



City of Rialto

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Title: Request City Council to Conduct a Public Hearing to Consider Resolution No. 7547 approving Conditional Development Permit No. 2018-0020, which is a request to allow the development of a vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone.
(ACTION)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CC-19-749 - Power Point Presentation, 2. Exhibit A - Location Map.pdf, 3. Exhibit B - Site Plan.pdf, 4. Exhibit C - Convenience Market & Car Wash Floor Plan.pdf, 5. Exhibit D - Restaurant Floor Plan.pdf, 6. Exhibit E - Convenience Market & Car Wash Elevations.pdf, 7. Exhibit F - Canopy Elevations.pdf, 8. Exhibit G - Restaurant Elevations.pdf, 9. Exhibit H - Preliminary Landscape Plan.pdf, 10. Exhibit I - Crime Prevention Plan.pdf, 11. Exhibit J - Planning Commission Staff Report June 12, 2019.pdf, 12. Exhibit K - Planning Commission Resolution No. 19-30 (EAR 2018-0063).pdf, 13. Exhibit L - Planning Commission Resolution No. 19-31 (CDP 2018-0020).pdf, 14. Exhibit M - Planning Commission Resolution No. 19-32 (CDP 2018-0021).pdf, 15. Exhibit N - Planning Commission Resolution No. 19-33 (CDP 2018-0022).pdf, 16. Exhibit O - Planning Commission Resolution No. 19-34 (CDP 2018-0023).pdf, 17. Exhibit P - Planning Commission Resolution No. 19-35 (CDP 2018-0024).pdf, 18. Exhibit Q - Initial Study.pdf, 19. Exhibit R - SCAQMD Comment Letter.pdf, 20. Exhibit S - Response Letter to SCAQMD.pdf, 21. Exhibit T - Mitigation Monitoring & Reporting Program.pdf, 22. Exhibit U - Notice of Determination.pdf, 23. Exhibit V - 2018 Delhi Sands Flower-Loving Fly Survey.pdf, 24. Exhibit W - USFWS Clearance Letter.pdf, 25. Exhibit X - Draft Resolution for CDP No. 2018-0020

Date	Ver.	Action By	Action	Result
7/23/2019	1	City Council		

For City Council Meeting [July 23, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Administrator

FROM: Robb Steel, Assistant CA / Director of Development Services

Request City Council to Conduct a Public Hearing to Consider **Resolution No. 7547** approving **Conditional Development Permit No. 2018-0020**, which is a request to allow the development of a vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone.
(ACTION)

BACKGROUND:

Applicant

Beyond International, LLC, 4300 Edison Avenue, Chino, CA 91710.

Location

The project site consists of two (2) parcels of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue (Refer to the attached Location Map (**Exhibit A**)).

Surrounding General Plan Land Use Designations

Location	General Plan Designation
Site	Community Commercial
North	Residential 6 (2.1 - 6.0 dwelling units per acre)
East	Residential 21 (12.1 - 21.0 dwelling units per acre)
South	Residential 12 (6.1 - 12.0 dwelling units per acre)
West	Residential 6 (2.1 - 6.0 dwelling units per acre)

Surrounding Zoning Designations

Location	Zoning
Site	Neighborhood Commercial (C-1)
North	Single-Family Residential (R-1C)
East	Multi-Family Residential (R-3)
South	Single-Family Residential (R-1C)
West	Single-Family Residential (R-1C)

Site Characteristics

The project site is a relatively flat, square-shaped piece of land comprised of two (2) parcels. Altogether, the project site is 2.07 gross acres in size with approximate average dimensions of 315 feet (east-west) by 285 feet (north-south). The project site contains several residential and commercial structures, including the former El Kiosco. The applicant will demolish each of these structures prior to the commencement of any new construction on the project site.

Surrounding Area

The project site is bound by Randall Avenue to the north and Riverside Avenue to the east. To the north of the project site, across Randall Avenue, are several single-family residences, and to the east, across Riverside Avenue, is a sixty-four (64) unit apartment complex. To the south is a single-family residence on approximately 0.49 acres of land, and to the west is a single-family residence approximately 0.51 acres of land.

ANALYSIS/DISCUSSION:

Project Proposal

Beyond International, LLC, the applicant, proposes to construct a vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers, a 7,250 square foot convenience market with drive-thru service for merchandise pick-up, a 1,750 square foot automated car wash, and a 1,800

square foot restaurant building with drive-thru service on the project site.

Entitlement Requirements

Per Sections 18.28.020C(1), 18.66.030Z, 18.66.040A(1), and 18.106.040A of the Rialto Municipal Code, the development of a vehicle fuel station, a convenience market with drive-thru service for merchandise pick-up, an automated car wash, and a stand-alone restaurant building with drive-thru service within the C-1 zone is subject to the approval of separate Conditional Development Permits by the Planning Commission for each use. The applicant complied with this requirement and filed five (5) Conditional Development Permit applications on June 7, 2018. Furthermore, according to the Section 18.28.020C(1) of the Rialto Municipal Code, the City Council must also approve the Conditional Development Permit for the vehicle fuel station.

Site Design

According to the site plan (**Exhibit B**), the applicant will construct a 7,250 square foot “Beyond Food Mart” convenience market with an attached 1,750 square foot automated car wash on the west end of the project site, a 5,460 square foot canopy and ten (10) fuel dispensers on the east end of the project site near Riverside Avenue, and a speculative 1,800 square foot restaurant building on the southeast corner of the project site also near Riverside Avenue. A drive-thru lane that provides stacking for approximately eight (8) vehicles will wrap around the west and south sides of the convenience market, and a drive-thru lane that provides stacking for approximately eight (8) vehicles will wrap around the south and east sides of the restaurant building. The proposal also includes vehicle parking areas throughout the project site, landscape planters within the parking areas and around the interior perimeter of the project site, and a six (6) foot high block wall along the south and west property lines. The combination of the block wall and the landscape planters along the interior perimeter of the project site will serve to provide a buffer between the new development and the adjacent residential uses.

Access to the site will come from one (1) forty (40) foot wide driveway connected to Riverside Avenue, and one (1) forty (40) foot wide driveway connected to Randall Avenue. Internally, drive-aisles with a minimum width of twenty-six (26) feet will provide access around the canopy structure and the convenience market building in order to provide access to each fuel dispenser, each drive-thru lane, the car wash, and all of the parking areas.

Floor Plans

The floor plan of the convenience market/car wash building (**Exhibit C**) indicates that the interior will consist of a car wash tunnel and related equipment room in the northern twenty-seven (27) feet of the building and a convenience market in the remaining area south of the car wash. The building will have an articulated footprint due to the incorporation of both habitable and non-habitable projected masses with varying depths from fourteen (14) inches up to three (3) feet from the main wall plane. Additionally, the car wash portion of the building is offset from the convenience market portion by fifteen (15) feet in the front and six (6) feet in the rear. This not only provides functionality of the car wash tunnel, but it also serves to provide greater relief along the north, east, and west sides of the building. The interior of the convenience market will contain a merchandise display area in the east side of the building, refrigerators/coolers and restrooms in the north side of the building, storage/prep/cashier areas in the west side of the building, and a drive-thru window on the south side of the building. Lastly, the applicant will place the main entrance on the east side of the building facing Riverside Avenue and one (1) emergency exit on the west side of the building.

The floor plan of the restaurant building (**Exhibit D**) indicates that the building will have an articulated

footprint due to the incorporation of non-habitable projected masses with varying depths from one (1) foot to two (2) feet as well as two (2) corner cut-offs, which are necessary to accommodate the turning radius of the drive-thru lane. The interior of the restaurant building will place the kitchen area in the east and south sides of the building, the customer order/pick-up area in the north side of the building, and the dining area on the west side of the building. The applicant will place the main entrance on the north side of the restaurant building.

Architectural Design

As shown on the elevations for the convenience market/car wash building (**Exhibit E**), the canopy (**Exhibit F**), and the restaurant building (**Exhibit G**), each structure will have a contemporary architectural design. This includes the incorporation of stucco finishes, light earth-tone colors, cement board siding with a wood look, cornice roofline treatments, varied roof forms, and concrete tile roofing. More specifically, the convenience market/car wash building will feature a 4:12 pitch gable roof with concrete tile over the main entrance facing Riverside Avenue, while the canopy will feature a concrete tile mansard roof around the perimeter of the canopy and ten (10) twenty-four (24) inch by twenty-four (24) inch support columns with a metal accent finish. The exterior building heights will range from as low as 15 feet at the car wash up to 31 feet at the top of the gable roof over the convenience market entrance. Additional architectural features include generous amounts of glass, reveals, and steel awnings.

Landscaping

The landscape coverage for the entire project is 21.0 percent, which exceeds the minimum required amount of 10.0 percent. This includes a minimum fourteen (14) foot deep landscape setback along Riverside Avenue, a minimum fifteen (15) foot deep landscape setback along Randall Avenue, and planters within the parking areas and around the interior perimeter of the site. As shown on the Planting Plan (**Exhibit H**), all of the landscape planters will feature a variety of trees and an abundant amount of shrubs and groundcover.

Parking

The development will have fifty-three (53) parking spaces, including three (3) ADA accessible parking spaces. This quantity exceeds the minimum parking requirement as shown in the parking calculation chart below and as required by Section 18.106.060I(1) of the Rialto Municipal Code, which requires one (1) parking space for every two-hundred fifty (250) feet of gross floor area dedicated to convenience market uses, and Section 18.58.050I(2) of the Rialto Municipal Code, which requires one (1) parking space for every seventy-five (75) square feet of gross floor area dedicated to restaurant uses, minus three (3) parking spaces for each restaurant drive-thru lane:

<i>Type of Use</i>	<i>Floor Area (square feet)</i>	<i>Parking Ratio</i>	<i>Number of spaces required</i>
Convenience Market	7,250	1 / 250	29
Restaurant (Stand-alone)	1,800	1 / 75	24
Drive-Thru Credit	n/a	-3 per DT	-3
Total Required/Total Provided			50/53

Operations

The vehicle fuel station and the “Beyond Food Mart” convenience market will operate twenty-four (24) hours a day, seven (7) days a week, while the car wash will operate from 7:00 a.m. to 10:00 p.m., seven (7) days a week. Customers will have access to ten (10) fuel dispenser systems containing a total of twenty (20) individual pumps for fuel dispensing. One (1) 30,000 gallon underground tank will hold unleaded 87 gasoline for dispensing, and another 22,000 gallon underground tank will hold 12,000 gallons of unleaded 91 gasoline and 10,000 gallons of diesel fuel for dispensing. The convenience market will offer typical convenience-type merchandise, such as snacks, drinks, cigarettes, lottery, etc. A distinguishing characteristic of this particular convenience market is that it will allow customers to order merchandise via a mobile device application and pick up the merchandise from the convenience market’s drive-thru window. Of note, due to the proximity of the nearby residential uses, this convenience market will not sell any alcoholic beverages. The operating hours of the restaurant building will be established whenever a tenant is identified.

Safety

The applicant prepared and submitted a Crime Prevention Plan (**Exhibit I**) 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. Specifically, the applicant will train employees on how to handle loiterers and will also install signs on the building that state “No Loitering”. 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.

Fiscal Analysis

Prior to completion of the project, the applicant will 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 collections from the County of San Bernardino, of which the City will receive a portion. Retail sales tax generated by the convenience market and the future restaurant tenant will also result in additional tax revenue distributed to the City. Furthermore, the project will generate approximately 15 to 25 jobs, increasing employment opportunities for City of Rialto residents.

Land Use Compatibility

The project and its design are consistent with the Neighborhood Commercial (C-1) zone and the Design Guidelines contained within Chapter 18.61 of the Rialto Municipal Code. The nearest sensitive uses are the single-family residences adjacent to the south and west of the project site. The development and operation of project will not significantly affect this sensitive use since measures, such as the installation of solid block walls and landscape buffering will reduce both noise and visual impacts generated by the project to acceptable levels. The project will provide a benefit to the community and improve the surrounding area.

Development Review Committee

The Development Review Committee (DRC) reviewed the project on August 15, 2018. The DRC recommended approval of the project subject to the applicant revising the layout of the site and the architecture of the building. The Committee’s revisions included the incorporation of the required amount of parking spaces, planters around the perimeter of each building, and additional

architectural features to each building and the canopy. The plans attached to the agenda report incorporate all of the revisions required by the DRC. After Planning Commission review, the project will return to the DRC to finalize all Precise Plan of Design development-related conditions.

Transportation Commission

Kunzman Associates, Inc. prepared a traffic study for the project, dated January 3, 2019, to assess the projects potential impacts to local streets and intersections. The Transportation Commission reviewed and approved the traffic study on March 6, 2019. The traffic study anticipates that the development will generate 4,039 new vehicle trips daily, with 465 trips in the AM peak hour and 380 trips in the PM peak hour. The Transportation Commission determined that the project is responsible for “fair-share” payment of approximately \$320,011 to go towards the widening of Riverside Avenue to six (6) lanes between Randall Avenue and San Bernardino Avenue, and the installation of traffic signals at the intersection of Sycamore Avenue and Randall Avenue and at the intersection of Willow Avenue and Randall Avenue.

Planning Commission

On June 12, 2019, the Planning Commission held a public hearing and considered oral and written testimony for Conditional Development Nos. 2018-0020 through 2018-0024 and an associated Mitigated Negative Declaration (Environmental Assessment Review No. 2018-0063). After consideration, the Planning Commission voted 7-0 to forward to the City Council a recommendation to approve Conditional Development Permit No. 2018-0020, related to the development of the vehicle fuel station. In addition to the recommendation, the Planning Commission also voted 7-0 to adopt the Mitigated Negative Declaration and approve Conditional Development Permit Nos. 2018-0021 through 2018-0024, related to the development of the convenience market with drive-thru service, the car wash, and the restaurant building with drive-thru service. The staff report from the June 12, 2019 meeting and the adopted Planning Commission Resolutions are attached (**Exhibits J - P**).

ENVIRONMENTAL IMPACT:

California Environmental Quality Act

The applicant engaged Lilburn Corporation to prepare an Initial Study (Environmental Assessment Review No. 2018-0063) for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study is attached to the agenda report (**Exhibit Q**). Based on the findings and recommended mitigation within the Initial Study, staff determined that the project will not have an adverse impact on the environment and prepared a Mitigated Negative Declaration. The Planning Division published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the San Bernardino Sun newspaper, and mailed notices to all property owners within 300 feet of the project site. A twenty (20) day public comment period for the Mitigated Negative Declaration began on May 19, 2019 and ended on June 6, 2019. The Planning Division received one (1) comment letter during this period from the South Coast Air Quality Management District (SCAQMD).

On June 5, 2019, the Planning Division received a letter from Lijin Sun, J.D., Program Supervisor, with the South Coast Air Quality Management District (SCAQMD) (**Exhibit R**). Ms. Sun’s letter requested that the project’s relevant environmental studies include an analysis of operational Reactive Organic Gas (ROG) emissions generated by the underground storage tanks and the fueling process. The applicant submitted a response letter to the Planning Division on June 6, 2019 (**Exhibit S**). The applicant’s response letter noted that the Initial Study and the Health Risk Assessment prepared for the project did in fact analyze the operation of ten (10) fuel dispensers (20 pumps) and a maximum annual throughout of approximately 3,500,000 gallons of fuel on the project site and

concluded that ROG emissions generated by the project remain below the SCAQMD's threshold of significance. The Planning Division forwarded a copy of the response letter to the SCAQMD on June 6, 2019. The SCAQMD did not provide any further comment upon receiving the response.

Although the Initial Study indicates that the project could present a significant effect with respect to Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, and Tribal Cultural Resources, the implementation of the mitigations measures included within the project's Mitigation Monitoring and Reporting Program (**Exhibit T**) will reduce any potential impacts to a level of insignificance.

On June 12, 2019, the Planning Commission approved Planning Commission Resolution No. 19-30 adopting the Mitigated Negative Declaration prepared for the project. On June 17, 2019, the Planning Division filed a Notice of Determination for the project with the San Bernardino County Clerk of the Board of Supervisors (**Exhibit U**), thereby completing the CEQA process.

Native American Tribal Consultation (Assembly Bill 52)

In accordance with California Assembly Bill 52, the Planning Division mailed notices to six (6) Native American tribes informing them of the project and allowing them to request consultation on the project. The six (6) tribes were given thirty (30) days, from March 27, 2019 to April 26, 2019 to request consultation on the proposed project. One (1) tribe, The Gabrieleño Band of Mission Indians -Kizh Nation (Kizh Nation), requested formal consultation during the period. Planning staff conducted formal consultation with Andrew Salas and Matt Teutimez of the Kizh Nation on May 9, 2019. The topics discussed included a basic background of the project and the anticipated construction activities. During the consultation, Mr. Salas and Mr. Teutimez requested the ability to allow a certified Native American Monitor on-site during all ground disturbance activities. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program adopted for the project by the Planning Commission includes mitigation measures requiring the applicant to coordinate with the Kizh Nation to allow access to the project site during all ground disturbance activities.

Delhi Sands Flower-Loving Fly

According to Exhibit 4.4.2 of the Rialto General Plan Environmental Impact Report, the project site lies within potential Delhi Sands Flower-Loving Fly (DSF) habit. Osborne Biological Consulting, on behalf of the applicant, conducted a survey of the project site in 2018 (**Exhibit V**), and found no presence of DSF on the project site. Subsequently, the applicant submitted the survey to the United States Fish & Wildlife (USFWS), and on May 2, 2018, Amanda Swaller, Wildlife Biologist, with the USFWS provided the applicant with written clearance to proceed with the construction of the project (**Exhibit W**).

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 2-22: Promote commercial and/or industrial development that is well designed, people-oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose.

Goal 3-1: Strengthen and diversify the economic base and employment opportunities, and maintain

a positive business climate.

LEGAL REVIEW:

The City Attorney reviewed and approved the staff report.

FINANCIAL IMPACT:

Operating Budget Impact

The project will generate annual recurring revenues to the General Fund in the form of increased property tax, business license taxes, utility taxes, and retail sales tax.

Capital Improvement Budget Impact

The applicant will bear the full capital cost of construction of the project and the required infrastructure improvements. No City funds will be used to construct the project. Prior to the completion of the project, the applicant will pay plan check, permit, development impact fees, and traffic “fair-share” fees to the City.

Business License

Prior to construction, the applicant will submit a contractors list to the Business License Division, and each contractor listed will obtain a business license. Subsequently, the owner and tenant(s) will obtain separate business licenses for the leasing and use of the buildings.

RECOMMENDATION:

Staff recommends that the City Council Conduct a Public Hearing to consider:

- Adoption of the Resolution (**Exhibit X**) approving Conditional Development Permit No. 2018-0020 to allow the development of a vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers, subject to the findings and conditions therein.