

1 **RESOLUTION NO. _____**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
3 OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY
4 COUNCIL APPROVE TENTATIVE PARCEL MAP NO. 19898 TO
5 CONSOLIDATE AND SUBDIVIDE A 7.6 ACRE PARCEL INTO SIX
6 (6) PARCELS OF LAND TO FACILITATE THE DEVELOPMENT OF
7 A 10,486 SQ. FT. RESTAURANT, A 2,720 SQ. FT. RESTAURANT,
8 THREE MULTI-UNIT COMMERCIAL BUILDINGS, AND A 100 +
9 ROOM HOTEL FOR THE 80,000 SQ. FT. COMMERCIAL CENTER
LOCATED AT THE NORTHEAST CORNER OF AYALA DRIVE
AND RENAISSANCE PARKWAY (APNS 0264-151-50, -59, -73, -79, -
80, AND -81) IN THE FREEWAY INCUBATOR (FI) ZONE OF THE
RENAISSANCE SPECIFIC PLAN.

10 **WHEREAS**, the Renaissance Specific Plan (Ordinance No. 1477) and Renaissance Specific Plan
11 Environmental Impact Report (“RSP EIR”) were approved and certified by the Rialto City Council on
12 November 23, 2010; and

13 **WHEREAS**, the applicant, Ayala and 210 Partners, LLC/Fernando Acosta (“Applicant”),
14 proposes to consolidate and subdivide a 7.6 acre parcel into six (6) parcels of land (APNs 0264-151-50,
15 -59, -73, -79, -80, and -81) (“Project”) located at the northeast corner of Ayala Drive and Renaissance
16 Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan (“Site”); and

17 **WHEREAS**, the Project will result in the development of a 10,486 sq. ft. restaurant, a 2,720 sq.
18 ft. restaurant, three multi-unit commercial buildings and a 100 + room hotel for the 80,000 sq. ft.
19 commercial center (“Development”); and

20 **WHEREAS**, the Project requires the approval of a tentative parcel map, and the Applicant has
21 agreed to apply for a Tentative Parcel Map No. 19898 (“TPM No. 19898”), in accordance with
22 Government Code Sections 66473.5 and 66474; and

23 **WHEREAS**, in conjunction with the Development, the Applicant requested approval of (i) an
24 Addendum to the RSP EIR, environmental Assessment Review No. 2017-0007; (ii) a Renaissance
25 Specific Plan amendment to modify the street cross section and circulation map for Renaissance
26 Parkway between Ayala Drive and approximately 1,600 linear feet immediately to the east thereof
27 (“Specific Plan Amendment”); (iii) Precise Plan Of Design Nos. 2017-0066 and 0074; (iv) Variance
28 No. 2017-0010 to vary from the maximum height of 50 feet for freestanding pylon signs along the I-

1 210 to 80 feet; (v) Conditional Development Permit No. 2017-0029 to develop and construct a drive
2 through lane for a fast casual restaurant on Pad 2 of TPM No. 19898; and

3 **WHEREAS**, on October 25, 2017, the Planning Commission of the City of Rialto conducted a
4 duly noticed public hearing, as required by law, on the approval of the Development, including TPM
5 No. 19898, and took testimony, at which time it received input from staff, the city attorney, and the
6 applicant; heard public testimony; discussed the Development and TPM No. 19898; and closed the
7 public hearing; and

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

9 **NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Rialto as
10 follows:

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

13 SECTION 2. Based on substantial evidence presented to the Planning Commission during the
14 public hearing conducted with regard to TPM No. 19898, including written staff reports, verbal testimony,
15 project plans, other documents, and the conditions of approval stated herein, the Planning Commission
16 hereby determines that TPM No. 19898 satisfies the requirements of Government Code Section 66474
17 pertaining to the findings which must be made precedent to granting a tentative map. The findings are as
18 follows:

- 19
20 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City of
21 Rialto and the Freeway Incubator (FI) zone of the Renaissance Specific Plan; and

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

23 The Site has a General Plan designation of Specific Plan, and a zoning designation of Freeway
24 Incubator (FI) within the Renaissance Specific Plan. The Project will subdivide a 7.6 acre parcel
25 and create six (6) developable lots to facilitate the development of a 10,486 sq. ft. restaurant, a
26 2,720 sq. ft. restaurant, three multi-unit commercial buildings, and a 100 + room hotel for the
27 80,000 sq. ft. commercial center. Per Section 3 (Development Criteria), Table 3-5 of the
28 Renaissance Specific Plan, the required minimum parcel size within the Freeway Incubator (FI)
zone is 22,500 square feet. All developable parcels meet or exceed the required minimum size,
width, and depth.

- 1 2. That the design and improvement of the proposed Tentative Parcel Map is consistent with
2 the Subdivision Ordinance, the General Plan of the City of Rialto and the Freeway
3 Incubator (FI) zone of the Renaissance Specific Plan.

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

5 The Project will comply with all technical standards required by Subdivision Map Act, the General
6 Plan of the City of Rialto, and the FI zone of the Renaissance Specific Plan. The proposed parcels
7 are consistent with and meet the minimum lot area, lot width and lot depth as required by the
8 Freeway Incubator (FI) zone of the Renaissance Specific Plan.

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

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

13 The Site contains 7.6 acres, is fairly level, and adjacent to arterial streets (Ayala Drive and
14 Renaissance Parkway), which will be able to accommodate the proposed use. The site is
15 compatible with the surrounding uses, which have a zoning designation of Freeway Incubator (FI)
16 within the Renaissance Specific Plan. All surrounding sites are vacant.

- 17 4. That the site is physically suitable for the proposed density of development.

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

19 The Project will create six (6) parcels to facilitate the development of a 10,486 sq. ft. restaurant, a
20 2,720 sq. ft. restaurant, three multi-unit commercial buildings, and a 100 + room hotel for the
21 80,000 sq. ft. commercial center. The Development will meet all criteria on Table 3-5 of Section 3
22 (Development Standards) of the Renaissance Specific Plan, as the Development will be reviewed
23 by the Development Review Committee. Therefore, the site is sufficient in size and shape to
24 accommodate the proposed density.

- 25 5. That the design of the land division is not likely to cause substantial environmental damage
26 or substantially injure fish or wildlife or their habitat.

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

28 The City Council certified the RSP EIR on November 9, 2010, in accordance with the
California Environmental Quality Act (CEQA). The Applicant prepared an Addendum to the
RSP EIR and associated technical studies to evaluate the potential impacts associated with the
construction and operation of the Development. The Development will not cause substantial
environmental damage or substantially injury fish or wildlife or their habitat, as provided in the
Addendum to the RSP EIR. The proposed Development would not result in any new significant
impacts that were not analyzed in the RSP EIR, nor would the project because a substantial
increase in the severity of any previously identified environmental impacts. The potential

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impacts associated with this proposed Development would be the same or less than those described in the RSP EIR. In addition, there are no substantial changes to the circumstances under which the proposed Development would be undertaken that would result in new or more severe environmental impacts than previously addressed in the RSP EIR, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Implementation of mitigation measures identified in the RSP EIR reduces potentially significant impacts to a level of insignificance.

6. That the design of the land division is not likely to cause serious public health problems.

This finding is supported by the following facts:

The Project is consistent with the General Plan, the Freeway Incubator (FI) zone within the Renaissance Specific Plan, and the Development will be reviewed by the Design Review Committee (DRC) to ensure that the design of the Development meets the City’s Design Guidelines. The Project is consistent with the surrounding commercial developments. The Project is not expected to negatively impact any uses since measures, such as landscape buffering and the installation of solid screen walls will be implemented. Furthermore, construction impacts will be limited through the strict enforcement of the allowable construction hours listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular watering of the site to limit airborne dust and other particulate matter. As a result, the Project is not likely to cause any public health problems.

7. That the design of the land division or proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed land division.

This finding is supported by the following facts:

Upon completion of the Final Map and street dedication, all relevant easements provided, except for the vacation of Easton Street and related easements, will remain. An easement will be proposed for reciprocal ingress and egress, and parking.

SECTION 3. An Addendum to the previously certified RSP EIR has been prepared (Environmental Assessment Review No. 2017-0055), and the City coordinated the preparation of the Initial Study and accompanying technical studies which describe and evaluate the Project because the proposed Development and Project will not result in any changes with respect to the circumstances or require major revisions to the previously approved RSP EIR. The Addendum is being concurrently reviewed and recommended for approval herewith.

SECTION 4. The Planning Commission hereby recommends that the City Council approve TPM No. 19898 to allow the subdivision of a 7.6 acre parcel into six (6) parcels of land (APNs 0264-151-50, -

1 59, -73, -79, -80, and -81) located at the northeast corner of Ayala Drive and Renaissance Parkway in
2 the Freeway Incubator (FI) zone of the Renaissance Specific Plan, in accordance with the application
3 on file with the Planning Division, subject to the following conditions:

- 4 1. TPM No. 19898 is approved to subdivide a 7.6 acre parcel into six (6) parcels of land (APNs
5 0264-151-50, -59, -73, -79, -80, and -81) located at the northeast corner of Ayala Drive and
6 Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan to
7 facilitate the development of a 10,486 sq. ft. restaurant, a 2,720 sq. ft. restaurant, three multi-
8 unit commercial buildings, as shown on the tentative parcel map submitted to the Planning
9 Division, and as approved by the City Council, subject to all requirements of the Freeway
10 Incubator (FI) zone of the Renaissance Specific Plan. If the Conditions of Approval specified
11 herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
- 12 2. Renaissance Parkway shall be improved in accordance with the street cross sections in the
13 Renaissance Specific plan with a 108-foot right of way an 18-foot center median a four-foot
14 bike lane and a 5-foot landscape easement, curb, gutter and sidewalks.
- 15 3. City inspectors shall have access to the Site to reasonably inspect the Site during normal
16 working hours to assure compliance with these conditions and other codes.
- 17 4. 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 City or
19 its agents, officers, or employees to attack, set aside, void, or annul any approval of the City,
20 its advisory agencies, appeal boards, or legislative body concerning TPM No. 19898. The
21 City will promptly notify the applicant of any such claim, action, or proceeding against the
22 City and will cooperate fully in the defense.
- 23 5. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition
24 of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest
25 by the applicant at the time of approval or conditional approval of the Project or within 90
26 days after the date of the imposition of the fees, dedications, reservations, or exactions
27 imposed on the Project.
- 28 6. All conditions of approval for TPM No. 19898 shall be completed to the satisfaction of the City
Engineer prior to the issuance of a Certificate of Occupancy.
7. The Applicant shall pay all applicable development impact fees in accordance with the City of
Rialto fee ordinance in effect at the time the fees are due, prior to the issuance of any building
permits related to the Project.
8. A Precise Grading Plan shall be approved for the project by the City Engineer prior to the
issuance of any building permits.

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9. The Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of any building permits.
10. The Applicant shall landscape and irrigation system improvement plans for review and approval by the City Engineer. The median irrigation system shall be separately metered from the parkway landscaping to be maintained by the developer, for future use by the City upon acceptance of the median landscaping by the City. The plans shall be approved concurrently with the street improvement plans for the median and prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
11. All median and/or parkway landscaping shall be guaranteed for a period of one year from the date of acceptance by the City Engineer. Any landscaping that fails during the one year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period.
12. All new street lights shall be installed on an independently metered, City-owned underground electrical system. The developer shall be responsible for applying with Southern California Edison (“SCE”) for all appropriate service points and electrical meters. New meter pedestals shall be installed and electrical service paid by the developer, until such time as the improvements have been accepted and the underlying property is annexed into LLMD 2.
13. Any improvements within the public right-of-way require a City of Rialto Encroachment Permit.
14. The Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of any building permits.
15. The development of the Site is subject to the requirements of the National Pollution Discharge Elimination System (NPDES) Permit for the City of Rialto, issued by the Santa Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant to the NPDES Permit, the Applicant shall ensure development of the site incorporates post-construction Best Management Practices (“BMPs”) in accordance with the Model Water Quality Management Plan (“WQMP”) approved for use for the Santa Ana River Watershed. The Applicant is advised that applicable Site Design BMPs will be required to be incorporated into the final site design, pursuant to a site specific WQMP submitted to the City Engineer for review and approval.
16. The minimum pavement section for all on-site pavements shall be 2½ inches asphalt concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

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17. An accessible pedestrian path of travel shall be provided throughout the site, as required by applicable state and federal laws.
18. The Applicant shall connect the development to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water Services.
19. The Applicant shall submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
20. All sewer mains constructed by the applicant and to become part of the public sewer system shall be pressure tested and digitally video recorded by the City's wastewater system operator (Veolia) prior to acceptance of the sewer system for maintenance by the City. The developer shall be responsible for all costs associated with testing and inspection services. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
21. The Applicant shall provide certification from Rialto Water Services demonstrating that all water and/or wastewater service accounts have been documented, prior to the issuance of a Certificate of Occupancy.
22. The Applicant shall submit a Precise Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of a building permit.
23. The Applicant shall submit a Water Quality Management Plan identifying site specific Best Management Practices ("BMPs") in accordance with the Model Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to the City Engineer for review and approval with the Precise Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
24. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The Applicant's contractor shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.
25. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed

1 development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering
2 Division with the first submittal of the Precise Grading Plan.

3 26. The Applicant shall provide pad elevation certifications for all building pads in conformance
4 with the approved Precise Grading Plan, to the Engineering Division prior to construction of
any building foundation.

5 27. Prior to issuance of a certificate of occupancy or final City approvals, the Applicant shall
6 demonstrate that all structural BMP's have been constructed and installed in conformance with
approved plans and specifications, and as identified in the approved WQMP.

7 28. All stormwater runoff passing through the Site shall be accepted and conveyed across the
8 property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the
9 site, on-site detention or other facilities approved by the City Engineer shall be required to
10 contain the increased stormwater runoff generated by the development of the property. Provide
11 a hydrology study to determine the volume of increased stormwater runoff due to development
12 of the site, and to determine required stormwater runoff mitigation measures for the proposed
13 development. Final detention basin sizing and other stormwater runoff mitigation measures
14 shall be determined upon review and approval of the hydrology study by the City Engineer and
may require redesign or changes to site configuration or layout consistent with the findings of
the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be
determined by comparing the existing "pre-developed" condition and proposed "developed"
condition, using the 100-year frequency storm.

15 29. Direct release of on-site nuisance water or storm-water runoff shall not be permitted to the
16 adjacent public streets. Provisions for the interception of nuisance water from entering
17 adjacent public streets from the Project Site shall be provided through the use of a minor storm
18 drain system that collects and conveys nuisance water to landscape or parkway areas, and in
only a storm-water runoff condition, pass runoff directly to the streets through parkway or
under sidewalk drains.

19 30. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site
20 streets required by the proposed development shall be backfilled and repaired in accordance
21 with City of Rialto Standard Drawings. The Applicant shall be responsible for removing,
22 grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as
23 required by and at the discretion of the City Engineer, including additional pavement repairs to
24 pavement repairs made by utility companies for utilities installed for the benefit of the
25 proposed development (i.e. Fontana Water Company, Southern California Edison, Southern
26 California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and
27 other street cuts within existing asphalt concrete pavement of off-site streets required by the
proposed development may require complete grinding and asphalt concrete overlay of the
affected off-site streets, at the discretion of the City Engineer. The pavement condition of the
existing off-site streets shall be returned to a condition equal to or better than existed prior to
construction of the proposed development.

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- 31. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Grading Plan, informing the City that they have been notified of the City’s utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the City Engineer identifying all above ground facilities in the area of the project to be undergrounded.

- 32. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

- 33. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing “as-built” information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

- 34. Nothing shall be constructed or planted in the corner cut-off area of any (intersection or) driveway which does or will exceed 30 inches in height required to maintain an appropriate sight distance, as required by the City Engineer.

- 35. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed, as required by the City Engineer.

- 36. Revisions to the Tentative Parcel Map required by the Engineering Division or the Development Review Committee shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map. The Final Parcel Map shall be approved by the City Engineer and the City Council prior to issuance of any building permits.

- 37. A minimum of 48 inches of clearance for disabled access shall be provided on all public sidewalks.

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38. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

39. The Applicant shall submit traffic striping and signage plans prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed concurrently with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a building permit.

40. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the 2012 California Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time of construction.

41. Approval of TPM No. 19898 shall be granted for a period of twenty-four (24) months from the effective date of this resolution. An extension of time for TPM No. 19898 may be granted by the City Council for a period or periods not to exceed a total of thirty-six (36) months. An application for extension together with the required fee shall be filed with the Planning Division prior to the expiration date of TPM No. 19898.

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

PASSED, APPROVED AND ADOPTED this 25th day of October, 2017.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION