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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0003 TO ALLOW THE DEVELOPMENT AND OPERATION OF A 1,430 SQUARE FOOT AUTOMATED CAR WASH ON 4.27 ACRES OF LAND (APN: 0240-211-40) LOCATED AT THE SOUTHEAST CORNER OF ALDER AVENUE AND RENAISSANCE PARKWAY WITHIN THE FREEWAY COMMERCIAL (FC) ZONE OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, J & T Management, Inc., proposes to develop and operate a 1,430 square foot automated car wash (“Project”) on 4.27 acres of land (APN: 0240-211-40) located at the southeast corner of Alder Avenue and Renaissance Parkway 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. 2021-0003 (“CDP No. 2021-0003”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0024 to reduce the floor area of a proposed convenience market on the Site, that was previously approved by the Planning Commission under Conditional Development Permit No. 2019-0022, from 4,400 square feet to 4,138 square feet (“CDP No. 2021-0024”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of Design No. 2021-0004 to modify a proposed development that was previously approved by the Planning Commission under Precise Plan of Design No. 2019-0048, to include reducing the floor area of the previously approved convenience market from 4,400 to 4,138 square feet, eliminating two (2) previously approved quick-service restaurants totaling 3,548 square feet in size, and incorporating the newly proposed 1,430 square foot automated car wash (“PPD No. 2021-0004”); and

WHEREAS, on July 14, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0003, CDP No. 2021-0024, and

1 PPD No. 2021-0004, took testimony, at which time it received input from staff, the city attorney,
2 and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0003, CDP No.
3 2021-0024, and PPD No. 2021-0004; and closed the public hearing; and

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

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

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

9 SECTION 2. Based on substantial evidence presented to the Planning Commission during
10 the public hearing conducted with regard to CDP No. 2021-0003, including written staff reports,
11 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
12 Planning Commission hereby determines that CDP No. 2021-0003 satisfies the requirements of
13 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
14 precedent to granting a conditional development permit. The findings are as follows:

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

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

19 The Site is located at the southeast corner of the intersection of Alder Avenue and
20 Renaissance Parkway, which is currently not served by any other car wash use. The next
21 nearest car wash is located over 1,300 feet to the north of the Site. The Project is anticipated
22 to be a benefit to the community and an improvement to the surrounding area by providing
23 an additional car wash choice for consumers at a convenient location that is currently not
24 served. The Project will provide a more diverse economic base for the surrounding area
25 and will provide a desirable service for residents and travelers within the City.

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

28 *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. To the north of the project site, across Renaissance Parkway, is approximately 2.27
acres of vacant land, and to the east and south of the project site is a 499,000 cold-storage
warehouse facility currently occupied by Target. To the west, across Alder Avenue, is a

Fontana Water Company water reservoir facility. The Project is consistent with the underlying Freeway Commercial (FC) 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. Additionally, the project has been reviewed by the City staff 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 adjacent to two (2) public streets, which are able to accommodate the proposed use. The development will have three (3) points of access – two (2) driveways connected directly to Alder Avenue and one (1) driveway connected directly to Renaissance Parkway.

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, or any zoning ordinances; and

This finding is supported by the following facts:

The use is consistent with the underlying Freeway Commercial (FC) zone of the Renaissance Specific Plan. The Project will feature a high-quality building exterior designed in compliance with the City's Design Guidelines. The Project will have seventy-eight (78) parking spaces, and a Floor Area Ratio (FAR) of 0.08, all of which comply with the General Plan, the FC zone, and the City's Design Guidelines. Additionally, landscaping has been abundantly incorporated into the site. The landscape coverage for the Project is 22.0 percent, which greatly exceeds the minimum required amount of 10.0 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 public right-of-way, surrounding developments, and the Project.

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.

1
2 *This finding is supported by the following facts:*

3 The Conditions of Approval contained herein will minimize the Project's impacts. The
4 development of a car wash, vehicle fuel station, convenience market, and a commercial
5 building with drive-thru service along a major arterial street, such as Alder Avenue, will
6 provide additional employment opportunities and a convenient location for residents and
7 visitors to wash their vehicles and purchase fuel and other goods and services.
8 Additionally, the granting of CDP No. 2021-0003 will lead to the development of a piece
9 of land that has remained historically vacant. Therefore, any potential adverse effects are
10 outweighed by the benefits conferred upon the community and neighborhood as a whole.

11 SECTION 3. An Addendum to the July 2020 Mitigated Negative Declaration for the Alder
12 Renaissance Project (Environmental Assessment Review No. 2021-0020) has been prepared for the
13 Project in accordance with the California Environmental Quality Act (CEQA), and it has been
14 determined that the proposed Project would result in no new significant impacts that were not
15 analyzed in the July 2020 Mitigated Negative Declaration for the Alder Renaissance Project ("July
16 2020 MND"), nor would the proposed Project cause a substantial increase in the severity of any
17 previously identified environmental impacts. The potential impacts associated with proposed Project
18 would either be the same or less than those described in the July 2020 MND. In addition, there are no
19 substantial changes to the circumstances under which the proposed Project would be undertaken that
20 would result in new or more severe environmental impacts than previously addressed in the July 2020
21 MND, nor has any new information regarding the potential for new or more severe significant
22 environmental impacts been identified. The Planning Commission hereby approves the Addendum
23 to the July 2020 Mitigated Negative Declaration for the Alder Renaissance Project that was prepared
24 for the Project.

25 SECTION 4. CDP No. 2021-0003 is granted to J & T Management, Inc. in accordance with
26 the plans and application on file with the Planning Division, subject to the following conditions:

- 27 1. The applicant is granted CDP No. 2021-0003 allowing the development of a 1,430 square
28 foot automated car wash on 4.27 acres of land (APN: 0240-211-40) located at the
southeast corner of Alder Avenue and Renaissance Parkway, as shown on the plans
attached as Exhibit A, 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 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. 2021-0003.
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 Addendum to the July 2020 Mitigated Negative Declaration prepared for the project (Environmental Assessment Review No. 2021-0020).

6. The applicant shall secure the services of a tribal cultural monitor to be present during all ground disturbance activities associated with the construction of this project. The tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation, and documentation of coordination between the applicant and the Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the Planning Division prior to the issuance of a grading permit.
7. In order to provide enhanced building design in accordance with Section 4 (Design Guidelines) of the Renaissance Specific Plan, the applicant shall route any downspouts through the interior of the car wash building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
8. In order to provide enhanced building design in accordance with Section 4 (Design Guidelines) of the Renaissance Specific Plan, the applicant shall construct parapet returns, at least five (5) feet in depth from the main wall plane, at all height variations on all four (4) sides of the car wash building. The parapet returns shall be demonstrated on the roof plans within the formal building plan check submittal prior to the issuance of building permits.
9. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
10. All signage on the car wash building shall comply with Section 5 (Signs) of the Renaissance Specific Plan or any subsequent Master Sign Program.
11. 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.
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 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.
13. Approval of CDP No. 2021-0003 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval.
14. In the event, that the automated car wash operation on the Site is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise,

1 excessive traffic, loitering, criminal activity or other undesirable characteristics including,
2 but not strictly limited to, uses which are or have become offensive to neighboring
3 property or the goals and objectives of the Freeway Commercial (FC) zone of the
4 Renaissance Specific Plan and the City's General Plan, the applicant and/or operator of
the self-storage facility shall address the issues within forty-eight (48) hours of being
notified by the City.

5 15. If the applicant fails to comply with any of the conditions of approval placed upon CDP
6 No. 2021-0003, CDP No. 2020-0013, CDP No. 2020-0014, CDP No. 2020-0015, CDP
7 No. 2020-0016, CDP No. 2020-0017, CDP No. 2021-0024, PPD No. 2019-0048 or
8 PPD No. 2021-0004, the Planning Commission may initiate proceedings to revoke the
9 conditional development permit in accordance with the provisions of Sections
10 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional
Development Permit No. 2021-0003 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:

- 11 a) The use for which such approval was granted has ceased to exist, been
12 subsequently modified, or has been suspended for six (6) months or more;
- 13 b) Any of the express conditions or terms of such permit are violated;
- 14 c) The use for which such approval was granted becomes or is found to be
15 objectionable or incompatible with the character of the City and its environs
16 due to excessive noise, excessive traffic, loitering, criminal activity or other
17 undesirable characteristics including, but not strictly limited to uses which
18 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.

19 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
20 adoption of this resolution and thereupon the same shall take effect and be in force.
21

22 PASSED, APPROVED AND ADOPTED this 14th day of July, 2021.

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25 _____
FRANK GONZALEZ, CHAIR
26 CITY OF RIALTO PLANNING COMMISSION
27
28

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 ____, 2021.

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 ____, 2021.
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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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“Exhibit A”

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