

1 between Ayala Drive and approximately 1,600 linear feet immediately to the east thereof (“Specific Plan
2 Amendment”); (iii) Precise Plan Of Design Nos. 2017-0066 and 0074; (iv) Variance No. 2017-0010 to
3 vary from the maximum height of 50 feet for freestanding pylon signs along the I-210 to 80 feet; (v)
4 Tentative Parcel Map No. 19898 to subdivide a 7.6 acre site into six (6) developable lots; and

5 **WHEREAS**, on October 25, 2017, the Planning Commission of the City of Rialto conducted a
6 duly noticed public hearing, as required by law, on the approval of the Development, including CDP No.
7 2017-0029, and took testimony, at which time it received input from staff, the city attorney, and the
8 applicant; heard public testimony; discussed the Development and CDP No. 2017-0029; and closed the
9 public hearing; and

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

11 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rialto as follows:

12 **SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in the recitals
13 above of this Resolution are true and correct and incorporated herein.

14 **SECTION 2.** Based on substantial evidence presented to the City Council during the public hearing
15 conducted with regard to CDP No. 2017-0029 including written staff reports, verbal testimony, site plans,
16 other documents, and the conditions of approval stated herein, the City Council hereby determines that CDP
17 No. 2017-0029 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to
18 the findings which must be made precedent to granting a conditional development permit. The findings are
19 as follows:

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

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

23 The Project is anticipated to be a benefit to the community creating a more diverse economic base
24 for the community by providing an alternative choice for desired goods and services for
25 consumers at a convenient location. Additionally, the Project will replace the blight of
26 undeveloped property with desirable improvements that will aesthetically enhance the appearance
of the community.

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

This finding is supported by the following facts:

The zoning of the Site and the surrounding properties is Freeway Incubator (FI). The Project is consistent with the FI zone and there are no sensitive uses near the project site. As such, the project is not expected to negatively impact the surrounding area. In addition, the project Site and the remainder of the Renaissance East development has been reviewed by the Design Review Committee (DRC) for compliance with all health, safety, and design requirements to ensure the project will significantly enhance the infrastructure and aesthetics of the local community.

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

This finding is supported by the following facts:

The Development contains a total of 7.6 acres of land. The Site is a 0.9 acre parcel, which is fairly level, and adjacent to a public street. The Development is bound on the north by the I-210 on-ramp and on the west by Ayala Drive and on the south by Renaissance Parkway. The Site is accessible from three driveways from Renaissance Parkway. The proposed restaurant will have a trash enclosure, lighting, adequate parking and screening of vehicles as required by the Renaissance Specific Plan.

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

This finding is supported by the following facts:

The Site is a redevelopment property that is adjacent to Renaissance Parkway which includes water and electric power lines. The Site has adequate access to all 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.

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

This finding is supported by the following facts:

The use is consistent with the Freeway Incubator (FI) zone. The project is intended to mimic the design of the adjacent Renaissance Marketplace Town Center zone. The Project, as submitted, meets or exceeds the applicable development criteria of the FI zone and the design criteria contained in Chapter 18.61 (Design Guidelines) of the RMC and will be conditioned to meet the design requirements of the TC zone. Furthermore, the Site will be aesthetically enhanced with new street improvements, landscaping and screening that complies with the City's Design

Guidelines. The project is anticipated to be a benefit to the community and an improvement to the surrounding area.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, and through the implementation of Conditions of Approval imposed by the Development Review Committee during the Precise Plan of Design Process, such as extensive landscaping, a decorative trash enclosure, decorative paving and enhanced architectural features, and a decorative retaining wall. The project will meet the development criteria of the FI zone, the Design criteria of the TC zone and the design criteria in Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code. The proposed land use is consistent with the FI zone and the surrounding land uses. There are no sensitive uses near the project site. As such, the project will not have a negative impact on the surrounding properties. The Renaissance East commercial center will be designed to complement the Renaissance Marketplace, a premier regional lifestyle center, and will be a benefit to Rialto and the neighboring communities. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. An Addendum to the previously certified RSP EIR has been prepared (Environmental Assessment Review No. 2017-0055). The City coordinated the preparation of the Initial Study and accompanying technical studies which describe and evaluate the Project. 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 City Council hereby recommends that the City Council approve CDP No. 2017-0029 for Ayala and 210 Partners, LLC/Fernando Acosta, a drive through use in conjunction with the development of Parcel 2 of Tentative Parcel Map No. 19898 located at the northeast corner of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan, in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. The approval is granted allowing a drive through use in conjunction with the development of Parcel 2 of Tentative Parcel Map No. 19898 located at the northeast corner of Ayala Drive

1 and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific
2 Plan, as shown on the plans submitted to the Planning Division on October 11, 2017 and as
3 approved by the City Council. If the Conditions of Approval specified herein are not satisfied
4 or otherwise completed, the project shall be subject to revocation.

- 5 2. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan
6 of Design shall be approved by the City's Development Review Committee (DRC).
- 7 3. City inspectors shall have access to the site to reasonably inspect the site during normal
8 working hours to assure compliance with these conditions and other codes.
- 9 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers,
10 or employees from any claims, damages, action, or proceeding against the City or its agents,
11 officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory
12 agencies, appeal boards, or legislative body concerning CDP No. 2017-0029. The City will
13 promptly notify the applicant of any such claim, action, or proceeding against the City and
14 will cooperate fully in the defense.
- 15 5. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition
16 of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by
17 the applicant at the time of approval or conditional approval of the Project or within 90 days
18 after the date of the imposition of the fees, dedications, reservations, or exactions imposed on
19 the Project.
- 20 6. The applicant shall provide adequate screening of headlights on all automobiles within the drive-
21 thru lane at each canopy to eliminate any light spillover onto adjacent right-of-way or drive aisle.
- 22 7. All trash enclosures shall incorporate a solid overhead cover that is designed and constructed of
23 materials consistent with the architecture of the structure.
- 24 8. A drive-through lane trash receptacle line shall be installed prior to issuance to the Certificate of
25 Occupancy.
- 26 9. Decorative paving (color concrete, scoring, or pavers) shall be used for the pedestrian access
27 extending from Renaissance Parkway and surrounding the building.
- 28 10. The main entry to the building shall be recessed or extended from the wall plane by a minimum
of 3 feet.
11. A canopy that extends across the drive aisle into the landscaped area on the opposite side shall
be constructed. The canopy shall be designed using the same color scheme color and material
as the building.
12. The patio seating area shall have a permanent covering extending from the building or
freestanding.

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13. Diamond-shaped planters shall be constructed in the double row of parking stalls to the west of the building.
14. Enhanced landscaping shall be installed behind the row of parking spaces adjacent to each canopy on Renaissance Parkway and in the interior of the lot subject to review and approval by the Planning Division.
15. The area designated for the monument sign shall be landscaped.
16. Street furniture, bicycle racks and planters shall be located at entrance to the building.
17. A minimum of 10% of the parking area shall be landscaped exclusive of the front setback.
18. The building shall be articulated with projections and or recesses on each elevation a minimum of 3 feet.
19. The roof line of the building shall have projections above the parapet a minimum of 3 feet.
20. The retaining wall shall be decorative with a definitive cap.
21. The paved area at the end of the double row of parking stalls shall be landscaped.
22. 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.
23. The privileges granted by the City Council 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, this conditional development permit shall be null and void 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.
24. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2017-0029 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 2 above, the City Council 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.
25. The application shall comply with all conditions of approval listed in the Specific Plan Amendment, Tentative Parcel Map No. 19898, Variance No. 2017-0010, and CDP No. 2017-0029 that are not in conflict with this entitlement, and failure to do so shall authorize the City

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Council to 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 5. The Mayor 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 _____ day of _____ 2017.

DEBORAH ROBERTSON, MAYOR

ATTEST:

1 BARBARA MCGEE, CITY CLERK

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3 **APPROVED AS TO FORM:**

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6 FRED GALANTE, CITY ATTORNEY

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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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19 _____
20 BARBARA MCGEE, CITY CLERK
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