-through shrubs shall be permanently irrigated 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.
7. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of the drive-through lane. The trash receptacle shall be installed prior to issuance to the 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. 2020-0015 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. 2020-0015 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