



# City of Rialto

## Legislation Details (With Text)

**File #:** PC-18-1133    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Agenda Ready  
**File created:** 11/20/2018    **In control:** Planning Commission  
**On agenda:** 11/28/2018    **Final action:**  
**Title:** Conditional Development Permit Nos. 2018-0036 thru 39 & 2018-0017: A request to allow a convenience store use with off sale of beer and wine (ABC license type 20), fuel sales, and an attached automated car wash located at the southwest corner of the Ayala Drive and Casmalia Street intersection (APN: 1133-521-04) within the Freeway Incubator (F-I) zone of the Renaissance Specific Plan. The project consists of an approximately 4,300 square foot overhead fuel canopy with six (6) fuel pump islands, a 2,400 square foot automated car wash and a 4,500 square foot convenience market/Quick Service Restaurant building.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map, 2. Exhibit B - Site Plan, 3. Exhibit C - Floor Plan, 4. Exhibit D - Building Elevations, 5. Exhibit E - Canopy Elevations, 6. Exhibit F - Landscape Plan, 7. Exhibit G - Crime Prevention Plan, 8. Exhibit H - Initial Study-MND, 9. Exhibit I - MMRP, 10. Exhibit J - EAR Reso for MND, 11. Exhibit K - CDP Reso Convenience Store, 12. Exhibit L - CDP Reso Alcohol Sales, 13. Exhibit M - CDP Reso Gas Station, 14. Exhibit N - CDP Reso Car Wash, 15. Exhibit O - CDP Reso Drive-thru

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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For the Planning Commission Meeting of November 28, 2018

**TO:** Honorable Chairman and Planning Commissioners  
**APPROVAL:** Robb Steel, Asst.CA/Development Services Director  
**REVIEWED BY:** Gina M. Gibson-Williams, Planning Manager  
**FROM:** Daniel Rosas, Assistant Planner

***Conditional Development Permit Nos. 2018-0036 thru 39 & 2018-0017:*** A request to allow a convenience store use with off sale of beer and wine (ABC license type 20), fuel sales, and an attached automated car wash located at the southwest corner of the Ayala Drive and Casmalia Street intersection (APN: 1133-521-04) within the Freeway Incubator (F-I) zone of the Renaissance Specific Plan. The project consists of an approximately 4,300 square foot overhead fuel canopy with six (6) fuel pump islands, a 2,400 square foot automated car wash and a 4,500 square foot convenience market/Quick Service Restaurant building.

**APPLICANT:**

Pacific Oil, LLC, 102 Heather Mist, Irvine, CA 92618.

**LOCATION:**

The project site consists of one (1) parcel of land (Assessor's Parcel Map No. 1133-521-04) located at the southwest corner of Casmalia Street and Ayala Drive (Refer to the attached Location Map (Exhibit A)).

**BACKGROUND:**

*Surrounding Land Use and Zoning*

| <b>Location</b> | <b>Existing Land Use</b> | <b>Zoning</b>                    |
|-----------------|--------------------------|----------------------------------|
| Site            | Vacant Land              | Freeway Incubator (FI)           |
| North           | SFR                      | Single Family Residential (R-1B) |
| East            | SFR/Vacant Land          | Freeway Incubator (FI)           |
| South           | SR-210 Freeway           | N/A                              |
| West            | Vacant Land              | Freeway Incubator (FI)           |

*General Plan Designations*

| <b>Location</b> | <b>General Plan Designation</b>            |
|-----------------|--|
| Site            | Specific Plan with a Specific Plan Overlay |
| North           | Residential 6                              |
| East            | Specific Plan with a Specific Plan Overlay |
| South           | N/A  |
| West            | Specific Plan with a Specific Plan Overlay |

*Site Characteristics*

The project site is an irregular shaped piece of land comprised of one (1) parcel. The parcel is 2.98 net acres in size, approximate 592 feet from east to west. The depth (north-south) of the parcel varies from its deepest dimension of 226 feet along the west property line to a shallow dimension of 176 feet along the east property line. The project site is bound by Ayala Drive on the east and Casmalia Street on the north. To the south is the Cactus Flood Control Channel and 210 freeway. To the west is a vacant parcel of land. To the north across Casmalia Street is an existing single-family neighborhood. To the east across Ayala Drive, is an existing legal non-conforming single-family dwelling and vacant land. The zoning of the project site and properties to the east and west is Freeway Incubator (FI) within the Renaissance Specific Plan. The zoning of the properties to the north is Single-Family Residential (R-1B). The property to the south is a public use and not a part of Rialto Zoning.

**ANALYSIS/DISCUSSION:**

*Project Proposal & Site Design*

Pacific Oil, LLC proposes to construct a Chevron gas station on the project site. According to the applicant's site plan and floor plan (**Exhibit B & C**), the gas station will consist of a 4,300 square foot overhead canopy with six (6) fuel pump islands/12 fuel pumps and a 4,500 square foot convenience market - quick service restaurant. The applicant will construct the canopy near the northeast corner of the project site. Pavement will surround the canopy in order to provide access to and circulation around the canopy within the site. The convenience market will be located on the east end of the project site, along the Ayala Drive frontage. The convenience market is oriented so that the rear of

the building will face the flood control channel, the side of the building will face Ayala Drive, and the front of the building will face north towards the gas canopy. The parking, trash enclosure, and air/water machine are primarily located near the convenience market for easy customer/employee access. The overall project site will also include a 3,000 square foot stand-alone restaurant pad and an 8,500 square foot multi-tenant retail building pad for future construction. Therefore, the Development Review Committee (DRC) will review a separate Precise Plan of Design for the building elevations and design of other structures on the project site. At this time, the DRC has reviewed the Master Site Plan for this project to ensure the adequate installation of on and off-site improvements to accommodate vehicle traffic and on-site circulation in conjunction with the gas station construction.

### *Architectural Design*

The convenience market will feature significant footprint and façade articulation in the form of projected wall masses on all four (4) sides and tower elements at the northeast and southwest corners of the building. The exterior of the building will primarily have a plaster finish, though portions of the projected wall masses will receive cultured stone veneer and the tower elements will be clad with extensive glazing and accent metal finishes. The plastered areas of the building will feature two (2) separate paint colors. A dark beige tone is the primary color found on the main wall plane, and a brown tone is the secondary color used on the projected wall masses that do not contain cultured stone veneer. The building height ranges from fourteen (14) feet to thirty (25) feet from the finished floor, with the highest points generally being the glazing clad tower element. Other architectural features of the building include wall reveals, decorative knee braces, and a suspended canopy over the building entrance and car wash exit (**Exhibit D**).

The exterior of the canopy will feature a fascia with a plaster finish and 7-Eleven signage atop all sides. Supporting the canopy is six (6) twenty-four (24) inch by twenty-four (24) inch columns with a plaster finish and stone accents. As a whole, the canopy structure will have two (2) separate paint colors. The canopy fascia with roof mansard will be a painted dark beige tone. The canopy fascia without tile roof will be a painted a brown tone with off-white cap, and the columns will be painted dark beige (**Exhibit E**).

### *Landscaping*

The landscape coverage for the project is 18 percent, which exceeds the minimum required amount of 10 percent. This includes a minimum fifteen (15) foot wide landscape setback along Casmalia Street, a twenty-five (25) foot wide landscape setback along Ayala Drive, and planters adjacent to the parking areas and freeway frontage. All landscape planters will feature a mix of fifteen (15) gallon and twenty-four (24) inch box trees every thirty (30) feet, and an abundant amount of shrubs and ground cover (**Exhibit F**).

### *Access*

The development will have two (2) points of access - two (2) driveways connected directly to Casmalia Street. The westerly driveway along Casmalia Street will be full access while the easterly westerly driveway along Casmalia Street limited to right-in/right-out access only.

### *Parking Calculations*

The development will have eighteen (18) parking spaces. This quantity meets the minimum parking requirement as shown in the parking calculation chart below and as required by Table 3-6 Parking Standards of the Renaissance Specific Plan:

| <b>Type of Use</b>               | <b>Floor Area<br/>(square feet)</b> | <b>Parking Ratio</b> | <b>Number<br/>of spaces<br/>required</b> |
|----------------------------------|-------------------------------------|----------------------|--|
| Convenience Market w/ fuel sales | 4,500                               | 1 / 250              | 18                                       |
| Total Required/Total Provided    |                                     |                      | <b>18/18</b>                             |

**Operations**

The gas station will be in operation twenty-four (24) hours a day, seven (7) days a week. Customers can dispense fuel at one of six (6) fuel dispenser systems containing a total of twelve (12) individual pumps. One (1) 20,000-gallon underground tank will hold and dispense Unleaded 87 gasoline; another 20,000-gallon tank will hold and dispense 8,000 gallons of Unleaded 91 gasoline and 12,000 gallons of diesel fuel. The convenience market will also be open to the public twenty-four (24) hours a day, seven (7) days a week. The convenience market will offer typical convenience-type merchandise such as, snacks, drinks, cigarettes, lottery, etc.

**Off-Sale of Beer and Wine**

In addition to the sale of typical convenience goods, the applicant also intends to sell alcoholic beverages within the convenience market for off-site consumption. Specifically, the applicant is seeking to obtain a Type 20 license from the State’s Alcoholic Beverage Control (ABC) Department for the sale of beer and wine. Section 18.110.050 of the Rialto Municipal Code provides separation criteria between establishments that engage in the off-sale of alcohol, and sensitive uses, such as churches, schools, etc. Measurements are obtained by measuring the distance from any point upon the outside wall of the location in question to the nearest developed portion of the convenience market property. The proposed location of the convenience market, in which beer and wine will be available for sale, exceeds the minimum separation criteria as shown in the chart below and as required by Section 18.110.050 of the Rialto Municipal Code:

| <b>Separation from...</b> | <b>Requirement</b> | <b>Proposed</b>    | <b>Meets Code</b> |
|---------------------------|--------------------|--------------------|-------------------|
| <i>Schools</i>            | Min. 1,000 ft.     | 2,035+/- ft.       | Yes               |
| <i>Churches/Parks</i>     | Min. 500 ft.       | 4,832/3,050+/- ft. | Yes               |
| <i>Residential Areas</i>  | Min. 100 ft.       | 125+/- ft.         | Yes               |

The Draft Resolution of Approval for the off-sale of beer and wine request contains Conditions of Approval that restrict the display and advertising of alcoholic beverages, and the age of employees who sell alcoholic beverages. Additionally, the Draft Resolution of Approval requires the applicant to provide public education regarding drinking laws in the form of signage and decals at the register.

In addition to a Conditional Development Permit, the ABC Department may require a Public Convenience and Necessity (PCN) letter prior to issuance of the Type 20 license. A PCN letter is typically required if an area is designated to be over-concentrated with establishments selling alcohol based on the criteria of the ABC Department. Planning Division staff will prepare a PCN letter for the project, if required by the ABC Department.

**Safety**

The applicant prepared and submitted a Crime Prevention Plan (**Exhibit G**) for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code. Sergeant Joshua Lindsay with the Rialto Police Department reviewed and endorsed the prevention measures within the Crime Prevention Plan. Safety measures contained within the Crime Prevention Plan include the installation of security lighting at a minimum of 1.5 foot-candles around the entire building, the installation of burglary and robbery alarms, as well as security cameras. The Crime Prevention Plan also includes measures to discourage loitering. The operator shall post signs on the building displaying “No Loitering”, and arcades and video games will not be allowed. The Rialto Police Department concludes that, if properly implemented and sustained, these safety measures will minimize crime and nuisance activities that may otherwise be associated with the establishment.

#### *Development Review Committee*

The Development Review Committee (DRC) reviewed the project on November 14, 2018. The DRC recommended approval of the project subject to the applicant revising the site design and architecture of the building. The Committee’s revisions have been incorporated into the project plans. After Planning Commission review, the project will return to the Development Review Committee for finalization of all Precise Plan of Design development-related conditions.

#### *Entitlement Requirements*

Per Table 3-2 (General Permitted Uses) of the Renaissance Specific Plan, the following uses, among others, within the FI zone are subject to the approval of a Conditional Development Permit: drive through restaurant, gas station, convenience market, and car wash. Per Section 18.110.040 of the Rialto Municipal Code, the off-sale of beer and wine within a convenience market is subject to the approval of a Conditional Development Permit.

The applicant complied with these requirements and filed five (5) separate Conditional Development Permit applications on September 19, 2018.

- Drive through restaurant CDP 2018-0017
- Gas station CDP 2018-0038
- Convenience market CDP 2018-0036
- Car wash CDP 2018-0039
- Off-sale beer and wine CDP 2018-0037

#### *Transportation Commission*

David Evans & Associates, Inc. prepared a project-specific Traffic Impact Analysis (TIA), dated June 19, 2018, to assess potential impacts to local streets and intersections. The Transportation Commission reviewed and approved the TIA on July 12, 2018. The TIA indicates that the project will generate approximately 5,525 daily passenger car trips, with 487 AM peak hour trips and 422 PM peak hour trips. Recommended conditions of approval within the TIA include modifying the traffic signal at Casmalia Street/Ayala Drive to add eastbound right-turn overlap phase and modify the striping on Ayala Drive to extend the northbound left turn lanes providing additional left turn storage. The Applicant is also required to pay a fair-share contribution of \$164,000, construct site adjacent improvements, and pay applicable development impact fees. The TIA concludes that the project will not create a significant impact to traffic levels of service with the incorporation of the recommended conditions of approval.

#### *Land Use Compatibility*

The project is consistent with the Freeway Incubator (FI) zone of the Renaissance Specific Plan and the future uses adjacent to the project site. The most sensitive uses are residences located more

than 125 feet from the development. Potentially adverse impacts to uses adjacent to or near the project site will be less than significant with the incorporation mitigation measures. As such, the project will not negatively affect the surrounding area, specifically since the applicant will implement the safety measures listed within the Crime Prevention Plan. The project is anticipated to be a benefit to the community and an improvement to the surrounding area.

#### *Fiscal Analysis*

Prior to completion of the project, the applicant will be required to pay plan check, permit, and development impact fees to the City. Additionally, the value of the new commercial development will increase the value of the land, which will result in increased property tax collection from the County of San Bernardino, of which in portion is distributed to the City. Retail sales tax generated by the gas station and convenience market will also result in additional tax revenue distributed to the City. Furthermore, the development will generate an estimated 40 full-time and 10 part-time jobs.

#### **GENERAL PLAN CONSISTENCY:**

The project is consistent with the following goals of the Land Use Element and Economic Development Element of the Rialto General Plan:

**Goal 2-16:** Improve the architectural and design quality of development in Rialto.

**Goal 3-1:** Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

#### **ENVIRONMENTAL IMPACT:**

##### *California Environmental Quality Act*

The applicant engaged the Chambers Group, Inc. to prepare an Initial Study (Environmental Assessment Review No. 2018-0096) to assess the potential environmental impacts of the proposed project, in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study is attached to the agenda report (**Exhibit H**). Although the Initial Study indicates that the project could present a significant effect with respect to Noise, Biological Resources, Cultural Resources, and Transportation/Traffic, any potential impacts will be mitigated to a level of insignificance through the implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program (**Exhibit I**). Based on the findings and recommended mitigation measures within the Initial Study, staff determined that the project would not have an adverse impact on the environment, provided that mitigation measures are implemented, and a Mitigated Negative Declaration was prepared.

Staff published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the San Bernardino Sun newspaper and mailed copies to all property owners within 300 feet of the project site. A mandatory twenty (20) day public comment period took place from October 29, 2018 to November 17, 2018. The City received two public comment correspondence during the public comment period. Planning Division received a comment from a concerned resident regarding vector control measures and the migration of squirrels, specifically, from the vacant field into the surrounding neighborhood. The initial study has been revised to address the concerns and a condition of approved has been placed on the project requiring vector control measures from start of construction. The second comment was from the South Coast Air Quality Management District (AQMD) regarding the incorporation of operational emissions into the air quality analysis prior to

adoption of the document. The revised Initial Study includes the omitted data, and the findings of less than significant remain unchanged.

*Native American Tribal Consultation (Assembly Bill 52)*

In accordance with California Assembly Bill 52, the Planning Division mailed notices to seven (7) Native American tribes informing them of the project and allowing them to request consultation on the project. Notification to tribes provided thirty (30) days, from September 27, 2018 to October 27, 2018, to request consultation on the proposed project. Two (2) tribes, The Gabrieleño Band of Mission Indians-Kizh Nation (Kizh Nation) & The San Manuel Band of Mission Indians (San Manuel), requested formal consultation during the period. Planning staff conducted formal consultation with Chairman Andrew Teutimez-Salas and Matt Teutimez of the Kizh Nation on October 24, 2018. The topics discussed included a basic background of the project and the anticipated construction activities. During the consultation, Chairman Teutimez-Salas requested the ability to place a certified Native American Monitor on-site during all ground disturbance activities. The Draft Resolutions of Approval include a Condition of Approval requiring the applicant to coordinate with the Kizh Nation to allow access during all ground disturbance activities. Additionally, planning staff provided a copy of technical studies to The San Manuel tribe for review upon their request. The tribe expressed no concerns with the project as a result of the consultation but only requests the incorporation of precautionary mitigation language into the environmental document in the event of resource discovery during construction.

**PUBLIC NOTICE:**

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

**RECOMMENDATION:**

It is recommended that the Planning Commission:

- Adopt a resolution (**Exhibit J**) adopting of the Mitigated Negative Declaration for the proposed project and authorize staff to file a Notice of Determination with the Clerk of the Board of San Bernardino County; and
- Adopt a resolution (**Exhibit K**) approving Conditional Development Permit No. 2018-0036 to allow the development of a 4,500 square foot convenience store / quick service restaurant building subject to the findings and conditions therein; and
- Adopt a resolution (**Exhibit L**) approving Conditional Development Permit No. 2018-0037 to allow the off-sale of alcoholic beverages in conjunction with the convenience store use subject to the findings and conditions therein.
- Adopt a resolution (**Exhibit M**) approving Conditional Development Permit No. 2018-0038 to allow the development and operation of a gas station with six (6) fuel dispensers and a 4,300 square foot overhead canopy subject to the findings and conditions therein.
- Adopt a resolution (**Exhibit N**) approving Conditional Development Permit No. 2018-0039 to allow

the development of a 2,400 square foot attached automated car wash subject to the findings and conditions therein.

- Adopt a resolution (**Exhibit O**) approving Conditional Development Permit No. 2018-0017 to allow a drive-thru use in conjunction with the development of a fast food restaurant of a subject to the findings and conditions therein.