

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0009 TO ALLOW THE DEVELOPMENT OF A PASSENGER VEHICLE FUEL STATION ON 13.22 ACRES OF LAND (APN: 1119-241-28) LOCATED AT THE SOUTHWEST CORNER OF ALDER AVENUE AND SIERRA LAKES PARKWAY WITHIN THE FREEWAY INCUBATOR (FI) LAND USE DISTRICT OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Rialto Travel Center, proposes to develop a passenger vehicle fuel station (“Project”) on 13.22 acres of land (APN: 1119-241-28) located at the southwest corner of Alder Avenue and Sierra Lakes Parkway within the Freeway Incubator (FI) land use district of the Renaissance Specific Plan (“Site”); and

WHEREAS, the Project will be comprised of seven (7) fuel dispensers and a 5,519 square foot overhead canopy; 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 applied for Conditional Development Permit No. 2021-0009 (“CDP No. 2021-0009”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0010 to facilitate the development and operation of a truck fuel station consisting of a 3,544 square foot canopy with nine (9) fuel dispensers underneath on the Site (“CDP No. 2021-0010”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0011 to facilitate the establishment of a 12,297 square foot convenience market/travel center within a proposed 14,697 square foot commercial building on the Site (“CDP No. 2021-0011”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0012 to facilitate the establishment of a 2,400 square foot restaurant with drive-thru service within a proposed 14,697 square foot commercial building on the Site (“CDP No. 2021-0012”); and

1 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
2 Development Permit No. 2021-0013 to facilitate the development and operation of a 6,375 square
3 foot truck service shop building on the Site (“CDP No. 2021-0013”); and

4 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
5 Development Permit No. 2021-0014 to facilitate the sale of beer and wine for off-site consumption
6 from a proposed 12,297 square foot convenience market/travel center on the Site (“CDP No. 2021-
7 0014”); and

8 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
9 Design No. 2021-0013 to facilitate the development of a passenger vehicle fuel station consisting
10 of a 5,519 square foot canopy with seven (7) fuel dispensers underneath, a truck fuel station
11 consisting of a 3,544 square foot canopy with nine (9) fuel dispensers underneath, a 14,697 square
12 foot commercial building with drive-thru service, a 6,375 square foot truck service shop building,
13 and associated fuel tanks, paving, screen walls, fencing, lighting, landscaping, and drainage
14 improvements on the Site (“PPD No. 2021-0013”); and

15 WHEREAS, on October 13, 2021, the Planning Commission of the City of Rialto
16 conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0009, CDP No.
17 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No. 2021-0013, CDP No. 2021-0014,
18 and PPD No. 2021-0013, took testimony, at which time it received input from staff, the city
19 attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0009,
20 CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No. 2021-0013, CDP No.
21 2021-0014, and PPD No. 2021-0013; and closed the public hearing; and

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

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

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

27 SECTION 2. Based on substantial evidence presented to the Planning Commission during
28 the public hearing conducted with regard to CDP No. 2021-0009, including written staff reports,

1 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
2 Planning Commission hereby determines that CDP No. 2021-0009 satisfies the requirements of
3 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
4 precedent to granting a conditional development permit. The findings are as follows:

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

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

9 The Project is anticipated to be a benefit to the community and an improvement to the
10 surrounding area by providing additional fueling choices for consumers at a convenient
11 location near the Alder Avenue and SR-210 Interchange, which is one of the most traversed
12 areas in the City of Rialto. The Project will provide a more diverse economic base for the
surrounding area and will provide necessary goods and services for residents and travelers
within the City.

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

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

16 The project site is bound by Sierra Lakes Parkway on the north and Alder Avenue on the
17 east. To the north, across Sierra Lakes parkway, is a rock quarry, and to the east, across
18 Alder Avenue, is a Shell fuel station. To the south is a San Bernardino County Flood
19 Control Channel, and to the west is approximately 3.14 acres of vacant land. The Project
20 is consistent with the underlying FI land use designation. The nearby area is predominantly
21 designated for and developed with commercial and industrial uses, and as a result, there
22 are no sensitive land uses near the project site. Regardless, features and measures, such as
landscape buffering and safety measures listed within the Crime Prevention Plan will be
maintained/implemented. 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.

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

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

27 The Site is 13.22 acres in size, fairly level, and adjacent to two (2) arterial streets, which are
28 able to accommodate the Project. The development will have five (5) points of access – five
(5) driveways connected directly to Sierra Lakes Parkway. The three (3) westerly driveways

1 and easterly driveway along Sierra Lakes Parkway will allow full access movements, while
2 the second driveway from the east along Sierra Lakes Parkway will limit access to left-
out/right-out only.

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

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

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

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

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

12 The use is consistent with the underlying FI land use designation of the Renaissance
13 Specific Plan. The Project will feature high-quality building exteriors designed in
14 compliance with the City's Design Guidelines. Landscaping has been abundantly
15 incorporated into the site. The landscape coverage for the Project is 29.0 percent, which
16 greatly exceeds the minimum required amount of 10.0 percent. Landscape planters
17 containing trees spaced every thirty (30) linear feet will be installed along the entire
18 perimeter of the Site to provide a buffer between surrounding properties and the public
right-of-way. Furthermore, the Project includes the installation of 132 passenger vehicle
parking spaces, which exceeds the minimum parking requirement of 87 parking spaces
required by Table 3-6 (Parking Standards) of the Renaissance Specific Plan.

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

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

23 The Project's effects will be minimized through the implementation of the Conditions of
24 Approval contained herein, and through the implementation of Conditions of Approval
25 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
26 landscaping, decorative paving, and enhanced architectural features. The development of
27 a passenger vehicle fuel station, a truck fuel station, a convenience market/travel center, a
28 truck service shop, and restaurant with drive-thru service along arterial streets, such as
Alder Avenue and Sierra Lakes Parkway, 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

1 Prevention Plan, which has been endorsed by the Rialto Police Department, as a means to
2 minimize crime and nuisance activities generated by the Project. Therefore, any potential
3 adverse effects are outweighed by the benefits conferred upon the community and
neighborhood as a whole.

4 SECTION 3. An Addendum to the Renaissance Specific Plan Final Environmental Impact
5 Report (Environmental Assessment Review No. 2021-0016) has been prepared for the Project in
6 accordance with the California Environmental Quality Act (CEQA), and it has been determined that
7 the proposed Project would result in no new significant impacts that were not analyzed in the
8 Renaissance Specific Plan Final Environmental Impact Report ("RSP FEIR"), nor would the
9 proposed Project cause a substantial increase in the severity of any previously identified
10 environmental impacts. The potential impacts associated with the proposed Project would either be
11 the same or less than those described in the RSP FEIR. In addition, there are no substantial changes
12 to the circumstances under which the proposed Project would be undertaken that would result in new
13 or more severe environmental impacts than previously addressed in the RSP FEIR, nor has any new
14 information regarding the potential for new or more severe significant environmental impacts been
15 identified. The Planning Commission hereby adopts the Addendum to the Renaissance Specific Plan
16 Final Environmental Impact Report (Environmental Assessment Review No. 2021-0016) for the
17 Project.
18

19 SECTION 4. CDP No. 2021-0009 is hereby granted to Rialto Travel Center, in accordance
20 with the plans and application on file with the Planning Division, subject to the following conditions:
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- 22 1. The applicant is granted CDP No. 2021-0009 allowing the development of a passenger
23 vehicle fuel station consisting of seven (7) fuel dispensers and a 5,519 square foot
24 overhead canopy on 13.22 acres of land (APN: 1119-241-28) located at the southwest
25 corner of Alder Avenue and Sierra Lakes Parkway within the Freeway Incubator (FI) land
26 use designation of the Renaissance Specific Plan, as shown on the plans attached as
27 Exhibit A, and as approved by the Planning Commission. If the Conditions of Approval
28 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. 2021-0009.
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 Environmental Assessment Review No. 2021-0016.
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

1 cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh
2 Nation, and documentation of coordination between the applicant and the Gabrieleño
3 Band of Mission Indians-Kizh Nation on this matter shall be provided to the Planning
Division prior to the issuance of a grading permit.

- 4 7. The applicant shall install signage throughout the Site informing drivers that idling of
5 vehicles long than five (5) consecutive minutes is not permitted, as required by the South
6 Coast Air Quality Management District, prior to the issuance of a Certificate of
Occupancy.
- 7 8. The applicant shall install decorative pavement within the easterly driveway connected to
8 Sierra Lakes Parkway. The decorative pavement shall extend across the entire width of
9 the driveway and shall have a minimum depth of twenty (20) feet as measured from the
10 property line along Sierra Lakes Parkway. Decorative pavement means decorative pavers
11 and/or color concrete with patterns and color variety. The location of the decorative
12 pavement shall be identified on the Precise Grading Plan prior to the issuance of a grading
13 permit, and it shall also be identified on the site plan within the formal building plan check
14 submittal prior to the issuance of building permits. The type of decorative pavement shall
15 be identified on the formal Landscape Plan submittal prior to the issuance of building
16 permits.
- 17 9. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
18 Guidelines) of the Rialto Municipal Code, the applicant shall route any downspouts
19 through the interior of the canopy and columns. The internal downspouts shall be
20 identified within the formal building plan check submittal prior to the issuance of building
21 permits.
- 22 10. Any new walls, including any retaining walls, shall be comprised of decorative masonry
23 block. Decorative masonry block means tan-colored slumpstone block, tan-colored split-
24 face block, or precision block with a stucco, plaster, or cultured stone finish. Pilasters
25 shall be incorporated within all new walls. The pilasters shall be spaced a maximum of
26 seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All
27 pilasters shall protrude a minimum of one (1) block course above the wall and a minimum
28 of six (6) inches to the side of the wall. All decorative masonry walls and pilasters,
including retaining walls, shall include a decorative masonry cap. All walls and pilasters
shall be identified on the site plan, and an elevation detail for the walls shall be included
in the formal building plan check submittal prior to the issuance of building permits.
11. Any new fencing installed on site shall be comprised of tubular steel. Decorative masonry
or decorative concrete pilasters, with a minimum dimension of sixteen (16) inch square,
shall be incorporated within all new fencing visible from any public right-of-way.
Decorative masonry block means tan slumpstone block, tan split-face block, or precision
block with a stucco, plaster, or cultured stone finish. Decorative concrete means painted
concrete with patterns, reveals, and/or trim lines. The pilasters shall be spaced a maximum
of seventy (70) feet on-center and shall be placed at all corners and ends of the fencing.

1 All decorative masonry pilasters shall include a decorative masonry cap. All fencing and
2 pilasters shall be identified on the site plan, and an elevation detail for the fencing and
3 pilasters shall be included in the formal building plan check submittal prior to the issuance
4 of building permits.

5 12. Any new fencing along the frontages of Alder Avenue and Sierra Lakes Parkway shall be
6 installed at the rear of the landscape setbacks along those street frontages. This will ensure
7 unobstructed visibility of the Project's landscaping along Alder Avenue and Sierra Lakes
8 Parkway.

9 13. The exterior of the trash enclosure shall match the color and materials of the buildings on-
10 site or be comprised of decorative masonry block. Decorative masonry block means tan-
11 colored slumpstone block, tan-colored split-face block, or precision block with a stucco,
12 plaster, or cultured stone finish. Additionally, the trash enclosure shall contain solid steel
13 doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials
14 to use as a part of the trash enclosure. An elevation detail for the trash enclosure shall be
15 provided within formal building plan check submittal prior to the issuance of building
16 permits.

17 14. The applicant shall obtain all necessary approvals from the Hazardous Materials Division
18 of San Bernardino County Fire (HMD) for the installation of the underground storage
19 tanks (UST's) for the purpose of fuel storage on the Site, prior to the issuance of a building
20 permit for the passenger vehicle fuel station overhead canopy. The UST's shall be
21 installed and permanently maintained to the standards and requirements of the HMD.

22 15. The exterior of any healy tank enclosure shall match the color and materials of the
23 buildings on-site or be comprised of decorative masonry block. Decorative masonry
24 block means tan-colored slumpstone block, tan-colored split-face block, or precision
25 block with a stucco, plaster, or cultured stone finish. Additionally, the healy tank
26 enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal and
27 chain-link are not acceptable materials to use within the healy tank enclosure. An
28 elevation detail for the healy tank enclosure shall be provided within formal building plan
check submittal prior to the issuance of building permits.

16 All light standards installed on site, shall have a maximum height of twenty-five (25) feet,
17 as measured from the finished surface, including the base. Lighting shall be shielded
18 and/or directed toward the site so as not to produce direct glare or "stray light" onto
19 adjacent properties. All light standards shall be identified on the site plan and a note
20 indicating the height restriction shall be included within the formal building plan check
21 submittal prior to the issuance of building permits.

22 17. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the
23 issuance of building permits. The submittal shall include three (3) sets of planting and
24 irrigation plans, a completed Landscape Plan Review application, and the applicable
25 review fee.

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18. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setbacks along Sierra Lakes Parkway and Alder Avenue. All trees within the landscape setbacks shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained. At least fifty (50) percent of the trees within the setbacks shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
 20. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Alder Avenue. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parkway shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Alder Avenue shall be the *Hymenoporum Flavum* "Wedding Tree", the *Pistachia Chinensis* "Chinese Pistache", and/or the *Koelrueteria Bipinnata* "Chinese Lantern". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits
 21. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Sierra Lakes Parkway. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parkway shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Sierra Lakes Parkway shall be the *Hymenoporum Flavum* "Wedding Tree" and/or the *Pistachia Chinensis* "Chinese Pistache". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
 22. The applicant shall plant a row of shrubs at the rear of the landscape setbacks along Alder Avenue and Sierra Lakes Parkway for the purpose of creating a solid hedge to screen the headlights of vehicles from within the Site. All of the 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 shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the landscape setbacks 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.

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23. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen 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 equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape 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.
 24. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land on-site and off-site (adjacent to the project site) that is not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
 25. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.
 26. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage along the entire project frontages of Alder Avenue and Sierra Lakes Parkway, as required by the City Engineer, prior to the issuance of a Certificate of Occupancy
 27. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
 28. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
 29. All signage on the canopy shall comply with Section 5 (Signs) of the Renaissance Specific Plan or any subsequent Master Sign Program for the Site.

- 1 30. The applicant shall obtain all necessary approvals and operating permits from all Federal,
2 State, and local agencies and provide proof thereof to the City prior to the issuance of a
3 Certificate of Occupancy.
- 4 31. 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 32. Approval of CDP No. 2021-0009 will not become effective until the applicant has signed
14 a statement acknowledging awareness and acceptance of the required conditions of
15 approval contained herein.
- 16 33. 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 Incubator (FI) land use district of the Renaissance Specific
21 Plan, and/or the City's General Plan, the applicant shall address the issues within forty-
22 eight (48) hours of being notified by the City.
- 23 34. If the applicant fails to comply with any of the conditions of approval placed upon CDP
24 No. 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP
25 No. 2021-0013, CDP No. 2021-0014, or PPD No. 2021-0013, the Planning
26 Commission may initiate proceedings to revoke the conditional development permit in
27 accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of
28 the Rialto Municipal Code. Conditional Development Permit No. 2021-0009 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 Incubator (FI) land use district of the Renaissance Specific Plan, and/or 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 13th day of October, 2021.

FRANK GONZALEZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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2
3 STATE OF CALIFORNIA)
4 COUNTY OF SAN BERNARDINO) ss
5 CITY OF RIALTO)
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7 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
8 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
9 Commission of the City of Rialto held on the ____th day of ____, 2021.

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

12 Vote on the motion:

13 AYES:

14 NOES:

15 ABSENT:

16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
17 Rialto this ____th day of ____, 2021.
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21 _____
22 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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“Exhibit A”