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

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

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

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

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

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

21 **SECTION 2.** Based on substantial evidence presented to the Planning Commission during the  
22 public hearing conducted with regard to VAR No. 2017-0010 including written staff reports, verbal  
23 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning  
24 Commission hereby determines that VAR No. 2017-0010 satisfies the requirements of Section 18.64.020 of  
25 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional  
26 development permit. The findings are as follows:

- 27 1. There are exceptional circumstances or conditions applicable to the property involved, or to  
28 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

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*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:*

The objective of the City of Rialto General Plan, Renaissance Specific Plan, and the Development Code are to protect the public health safety and general welfare through land use controls. The sign is well designed and the 30 foot increase in height will not have a negative impact on the site or adjacent property owners. The proposed location will not obstruct visibility of any existing freeway oriented advertising. The proposed variance will allow the shopping center to attract local and non-

1 local patrons compete for consumers. Sufficient evidence exists to support the request for a variance  
2 because of the physical constraints of the property. A permit will be required for the sign to ensure  
3 that the design is attractive, that it is properly located on the site and that it is engineered to meet the  
4 City's safety regulations. The proposed sign will not have a negative impact on public health, safety  
5 or general welfare and is consistent with the General Plan and the zoning ordinance.

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

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

- 18 1. VAR No. 2017-0010 is approved allowing the installation of a variance in the maximum height  
19 of a freestanding pylon sign adjacent to the I-210 freeway from 50 feet to 80 feet at grade within  
20 the Renaissance East commercial center, located at the northeast corner of Ayala Drive and  
21 Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan,  
22 as shown on the plans submitted to the Planning Division on October 1, 2017, and as approved  
23 by the Planning Commission or City Council.
- 24 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal working  
25 hours to assure compliance with these conditions and other codes.
- 26 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers,  
27 or employees from any claims, damages, action, or proceeding against the City or its agents,  
28 officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory  
agencies, appeal boards, or legislative body concerning VAR No. 2017-0010. 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.
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 by

1 the applicant at the time of approval or conditional approval of the Project or within 90 days  
2 after the date of the imposition of the fees, dedications, reservations, or exactions imposed on  
3 the Project.

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

15 SECTION 5. The Mayor shall sign the passage and adoption of this resolution and thereupon the  
16 same shall take effect and be in force.

17 PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of 2017.

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19 DEBORAH ROBERTSON, MAYOR

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24 **ATTEST:**

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28 BARBARA MCGEE, CITY CLERK

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**APPROVED AS TO FORM:**

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FRED GALANTE, CITY ATTORNEY

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing  
6 Resolution No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the  
7 City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

8 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
9 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto  
15 this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
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20 BARBARA MCGEE, CITY CLERK  
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