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1 **WHEREAS**, in conjunction with the Development, the Applicant requested approval of (i) an
2 Addendum to the RSP EIR, Environmental Assessment Review No. 2017-0055; (ii) a Renaissance
3 Specific Plan amendment to modify the street cross section and circulation map for Renaissance
4 Parkway between Ayala Drive and approximately 1,600 linear feet immediately to the east thereof
5 (“Specific Plan Amendment”); (iii) Precise Plan Of Design Nos. 2017-0066 and 0074; (iv) Variance
6 No. 2017-0010 to vary from the maximum height of 50 feet for freestanding pylon signs along the I-
7 210 to 80 feet; (v) Tentative Parcel Map No. 19898 to subdivide a 7.6 acre parcel into six (6)
8 developable lots; and

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

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

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

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

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

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

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

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

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

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

7 The zoning of the Site and the surrounding properties is Freeway Incubator (FI). The Project is
8 consistent with the FI zone and there are no sensitive uses near the project site. As such, the
9 project is not expected to negatively impact the surrounding area. In addition, the project Site
10 and the remainder of the Renaissance East development has been reviewed by the Design
11 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.

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

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

16 The Development contains a total of 7.6 acres of land, while the Site is a 0.9 acre parcel, is fairly
17 level, and is adjacent to a public street. The Development is bound on the north by the I-210 on-
18 ramp and on the west by Ayala Drive and on the south by Renaissance Parkway. The Site is
19 accessed by means of one of three driveways from Renaissance Parkway onto the Renaissance
20 East commercial center. In addition, the proposed restaurant will have a trash enclosure,
lighting, and adequate parking as requires by Table 3-6, Parking Standards, of the Renaissance
Specific Plan.

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

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

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

- 27 5. The proposed use will be arranged, designed, constructed, and maintained so as it will not
28 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, 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. 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 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 complement the Renaissance Marketplace, which is 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), and the City coordinated the preparation of the Initial Study and accompanying technical studies which describe and evaluate the Project because 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 Planning Commission 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

1 with the development of Parcel 2 of Tentative Parcel Map No. 19898 located at the northeast corner of
2 Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific
3 Plan, in accordance with the plans and application on file with the Planning Division, subject to the
4 following conditions:

- 5 1. The approval is granted allowing a drive through use in conjunction with the development of
6 Parcel 2 of Tentative Parcel Map No. 19898 located at the northeast corner of Ayala Drive
7 and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific
8 Plan, as shown on the plans submitted to the Planning Division on October 11, 2017 and as
9 approved by the Planning Commission. If the Conditions of Approval specified herein are not
10 satisfied or otherwise completed, the project shall be subject to revocation.
- 11 2. Prior to the issuance of building or grading permits for the proposed development, a Precise
12 Plan of Design shall be approved by the City's Development Review Committee (DRC).
- 13 3. City inspectors shall have access to the site to reasonably inspect the site during normal
14 working hours to assure compliance with these conditions and other codes.
- 15 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
16 officers, or employees from any claims, damages, action, or proceeding against the City or
17 its agents, officers, or employees to attack, set aside, void, or annul any approval of the City,
18 its advisory agencies, appeal boards, or legislative body concerning CDP No. 2017-0029.
19 The City will promptly notify the applicant of any such claim, action, or proceeding against
20 the City and will cooperate fully in the defense.
- 21 5. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition
22 of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest
23 by the applicant at the time of approval or conditional approval of the Project or within 90
24 days after the date of the imposition of the fees, dedications, reservations, or exactions
25 imposed on the Project.
- 26 6. The applicant shall provide adequate screening of headlights on all automobiles within the
27 drive-thru lane at each canopy to eliminate any light spillover onto adjacent right-of-way or
28 drive aisle.
7. The applicant shall provide an overhead cover at the drive-thru window that is designed and
constructed of materials consistent with the architecture of the structure.
8. All trash enclosures shall incorporate a solid overhead cover that is designed and constructed of
materials consistent with the architecture of the structure.
9. A drive-through lane trash receptacle line shall be installed prior to issuance to the Certificate
of Occupancy.

- 1 10. Decorative paving (color concrete, scoring, or pavers) shall be used for the pedestrian access
2 extending from Renaissance Parkway and surrounding the building.
- 3 11. The main entry to the building shall be recessed or extended from the wall plane by a minimum
4 of 3 feet.
- 5 12. A canopy that extends across the drive aisle into the landscaped area on the opposite side shall
6 be constructed. The canopy shall be designed using the same color scheme color and material
7 as the building.
- 8 13. The patio seating area shall have a permanent covering extending from the building or
9 freestanding.
- 10 14. A permanent trash receptacle shall be placed at the terminus of the drive through aisle.
- 11 15. The trash enclosure shall be constructed with a decorative trellis and a decorative wall.
- 12 16. Two diamond-shaped planters shall be constructed in the double row of parking stalls to the
13 east of the building.
- 14 17. Enhanced landscaping shall be installed behind the row of parking spaces adjacent to
15 Renaissance Parkway subject to review and approval by the Planning Division.
- 16 18. The area designated for the monument sign shall be landscaped.
- 17 19. Street furniture, bicycle racks and or planters shall be located at entrance to the building.
- 18 20. A minimum of 10% of the parking area shall be landscaped exclusive of the front setback.
- 19 21. The main building entry shall be recessed.
- 20 22. The building shall be articulated with projections and or recesses on each elevation a minimum
21 of 3 feet.
- 22 23. The roof line of the building shall have projections above the parapet a minimum of 3 feet.
- 23 24. The retaining wall shall be decorative with a definitive cap.
- 24 25. The paved area at the end of the double row of parking stalls shall be landscaped.
- 25 26. The applicant shall obtain all necessary approvals and operating permits from all Federal, State
26 and local agencies prior to the issuance of a Certificate of Occupancy.
- 27 27. The privileges granted by the City Council pursuant to approval of this Conditional
28 Development Permit are valid for one (1) year from the effective date of approval. If the

1 applicant fails to commence the project within one year of said effective date, this
2 conditional development permit shall be null and void and any privileges granted hereunder
3 shall terminate automatically. If the applicant or his or her successor in interest commence
4 the project within one year of the effective date of approval, the privileges granted
5 hereunder will continue inured to the property as long as the property is used for the purpose
6 for which the conditional development permit was granted, and such use remains
7 compatible with adjacent property uses.

8 28. If the applicant fails to comply with any of the conditions of approval placed upon CDP No.
9 2017-0029 or any conditions placed upon the approval of the Precise Plan of Design
10 required by Condition No. 2 above, the Planning Commission may initiate proceedings to
11 revoke the conditional development permit in accordance with the provisions of Sections
12 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code.

13 29. The application shall comply with all conditions of approval listed in the Specific Plan
14 Amendment, Tentative Parcel Map No. 19898, Variance No. 2017-0010, and CDP No.
15 2017-0029 that are not in conflict with this entitlement, and failure to do so shall authorize
16 the Planning Commission to initiate proceedings to revoke the conditional development
17 permit in accordance with the provisions of Sections 18.66.070 through 18.66.090,
18 inclusive, of the Rialto Municipal Code.

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

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

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JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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. 17-44 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. 17-44 was duly passed and adopted.
10

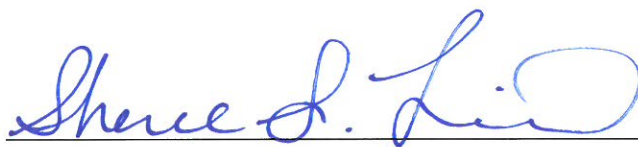
11 Vote on the motion:

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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