

RESOLUTION NO. 17-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE VARIANCE FROM CHAPTER 5 [SIGNS] OF THE RENAISSANCE SPECIFIC PLAN TO INCREASE THE MAXIMUM HEIGHT OF FREESTANDING PYLON SIGNS ADJACENT TO THE I-210 FREEWAY FROM FIFTY (50) FEET TO EIGHTY (80) FEET ABOVE GRADE, IN RELATION TO A SIGN REVIEW APPLICATION AT A COMMERCIAL RETAIL CENTER (RENAISSANCE EAST), 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.

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

WHEREAS, the applicant, Ayala and 210. Partners, LLC/Fernando Acosta ("Applicant"), proposes to develop a 52,742 square foot hotel with 100+ rooms, a 10,486 sq. ft. restaurant (Cracker Barrel), a 2,720 sq. ft. restaurant (Sonic), and three multi-unit commercial buildings as part of a larger 80,000 square foot commercial center known as "Renaissance East" ("Development"), located at the northeast corner of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan ("Site"); and

WHEREAS, the Development will contain a new freestanding pylon sign adjacent to the I-210 freeway with a proposed height of eighty (80) feet above grade ("Project") ; and

WHEREAS, pursuant to Chapter 5 [Signs] of the Renaissance Specific Plan, the maximum height of freestanding pylon signs located adjacent to the I-210 freeway may have a maximum height of fifty (50) feet above grade, so the Project does not comply with the Renaissance Specific Plan; and

WHEREAS, pursuant to Section 18.64.030 of the Rialto Municipal Code, the Project requires the approval of a Variance, and the applicant has agreed to apply for Variance No. 2017-0010 ("VAR No. 2017-0010"); and

WHEREAS, in conjunction with the Development, the Applicant requested approval of (i) an Addendum to the RSP EIR, Environmental Assessment Review No. 2017-0055; (ii) a Renaissance

1 Specific Plan amendment to modify the street cross section and circulation map for Renaissance
2 Parkway between Ayala Drive and approximately 1,600 linear feet immediately to the east thereof
3 (“Specific Plan Amendment”); (iii) Precise Plan Of Design No. 2017-0066 and 0074; (iv) Tentative
4 Parcel Map No. 19898 to subdivide a 7.6 acre parcel into six (6) developable lots; (v) Conditional
5 Development Permit No. 2017-0029 to develop and construct a 100+ room, 52,742 sq. ft. hotel; and
6 (vi) Conditional Development Permit No. 2017-0033 to develop and construct a 2,720 sq. ft. restaurant
7 with a drive through use; and

8 **WHEREAS**, the Design Review Committee (DRC) preliminarily reviewed the Development
9 on September 12 and October 11, 2017 for compliance with health safety, and design requirements and
10 forwarded the a recommendation of approval to the Planning Commission subject to the incorporation
11 of DRC comments; and

12 **WHEREAS**, on October 25, 2017, the Planning Commission of the City of Rialto conducted a
13 duly noticed public hearing, as required by law, on the approval of the Development, including VAR
14 No. 2017-0010, and took testimony, at which time it received input from staff, the city attorney, and the
15 applicant; heard public testimony; discussed the Development and VAR No. 2017-0010; and closed the
16 public hearing; and

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

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

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

22 SECTION 2. Based on substantial evidence presented to the Planning Commission during the
23 public hearing conducted with regard to VAR No. 2017-0010, including written staff reports, verbal
24 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
25 Commission hereby determines that VAR No. 2017-0010 satisfies the requirements of Section 18.64.020
26 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
27 conditional development permit. The findings are as follows:
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1. There are exceptional circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district; and

This finding is supported by the following facts:

The Site is irregularly shaped and located at grade, above the below-grade I-210 freeway and adjacent to an overpass bridge. The position of the Site relative to the freeway makes it difficult to see a sign advertising the business names within the center. Decreased visibility of the proposed shopping center identification sign will be an issue, due to the location of the shopping center, relative to the freeway and overpass.

2. This variance is necessary for the preservation and enjoyment of a substantial property right of the applicant as possessed by other property owners in the same vicinity and district; and

This finding is supported by the following facts:

Visibility is essential to attract both local consumers and those who are passing through our community. The variance will provide for a shopping center identification sign at an increased height of 80 feet. Since the freeway is below grade and project site is located just next to a freeway overpass bridge, the shopping center identification sign will not readily visible from the 210 freeway, and an increased height of 80 feet is necessary so that potential customers can see the sign prior to the Ayala Drive off-ramp. Granting of the variance will allow the applicant to enjoy the same property right as the shopping center elsewhere within the Renaissance Specific Plan and not immediately adjacent to the I-210 freeway or an overpass bridge. Additionally, other shopping centers not adjacent to the I-210 freeway do not have visibility issues because adjacent rights-of-way are at-grade.

3. The granting of this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located; and

This finding is supported by the following facts:

The 30 foot increase in height is negligible when compared to the heights of surrounding freeway oriented signs that exceed 100 feet. The proposed identification sign will include fewer but larger sign panels so the total sign area is similar to the sign area of the existing identification sign. The sign is well designed and will not be unsightly or otherwise injurious to the property or improvements in the vicinity or detrimental to public welfare.

4. The proposed use and development are consistent with the General Plan and objectives of the zoning ordinance; and

This finding is supported by the following facts:

1 The objective of the City of Rialto General Plan, Renaissance Specific Plan, and the Development
2 Code are to protect the public health, safety and general welfare through land use controls. The
3 sign is well designed and the 30 foot increase in height will not have a negative impact on the site
4 or adjacent property owners. The proposed location will not obstruct visibility of any existing
5 freeway oriented advertising. The proposed variance will allow the shopping center to attract local
6 and non-local patrons compete for consumers. Sufficient evidence exists to support the request for
7 a variance because of the physical constraints of the property. A permit will be required for the
8 sign to ensure that the design is attractive, that it is properly located on the site and that it is
9 engineered to meet the City's safety regulations. The proposed sign will not have a negative
10 impact on public health, safety or general welfare and is consistent with the General Plan and the
11 zoning ordinance.

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

18 SECTION 4. The Planning Commission hereby recommends that the City Council approve VAR
19 No. 2017-0010 for Ayala and 210 Partners, LLC/Fernando Acosta, a variance to increase the maximum
20 height of a freestanding pylon sign adjacent to the I-210 freeway from 50 feet to 80 feet at grade within the
21 Renaissance East commercial center, located at the northeast corner of Ayala Drive and Renaissance
22 Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan, in accordance with the
23 plans and application on file with the Planning Division, subject to the following conditions:

- 24 1. VAR No. 2017-0010 is approved allowing the installation of a variance in the maximum
25 height of a freestanding pylon sign adjacent to the I-210 freeway from 50 feet to 80 feet at
26 grade within the Renaissance East commercial center, located at the northeast corner of Ayala
27 Drive and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance
28 Specific Plan, as shown on the plans submitted to the Planning Division on August 21, 2017,
and as approved by the Planning Commission or City Council.
2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
working hours to assure compliance with these conditions and other codes.
3. 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,

1 its advisory agencies, appeal boards, or legislative body concerning VAR No. 2017-0010.
2 The City will promptly notify the applicant of any such claim, action, or proceeding against
the City, and applicant will cooperate fully in the defense.

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- 4 4. 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
5 by the applicant at the time of approval or conditional approval of the Project or within 90
6 days after the date of the imposition of the fees, dedications, reservations, or exactions
imposed on the Project.
- 7 5. Buildings permits shall be applied for and obtained from the City of Rialto Building Division
prior to the installation of any signage.
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- 9 6. If the applicant fails to comply with any of the conditions of approval placed upon VAR No.
2017-0010 or any conditions placed upon the approval of the Precise Plan of Design, the
10 Planning Commission may initiate proceedings to revoke the variance, in accordance with
the provisions of the Rialto Municipal Code.
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- 12 7. The application shall comply with all conditions of approval listed in the Specific Plan
Amendment, Tentative Parcel Map No. 19898, CDP No. 2017-0029, and CDP No. 2017-
13 0033 that are not in conflict with this entitlement, and failure to do so shall authorize the
Planning Commission to initiate proceedings to revoke the variance, in accordance with the
14 provisions of the Rialto Municipal Code.

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

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

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22 JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. 17-45 was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 25th day of October, 2017.

8 Upon motion of Planning Commissioner Dale Estvander seconded by Planning
9 Commissioner Pauline Tidler, the foregoing Resolution No. 17-45 was duly passed and adopted.
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11 Vote on the motion:

12 AYES: 7

13 NOES: 0

14 ABSENT: 0

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 25th day of October, 2017.
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21 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT
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