

1 **RESOLUTION NO. 19-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
3 CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL  
4 DEVELOPMENT PERMIT NO. 2019-0012 TO ALLOW THE  
5 ESTABLISHMENT OF AN INDOOR RECREATIONAL  
6 FACILITY (KIDS EMPIRE) WITHIN A PROPOSED 12,027  
7 SQUARE FOOT COMMERCIAL BUILDING ON PARCEL NO.  
8 10 OF THE RENAISSANCE MARKETPLACE (APN: 0264-152-  
9 10) LOCATED SOUTH OF RENAISSANCE PARKWAY AND  
10 EAST LINDEN AVENUE WITHIN THE TOWN CENTER (TC)  
11 ZONE OF THE RENAISSANCE SPECIFIC PLAN.

12 WHEREAS, the applicant, Lewis Retail Centers, proposes to develop a 12,027 square foot  
13 commercial building (“Retail 1 – Kids Empire” or “Development”) to establish an indoor  
14 recreational facility (“Project”) on Parcel No. 10 (“Site”) of Parcel Map No. 19779 (APN: 0264-  
15 152-10) located south of Renaissance Parkway and east of Linden Avenue within the Town Center  
16 (TC) zone of the Renaissance Specific Plan; and

17 WHEREAS, the Development will be comprised of a 12,027 square foot commercial  
18 building with one-hundred and seventy-one (171) auto parking spaces, a pedestrian walkway, and  
19 landscape planters; and G

20 WHEREAS, the Site is accessed by means of a reciprocal access and parking agreement  
21 thru the recorded Parcel Map No. 19779 for all parcels within the Renaissance Marketplace  
22 Shopping Center; and

23 WHEREAS, the Design Review Committee (DRC) preliminarily reviewed the  
24 Development, including the Project, on February 6, 2019 for compliance with health safety, and  
25 design requirements and forwarded a recommendation of approval to the Planning Commission  
26 subject to the incorporation of DRC comments; and

27 WHEREAS, pursuant to table 3-2, general permitted uses within the Town Center (TC)  
28 zone of the Renaissance Specific Plan, the establishment of an indoor recreational facility  
requires a Conditional Development Permit and the applicant has agreed to apply for Conditional  
Development Permit (“CDP No. 2019-0012”); and

1           WHEREAS, on April 24, 2019, the Planning Commission of the City of Rialto conducted  
2 a duly noticed public hearing, as required by law, on CDP No. 2019-0012, took testimony, at  
3 which time it received input from staff, the city attorney, and the applicant; heard public  
4 testimony; discussed the proposed CDP No. 2019-0012; and closed the public hearing; and

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

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

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

10           SECTION 2. Based on substantial evidence presented to the Planning Commission during  
11 the public hearing conducted with regard to CDP No. 2019-0012, including written staff reports,  
12 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
13 Planning Commission hereby determines that CDP No. 2019-0012 satisfies the requirements of  
14 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
15 precedent to granting a conditional development permit. The findings are as follows:

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

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

20           The Development anticipates a benefit to the community creating a more diverse  
21           economic base for the community by providing alternative services for consumers at a  
22           convenient location. Additionally, the Development will contribute towards finalizing  
23           the master plan for the Renaissance Marketplace shopping center.

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

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

27           The zoning of the Site and the surrounding properties are within the Town Center (TC)  
28           and the Medium High Density Residential (MHDR) zone of the Renaissance Specific  
29           Plan. The Project is consistent with the Town Center (TC) zone and there are no  
30           sensitive uses near the project site. As such, the project does not negatively impact the  
31           surrounding area. In addition, the Site and the remainder of the Renaissance Marketplace

1 development was reviewed by the Design Review Committee (DRC) for compliance with  
2 all health, safety, and design requirements to ensure the project will significantly enhance  
3 the infrastructure and aesthetics of the local community.

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

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

8 The Site contains 2.1 acres, is fairly level, and is adjacent to a public street. The project site  
9 is south of Renaissance Parkway and accessed by means of a reciprocal access and  
10 parking agreement through the recording of PM No. 19779 for all parcels within the  
11 Renaissance Marketplace Shopping Center. In addition, the development will have a  
trash enclosure, lighting, and adequate parking as requires by Table 3-6, Parking  
Standards of the Renaissance Specific Plan and Chapter 18.58.050, office, commercial  
and industrial parking requirements of the Rialto Municipal Code (RMC).

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

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

15 The Site is a redevelopment of a former airport property that is adjacent to Renaissance  
16 Parkway, which includes water and electric power lines. The Site has adequate access to all  
17 utilities and services required through main water, electric, sewer, and other utility lines that  
will be hooked up to the site as part of the proposed Project.

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

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

22 The use is consistent with the Town Center (TC) zone. The Project, as submitted, meets  
23 or exceeds the applicable development criteria of the Town Center (TC) zone and the  
24 design criteria contained in Chapter 18.61 (Design Guidelines) of the RMC.  
25 Furthermore, the Site is aesthetically enhanced with new street improvements and  
26 landscaping that complies with the City's Design Guidelines. The project anticipated to  
be a benefit to the community and an improvement to the surrounding area.

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

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

2           The Development's and Project's effects are minimized through the implementation of  
3           the Conditions of Approval contained herein, and through the implementation of  
4           Conditions of Approval imposed by the Development Review Committee during the  
5           Precise Plan of Design Process, such as landscaping, a decorative trash enclosure,  
6           decorative paving and enhanced architectural features. The Project will meet the  
7           development criteria of the TC zone and the design criteria in Chapter 18.61 (Design  
8           Guidelines) of the Rialto Municipal Code. The proposed land use is consistent with the  
9           TC zone and the surrounding land uses. There are no sensitive uses near the project site.  
10          As such, the Project will not have a negative impact on the surrounding properties. The  
11          Renaissance Marketplace is a premier regional lifestyle center, which will be beneficial  
12          to Rialto and the neighboring communities. Therefore, any potential adverse effects  
13          outweigh by the benefits conferred upon the community and neighborhood as a whole.

14          SECTION 3. The Planning Commission hereby grants to Lewis Retail Centers CDP No.  
15          2019-0012 to allow the establishment of an indoor recreational facility in conjunction with the  
16          development of Retail 1 (Kids Empire) on Parcel No. 10 of the Renaissance Marketplace  
17          Shopping Center (PM No. 19779) within the Town Center (TC) zone of the Renaissance Specific  
18          Plan.

19          SECTION 4. The Project previously analyzed pursuant to the requirements of the  
20          California Environmental Quality Act (CEQA), as portion of the Renaissance Specific Plan  
21          Amendment No. 3 (EAR 16-55). A Notice of Completion has was filed with the Clerk of the Board  
22          of Supervisors for San Bernardino County and no further action is required.

23          SECTION 5. CDP No. 2019-0012 granted to Lewis Retail Centers, in accordance with the  
24          plans and application on file with the Planning Division, subject to the following conditions:

- 25           1. The approval granted to CDP No. 2019-0012, allowing an indoor recreational facility  
26           in conjunction with the development of Retail 1(Kids Empire) on the site located  
27           south of Renaissance Parkway and east of Linden Avenue within the Town Center  
28           (TC) zone of the Renaissance Specific Plan, as shown on the plans submitted to the  
            Planning Division on April 4, 2019 and as approved by the Planning Commission. If  
            the Conditions of Approval specified herein are not satisfied or otherwise completed, the  
            project shall be subject to revocation.
2. Prior to the issuance of building or grading permits for the proposed development, the  
            City's Development Review Committee (DRC) shall approve a Precise Plan of Design.

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3. City inspectors shall have access to the site to inspect the site during normal working hours to assure compliance with these conditions and other codes.
4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning CDP No. 2019-0012. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
5. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
6. All trash enclosures shall incorporate a solid overhead cover that is designed and constructed of materials consistent with the architecture of the building.
7. Street furniture, bicycle racks and planters shall be located at the entrance to the building.
8. Prior to the issuance of building or grading permits for the proposed development, the applicant must submit a lot line adjustment application to accommodate the parking spaces required.
9. All proposed signage must be reviewed and approved by the Planning Division and must comply with the approved Master Sign Program for the Renaissance Marketplace Retail Center.
10. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
11. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said effective date, Conditional Development Permit No. 2019-0012 shall be invalid and any privileges granted hereunder shall terminate automatically. If the applicant or his or 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.

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12. If the applicant fails to comply with any of the conditions of approval placed upon Conditional Development Permit No. 2019-0012 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 2 above, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code.

SECTION 6. The Chairman 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 24th day of April 2019.

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JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION