



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
December 13, 2017- 6:00 p.m.

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, December 13, 2018.

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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 John Peukert called the meeting to order at 6:00 p.m.

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PLEDGE OF ALLEGIANCE

Commissioner Dale Estvander led those present in the pledge of allegiance.

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ROLL CALL

Roll Call was taken by Planning Manager, Gina Gibson-Williams.

Present:

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

Absent:

Commissioner Student, Maria Delgadillo

Also Present:

Assistant City Attorney, Pam Lee
Assistant Planner, Daniel Rosas
Associate Planner, Daniel Casey
Planning Manager, Gina Gibson-Williams
Administrative Assistant, Sheree Lewis

ORAL COMMUNICATIONS

Chair Peukert asked if there were any oral communications from the audience not on the agenda.

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Mrs. Gibson-Williams stated that there were none.

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**PLANNING
COMMISSION
MEETING MINUTES**

Chair Peukert announced that the next item on the agenda is Planning Commission Meeting Minutes.

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Planning Manager Gibson-Williams instructs Planning Commission there are no minutes at this time.

PUBLIC HEARINGS

Chair Peukert stated Public Hearing items are next on the agenda.

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Tentative Tract Map No. 2017-0001 (TTM 20087)

Variance No. 2017-0002

Associate Planner Casey presents the updates for the public hearing item as continued from November 29, 2017. The request presented to the Planning Commission was for a 20 lot subdivision on the eastside of Acacia [Avenue], north of Randall Avenue in the R-1C zone. Along with that request, there is a variance with regards to size reductions. At the request of the Planning Commission, the developer was instructed to revise and present the map that shows how many lots would be lost if they meet the lot criteria while maintaining the same street layout.

With all the lots meeting the lot criteria, the subdivision goes down from 20 lots to 16 lots. In this particular proposal, all the lots met the 7,700 square foot lot size requirement. All lots have a minimum lot width of 70 feet or greater. All lots have met the minimum lot depth of 100 feet or greater.

Since the last Planning Commission meeting, the applicant presented to staff an alternative/compromise plan illustrating 18 lots. In this design, 16 lots met the standard lot size criteria. Two (2) of the lots met the lot size: lot depth exceeds standard requirement, minimum width requirement is not met. Applicant has filed a request for variance for this subdivision map.

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Staff is asking the Planning Commission to review the three (3) plans and determine to either approve the 20 lot, 18 lot, or 16 lot map that has been presented. Based on the determination of the Planning Commission, staff will bring back a revised Resolution for the Planning Commission.

Chair Peukert ask if there are any questions for staff.

Commissioner Estvander ask, it is only the two (2) lots that will affected?

Associate Planner Casey replies, for the 18 lot design, only the two (2) lots will be affected.

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Chair Peukert opened the Public Hearing.

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Rialto Resident Joel states, he would like the traffic study to be incorporated for consideration for the safety of children. A home is not worth the life of a child. The access to the back of the property only shows one way in and one way out. I would like to see access to the back of the property so there is not just one access point.

In regards to the inclusion of a sewer system, sewers run downhill and not uphill. The property is very low in the back. This factor must be considered by the builder.

Administrative Assistant Sheree Lewis calls upon Applicant Representative Michael for comments.

Applicant Representative Michael states, a number of the items that the previous speaker commented on have been addressed. In designing this project, many different agencies have been involved. The property on the northeast corner of Acacia [Avenue] has been submitted for DRC review and is believed to be approved.

We are all concerned with the safety of children. Part of the design, when we first came to the City to discuss the two (2) outlets, was to leave opportunity for future developments in that area to have a better circulation plan for existing neighborhoods and new developments.

We have been working with staff, in regards to the 20 lots, to connect to the other site. We are currently in escrow with the Turkey Farm and hope to have the street extension by the time this occurs.

PUBLIC HEARINGS

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Commissioner Twine moved to close the Public Hearing, seconded by Commissioner Estvander. All in favor, *motion carried* 7-0-0.

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Motion by Commissioner Estvander, seconded by Commissioner Gilbert to move to approve the 18 lot Tentative Tract Map attached as Exhibit E and approve the Variance to reduce the minimum required lot size from 70 feet to 58 feet.

Vice Chair Gonzalez interjects, I have an objection. I have concerns with safety for kids. When new developments come in we will have difficulty getting emergency vehicles in.

Commissioner Tidler ask, can we have the Fire Department review the plans and ask for it to be changed?

Planning Manager Gibson-Williams replies, it has been reviewed by the Fire Departments Assistant Fire Marshall Kerrilyn Walton. The plans have received the seal of approval from both Kerrilyn Walton and the Fire Department because she sits on the DRC (Development Review Committee) as well.

The site will contain a sewer. In terms of traffic, impacts from 2017 up to 2035 are considered accumulatively by CEQA (California Environmental Quality Act).

Associate Planner Casey states, on November 29, 2017 public hearing, developers initially purposed a cul-da-sac for the center of the project frontage. Given the width of the property, if we were to develop some kind of loop system the lot sizes would then become 60 feet in depth.

During the DRC review, staff directed the developer to revise the design so that the rear of the lots are adjacent to Acacia [Avenue]. All the homes are facing away from Acacia [Avenue]. The Fire Department holds standards on how many exits are required based on the number of lots. 26 or more lots require an additional exit.

There are also fire truck turnaround requirements. The site plan accommodates for fire truck turnaround areas. The conditions of approval issued by the Fire Department, have been issued to preserve the fire truck turnaround areas until the extension occurs. Unfortunately, there is no timeframe when that extension will happen.

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All the request for consideration have been made and have been reviewed by DRC. All things are compliant and exceed the standards for fire code and safety for both ingress and egress.

As far as sewage, the original grading design was a big concern to staff. The initial design revealed the developers intent to raise the site. Staff requests the developers to revise their grading plan so that the new homes would not be overlooking the neighboring homes. We have also relocated the entrance from deep center to further south so they can get the slopes necessary to get the sewer to work.

With regards to traffic, every development in the City must undergo a Traffic Scoping Agreement. With the Traffic Scoping Agreement the applicant has to engage a Traffic Engineer and include a Trip Generation Report. If there is more than 50 trips at the peak hour then a minimum of Focus Traffic Analysis must be done. However, the applicant received an exemption because the traffic is below what would create an impact.

Chair Peukert continues the motion for a vote. All in favor, *motion carried* 6-1-0.

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Chair Peukert what is the next item on agenda

Conditional Development Permit No. 2017-0039

Associate Planner Casey presents the request for the Planning Commission to approve the Conditional Development Permit No. 2017-0039 leading to the development of a 2,995 square foot El Pollo Loco with drive-thru, located at the southwest corner of Renaissance Parkway and Ayala Drive. Site is comprised of 0.78 acres of land in size and is designated as pad F.

Site design illustrates the building positioned along the street frontage of Renaissance Parkway. The drive-thru has stacking for up to eight (8) vehicles. To the south, there is the parking lot for employees and patrons. There is a total of 30 parking spaces. There will also be landscape planters along the perimeter of the building, drive-thru, and parking lot.

The floor plan illustrates an articulated footprint. It is done by connecting three (3) segments; east segment for dinning, center segment for customer ordering and pickup, west segment is the kitchen work area. The main entrance on the south side of the building will serve as entrance and exit to the parking lot. There are also two (2) emergency exits; one (1) for

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kitchen, one (1) for dining area. There are 19 tables and 70 seats throughout the building and occupancy capacity of 84.

The architectural design proves to be consistent with the architectural theme of the Renaissance Marketplace with contemporary build of stone accents and light colors. There are significant wall reliefs to the exterior of the building as a result of the articulated foot print of the building and also the projected stone masses and windows of the dining area. In addition, there are decorative pavers leading to the restaurant.

The Landscape for the project covers 19.3 percent which exceeds the 10 percent minimum. There is a 21 foot landscape setback along Renaissance Parkway that is adjacent to the drive-thru lane. There are additional screen hedges, as required by the Conditional Development Permit, to help screen headlights.

In summary, the project went before the DRC November 8, 2017. The DRC recommended approval of the project subject to the applicant making revisions to the architecture. The project is consistent with the Town Center (TC) Zone in the Renaissance Specific Plan. On December 18, 2017 the City Council certified the Environmental Impact Report (EIR). There is no further CEQA analysis required.

It is staff's recommendation that the Planning Commission adopt the attached Resolution to approve the Conditional Development Permit.

Planning Commission is informed that the applicant and representatives are in attendance.

Chair Peukert ask if there are any questions of staff.

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Chair Peukert opened the Public Hearing.

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Commissioner Estvander moved to close the Public Hearing, seconded by Commissioner Twine. All in favor, *motion carried* 7-0-0.

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Motion by Commissioner Estvander, seconded by Commissioner Gilbert to move to adopt the attached Resolution Exhibit F to approve the Conditional Development Permit [CDP 2017-0039] to allow the development of a

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2,995 square foot restaurant building with drive-thru subject to the findings and conditions there in. All in favor, *motion carried 7-0-0.*

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Chair Peukert what is the next item on agenda

Planning Manager Gibson-Williams request to move the Action Item ahead of the remaining Public Hearing Items.

Planning Commission holds no objection.

ACTIONS ITEMS

Review of Conditional Development Permit No. 799

Assistant Planner Rosas presents the request by Planning Commission to review the business operations related to Conditional Development Permit [CDP No. 799]. The issues raised by the residents pertain to the hours of operations, light standards, height of storage, and parking or driving on unpaved surfaces.

On March 9, 2017 the Planning Commission had approved the Conditional Development Permit to allow the operations of a storage yard. The Resolutions are attached. Also attached, business operation and project description for the business there. The Resolution that was attached included the conditions of approval that not only granted storage and set limitations to the storage height, but they also required the installation of Crushed Miscellaneous Base (CMB), and remove of light standards near the far east of the property.

Upon inspection, it was observed that business was being conducted before 8:00 A.M., the light standards have yet to be removed and the CMB has not been installed.

It is recommended that the Planning Commission review and direct staff to provide the property owner extended time to address compliance issues or move forward with proceedings for revocation.

Planning Commission has been informed that the applicant is in attendance.

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Chair Peukert ask to hear from the applicant

Farren International Representative Rick Solis states, we have paid \$1.3 million to improve the property. We have purchased wash stone and

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millings to keep the dust down. We are currently in the process to laying down and spreading the material. The hours of operations were offended on accident when drivers came in to do things that they were not supposed to do. We have purchased and installed signage for trucks not to operate before or past operation hours.

The condition of use by design creates noise, dust, and traffic. I have photos that show the neighboring property doing what the tenants do not want; double and triple stacked trailers.

I can give all the residents my business card. I return calls within 24 hours. We have also opened up our facility to the Rialto Police Department for training.

Lights have been disconnected and the removal of the light poles are pending. If the wash stone is the wrong material to combat the dust control we are going to make it right. We also have 24 hour security. Trucks are not allowed to move on to the property after hours.

We will be entering an agreement with our neighbor to sublease their property. We will then move our active operations. In and out traffic and noisy activities will move across the street at the beginning of February. I will be issuing my business card to the surrounding neighbors. If they have any issues or complaints, they can reach out to me 24 hours a day.

Commissioner Tidler ask, so the two (2) cranes that we have seen on the property are not yours?

Farren International Representative Rick Solis replies, they may have been the engineers. I believe they were doing bore testing. We also had to do a water abatement survey. Underneath the crush stone is a water abatement system.

Chair Peukert states, some of the concerns presented by residents included an adjacent property that you do not own.

Farren International Representative Rick Solis replies, we are occupying the two (2) properties, which are adjacent properties. The one that has a building on it; office and high security storage for Department of Defense, the other property contains light pavement for incoming vehicles and where the two (2) adjacent buildings meet.

Planning Manager Gibson-Williams directs question to Planner Rosas, are you aware of the Planning Division signing off on the Certificate of Occupancy for this site?

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Associate Planner Rosas replies? Yes. It would be to occupy the building. Not for the use of outdoor storage.

Planning Manager Gibson-Williams states, I suggest that we give the applicant a timeframe to work with staff to correct any items for both of the sites and report back to the Planning Commission. If the Planning Commission is not satisfied then we can move to revoke.

Commission Tidler states, the timeframe should be set for 45 days.

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Chair Peukert request to move to recess.

Chair Peukert calls to order

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Chair Peukert ask for next item on the agenda

Specific Plan Amendment No. 2017-0002

Tentative Tract Map No. 20092

Planning Manager Gibson-Williams presents the request to remove neighborhood one (1) from the specific plan. Where there were four (4) neighborhoods, there will now be three (3). Also, for neighborhood two (2), there was a designation for active adult use. This is also being removed. We are also altering the land use for this plan. The zoning will remain Single-Family Residential. However, the location and how the zoning is laid out will change with the specific plan amendment.

With regards to CEQA, this plan already has an Environmental Impact Report (E.I.R.) that is certified by the City. The new Specific Plan Amendment will not increase the overall acreage, it will decrease it. These changes are covered by what we call an addendum to the E.I.R. There are several items that you must consider before adopting the addendum. The City of Rialto, and its professional opinion as the lead agency, has determined that the addendum is the correct vehicle for this project.

In neighborhood three (3) planning area 62, the acreage will be reduced by 2.2 acres. The reduced acreage will move to planning area 28. This will then be an open space to increase the undevelopable areas and is a 1-1 2.2 reduction and 2.2 addition.

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In neighborhood two (2), planning area 80 is designated for open space. It will be increased by 34.8 acres. Planning areas 82, 83, and 84 are designated as a Family-Residential Zone with greater density and will be reduced by several designation that are upcoming; 5.1, 27.2, 2.54, and land use plan. The western area of planning area number two (2) increases in developable area by 34.53 and open space recreation is being reduced by 35.3 acres.

When the original plan was approved, there was about 2,000 linear feet of levy improvements. It is adjacent to the **CEMEX** plant, in between neighborhoods two (2) and three (3). The levy is for an embankment to avoid flooding from Lytle Creek into the developable area. The proposed modification allows the end of the levy improvements at the project boundaries.

The Tentative Tract Map illustrates large lot spaces, and a remainder parcel. There are additional lots ready to be subdivided to facilitate 672 homes. Street cross-sections are also included. Two (2) main entrance gates are included. The community has connectivity from one neighborhood to the next. Also, the eastern portion holds the conceptual entry design. The entry way is an extensive open space with a roundabout system for both vehicles and pedestrians. Just below, there is the cross-section filled with many different trees resembling a mini park. Although recently approved recreation areas have been kicked out, you should not feel like recreational or residential opportunities will not be there.

It is staff's recommendation that the Planning Commission forward the request for City Council to approve the addendum to the Lytle Creek Specific Plan E.I.R., and revision to the Lytle Creek Specific Plan to eliminate neighborhood one (1) and modify neighborhoods two (2) and three (3), also update the text tables, charts, and maps of the Specific Plan. Also, for the Tentative Tract Map, to create six (6) lots, one (1) remainder lot, and 13 lettered lots for public open space, utilities, and infrastructure on a 188-acre to facilitate future developments for 672 lot residential subdivision.

Planning Commission has been informed that the applicant is in attendance.

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Chair Peukert opened the Public Hearing.

Administrative Assistant Sheree Lewis calls upon Principal of Lytle Creek Development Ron.

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Commission Estvander ask, the area 80 that you are adding 34.88 acres of land is designated for residential development and not warehouses, correct?

Principal of Lytle Development Rob replies, yes. This area will all be residential. There will be no warehouses.

Commissioner Gilbert ask, so how many single-story residence are you looking to place there?

Principal of Lytle Development Rob replies, a portion of it would be. But, not a great deal of them will be. We are working with staff right now to determine what will be a good number to represent the project. They [staff] have informed us that they [staff] would like to see numerous single-story homes and so we are going to be accommodating. We have the lot layout. But, we do not have particular house sizing to identify with those lots. However, we will come up with a number and will follow this map, if it is approved, and present a more comprehensive map that will have that number brought before you to pass judgement on.

Commissioner Gutierrez ask, now if everything is approved, when can you get started?

Principal of Lytle Development Rob replies, we would like to start in about a year. We have a strong interest in this. Builders are very anxious to start. We are trying to get this processed as soon as we can. If we are successful here at passing this then we want to have the City Council meeting and move right through to the more intensive Tentative Map and proceed as fast as we can.

This is going to be one of the nicest development project that has come to Rialto. It has open spaces, galore. You have tremendous opportunities for biking and hiking trails. Down the center we have an area that ranges 280 acres to 500 acres of open space to allow our divided highway or roadway, which has a fully landscaped median, to pass through. Also, our trail system can meander through.

Chair Peukert ask, what is going on with the golf course.

Principal of Lytle Development Rob replies, we had a golf course originally. We have not proceeded with the golf course because we did a market study and the builders and users actually did not want golf. So, we turned the golf course into an open space and trail system because a lot of them [residents] do not play golf. From the marking study we did, this was much more attractive than having golf.

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Planning Manager Gibson-Williams states, the percentage of single-story product is conditioned in the *Map* and City Council gets to set what that percentage is.

Administrative Assistant Sheree Lewis calls upon Rialto Resident Robert.

Rialto Resident Robert states, I have been a resident since 1955. I have seen Rialto have no high schools to having three (3). I am, valiantly opposed to this project. In 1974, I almost died because it rained so hard that it washed out the road. They did put a bridge down there.

Another concern I have is we have had a few fires down here and he wants to make a heavily dense population there. I do not think this is safe.

Administrative Assistant Sheree Lewis calls upon Rialto Resident Lyn.

Rialto Resident Lyn states, I feel like there was an inadequate public notice at the Planning Commission hearing for this project presented tonight. Lytle Creek Wash and Endangered Habitat League requested notices and we did not receive them. Approximately, 60 residents living within 300 feet of neighborhood two (2) did not receive notices.

The City knows that this is a highly contentious project, which groups have successfully sued over in the past. It is all the more egregious that the City try to limit public involvement.

The Planning Commission should continue this hearing when proper notice has been given to all interested members of the public to participate. In the past, not only have you notified people within that perimeter, you have notified all the residents of El Rancho Verde regarding this product.

We have submitted detailed comments and reports from experts; US Fish and Wildlife Services. The reports explain that the hydrology impact would be more significant than what was previously disclosed. Impacts to the San Bernardino Kangaroo Rat will also be much more severely impacted than previously disclosed. This is in part, due to the faulty hydrology studies. In addition, it is also because the mitigation techniques that the City relies on for the San Bernardino Kangaroo rat has failed in recent years. We understand that we have provided the City with a massive amount of information shortly before the hearing. But, the timing of our submittal was due to the City's failure to provide proper public notice. We urge the Planning Commission to not only continue the hearing to ensure that proper public notices have been provided, but also to allow the City time to consider the massive amounts of information

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regarding this project that was disclosed during the consideration of the project by federal agencies. There are 10 attachments totaling approximately 180 pages.

Administrative Assistant Sheree Lewis calls upon Rialto Resident Manuel.

Rialto Resident Manuel states, I speak in favor of the project. I have lived here for 13 years. I have also been here to see the golf course leave and was a little sad by it. I believe that this project will bring the City of Rialto a greater standard for homes and neighborhoods. I also like what they are talking about with the trail systems and everything else. I believe this will create a positive impact. Because I purchased my home at the markets peak, I would love to see equity come back to my home as a result of this nice neighborhood that is adjacent to my home.

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Commissioner Estvander moved to close the public hearing, seconded by Commissioner Gutierrez. All in favor, *motion carried 7-0-0.*

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Motion by Commissioner Gutierrez, second by Commissioner Estvander to amend and allow the Lytle Creek Specific Plan Environmental Impact Report [EAR 2017-0053] and revision to the Lytle Creek Specific Plan [SPA2017-0002] to eliminate neighborhood one (1), modify the land use and configuration of neighborhood two (2), and update the text tables, charts, and map. Also, Tentative Tract Map No. 20092 (TTM 2017-0005) to create six (6) lots, one (1) remaining lot, 13 lettered lots for public open space, and utilities and infrastructure on a 188-acre site to facilitate 672 lot residential subdivision in neighborhood two (2) of the Lytle Creek Specific Plan All in favor, *motion carried 7-0-0.*

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**PLANNING DIVISION
COMMENTS**

Chair Peukert stated that the next item on the agenda is Planning Division Comments

Project Manager Dutrey states, on January 11, 2018 we will have a tour of the Renaissance Market Place at 2:00 p.m. Also, at 6:00 p.m. of January 18, 2018 we will have a workshop for a proposal of another retail development located at the Rialto Marketplace.

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**PLANNING
COMMISSION
COMMENTS**

Chair Peukert stated the next items on the agenda is Planning Commission Comments

Chair Peukert states, I would like to thank Commissioner Pauline Tidler for her years of dedication and service and for her mentoring me.

Commissioner Gutierrez states, she knows how I feel with regards to her hard work, commitment, and patience. It has been pleasure to serve with you.

Commissioner Gilbert states, we will miss you.

Commissioner Twine states, we appreciate your dedication. You put in a lot of effort in finding items within the city for Code Enforcement.

Vice Chair Gonzalez states, I have learned a lot from you in your time here. I appreciate your comments and wish you luck.

Commissioner Estvander states, I appreciate you sitting here and wish you would not go.

Commissioner Tidler states, thank you all. It has been a pleasure and thank you for allowing me to be a part of this group of people and carry on. Keep things going well for the City of Rialto!

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ADJOURNMENT

Motion by Commissioner Twine, seconded by Vice Chair Gortzalez to adjourn the meeting. All in favor *Motion carried 7-0-0.*

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The Regular Planning Commission meeting on Wednesday, December 13, 2017 adjourned at 7:45p.m.



Robert Negrete, Administrative Assistant
Planning Commission

John Peukert, Chair
Planning Commission