



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Regular Meeting Planning Commission

Jerry Gutierrez Chair
John Peukert Vice Chair
Pauline Tidler Commissioner
Dale Estvander Commissioner
Artist Gilbert Commissioner
Al Twine Commissioner
Frank Gonzalez Commissioner
Pam Lee Asst. City Attorney
Gina Gibson Planning Manager
Angela Morales Commission Secretary

Wednesday, September 28, 2016

6:00 PM

CIVIC CENTER

Members of the public are given an opportunity to speak on any listed agenda items. Please notify the Planning Division if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto, California 92376) at least 72 hours in advance of the meeting. Copies of the staff reports relating to each item on the agenda are on file in the Planning Division, 150 South Palm Avenue, Rialto, California 92376 and are available for public inspection. Any person having a question concerning any agenda item may call the Planning Division (909) 820-2535 to inquire about any item described on the agenda.

NOTICE TO PUBLIC: To speak on Public Hearing Items, fill out a form located at the front counter in the lobby and give it to Development Services Staff. Each person will be allowed three (3) minutes to address the Planning Commission.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the Planning Commission only if it is considered to be a "subsequent need" or "emergency item" and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing. A decision by the Planning Commission may be appealed to the City Council. An appeal must be filed with the City Clerk upon forms provided by the City within fifteen (15) calendar days after the hearing.

Call To Order

Pledge of Allegiance

Roll Call

Chair Jerry Gutierrez, Vice-Chair John Peukert, Artist Gilbert, Al Twine, Dale Estvander, Pauline Tidler, Frank Gonzalez

Oral Communications from the Audience on items not on the Agenda

Planning Commission Minutes

1 [16-693](#) Minutes from the September 14, 2016 Planning Commission meeting

Attachments: [PC Minutes 9-14-2016](#)

Public Hearings

1 [16-683](#) ***Conditional Development Permit Nos. 819, 820, & 821:*** A request to allow the development of a gas station consisting of a 2,720 square foot overhead canopy with six (6) fuel dispensers, a 2,500 square foot convenience market, and the off-sale of beer and wine in conjunction with the proposed convenience market. The project site is 0.93 acres of land (APNs: 0132-091-12 & -13) located on the west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue within the Retail Commercial (R-C) zone of the Gateway Specific Plan. The project is categorically exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

Attachments: [Exhibit A - Location Map](#)

[Exhibit B - Site Plan](#)

[Exhibit C - Floor Plan](#)

[Exhibit D - Building & Canopy Elevations](#)

[Exhibit E - Conceptual Landscape Plan](#)

[Exhibit F - Crime Prevention Plan](#)

[Exhibit G - Notice of Exemption](#)

[Exhibit H - Draft Resolution of Approval for CDP No. 819](#)

[Exhibit I - Draft Resolution of Approval for CDP No. 820](#)

[Exhibit J - Draft Resolution of Approval for CDP No. 821](#)

Action Items

None.

Planning Division Comments

Next Meeting: October 12, 2016

Planning Commission Comments

Adjournment



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Legislation Text

File #: 16-693, **Version:** 1

Minutes from the September 14, 2016 Planning Commission meeting

Minutes from the September 14, 2016 Planning Commission meeting are attached.



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
September 14, 2016- 6:00 PM

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, September 14, 2016.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Chair Gutierrez called the meeting to order at 6:02 p.m.

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PLEDGE OF ALLEGIANCE

Chair Gutierrez led those present in the salute to the flag.

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ROLL CALL

Present:

Chairman Jerry Gutierrez
Commissioner Dale Estvander
Commissioner Frank Gonzalez
Commissioner Al Twine

Absent:

Vice Chair John Peukert
Commissioner Pauline Tidler
Commissioner Artist Gilbert

Also Present:

Assistant City Attorney, Pam K. Lee
Planning Manager, Gina M. Gibson
Associate Planner, Daniel Casey
Assistant Planner, Daniel Rosas
Administrative Assistant, Angela Morales

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**ORAL
COMMUNICATIONS**

Chair Gutierrez declared the public hearing open and asked if there were items to address not on this agenda. Administrative Assistant, Angela Morales replied and stated that there are none.

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**PLANNING
COMMISSION
MEETING MINUTES**

Chair Gutierrez stated that the next item on the agenda is Planning Commission meeting minutes. Planning Manager, Gina Gibson informed the Commission that the minutes from the August 31, 2016 meeting will respectively be submitted for the September 28, 2016 meeting.

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PUBLIC HEARINGS

Chair Gutierrez stated that the next item on the agenda is **General Plan Amendment No. 15-05, Zone Change No. 334, and Conditional Development Permit No. 798.**

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Associate Planner, Daniel Casey informed The Planning Commission, at its meeting on August 31, 2016, reviewed Emaar Enterprise requests for approval of **General Plan Amendment No. 15-05, Zone Change No. 334, and Conditional Development Permit No. 798.** After consideration, the Commission denied these requests and directed staff to prepare draft Resolutions of Denial which are presented at tonight's meeting.

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Chair Gutierrez asked the Assistant City Attorney if we needed to open the public hearing.

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Assistant City Attorney, Pam K. Lee replied and stated no.

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Motion by Commissioner Twine, seconded by Commissioner Gonzalez to deny **General Plan Amendment No. 15-05**, to change the general plan land use designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre); and deny **Zone Change No. 334**, to change the zoning designation of 4.67 gross-acres of land (APNs 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue from Single-Family Residential (R-1C) to Multi-Family Residential (R-3); and deny **Conditional Development Permit No. 798**, to allow the development of a

PUBLIC HEARINGS

sixty-eight (68) unit apartment complex on 4.67 gross-acres of land (APNs: 0132-031-13 & -14) located on the south side of Randall Avenue approximately 300 feet east of Willow Avenue, subject to the findings and conditions contained in Resolution Nos. 16-38, 16-39, and 16-40. Motion carried 3-0-1. Vice Chair Peukert, Commissioner Tidler, and Commissioner Gilbert were absent. Commissioner Estvander abstained.

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Chair Gutierrez stated that the next item on the agenda is **General Plan Amendment No. 15-02, Zone Change No. 333, and Conditional Development Permit No. 800.**

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Associate Planner, Daniel Casey informed The Planning Commission, at its meeting on August 31, 2016, reviewed BM Investments requests for approval of **General Plan Amendment No. 15-02, Zone Change No. 333, and Conditional Development Permit No. 800.** After consideration, the Commission denied these requests and directed staff to prepare draft Resolutions of Denial which are presented at tonight's meeting.

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Motion by Commissioner Twine, seconded by Commissioner Gonzalez to deny **General Plan Amendment No. 15-02**, to change the general plan land use designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road from Residential 6 (2.1-6.0 du/acre) to Residential 21 (12.1-21.0 du/acre); and deny **Zone Change No. 333**, to change the zoning designation of 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet east of Base Line Road from Single-Family Residential (R-1C) to Multi-Family Residential (R-3); and deny **Conditional Development Permit No. 800**, to allow the development of an eighty-four (84) unit apartment complex on 4.65 gross-acres of land (APN: 0127-281-01) located on the east side of Cactus Avenue approximately 280 feet north of Base Line Road, subject to the findings and conditions contained in Resolution Nos. 16-43, 16-41 and 16-42. Motion carried 4-0. Vice Chair Peukert, Commissioner Tidler, and Commissioner Gilbert were absent.

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**PLANNING DIVISION
COMMENTS**

Chair Gutierrez stated that the next item on the agenda is **Planning Division comments.**

Planning Manager, Gina Gibson made the following announcements:

PLANNING DIVISION
COMMENTS

- The next Planning Commission meeting is scheduled on Wednesday, September 28, 2016 which will be led by our Associate Planner, Daniel Casey.
- On Saturday, October 1, 2016 the City Attorney, Fred Galante will be presenting a Brown Act Workshop for the City Commissioners. The workshop will be held at the Rialto Senior Center.
- Ms. Angela Morales scheduled the Niagara Tour. The tour is scheduled on Tuesday, September 27, 2016. The time is yet to be determined, however the tour will commence late morning around 10:00 AM.
- The City received a video from a community member consisting of Target trucks backing down the streets and many cars speeding through streets lights. The video was then forwarded to Target's corporate office. Rialto has requested that their management team address the issue and attend the next available Planning Commission meeting.

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PLANNING
COMMISSION
COMMENTS

Chair Gutierrez stated that the next item on the agenda is **Planning Commission comments.**

Planning Manager, Gina Gibson and the Commission, specifically Commissioner Gonzalez, briefly discussed housing needs for the community and touched on topics relating to Southern California Association of Governments (SCAG).

Chair Gutierrez asked if the city prepares a fiscal economic impact report.

Planning Manager, Gina Gibson replied and stated yes, the City of Rialto in an effort to honor its general plan and be transparent does conduct such reports. For example, when we have these residential developments and if a request came and did not involve a density issue (& meets all development standards) then we would be within the rights for written approval. But, the ones that came to us last time were not that way. Instead, they were requests for high density so in exchange we must determine at what costs is the development going to have to the city. Further, we must determine what fees must be charged for the right to develop beyond what zoning is allowed at the site. That is how costs are mitigated for residential development in the event that there is a fire, theft, etc., in other words, safety services. This also applies to Industrial developments where they must pay development impact fees (DIF), business licensing fees, and a utility user tax (UTT). Every staff report is required to include an Economic Development section as per our Economic Development Committee.

**PLANNING
COMMISSION
COMMENTS**

Planning Manager, Gina Gibson and the Commission also discussed the upcoming development in the Lytle Creek area. Planning Manager Gibson, commented that the Housing Element Review workshop will be scheduled within the next month or so.

Planning Manager, Gina Gibson and the Commission then heavily discussed the ongoing issues pertaining to the truck complaints near the Target distribution center. Chair Gutierrez commented that he has witnessed semi-trucks backing into trees and speeding down the streets. He requested that when Target's management team meets with the Planning Commission, he would request that the Area Command officer of Las Colinas (or his executive) also be present.

Planning Manager, Gina Gibson stated that yes, we can request it.

Commissioner Estvander briefly commented that he abstained his vote pertaining to the development of an eighty-four (84) unit apartment complex on Cactus Avenue because he believes that this would be a good buffer between the highly density and commercial areas.

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ADJOURNMENT

Motion by Commissioner Estvander, seconded by Commissioner Twine and carried by a 4-0 vote that the meeting be adjourned. Vice Chair Peukert, Commissioner Tidler and Commissioner Gilbert were absent.

The Regular Planning Commission meeting adjourned at 6:24 p.m.

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Commission Secretary, Angela Morales
Planning Commission

Chairman, Jerry Gutierrez
Planning Commission



Legislation Text

File #: 16-683, Version: 1

For the Planning Commission Meeting of September 28, 2016

TO: Honorable Chairman and Planning Commissioners
 APPROVAL: Robb Steel, Asst.CA/Development Services Director
 REVIEWED BY: Gina M. Gibson, Planning Manager
 FROM: Daniel Casey, Associate Planner

Conditional Development Permit Nos. 819, 820, & 821: A request to allow the development of a gas station consisting of a 2,720 square foot overhead canopy with six (6) fuel dispensers, a 2,500 square foot convenience market, and the off-sale of beer and wine in conjunction with the proposed convenience market. The project site is 0.93 acres of land (APNs: 0132-091-12 & -13) located on the west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue within the Retail Commercial (R-C) zone of the Gateway Specific Plan. The project is categorically exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

APPLICANT:

NJM Rialto, LLC, 1949 Arroyo Drive, Riverside, CA 92506.

LOCATION:

The project site consists of two (2) parcels of land (APNs: 0132-091-12 & -13) located on the west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue (Refer to the attached Location Map (**Exhibit A**)). Additionally, the project site is located within the new Rialto Marketplace shopping center, which is currently under construction.

BACKGROUND:

Surrounding Land Use and Zoning

Location	Existing Land Use	Zoning
Site	Vacant Pad	Retail Commercial (R-C)
North	Carl's Jr.	Retail Commercial (R-C)
East	Vacant Land	Retail Commercial (R-C)
South	Multi-Tenant Retail Building	Retail Commercial (R-C)
West	Super Walmart	Retail Commercial (R-C)

General Plan Designations

Location	General Plan Designation
Site	General Commercial
North	General Commercial
East	General Commercial
South	General Commercial
West	General Commercial

Site Characteristics

The project site is a vacant pad within the Rialto Marketplace shopping center currently under construction. The pad is comprised of two (2) parcels with a combined area of approximately 40,318 square feet or 0.93 acres. The overall dimensions of the pad are approximately 236 feet (east-west) by 163 feet (north-south). The pad is bound on the east by Riverside Avenue. To the north is a 2,999 square foot Carl's Jr. currently under construction, and to the east, across Riverside Avenue, is approximately 8.68 acres of vacant land. To the south is a 9,436 square foot multi-tenant retail building currently under construction and to the west is a 193,970 square foot Walmart currently under construction. The zoning of the project site and all of the surrounding properties is Retail Commercial (R-C) within the Gateway Specific Plan.

ANALYSIS/DISCUSSION:

Project Proposal & Site Design

NJM Rialto, LLC proposes to construct a 7-Eleven 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 2,720 square foot overhead canopy with six (6) fuel dispensers and a 2,500 square foot convenience market. The applicant will construct the canopy within the center of the project site. Pavement will surround the canopy in order to provide access to the canopy from any direction within the site. The convenience market will be located at the northeast corner of the project site. The convenience market is oriented so that the side of the building will face Riverside Avenue, while the front of the building will face the canopy. The parking, trash enclosure, and air/water machine are primarily located near the convenience market for easy customer/employee access.

Architectural Design

The exterior of the canopy will feature a fascia with a stucco finish and a decorative cornice atop all sides. Supporting the canopy is six (6) twenty-four (24) inch by twenty-four (24) inch columns with a stucco finish and stone accents. As a whole, the canopy structure will have three (3) separate paint colors. The canopy fascia will be painted light beige; the cornice will be painted a dark brown; and the columns will be painted a terracotta tone.

The convenience market will have an articulated footprint on all four (4) sides. The articulated portions will feature increased height, relative to the rest of the building, and a varying roof form, specifically a gable roof on the north and south sides of the building. The exterior of the building will have a stucco finish and a decorative cornice atop all four (4) sides. The building will be painted in four (4) separate colors. A medium tan is the primary color; a light beige is used in recessed portions of the building, a terracotta tone is used along the bottom half of the articulated elements of the

building, and the cornice will be painted a dark brown. Other architectural features of the building include concrete tile roofing, rafter tails, stucco scoring, and matching stone accents (**Exhibit D**).

Access

The development will have two (2) points of access - one (1) driveway connected directly to Riverside Avenue and one (1) entryway connected directly to a private drive-aisle within the Rialto Marketplace. The driveway along Riverside Avenue will be limited to right-in/right-out access only, while the entryway connected to the Rialto Marketplace drive-aisle will allow vehicles to drive to the signalized full access intersections on both Riverside Avenue and San Bernardino Avenue.

Parking Calculations

The development will have 36 parking spaces. This quantity exceeds the minimum parking requirement as shown in the parking calculation chart below and as required by Section 18.106.0601 (1) of the Rialto Municipal Code:

<i>Type of Use</i>	<i>Floor Area (square feet)</i>	<i>Parking Ratio</i>	<i>Number of spaces required</i>
Convenience Market w/ fuel sales	2,500	1 / 250	10
Total Required/Total Provided			10/36
Total "Over-parked"			+26

Landscaping

The landscape coverage for the project is 17.0 percent, which exceeds the minimum required amount of 10.0 percent. This includes a twenty-five (25) foot wide landscape setback along Riverside Avenue and planters adjacent to the convenience market planting and parking areas. 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 E**).

Operations

The gas station will be in operation twenty-four (24) hours a day, seven (7) days a week. Six (6) fuel dispenser systems containing a total of twelve (12) individual pumps will be used by customers for fuel dispensing. One (1) 20,000 gallon underground tank will hold Unleaded 87 gasoline for dispensing, one (1) 8,000 gallon underground tank will hold Unleaded 91 gasoline for dispensing, and one (1) 12,000 gallon underground tank will hold Diesel fuel for dispensing. 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 shortest route intended and available for public traverse from any point upon the outside wall of the convenience market to the nearest property line of the location in question. 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:

Separation from...	Requirement	Proposed	Meets Code
Schools	Min. 1,000 ft.	2,900+/- ft.	Yes
Churches/Parks	Min. 500 ft.	530+/- ft.	Yes
Residential Areas	Min. 100 ft.	195+/- 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, should it be required by the ABC Department.

Safety

The applicant prepared and submitted a Crime Prevention Plan (**Exhibit F**) for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code. Lieutenant Robert Smith 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. Signs displaying “No Loitering” will be posted on the building, 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 July 27, 2016. The DRC recommended approval of the project subject to the applicant revising the site design and architecture of the building. The Committee’s revisions included enhanced building articulation and the addition of architectural features. 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 Section 18.31.020D(5) of the Rialto Municipal Code, the development of a gas station within the R-C zone is subject to the approval of a Conditional Development Permit. Per Section 18.31.020D(3) of the Rialto Municipal Code, the development of a convenience market within the R-C zone is

subject to the approval of a Conditional Development Permit. 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 three (3) separate Conditional Development Permit applications on June 29, 2016.

Land Use Compatibility

The project is consistent with the Retail Commercial (R-C) zone, the existing uses within the shopping center, and the surrounding land uses. The most sensitive use near the project site is an existing non-conforming single-family residence located approximately 195 feet to the southeast of the project site. This land use is not expected to be negatively impacted by the proposed project, since measures, such as landscape buffering and screening, will be implemented. The project is anticipated to be a benefit to the community and an improvement to the shopping center. Aesthetically, the site will be enhanced with new landscaping and structures that comply with the City's Design Guidelines.

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 a portion will be 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 project is estimated to generate approximately 5 to 10 jobs, increasing employment opportunities for City of Rialto residents.

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:

The City Council certified an Environmental Impact Report (EIR) (Environmental Assessment Review No. 04-30) for the Rialto Marketplace shopping center on July 15, 2008, in accordance with the California Environmental Quality Act (CEQA). The EIR analyzed the development of a gas station without a convenience market within the Rialto Marketplace shopping center. No further review under CEQA is required for the development of a gas station without the convenience market. The inclusion of the convenience market requires a separate analysis under CEQA strictly for the convenience market.

The development of a 2,500 square foot convenience market is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures. Class 3 allows for the exemption of a project consisting of the development of a store not exceeding 2,500 square feet in floor area. A Notice of Exemption form is

attached to agenda report (**Exhibit G**).

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 to approve Conditional Development Permit No. 819 to allow the development of a gas station subject to the findings and conditions therein (**Exhibit H**); and
- Adopt a Resolution to approve Conditional Development Permit No. 820 to allow the development of a 2,500 square foot convenience market subject to the findings and conditions therein (**Exhibit I**); and
- Adopt a Resolution to approve Conditional Development Permit No. 821 to allow the off-sale of beer and wine in conjunction with a convenience market subject to the findings and conditions therein (**Exhibit J**).

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

3 SECTION 2. Based on substantial evidence presented to the Planning Commission during
4 the public hearing conducted with regard to CDP No. 821, including written staff reports, verbal
5 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
6 Commission hereby determines that CDP No. 821 satisfies the requirements of Section 18.66.020 of
7 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
8 conditional development permit. The findings are as follows:

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

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

12 The Project will provide a benefit to the community and customers within the Rialto
13 Marketplace shopping center by providing sales of beer and wine, in addition to typical
14 convenience goods, within one (1) convenient location. The area surrounding the Site is
15 under construction as a major shopping center with high levels of vehicular and
16 pedestrian traffic. Beer and wine sales are commonly conducted within convenience
markets, including several in the nearby area.

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

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

20 To the north is a 2,999 square foot Carl's Jr. currently under construction, and to the east,
21 across Riverside Avenue, is approximately 8.68 acres of vacant land. To the south is a
22 9,436 square foot multi-tenant retail building currently under construction and to the west
is a 193,970 square foot Walmart currently under construction.

23 Additionally, the conditions of approval, contained herein, require the applicant to
24 implement and permanently maintain all of the safety measures documented within the
25 Crime Prevention Plan prepared for the Project. Proper maintenance of these safety
26 measures will minimize crime and nuisance activities associated with the Project to the
fullest extent possible.

27 The zoning of the project site and all of the surrounding properties is Retail Commercial
28 (R-C) within the Gateway Specific Plan. The project is consistent with the Retail
Commercial (R-C) zone, the existing uses within the shopping center, and the

1 surrounding land uses. The most sensitive use near the project site is an existing non-
2 conforming single-family residence located approximately 195 feet to the southeast of the
3 project site. The Project will not negatively affect any sensitive use nearby the Site with
4 proper implementation of the Crime Prevention Plan and the incorporation of design
5 features, such as landscape buffering and screening.

6 The proposed use also meets the location criteria described in Section 18.110.050 by
7 being at least 2,900 feet from schools (minimum of 1,000 feet required), at least 530 feet
8 from churches and parks (minimum of 500 feet required), and at least 195 feet from
9 residential areas (minimum of 100 feet required).

10 Furthermore, conditions of approval contained herein restrict the display and advertising
11 of alcoholic beverages, and the age of employees who sell alcoholic beverages, and
12 require the applicant to provide public education regarding drinking laws in the form of
13 signage and decals at the register.

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

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

18 The Site contains 0.93 acres, is mostly rectangular, fairly level, and adjacent to a major
19 arterial street, which will be able to accommodate the proposed use. The development will
20 have two (2) points of access – one (1) a driveway connected directly to Riverside Avenue
21 and one (1) entryway connected directly to a private drive-aisle within the Rialto
22 Marketplace. The driveway along Riverside Avenue will be limited to right-in/right-out
23 access only, while the entryway connected to the Rialto Marketplace drive-aisle will allow
24 vehicles to drive to the signalized full access intersections on both Riverside Avenue and
25 San Bernardino Avenue.

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

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

The Site will have 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.

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:

1
2 The use is consistent with the General Commercial General Plan designation and the
3 Retail Commercial (R-C) zone. The Project will feature high-quality building exteriors
4 designed in compliance with the City's Design Guidelines. Landscaping has been
5 abundantly incorporated into the site. The landscape coverage for the Project is 17.0
6 percent, which greatly exceeds the minimum required amount of 10.0 percent.
7 Furthermore, the Project includes the installation of 36 parking stalls, which exceeds the
8 minimum parking requirement of 10 parking stalls.

9
10 Additionally, the conditions of approval contained herein require the applicant to
11 conform with the development standards for the sale of beer and wine set forth in Chapter
12 18.110 relating to frontage requirements, visibility, sign requirements, employees,
13 education of the public, and litter control and maintenance.

- 14
15 6. Any potential adverse effects upon the surrounding properties will be minimized to
16 every extent practical and any remaining adverse effects shall be outweighed by the
17 benefits conferred upon the community or neighborhood as a whole.

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

20
21 Generally speaking, alcohol consumption can lead to an increase in the need for police
22 services. However, as conditioned the Project's effects will be minimized through the
23 implementation of the applicant's Crime Prevention Plan, safety measures endorsed by
24 the Rialto Police Department, education of the public and employees, and litter control
25 and maintenance. Additionally, the project will be responsible for the payment of
26 Development Impact Fees towards certain public services, including police. Therefore,
27 the adverse effects are outweighed by the benefits conferred upon the community and
28 neighborhood as a whole.

29 SECTION 3. NJM Rialto, LLC, is hereby granted CDP No. 821 to allow the off-sale of
30 beer and wine within a proposed convenience market on 0.93 acres of land (APN: 0132-091-12 & -
31 13) located on the west side of Riverside Avenue approximately 425 feet south of San Bernardino
32 Avenue within the R-C (Retail Commercial) zone.

33 SECTION 4. The City Council certified an Environmental Impact Report (EIR)
34 (Environmental Assessment Review No. 04-30) for the Rialto Marketplace shopping center on July
35 15, 2008, in accordance with the California Environmental Quality Act (CEQA). The EIR included
36 an analysis of a gas station without a convenience market within the Rialto Marketplace shopping
37 center. No further review under CEQA is required for the gas station without the convenience
38

1 market. The development of a 2,500 square foot convenience market is categorically exempt from
2 the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303,
3 New Construction or Conversion of Small Structures. The Planning Commission directs the
4 Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors
5 for San Bernardino County.

6 SECTION 4. That CDP No. 821 is granted to NJM Rialto, LLC, in accordance with the
7 plans and application on file with the Planning Division, subject to the following conditions:
8

- 9 1. The approval is granted allowing the off-sale of beer and wine within a proposed
10 convenience market on 0.93 acres of land (APN: 0132-091-12 & -13) located on the
11 west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue,
12 as shown on the plans submitted to the Planning Division on September 12, 2016, and as
13 approved by the Planning Commission. If the Conditions of Approval specified herein
14 are not satisfied or otherwise completed, the project shall be subject to revocation.
- 15 2. City inspectors shall have access to the site to reasonably inspect the site during
16 normal working hours to assure compliance with these conditions and other codes.
- 17 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
18 officers, or employees from any claims, damages, action, or proceeding against the
19 City or its agents, officers, or employees to attack, set aside, void, or annul any
20 approval of the City, its advisory agencies, appeal boards, or legislative body
21 concerning CDP No. 821. The City will promptly notify the applicant of any such
22 claim, action, or proceeding against the City, and the parties will cooperate fully in
23 the defense.
- 24 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
25 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
26 subject to protest by the applicant at the time of approval or conditional approval of
27 the Project or within 90 days after the date of the imposition of the fees, dedications,
28 reservations, or exactions imposed on the Project.
5. The approval is for the sale of beer and wine only.
6. Crime prevention measures as endorsed by the City of Rialto Police Department shall be
incorporated into the design and operation of the business as follows:
 - a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as
measured at the ground level of the entire site, from the period of one-half hour
before sunset until one-half hour after sunrise. Lighting fixtures shall be so

1 situated and shielded as not to direct or reflect lighting glare on adjacent
2 properties or public rights-of-way.

3 b. A locking device shall be installed on the cash register. An adequate floor safe
4 shall be installed behind the counter. Only a minimum amount of cash shall be
5 kept in the cash register at all times.

6 c. Burglary and robbery alarm systems shall be installed as required and approved
7 by the Rialto Police Department. A telephone with speaker push button alarm
8 shall be installed. The telephone must have a separate button that automatically
9 dials into 911 and will transmit on-going conversations and activity.
10 Alternatively, a panic-button, which automatically contacts the Rialto Police
11 Department upon activation, may be installed at each register. A 24-hour
12 security camera system shall be installed on the premises with camera locations
13 approved by the Rialto Police Department. All surveillance and security
14 equipment shall be continuously maintained and in operation during business
15 hours. Surveillance footage shall be provided to the Rialto Police Department
16 within 12 hours after a request has been made for said footage. The software or
17 media player required to view the type of video format shall be provided to the
18 Rialto Police Department, if necessary. An R-P card must be filed with the
19 Rialto Police Department containing twenty-four (24) hour phone numbers of
20 persons to be contacted.

21 d. The business licensee for the convenience market shall maintain a litter control
22 program around the exterior of the convenience market in order to minimize the
23 resultant impacts of litter on properties adjacent to the store. An exterior trash
24 receptacle for employee and customer use shall be placed near the entrance of
25 the store.

26 e. A building maintenance program shall be established for the purposes of
27 maintaining the building structure and landscaping on-site in good physical
28 appearance.

f. The management shall be responsible for educating the public regarding drunken
driving laws and the related penalties for breaking those laws. This included
minimum age laws, open container laws and laws related to driving under the
influence of alcohol. This can be accomplished by posting prominent signs or
decals, providing brochures at the point of purchase and providing adequate
training for employees.

g. Employees on duty who sell alcoholic beverages must be at least 21 years of
age.

7. Sale of beer by the individual bottle or can is prohibited.

- 1 8. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
2 Municipal Code and the Shoppes at Creekside Sign Program.
- 3 9. The applicant shall obtain all necessary approvals and operating permits from all
4 Federal, State, and local agencies and provide proof thereof to the City prior to the
5 issuance of a Certificate of Occupancy.
- 6 10. The privileges granted by the Planning Commission pursuant to approval of this
7 Conditional Development Permit are valid for one (1) year from the effective date of
8 approval. If the applicant fails to commence the project within one year of said
9 effective date, this conditional development permit shall be null and void and any
10 privileges granted hereunder shall terminate automatically. If the applicant or his or
11 her successor in interest commence the project within one year of the effective date of
12 approval, the privileges granted hereunder will continue inured to the property as long
13 as the property is used for the purpose for which the conditional development permit
14 was granted, and such use remains compatible with adjacent property uses.
- 15 11. If the applicant fails to comply with any of the conditions of approval placed upon
16 Conditional Development Permit No. 821 or any conditions placed upon the approval
17 of the Precise Plan of Design required by Condition No. 2 above, the Planning
18 Commission may initiate proceedings to revoke the conditional development permit
19 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
20 of the Rialto Municipal Code.

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

23 PASSED, APPROVED AND ADOPTED this 28th day of September, 2016.

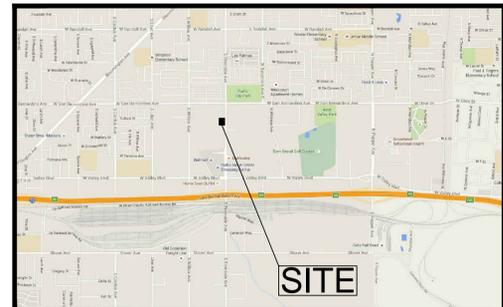
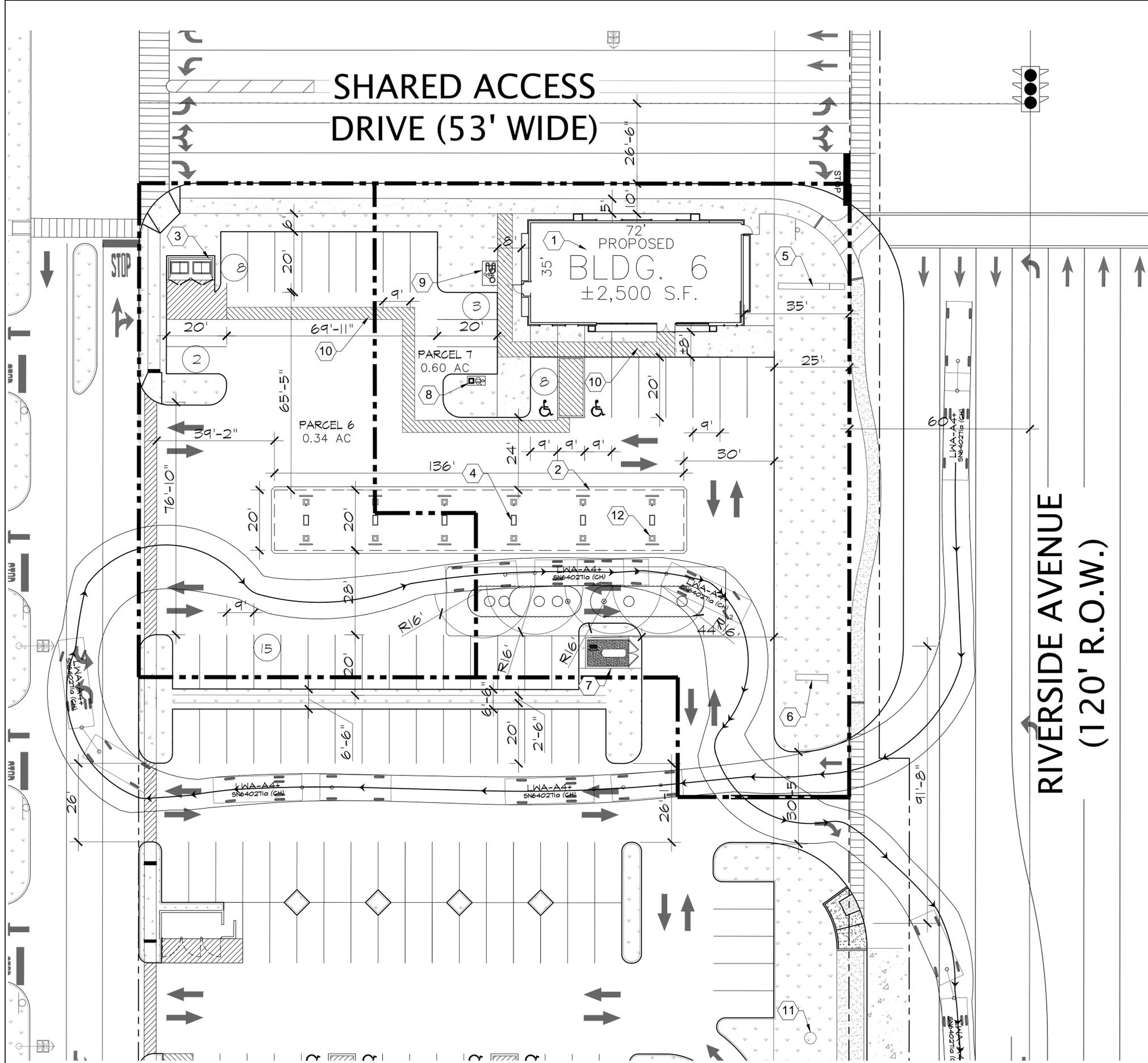
24
25
26
27
28

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION



Project Location Map





OWNER/APPLICANT:
 7-ELEVEN INC.
 PETER GONZALEZ, DEVELOPMENT PROJECT MANAGER
 ONE ARTS PLAZA
 1722 ROUTH STREET SUITE 1000
 DALLAS, TX 75201-2506
 PHONE: (424) 672-5033

PLAN PREPARER
 CORE STATES GROUP
 1700 INDUSTRIAL DRIVE, SUITE B
 ROGERS, AR 72756
 PHONE: (479) 986-4400

Zoning Table		
Zone: R-C (Retail Commercial)		
Proposed Use: Convenience Store w/ Fueling Station		
APN: Parcels 6 and 7 of PM 19059		
Lot Area (sf)	Required	Proposed
	None	40,318
Building Height (ft)	35	18'-8"
Stories	2.5	<2.5
Building Setbacks		
Front (ft)	25	35
Side (ft)	5	10
Rear (ft)	5	130
Parking Requirements		
1 Per 200 Square Feet of Gross Floor Area	13	21

GENERAL NOTES

- THE 2,500 SF CONVENIENCE STORE WILL COVER 6.2% OF THE LOT.

KEYED NOTES ○

- PROPOSED 2,500 SF 7-ELEVEN CONVENIENCE STORE. TYPE 5B CONSTRUCTION.
- PROPOSED 17'-6" TALL FUELING GAS CANOPY (20'W x 136'L).
- PROPOSED 7'-6" TALL CMU DUMPSTER ENCLOSURE (16'W x 8'D).
- PROPOSED FUELING DISPENSER. (TYP OF 6).
- PROPOSED SHOPPING PLAZA, MULTI TENNANT SIGN, BY OTHERS.
- PROPOSED 7-ELEVEN PYLON SIGN. AREA = 40SF, HEIGHT = 20'.
- CLEAN AIR SEPARATOR AND VENTS WITH SPLIT-FACE CMU BLOCK ENCLOSURE
- AIR/WATER MACHINE
- BICYCLE RACK FOR MINIMUM (6) BICYCLES
- ADA PATH OF TRAVEL TO PUBLIC RIGHT-OF-WAY AND TO THE TRASH ENCLOSURE
- FIRE HYDRANT
- CANOPY COLUMNS TO BE WRAPPED (TO MATCH ONE OF THE BUILDING MATERIALS)

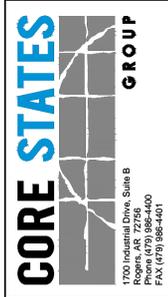
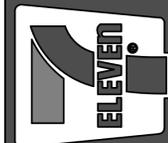
Rev. #	Date	Description

Proto 2nd Qtr 04-03-15

7-ELEVEN, INC.
 ONE ARTS PLAZA, 1722 ROUTH STREET, DALLAS, TEXAS 75221

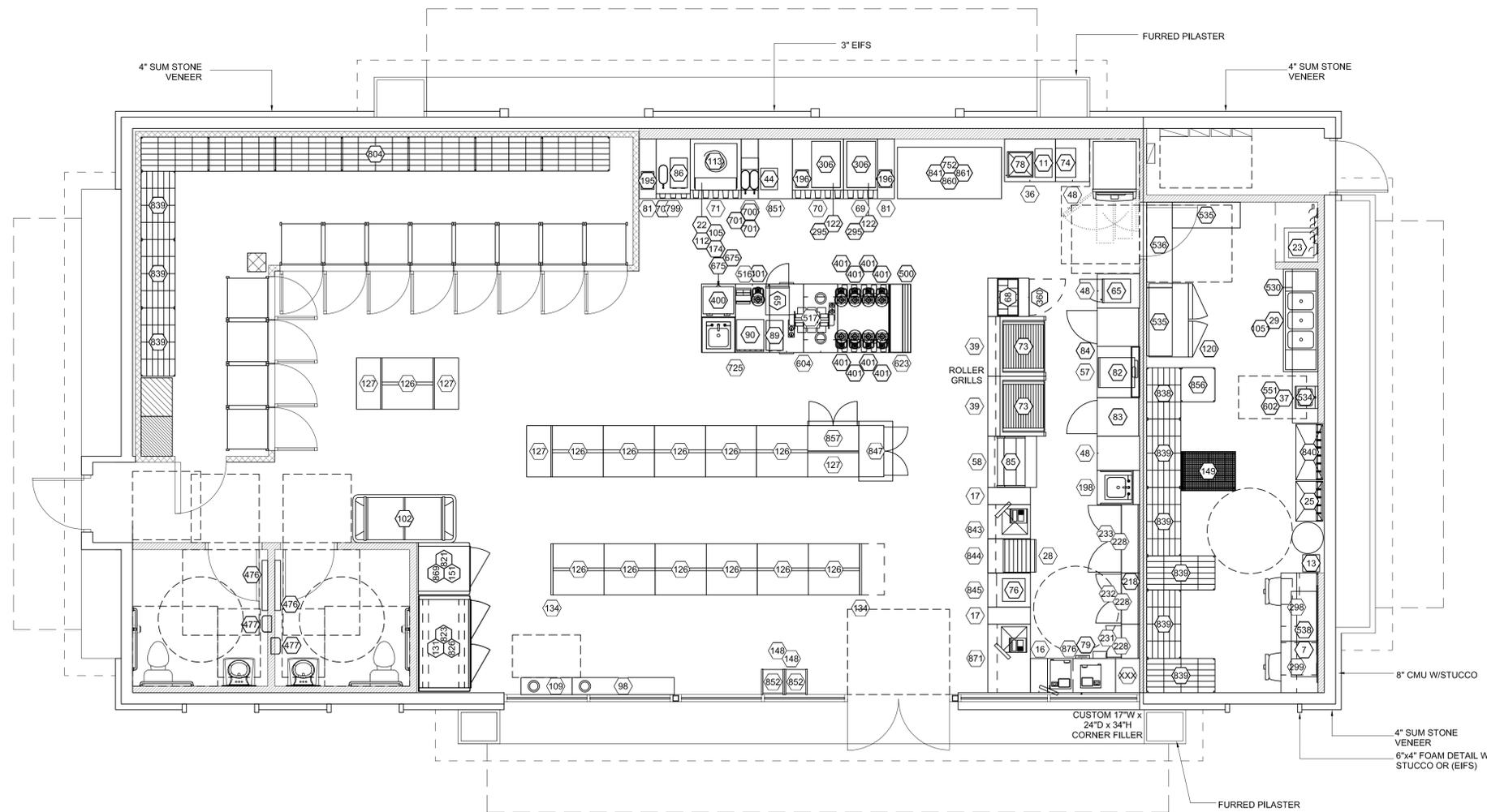
7-11 #1038630
 RIVERSIDE AVE & SAN BERNARDINO AVE.
 RIALTO, CA 92376

CONCEPTUAL SITE PLAN #1



Job#: SEI.16380.217
 Scale: AS NOTED
 Date: 09/09/2016
 Drawn By: CVK
 Checked By: CPS

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LAYOUT INFORMATION

ROLLER GRILLS	2
SANDWICH CASE	1
VAULT DOORS	12
LOW TEMP DOORS	2
ICE MERCH. DOORS	1
NOVELTY CASE	1
BAKERY CASE	2
SLURPEE BARRELS	6

GONDOLA UNITS	25
END CAPS	04
HIGH WALLS	00
TOTAL	29

TOTAL SQ FT	= 2,520 SF
SALES FLOOR AREA	= 1,562 SF

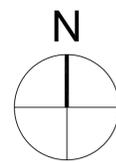
GAS: YES LIQUOR: NO
BEER: YES WINE: YES

OCCUPANCY LOAD (>49) = 50
TRAVEL DISTANCE (<200) = 73'
COMMON PATH OF TRAVEL (<75) = 45'
RESTROOMS REQUIRED = 2
EXITS REQUIRED = 2

OVERHEAD SHELVES = 27 FT
FLOOR SHELVES = 33 FT
(INCLUDING BIB RACKS & LOCKABLE SHELVING)

WALL TYPE LEGEND

EXISTING WALL	
EXISTING COLUMN	
NEW WALL	
NEW PARTIAL HEIGHT WALL	
NEW COOLER WALL	



1038630 - RIALTO, CA - LAYOUT 3

RIVERSIDE AVE &
SAN BERNARDINO AVE
RIALTO, CA

SCALE: 1/4"=1'-0"

TDG #16-159

APPROVED: YES NO
03/24/16

03/23/16

<p>Job#: 16-159</p> <p>Scale: AS NOTED</p> <p>Date: 03/23/16</p> <p>Drawn By:</p> <p>Checked By:</p>	<p>7-ELEVEN, INC.</p> <p>3200 Hackberry Rd. Irving, Texas 75063</p> <p>7-11 #1038630</p> <p>RIVERSIDE AVE & SAN BERNARDINO AVE RIALTO, CA</p>	<p>Rev. #</p> <p>Date</p> <p>Description</p>	
<p>ARCHITECTURE CIVIL ENGINEERING MEP ENGINEERING PLANNING</p> <p>10755 SANDHILL ROAD DALLAS, TEXAS 75238 O: 214-343-9400 F: 214-341-9060 dimensiongrp.com</p>			
<p>Documents prepared by The Dimension Group are to be used only for the specific project and no other project. Any extension of use to other projects, by owner or any other party, without the expressed, written consent of The Dimension Group is done at the user's own risk. If used in a way other than that specifically intended, user will hold The Dimension Group harmless from all claims and losses.</p>			
<p>PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION</p>			
SHEET:			

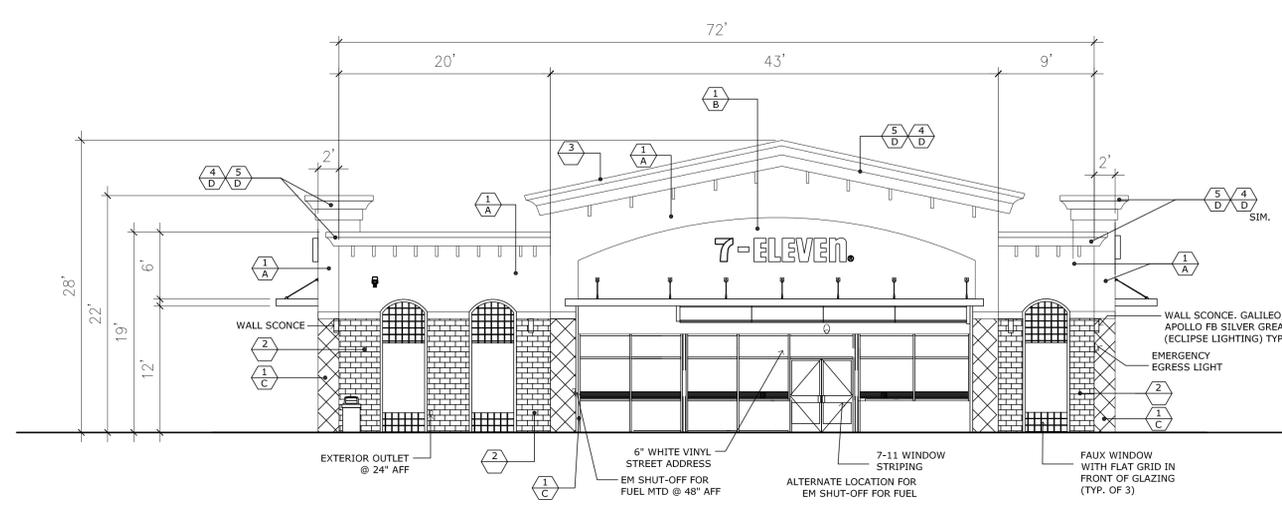
MATERIAL SCHEDULE

- 1 7/8" EXTERIOR CEMENT PLASTER OVER 3.4# EXP. DIAMOND MESH OVER "TYVEK" COMMERCIAL WRAP OVER 15# BUILDING PAPERS
MANUFACTURER: LA HABRA STUCCO
A LIGHT DASH, MACHINE APPLY
- 2 CMU VENEER
BY: NICHHA FIBER
FINISH: KURASTONE
COLOR: LEDGESTON
- 3 CEMENT ROOF TILE
- 4 CORNICE/ TRIM:
7/8" EXTERIOR CEMENT PLASTER OVER 3.4# EXP. DIAMOND MESH OVER "TYVEK" COMMERCIAL WRAP OVER 15# BUILDING PAPER
MANUFACTURER: LA HABRA STUCCO
A SMOOTH STEEL TROWEL
- 5 GALVANIZED SHEET METAL COPING, PAINTED - SEE SPECIFICATIONS PROVIDE BITCHMASTIC PAINT ISOLATION AT ALL DISIMILAR MATERIALS.

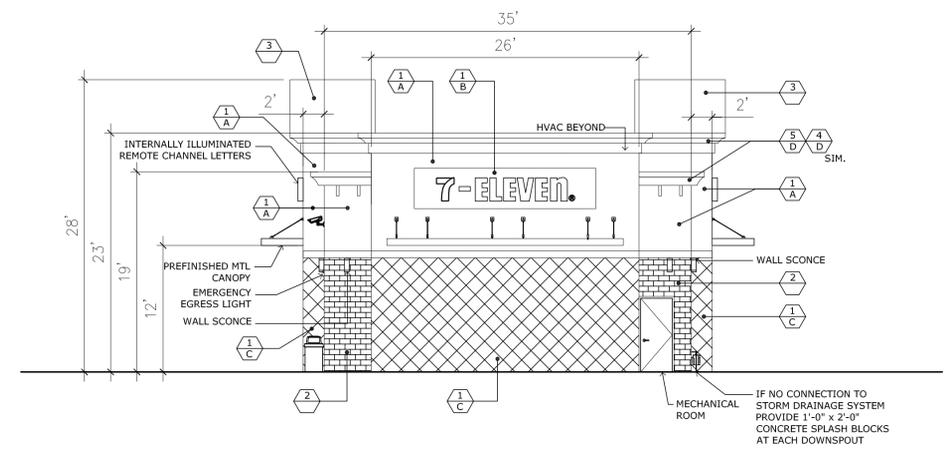
PAINT COLOR SCHEDULE

- A TRAIL DUST DE 6123
DUNN EDWARDS
- B GALLERY GRAY DE 6072
DUNN EDWARDS
- C CARAMEL APPLE DE 5215
DUNN EDWARDS
- D CHOCOLATE CHUNK DE 6070
DUNN EDWARDS

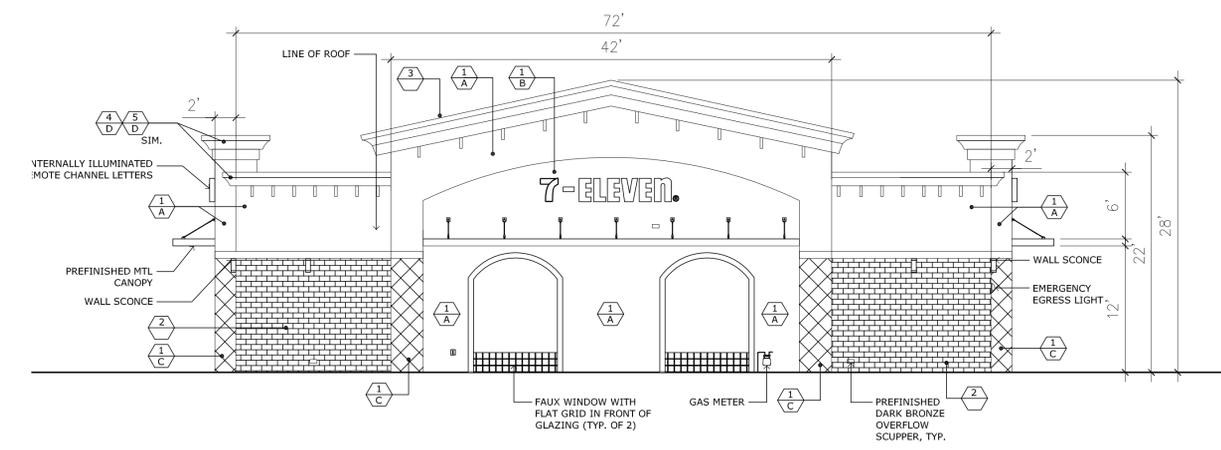
EXTERIOR MATERIALS



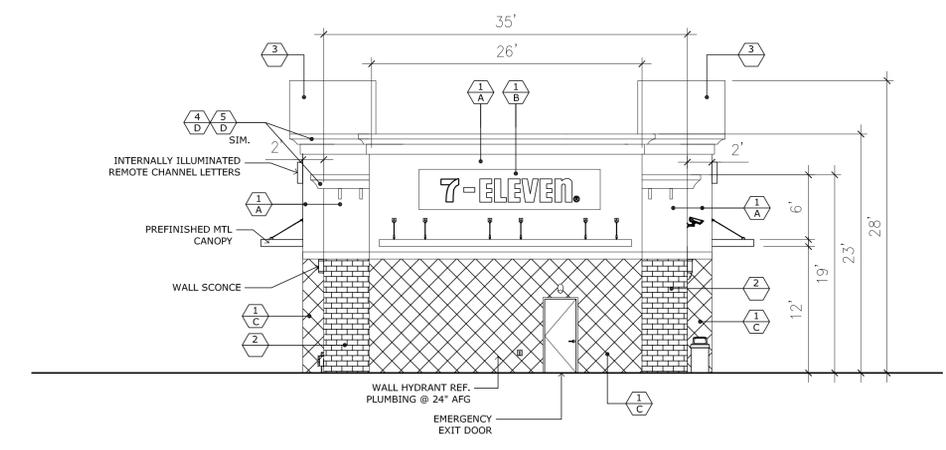
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1 1/2" = 1'0"



2 EAST ELEVATION
1 1/2" = 1'0"



3 NORTH ELEVATION
1 1/2" = 1'0"

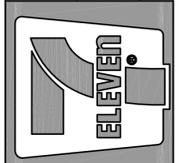


4 WEST ELEVATION
1 1/2" = 1'0"

Rev. #	Date	Description
1	8/26/16	AGENCY REV
2	9/12/16	AGENCY REV

7-ELEVEN, INC.
ONE ARTS PLAZA, 1722 ROUTH STREET,
DALLAS, TEXAS 75221

7-11 #38051
RIALTO MARKETPLACE
RIALTO, CA 92376



701 N. Parkcenter
Santa Ana, CA 92705
P: 714/560/6200
F: 714/560/6211
www.7-eleven.com

Los Angeles
Ontario
Sacramento
San Diego

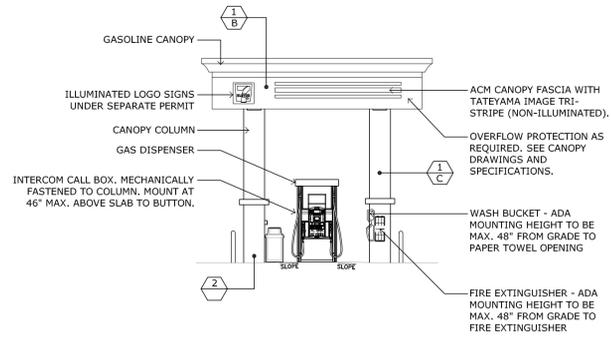
TAIT
SINCE 1944

San Diego
Dallas
Denver
Phoenix

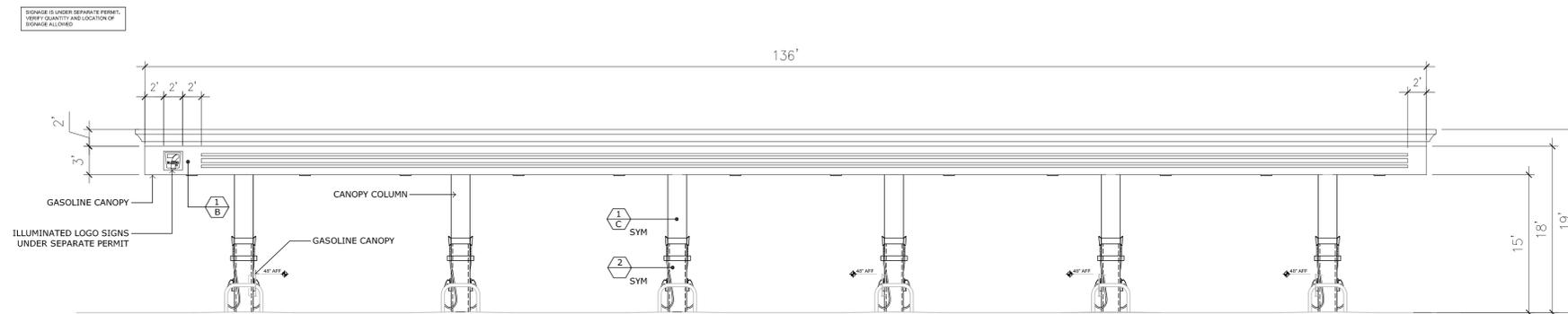
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Date: 08/26/16
Drawn By: M.R.S.
Checked By:

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A-2



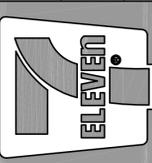
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SOUTH ELEVATION
1 1/2" = 1'0"

Rev. #	Date	Description
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2	9/12/16	AGENCY REV

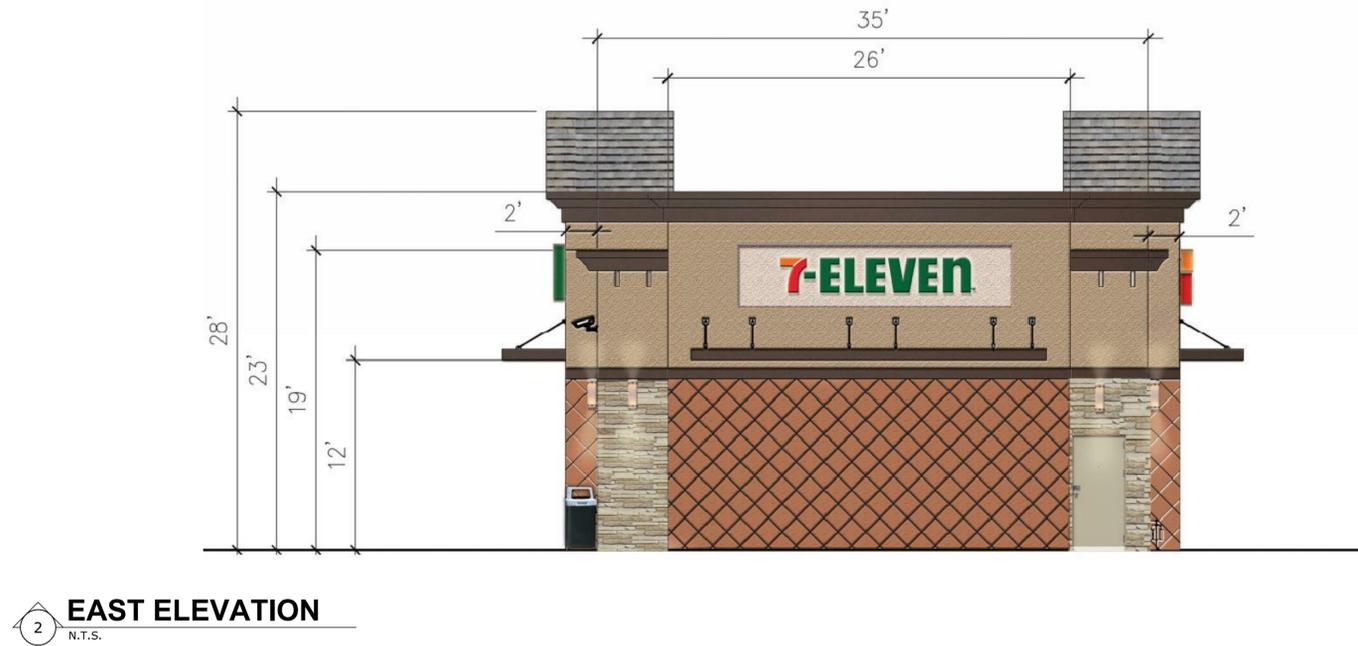
7-ELEVEN, INC.
ONE ARTS PLAZA, 1722 ROUTH STREET,
DALLAS, TEXAS 75221
7-11 #38051
RIALTO MARKETPLACE
RIALTO, CA 92376



Job#:	SEI-10190
Scale:	AS NOTED
Date:	08/26/16
Drawn By:	M.R.S.
Checked By:	

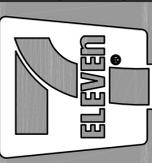
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ELEVATIONS**

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Rev. #	Date	Description
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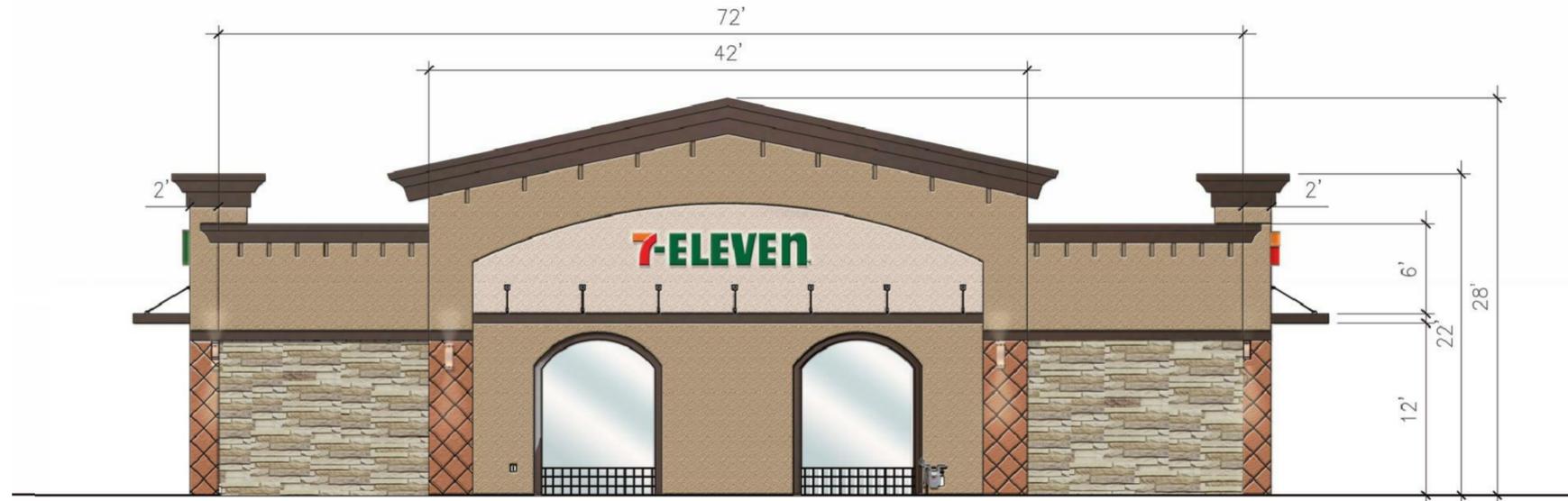
7-ELEVEN, INC.
 ONE ARTS PLAZA, 1722 ROUTH STREET,
 DALLAS, TEXAS 75221
7-11 #38051
 RIALTO MARKETPLACE
 RIALTO, CA 92376



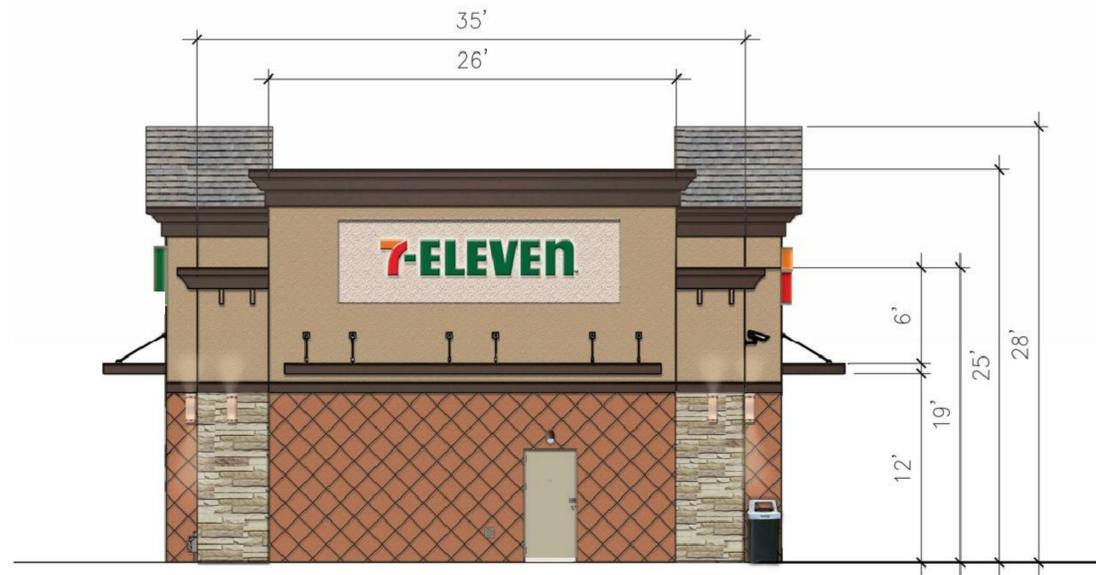
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A-4



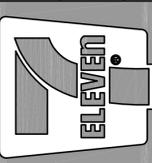
3 NORTH ELEVATION
N.T.S.



4 WEST ELEVATION
N.T.S.

Rev. #	Date	Description
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2	9/12/16	AGENCY REV

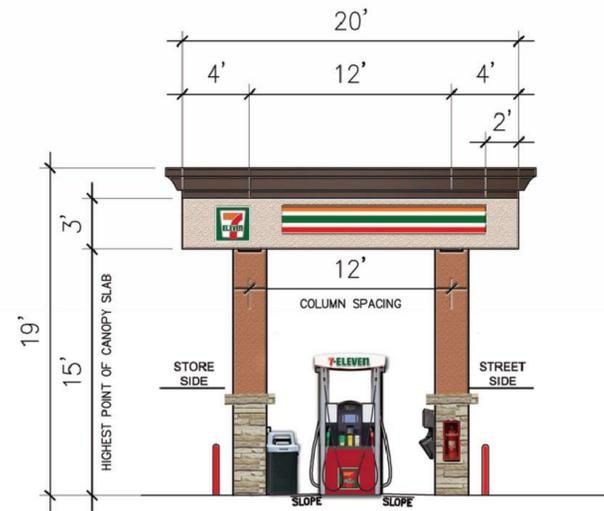
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DALLAS, TEXAS 75221
7-11 #38051
RIALTO MARKETPLACE
RIALTO, CA 92376



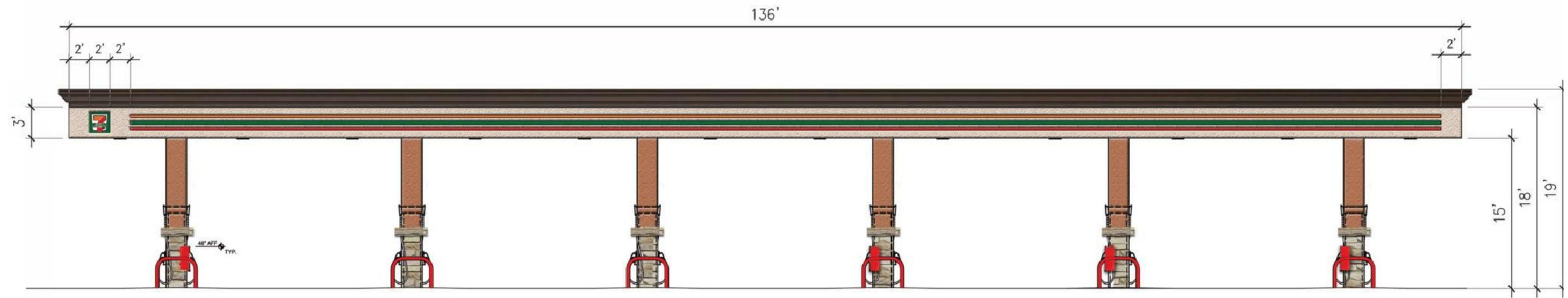
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TITLE:
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SHEET:
A-5



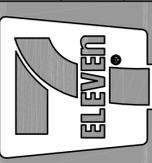
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 N.T.S.



NORTH ELEVATION
 N.T.S.

Rev. #	Date	Description
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2	9/12/16	AGENCY REV

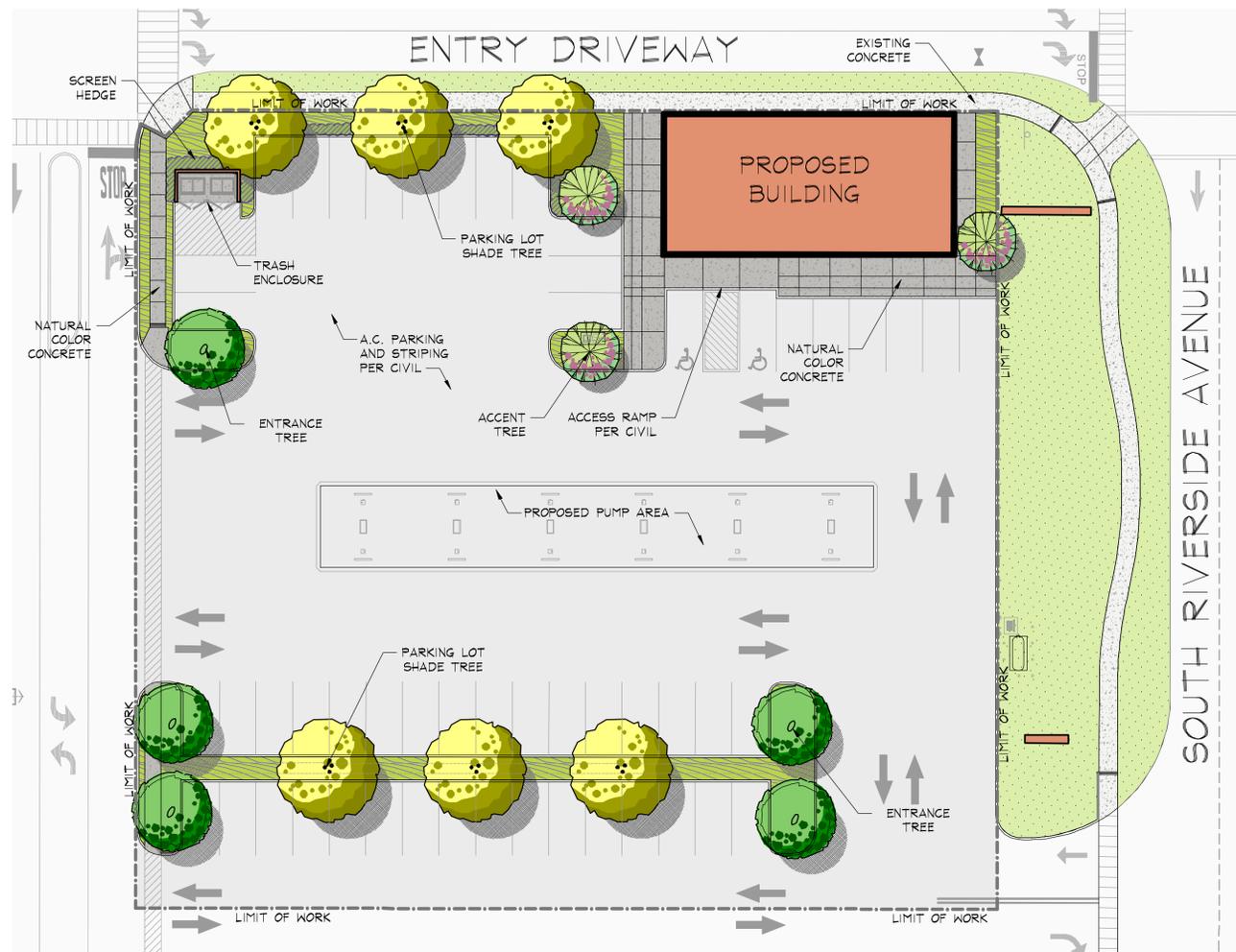
7-ELEVEN, INC.
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 DALLAS, TEXAS 75221
7-11 #38051
 RIALTO MARKETPLACE
 RIALTO, CA 92376



Job#:	SEI-10190
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Checked By:	

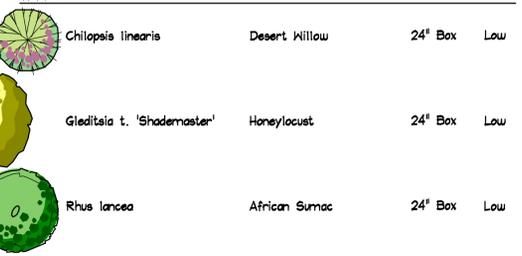
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 COLOR
 ELEVATIONS

SHEET:
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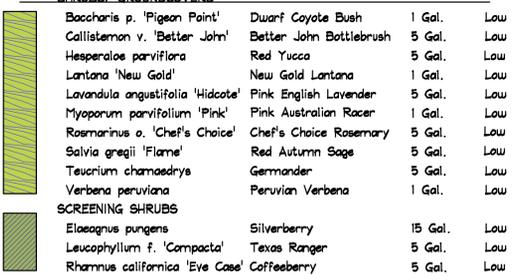


PLANT PALETTE

Symbol	Botanical Name	Common Name	SIZE	MUCOLS
TREES				
	<i>Chiloopsis linearis</i>	Desert Willow	24" Box	Low
	<i>Gleditsia t. 'Shademaster'</i>	Honeylocust	24" Box	Low
	<i>Rhus lancea</i>	African Sumac	24" Box	Low
SHRUBS/ GROUNDCOVERS				
	<i>Baccharis p. 'Pigeon Point'</i>	Dwarf Coyote Bush	1 Gal.	Low
	<i>Callistemon v. 'Better John'</i>	Better John Bottlebrush	5 Gal.	Low
	<i>Hesperaloe parviflora</i>	Red Yucca	5 Gal.	Low
	<i>Lantana 'New Gold'</i>	New Gold Lantana	1 Gal.	Low
	<i>Lavandula angustifolia 'Hidcote'</i>	Pink English Lavender	5 Gal.	Low
	<i>Myoporum parvifolium 'Pink'</i>	Pink Australian Racer	1 Gal.	Low
	<i>Rosmarinus o. 'Chef's Choice'</i>	Chef's Choice Rosemary	5 Gal.	Low
	<i>Salvia gregii 'Flame'</i>	Red Autumn Sage	5 Gal.	Low
	<i>Teucrium chamaedrys</i>	Germander	5 Gal.	Low
	<i>Verbena peruviana</i>	Peruvian Verbena	1 Gal.	Low
SCREENING SHRUBS				
	<i>Elaeagnus pungens</i>	Silverberry	15 Gal.	Low
	<i>Leucophyllum f. 'Compacta'</i>	Texas Ranger	5 Gal.	Low
	<i>Rhamnus californica 'Eye Case'</i>	Coffeeberry	5 Gal.	Low
	Off site planting areas, by others			



Symbol	Botanical Name	Common Name	SIZE	MUCOLS
SHRUBS/ GROUNDCOVERS				
	<i>Baccharis p. 'Pigeon Point'</i>	Dwarf Coyote Bush	1 Gal.	Low
	<i>Callistemon v. 'Better John'</i>	Better John Bottlebrush	5 Gal.	Low
	<i>Hesperaloe parviflora</i>	Red Yucca	5 Gal.	Low
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	<i>Salvia gregii 'Flame'</i>	Red Autumn Sage	5 Gal.	Low
	<i>Teucrium chamaedrys</i>	Germander	5 Gal.	Low
	<i>Verbena peruviana</i>	Peruvian Verbena	1 Gal.	Low
SCREENING SHRUBS				
	<i>Elaeagnus pungens</i>	Silverberry	15 Gal.	Low
	<i>Leucophyllum f. 'Compacta'</i>	Texas Ranger	5 Gal.	Low
	<i>Rhamnus californica 'Eye Case'</i>	Coffeeberry	5 Gal.	Low
	Off site planting areas, by others			



Off site planting areas, by others

NOTES:

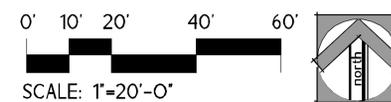
- PLANT MATERIAL NOT LISTED MAY BE USED, SUBJECT TO APPROVAL BY THE CITY OF RIALTO.
- ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL COMPLY WITH CITY OF RIALTO GUIDELINES, CODES AND REGULATIONS.
- ALL LANDSCAPE AREAS SHALL RECEIVE AUTOMATIC IRRIGATION SYSTEM.
- ALL LANDSCAPE AREAS SHALL BE MULCHED.
- ALL LANDSCAPE AREAS SHALL BE PERMANENTLY MAINTAINED.
- WHERE TREES ARE WITHIN 5' OF WALKWAYS OR PAVING SURFACES, ROOT BARRIERS SHALL BE INSTALLED.

VICINITY MAP



CONCEPTUAL LANDSCAPE PLAN
7-ELEVEN RIALTO MARKETPLACE
 Rialto, California

SHEET 1 OF 1
 DATE: 06-24-16



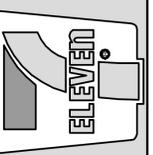
conceptual design & planning company
 3195-C Airport Loop Dr, Studio One, Costa Mesa, CA 92626
 T: 949.399.0870 F: 949.399.0882 www.cdpcinc.com
 epefferson@cdpcinc.com
 6659 Morro Road, Atascadero, CA 93422
 T: 805.466.3385 F: 805.466.3204



CDPC JOB#: 16039

Rev. #	Date	Description

7-ELEVEN, INC.
 ONE ARTS PLAZA, 1722 ROUTH STREET,
 DALLAS, TEXAS 75221
 7-11 #1038630
 1038630 RIALTO MARKETPLACE
 RIALTO, CA 92376



Job#:	16039
Scale:	AS NOTED
Date:	06/24/16
Drawn By:	R.H.
Checked By:	

TITLE:
 CONCEPTUAL LANDSCAPE PLAN

SHEET:
LC-1

September 12, 2016

City of Rialto – Crime Prevention Plan

Conditional Development Permit Nos.819-821, Precise Plan of Design No.2468 & Lot Line Adjustment No.236

For more than 85 Years, 7-Eleven has been American's neighborhood food store, bringing convenience into the lives of millions. As part of its commitment to the Rialto community, 7-Eleven plans put in place one of the most comprehensive crime-deterrence programs in the convenience store industry.

1. Measures to Increase Employee and Customer Safety

- 7-Eleven employees and new franchisees owner will participate in "Operation Alert". A program that trains and informs employees about security procedures, proper store maintenance, violence avoidance and recommended behaviors for managing a robbery or other potentially violent encounter.
- Our Rialto franchise will incorporate a "Fishbowl Store Design" which puts the cash register in the front of the stores and keeps windows in front of the sales area free of signs and merchandise so police and others can see inside.
- Our Rialto 7-Eleven franchise will participate in the "Come of Age" Program. A program that trains staff annually on how to prevent the sale of Age restricted products such as Alcohol and cigarettes.
- Any violations and accusations of violations are treated very seriously at 7-Eleven. Full investigations are carried out, with the possibility of termination of employee or franchisee.

2. Enhanced Security Measures

- 7-Eleven will also incorporate a state-of-the-art video camera systems and alarm. Our Rialto Store will have a 24-hour, closed-circuit video cameras with audio capabilities and a high-resolution color monitor mounted in clear view of the customers. Three cameras will be displayed: (1) at the main entrance, (1) at the cash register, and (1) at exterior for the fuel canopy.

- The alarm system will also include fixed and remote-activator devices
- Our Rialto franchise will be equipped with a Time- Access Safe. Employees will be instructed to keep no more than \$50 (\$30 at night) in the cash register. Signs will be posted on the door or window notifying patrons that less than \$30 is kept in the cash register after dark and that the store staffers cannot open the safe.
- 7-Eleven will installed bright interior and exterior lighting.

3. Measures to Control Loitering

- The 7-Eleven Convenience store located at Rialto Marketplace plans on controlling Loitering by following these steps:
 - Train store employees on how to handle to ask loiterers to leave the premises (i.e. day-laborers, panhandling, or loitering teens)
 - Ensuring unobstructed lines of sight so that external activity can be easily monitored and viewed
 - Maintain a clear line of sight into and out of the store front windows and a well-lit and litter-free parking lot and store sidewalk
 - Post “No Loitering” signs
 - Engage local police when there is a problem
 - Consider playing classical music outside to encourage loitering teens to leave
 - Work with municipality to communicate services that assist panhandlers, day-laborers
 - Discontinue sale of single bottles of high-alcohol-content beverages

4. Any other Crime related measure required by the police department which are intended to mitigate the cost of the city provide services for the proposed convenience type store.

- The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and materials is prohibited.
- Crime prevention measures, as endorsed by the City of Rialto Police Department, shall be incorporated into the design and operation of the business as follows:
 - A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as measured at the ground level of the entire site, from the period of one-half hour

- before sunset until one-half hour after sunrise. Lighting fixtures shall be so situated and shielded as not to direct or reflect lighting glare on adjacent properties or public rights-of-way.
- A locking device shall be installed on the cash register. An adequate floor safe shall be installed behind the counter. Only a minimum amount of cash shall be kept in the cash register at all times.
 - Burglary and robbery alarm systems shall be installed as required and approved by the Rialto Police Department. A telephone with speaker push button alarm shall be installed. The telephone must have a separate button that automatically dials into 911 and will transmit on-going conversations and activity. Alternatively, a panic-button, which automatically contacts the Rialto Police Department upon activation, may be installed at each register. A 24-hour security camera system shall be installed on the premises with camera locations approved by the Rialto Police Department. All surveillance and security equipment shall be continuously maintained and in operation during business hours. Surveillance footage shall be provided to the Rialto Police Department within 12 hours after a request has been made for said footage. The software or media player required to view the type of video format shall be provided to the Rialto Police Department, if necessary. An R-P card must be filed with the Rialto Police Department containing twenty-four (24) hour phone numbers of persons to be contacted.
 - All tobacco products will be displayed and sold from behind the cash register counter area.
 - The height of the cash register counter shall be no more than forty-two (42) inches above the floor level, and shall be illuminated during the hours of darkness so as to be clearly visible through the window areas.
- Measures to discourage loitering shall be incorporated in the design and operation of the business as follows:
 - Signs displaying “No Loitering” shall be posted on the building, to the satisfaction of the Rialto Police Department, at all times.
 - Arcades and video games are prohibited from being on the premises.
 - The business licensee for the convenience market shall maintain a litter control program around the exterior of the convenience market in order to minimize the resultant impacts of litter on properties adjacent to the store. An exterior trash receptacle for employee and customer use shall be placed near the entrance of the store.

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street , Room 121
Sacramento, CA 95814

From: City of Rialto
Development Services Department
150 South Palm Avenue
Rialto, CA 92376

Clerk of the Board
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Project Title: Conditional Development Permit Nos. 819, 820 & 821 (E.A.R 16-43)

Project Location (Specific): West side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue (APN: 0132-091-12 & -13)

Project Location (City): City of Rialto

Project Location (County): San Bernardino

Project Description: Development of a 2,500 square foot convenience market on 0.93 acres of land within an existing shopping center.

Name of Public Agency Approving Project: City of Rialto

Name of Person or Agency Carrying Our Project: NJM Rialto, LLC
1949 Arroyo Drive
Riverside, CA 92506

Exempt Status: (check one)

- Ministerial (Sec. 21080(b) (1); 15268);
- Declared Emergency (Sec. 21080(b) (3); 15269(a));
- Emergency Project (Sec. 21080(b) (4); 15269 (b)(c));
- Categorical Exemption. State type and section number: 15303 New Construction or Conversion of Small Structures
- Statutory Exemptions. State code number:

Reasons why project is exempt: This project is exempt under CEQA Section 15303 New Construction or Conversion of Small Structures. CEQA Section 15303(c) allows for the construction of a commercial store not exceeding 2,500 square feet in floor. This project meets the guidelines established by CEQA and is in compliance with the General Plan and Zoning designations for the site.

Lead Agency Contact Person: Daniel Casey, Associate Planner

Area Code/Telephone/Extension: (909) 820-2535

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Title: Associate Planner

Date: 9/28/2016

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR:

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

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

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to CDP No. 819, including written staff reports, verbal
7 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that CDP No. 819 satisfies the requirements of Section 18.66.020 of
9 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
10 conditional development permit. The findings are as follows:

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

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

15 The Project is anticipated to be a benefit to the community and an improvement to the
16 Rialto Marketplace shopping center by providing additional fueling choices for
17 consumers at a convenient location. The area surrounding the Site is under construction
18 as a major shopping center with high levels of vehicular and pedestrian traffic. The
19 Project will provide a more diverse economic base for the shopping center and will
20 provide necessary goods and services for the residents and travelers within the City.

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

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

24 To the north is a 2,999 square foot Carl's Jr. currently under construction, and to the east,
25 across Riverside Avenue, is approximately 8.68 acres of vacant land. To the south is a
26 9,436 square foot multi-tenant retail building currently under construction and to the west
27 is a 193,970 square foot Walmart currently under construction. The zoning of the project
28 site and all of the surrounding properties is Retail Commercial (R-C) within the Gateway
Specific Plan. The project is consistent with the Retail Commercial (R-C) zone, the
existing uses within the shopping center, and the surrounding land uses. The most
sensitive use near the project site is an existing non-conforming single-family residence
located approximately 195 feet to the southeast of the project site. This land use is not
expected to be negatively impacted by the proposed project, since measures, such as
landscape buffering and screening, will be implemented.

- 1
2 3. The site for the proposed use is adequate in size, shape, topography, accessibility
3 and other physical characteristics to accommodate the proposed use in a manner
4 compatible with existing land uses; and

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

6 The Site contains 0.93 acres, is mostly rectangular, fairly level, and adjacent to a major
7 arterial street, which will be able to accommodate the proposed use. The development will
8 have two (2) points of access – one (1) a driveway connected directly to Riverside Avenue
9 and one (1) entryway connected directly to a private drive-aisle within the Rialto
10 Marketplace. The driveway along Riverside Avenue will be limited to right-in/right-out
11 access only, while the entryway connected to the Rialto Marketplace drive-aisle will allow
12 vehicles to drive to the signalized full access intersections on both Riverside Avenue and
13 San Bernardino Avenue.

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

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

17 The Site will have adequate access to all utilities and services required through main water,
18 electric, sewer, and other utility lines that will be hooked up to the Site.

- 19 5. The proposed use will be arranged, designed, constructed, and maintained so as it
20 will not be injurious to property or improvements in the vicinity or otherwise be
21 inharmonious with the General Plan and its objectives, or any zoning ordinances,
22 and

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

24 The use is consistent with the General Commercial General Plan designation and the
25 Retail Commercial (R-C) zone. The Project will feature high-quality building exteriors
26 designed in compliance with the City's Design Guidelines. Landscaping has been
27 abundantly incorporated into the site. The landscape coverage for the Project is 17.0
28 percent, which greatly exceeds the minimum required amount of 10.0 percent.
Furthermore, the Project includes the installation of 36 parking stalls, which exceeds the
minimum parking requirement of 10 parking stalls.

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.

This finding is supported by the following facts:

1 The Project's effects will be minimized through the implementation of the Conditions of
2 Approval contained herein, and through the implementation of Conditions of Approval
3 imposed by the Development Review Committee during the Precise Plan of Design
4 Process. The development of a gas station and convenience market within a major
5 shopping center will provide additional employment opportunities and a convenient
6 location for residents and visitors to purchase gasoline and other goods. Additionally, the
7 applicant will implement a Crime Prevention Plan, which has been endorsed by the Rialto
8 Police Department as a means to minimize crime and nuisance activities generated by the
9 Project. Therefore, any potential adverse effects are outweighed by the benefits conferred
10 upon the community and neighborhood as a whole.

11 SECTION 3. The Planning Commission hereby approves CDP No. 819 to allow the
12 development of gas station on 0.93 acres of land (APNs: 0132-091-12 & -13) located on the west
13 side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue within the R-C
14 (Retail Commercial) zone of the Gateway Specific Plan.

15 SECTION 4. The City Council certified an Environmental Impact Report (EIR)
16 (Environmental Assessment Review No. 04-30) for the Rialto Marketplace shopping center on July
17 15, 2008, in accordance with the California Environmental Quality Act (CEQA). The EIR included
18 an analysis of a gas station without a convenience market within the Rialto Marketplace shopping
19 center. No further review under CEQA is required for the gas station without the convenience
20 market. The development of a 2,500 square foot convenience market is categorically exempt from
21 the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303,
22 New Construction or Conversion of Small Structures. The Planning Commission directs the
23 Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors
24 for San Bernardino County.

25 SECTION 5. CDP No. 819 is granted to NJM Rialto, LLC, in accordance with the plans
26 and application on file with the Planning Division, subject to the following conditions:

- 27 1. The approval is granted allowing the development of a gas station on 0.93 acres of land
28 (APN: 0132-091-12 & -13) located on the west side of Riverside Avenue approximately
425 feet south of San Bernardino Avenue, as shown on the plans submitted to the
Planning Division on September 12, 2016, and as approved by the Planning

1 Commission. If the Conditions of Approval specified herein are not satisfied or
2 otherwise completed, the project shall be subject to revocation.

- 3 2. Prior to the issuance of building or grading permits for the proposed development, a
4 Precise Plan of Design shall be approved by the City's Development Review Committee
5 (DRC).
- 6 3. City inspectors shall have access to the site to reasonably inspect the site during
7 normal working hours to assure compliance with these conditions and other codes.
- 8 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
9 officers, or employees from any claims, damages, action, or proceeding against the
10 City or its agents, officers, or employees to attack, set aside, void, or annul any
11 approval of the City, its advisory agencies, appeal boards, or legislative body
12 concerning CDP No. 819. The City will promptly notify the applicant of any such
13 claim, action, or proceeding against the City, and the parties will cooperate fully in
14 the defense.
- 15 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
16 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
17 subject to protest by the applicant at the time of approval or conditional approval of
18 the Project or within 90 days after the date of the imposition of the fees, dedications,
19 reservations, or exactions imposed on the Project.
- 20 6. All downspouts on all elevations of the canopy shall be routed through the building.
21 The internal downspouts shall be identified within the formal building plan check
22 submittal prior to the issuance of building permits.
- 23 7. Any new walls, including any retaining walls, shall be comprised of decorative masonry
24 block. Decorative masonry block means tan slumpstone, tan split-face, or precision
25 block with a stucco, plaster, or cultured stone finish. Pilasters shall be incorporated
26 within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-
27 center and shall be placed at all corners and ends of the wall. All pilasters shall protrude
28 a minimum six (6) inches above and 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.
8. The exterior of the trash enclosure shall match the color and materials of the buildings
on-site. This includes a stucco finish and a wainscot of the stone accent on all exterior
sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors
and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials
to use within the trash enclosure. An elevation detail for the trash enclosures shall be

1 provided within formal building plan check submittal prior to the issuance of building
2 permits.

3 9. All light standards, including the base, shall be a maximum twenty (20) feet high, as
4 measured from the finished surface. Lighting shall be shielded and/or directed toward
5 the site so as not to produce direct glare or "stray light" onto adjacent properties. All
6 light standards shall be identified on the site plan and a note indicating the height
restriction shall be included within the formal building plan check submittal prior to the
issuance of building permits.

7 10. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All
8 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be
9 identified on the formal Landscape Plan submittal prior to the issuance of building
permits.

10 11. All land not covered by structures, walkways, parking areas, and driveways, unless
11 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and
12 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs
13 and groundcover shall be spaced an average of three (3) feet on-center or less. All
14 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
15 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 building permits.

16 12. All ground mounted equipment and utility boxes, including transformers, fire-
17 department connections, backflow devices, etc. shall be surrounded by a minimum of
18 two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-
center, prior to the issuance of a Certificate of Occupancy.

19 13. Any wrought-iron fencing and/or sliding gates shall be painted black prior to the
20 issuance of a Certificate of Occupancy.

21 14. Any non-glass doors shall be painted to match the color of the adjacent wall prior to the
22 issuance of a Certificate of Occupancy.

23 15. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
24 Municipal Code and the Rialto Marketplace Sign Program.

25 16. The applicant shall obtain all necessary approvals and operating permits from all
26 Federal, State, and local agencies and provide proof thereof to the City prior to the
issuance of a Certificate of Occupancy.

27 17. The privileges granted by the Planning Commission pursuant to approval of this
28 Conditional Development Permit are valid for one (1) year from the effective date of

1 approval. If the applicant fails to commence the project within one year of said
2 effective date, this conditional development permit shall be null and void and any
3 privileges granted hereunder shall terminate automatically. If the applicant or his or
4 her successor in interest commence the project within one year of the effective date of
5 approval, the privileges granted hereunder will continue inured to the property as long
6 as the property is used for the purpose for which the conditional development permit
7 was granted, and such use remains compatible with adjacent property uses.

8 18. If the applicant fails to comply with any of the conditions of approval placed upon
9 Conditional Development Permit No. 819 or any conditions placed upon the approval
10 of the Precise Plan of Design required by Condition No. 2 above, the Planning
11 Commission may initiate proceedings to revoke the conditional development permit
12 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
13 of the Rialto Municipal Code.

14 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
15 adoption of this resolution and thereupon the same shall take effect and be in force.

16 PASSED, APPROVED AND ADOPTED this 28th day of September, 2016.

17 _____
18 JERRY GUTIERREZ, CHAIR
19 CITY OF RIALTO PLANNING COMMISSION
20
21
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28

1 **RESOLUTION NO. 16**

2 A RESOLUTION OF THE PLANNING COMMISSION OF
3 THE CITY OF RIALTO, CALIFORNIA APPROVING
4 CONDITIONAL DEVELOPMENT PERMIT NO. 820 TO ALLOW
5 THE DEVELOPMENT OF A 2,500 SQUARE FOOT
6 CONVENIENCE MARKET ON 0.93 ACRES OF LAND (APNS:
7 0132-091-12 & -13) LOCATED ON THE WEST SIDE OF
8 RIVERSIDE AVENUE APPROXIMATELY 425 FEET SOUTH
9 OF SAN BERNARDINO AVENUE STREET WITHIN THE R-C
10 (RETAIL COMMERCIAL) ZONE OF THE GATEWAY
11 SPECIFIC PLAN.

12 WHEREAS, the applicant, NJM Rialto, LLC, proposes to construct a 2,500 square foot
13 convenience market (“Project”) on 0.93 acres of land (APNs: 0132-091-12 & -13) located on the
14 west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue within
15 the Retail Commercial (R-C) zone of the Gateway Specific Plan (“Site”); and

16 WHEREAS, the development of a convenience market use, such as the Project, within
17 the R-C zone requires a conditional development permit, and the applicant has agreed to apply
18 for a conditional development permit (“CDP No. 820”); and

19 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
20 Development Permit No. 819 (“CDP No. 819”) to allow the development and operation of a gas
21 station with six (6) fuel dispensers and a 2,720 square foot overhead canopy on the Site; and

22 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
23 Development Permit No. 821 (“CDP No. 821”) to allow the off-sale of beer and will within the
24 convenience market on the Site; and

25 WHEREAS, on September 28, 2016, the Planning Commission of the City of Rialto
26 conducted a duly noticed public hearing, as required by law, on CDP No. 819, CDP No. 820, and
27 CDP No. 821, took testimony, at which time it received input from staff, the city attorney, and
28 the applicant; heard public testimony; discussed the proposed CDP No. 819, CDP No. 820, and
CDP No. 821; and closed the public hearing; and

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

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

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

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to CDP No. 820, including written staff reports, verbal
7 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
8 Commission hereby determines that CDP No. 820 satisfies the requirements of Sections 18.66.020
9 and 18.106.040(A) of the Rialto Municipal Code pertaining to the findings which must be made
10 precedent to granting a conditional development permit for a convenience-type market. The
11 findings are as follows:

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

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

16 The Project is anticipated to be a benefit to the community and an improvement to the
17 Rialto Marketplace shopping center by providing additional retail choices for consumers
18 at a convenient location. The area surrounding the Site is under construction as a major
19 shopping center with high levels of vehicular and pedestrian traffic. The Project will
provide a more diverse economic base for the shopping center and will provide necessary
goods and services for the residents and travelers within the City.

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

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

23 To the north is a 2,999 square foot Carl's Jr. currently under construction, and to the east,
24 across Riverside Avenue, is approximately 8.68 acres of vacant land. To the south is a
25 9,436 square foot multi-tenant retail building currently under construction and to the west
is a 193,970 square foot Walmart currently under construction.

26 Additionally, the conditions of approval, contained herein, require the applicant to
27 implement and permanently maintain all of the safety measures documented within the
28 Crime Prevention Plan prepared for the Project. Proper maintenance of these safety

1 measures will minimize crime and nuisance activities associated with the Project to the
2 fullest extent possible.

3 The zoning of the project site and all of the surrounding properties is Retail Commercial
4 (R-C) within the Gateway Specific Plan. The project is consistent with the Retail
5 Commercial (R-C) zone, the existing uses within the shopping center, and the
6 surrounding land uses. The most sensitive use near the project site is an existing non-
7 conforming single-family residence located approximately 195 feet to the southeast of the
8 project site. The Project will not negatively affect any sensitive use nearby the Site with
9 proper implementation of the Crime Prevention Plan and the incorporation of design
10 features, such as landscape buffering and screening.

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

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

15 The Site contains 0.93 acres, is mostly rectangular, fairly level, and adjacent to a major
16 arterial street, which will be able to accommodate the proposed use. The development will
17 have two (2) points of access – one (1) a driveway connected directly to Riverside Avenue
18 and one (1) entryway connected directly to a private drive-aisle within the Rialto
19 Marketplace. The driveway along Riverside Avenue will be limited to right-in/right-out
20 access only, while the entryway connected to the Rialto Marketplace drive-aisle will allow
21 vehicles to drive to the signalized full access intersections on both Riverside Avenue and
22 San Bernardino Avenue.

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

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

26 The Site will have adequate access to all utilities and services required through main water,
27 electric, sewer, and other utility lines that will be hooked up to the Site.

- 28 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 General Commercial General Plan designation and the
Retail Commercial (R-C) zone. The Project will feature high-quality building exteriors
designed in compliance with the City's Design Guidelines. Landscaping has been

1 abundantly incorporated into the site. The landscape coverage for the Project is 17.0
2 percent, which greatly exceeds the minimum required amount of 10.0 percent.
3 Furthermore, the Project includes the installation of 36 parking stalls, which exceeds the
4 minimum parking requirement of 10 parking stalls.

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

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

9 The Project's effects will be minimized through the implementation of the Conditions of
10 Approval contained herein, and through the implementation of Conditions of Approval
11 imposed by the Development Review Committee during the Precise Plan of Design
12 Process. The development of a gas station and convenience market within a major
13 shopping center will provide additional employment opportunities and a convenient
14 location for residents and visitors to purchase gasoline and other goods. Additionally, the
15 applicant will implement a Crime Prevention Plan, which has been endorsed by the Rialto
16 Police Department as a means to minimize crime and nuisance activities generated by the
17 Project. Therefore, any potential adverse effects are outweighed by the benefits conferred
18 upon the community and neighborhood as a whole.

19 SECTION 3. NJM Rialto, LLC, is hereby granted CDP No. 820 to allow the development
20 of a 2,500 square foot convenience market on 0.93 acres of land (APN: 0132-091-12 & -13) located
21 on the west side of Riverside Avenue approximately 425 feet south of San Bernardino Avenue
22 within the R-C (Retail Commercial) zone.

23 SECTION 4. The City Council certified an Environmental Impact Report (EIR)
24 (Environmental Assessment Review No. 04-30) for the Rialto Marketplace shopping center on July
25 15, 2008, in accordance with the California Environmental Quality Act (CEQA). The EIR included
26 an analysis of a gas station without a convenience market within the Rialto Marketplace shopping
27 center. No further review under CEQA is required for the gas station without the convenience
28 market. The development of a 2,500 square foot convenience market is categorically exempt
from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section
15303, New Construction or Conversion of Small Structures. The Planning Commission directs

1 the Planning Division to file the necessary documentation with the Clerk of the Board of
2 Supervisors for San Bernardino County.

3 SECTION 5. That CDP No. 820 is granted to NJM Rialto, LLC, in accordance with the
4 plans and application on file with the Planning Division, subject to the following conditions:

- 5 1. The approval is granted allowing the development of a 2,500 square foot convenience
6 market on 0.93 acres of land (APN: 0132-091-12 & -13) located on the west side of
7 Riverside Avenue approximately 425 feet south of San Bernardino Avenue, as shown on
8 the plans submitted to the Planning Division on September 12, 2016, and as approved by
9 the Planning Commission. If the Conditions of Approval specified herein are not
10 satisfied or otherwise completed, the project shall be subject to revocation.
- 11 2. Prior to the issuance of building or grading permits for the proposed development, a
12 Precise Plan of Design shall be approved by the City's Development Review Committee
13 (DRC).
- 14 3. City inspectors shall have access to the site to reasonably inspect the site during
15 normal working hours to assure compliance with these conditions and other codes.
- 16 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
17 officers, or employees from any claims, damages, action, or proceeding against the
18 City or its agents, officers, or employees to attack, set aside, void, or annul any
19 approval of the City, its advisory agencies, appeal boards, or legislative body
20 concerning CDP No. 820. The City will promptly notify the applicant of any such
21 claim, action, or proceeding against the City, and the parties will cooperate fully in
22 the defense.
- 23 5. In accordance with the provisions of Government Code Section 66020(d)(1), the
24 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
25 subject to protest by the applicant at the time of approval or conditional approval of
26 the Project or within 90 days after the date of the imposition of the fees, dedications,
27 reservations, or exactions imposed on the Project.
- 28 6. All downspouts on all elevations of the building shall be routed through the building.
The internal downspouts shall be identified within the formal building plan check
submittal prior to the issuance of building permits.
7. Any new walls, including any retaining walls, shall be comprised of decorative masonry
block. Decorative masonry block means tan slumpstone, tan split-face, or precision
block with a stucco, plaster, or cultured stone finish. Pilasters shall be incorporated
within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-
center and shall be placed at all corners and ends of the wall. All pilasters shall protrude
a minimum six (6) inches above and to the side of the wall. All decorative masonry

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

- 4 8. The exterior of the trash enclosure shall match the color and materials of the buildings
5 on-site. This includes a stucco finish and a wainscot of the stone accent on all exterior
6 sides of the enclosure. Additionally, the trash enclosure shall contain solid steel doors
7 and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials
8 to use within the trash enclosure. An elevation detail for the trash enclosures shall be
provided within formal building plan check submittal prior to the issuance of building
permits.
- 9 9. All light standards, including the base, shall be a maximum twenty (20) feet high, as
10 measured from the finished surface. Lighting shall be shielded and/or directed toward
11 the site so as not to produce direct glare or "stray light" onto adjacent properties. All
12 light standards shall be identified on the site plan and a note indicating the height
restriction shall be included within the formal building plan check submittal prior to the
issuance of building permits.
- 13 10. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All
14 parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be
15 identified on the formal Landscape Plan submittal prior to the issuance of building
permits.
- 16 11. All land not covered by structures, walkways, parking areas, and driveways, unless
17 otherwise specified, shall be planted with a substantial amount of trees, shrubs, and
18 groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs
19 and groundcover shall be spaced an average of three (3) feet on-center or less. All
20 planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic
21 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 building permits.
- 22 12. All ground mounted equipment and utility boxes, including transformers, fire-
23 department connections, backflow devices, etc. shall be surrounded by a minimum of
24 two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-
center, prior to the issuance of a Certificate of Occupancy.
- 25 13. Any wrought-iron fencing and/or sliding gates shall be painted black prior to the
26 issuance of a Certificate of Occupancy.
- 27 14. Any non-glass doors shall be painted to match the color of the adjacent wall prior to the
28 issuance of a Certificate of Occupancy.

1
2 15. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this
3 Resolution as "Exhibit 'A'" shall be adhered to at all times.

4 16. Outdoor display and storage of any kind is prohibited.

5 17. The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and
6 materials is prohibited.

7 18. Crime prevention measures, as endorsed by the City of Rialto Police Department, shall
8 be incorporated into the design and operation of the business as follows:

9 a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as
10 measured at the ground level of the entire site, from the period of one-half hour
11 before sunset until one-half hour after sunrise. Lighting fixtures shall be so
12 situated and shielded as not to direct or reflect lighting glare on adjacent
13 properties or public rights-of-way.

14 b. A locking device shall be installed on the cash register. An adequate floor safe
15 shall be installed behind the counter. Only a minimum amount of cash shall be
16 kept in the cash register at all times.

17 c. Burglary and robbery alarm systems shall be installed as required and approved
18 by the Rialto Police Department. A telephone with speaker push button alarm
19 shall be installed. The telephone must have a separate button that automatically
20 dials into 911 and will transmit on-going conversations and activity.
21 Alternatively, a panic-button, which automatically contacts the Rialto Police
22 Department upon activation, may be installed at each register. A 24-hour
23 security camera system shall be installed on the premises with camera locations
24 approved by the Rialto Police Department. All surveillance and security
25 equipment shall be continuously maintained and in operation during business
26 hours. Surveillance footage shall be provided to the Rialto Police Department
27 within 12 hours after a request has been made for said footage. The software or
28 media player required to view the type of video format shall be provided to the
Rialto Police Department, if necessary. An R-P card must be filed with the
Rialto Police Department containing twenty-four (24) hour phone numbers of
persons to be contacted.

d. All tobacco products will be displayed and sold from behind the cash register
counter area.

e. The height of the cash register counter shall be no more than forty-two (42)
inches above the floor level, and shall be illuminated during the hours of
darkness so as to be clearly visible through the window areas.

1 19. Measures to discourage loitering shall be incorporated in the design and operation of the
2 business as follows:

3 a. Signs displaying “No Loitering” shall be posted on the building, to the
4 satisfaction of the Rialto Police Department, at all times.

5 b. Arcades and video games are prohibited from being on the premises.

6 20. The business licensee for the convenience market shall maintain a litter control program
7 around the exterior of the convenience market in order to minimize the resultant impacts
8 of litter on properties adjacent to the store. An exterior trash receptacle for employee
and customer use shall be placed near the entrance of the store.

9 21. A building maintenance program shall be established for the purposes of maintaining the
10 building structure and landscaping on-site in good physical appearance.

11 22. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
12 Municipal Code and the Shoppes at Creekside Sign Program.

13 23. The applicant shall obtain all necessary approvals and operating permits from all
14 Federal, State, and local agencies and provide proof thereof to the City prior to the
issuance of a Certificate of Occupancy.

15 24. The privileges granted by the Planning Commission pursuant to approval of this
16 Conditional Development Permit are valid for one (1) year from the effective date of
17 approval. If the applicant fails to commence the project within one year of said
18 effective date, this conditional development permit shall be null and void and any
19 privileges granted hereunder shall terminate automatically. If the applicant or his or
20 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.

21 25. If the applicant fails to comply with any of the conditions of approval placed upon
22 Conditional Development Permit No. 820 or any conditions placed upon the approval
23 of the Precise Plan of Design required by Condition No. 2 above, the Planning
24 Commission may initiate proceedings to revoke the conditional development permit
25 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive,
26 of the Rialto Municipal Code.
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