

RESOLUTION NO. 18-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0004 TO ALLOW THE INSTALLATION OF A 100 FOOT TALL FREEWAY-ORIENTED MULTI-TENANT FREESTANDING SIGN WITH AN ELECTRONIC MESSAGE BOARD ON 0.27 ACRES OF LAND (APN: 0132-131-13) LOCATED ON THE WEST SIDE OF RIVERSIDE AVENUE APPROXIMATELY 175 FEET SOUTH OF VALLEY BOULEVARD WITHIN THE FREEWAY COMMERCIAL (F-C) ZONE OF THE GATEWAY SPECIFIC PLAN.

WHEREAS, the applicant, Thrifty Oil Co., proposes to construct a one-hundred (100) foot tall freeway-oriented multi-tenant freestanding sign with an electronic message board ("Project") on 0.27 acres of land (APN: 0132-131-13) located on the west side of Riverside Avenue approximately 175 feet south of Valley Boulevard within the Freeway Commercial (F-C) zone of the Gateway Specific Plan ("Site"); and

WHEREAS, the applicant proposes the Project for the purpose of providing freeway-oriented signage opportunities along the I-10 Freeway to all retail businesses within the Gateway Specific Plan area; and

WHEREAS, pursuant to Section 18.102.060(K)(3), the design and location of a freeway-oriented multi-tenant freestanding sign, such as the Project, within the Gateway Specific Plan area requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit ("CDP No. 2018-0004"); and

WHEREAS, Chapter 18.102 of the Rialto Municipal Code sets the provisions and regulations for signs and advertising structures, but said Chapter 18.102 does not provide specific criteria regarding electronic message boards; and

WHEREAS, pursuant to Section 18.102.040(D)(2) of the Rialto Municipal Code, whenever the application of this chapter is uncertain due to ambiguity of its provisions, the question shall be referred to the planning commission and the planning commission shall then authorize sign requirements which best fulfill the intent of this chapter, and it has been

1 determined that the incorporation of an electronic message board within any sign structure is an
2 “other use subject to a conditional development permit”, and the applicant has agreed to apply
3 for CDP No. 2018-0004; and

4 WHEREAS, on February 28, 2018, the Planning Commission of the City of Rialto
5 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0004, took
6 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
7 public testimony; discussed the proposed CDP No. 2018-0004; and closed the public hearing;
8 and

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

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

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

14 SECTION 2. Based on substantial evidence presented to the Planning Commission during
15 the public hearing conducted with regard to CDP No. 2018-0004, including written staff reports,
16 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
17 Planning Commission hereby determines that CDP No. 2018-0004 satisfies the requirements of
18 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
19 precedent to granting a conditional development permit. The findings are as follows:

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

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

24 The project will provide a benefit to the community by serving as additional source of
25 advertisement for businesses in the Gateway Specific Plan area, thereby supporting the
26 growth and success of the local economy.

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

This finding is supported by the following facts:

1 The Site is bound on the east by Riverside Avenue and on the south by the I-10 Freeway.
2 To the north of the project site is a USA Gasoline gas station, and to the east, across
3 Riverside Avenue is a Chevron gas station and Taco Joe's Mexican Restaurant. To the
4 south is the westbound on-ramp at the Riverside Avenue / I-10 Freeway interchange, and
5 to the west is a HomeTown Buffet restaurant. The zoning designation of the project site
6 and all of the surrounding properties is Freeway Commercial (F-C) within the Gateway
7 Specific Plan). The nearest residential land use is located over one-half (0.5) mile to the
8 north of the Site. No negative impacts are expected by the proposed Project, if all
9 Conditions of Approval are strictly followed.

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

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

15 The Site contains 0.27 acres and adjacent to one (1) public street, which will be able to
16 accommodate the Project. Due to the irregular shape of the Site and its proximity to the I-10
17 Freeway, the Project presents the highest and best use of the Site.

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

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

21 The Project will only require the use of electricity, which is available along Riverside
22 Avenue.

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

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

27 The Project involves the installation of a freestanding sign that meets the criteria
28 contained within Chapter 18.102 (Sign Regulations) of the Rialto Municipal Code and is
consistent with the Freeway Commercial (F-C) zone of the Gateway Specific Plan. A
condition of approval is incorporated herein requiring the electronic message board to be
limited to the display of static images only so as not to distract drivers along the I-10
Freeway and Riverside Avenue. Additionally, the resolution also includes a condition of
approval prohibiting the advertisement of alcohol, tobacco, illicit drugs, marijuana, and
adult uses on the sign. If all Conditions of Approval contained within CDP No. 2018-
0004 are satisfied, the Project will not negatively impact the surrounding land uses.

1 Additionally, the proposed Project is consistent with Goal 3-1 of the General Plan by
2 contributing to the strengthening of an economic base by providing an additional
3 advertisement opportunity to businesses within the Gateway Specific Plan area.

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

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

8 The Conditions of Approval contained herein will minimize the Project's impacts. The
9 granting of CDP No. 2018-0004, allowing the installation of the Project on the Site, will
10 serve to provide an additional advertisement opportunity for businesses within the
11 Gateway Specific Plan area thereby supporting the growth and success of the local
12 economy. Therefore, any potential adverse effects are outweighed by the benefits
13 conferred upon the community and neighborhood as a whole.

14 SECTION 3. Thrifty Oil Co., is hereby granted CDP No. 2018-0004 to allow the
15 installation of a 100 foot tall freeway-oriented multi-tenant freestanding sign with an electronic
16 message board on 0.27 acres of land (APN: 0132-131-13) located on the west side of Riverside
17 Avenue approximately 175 feet south of Valley Boulevard within the Freeway Commercial (F-
18 C) zone of the Gateway Specific Plan.

19 SECTION 4. The project is categorically exempt from the requirements of the California
20 Environmental Quality Act (CEQA), pursuant to Section 15303, New Construction or Conversion
21 of Small Structures. The Planning Commission directs the Planning Division to file the necessary
22 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

23 SECTION 5. That CDP No. 2018-0004 is granted to Thrifty Oil Co. in accordance with the
24 plans and application on file with the Planning Division, subject to the following conditions:

- 25 1. The approval is granted to allow the installation of a 100 foot tall freeway-oriented
26 multi-tenant freestanding sign with an electronic message board on 0.27 acres of land
27 (APN: 0132-131-13) located on the west side of Riverside Avenue approximately 175
28 feet south of Valley Boulevard, as shown on the plans submitted to the Planning
Division on January 31, 2018, 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. 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, its advisory agencies, appeal boards, or legislative body concerning CDP No. 2018-0004. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and 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 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.
5. The proposed sign requires a Sign Review application and approval by the Planning Division prior to the issuance of a building permit.
6. The proposed sign shall comply with all statutory and regulatory requirements of the California Outdoor Advertising Act, and any other applicable law.
7. The applicant shall provide the City of Rialto access to one (1) time slot within each advertising loop on the electronic message board at no cost. The applicant shall memorialize the allotment in a Memorandum of Understanding (MOU) between the City of Rialto and the applicant. The MOU shall be executed prior to the issuance of a building permit.
8. The electronic message board shall not promote or advertise alcohol, tobacco, illicit drugs, marijuana, hashish, adult entertainment businesses, or sexually oriented materials, or use sexually oriented images or language.
9. Advertisement on the sign structure shall be limited to only businesses within the Gateway Specific Plan area. The five (5) tenant panels shall be limited to business names only, while the electronic message board may advertise business names, as well as products and services provided, but only in conjunction with the business name.
10. The electronic message board shall only display static images at all times. Video and other motion pictures are not permitted for display on the electronic message board.
11. The five (5) tenant panels shall be painted one (1) identical color at all times.
12. All signage one each of the five (5) tenant panels shall consist of routed-out push-thru copy.

1 13. The applicant shall obtain all necessary approvals and operating permits from all
2 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.

3 14. The privileges granted by the Planning Commission pursuant to approval of this
4 Conditional Development Permit are valid for one (1) year from the effective date of
5 approval. If the applicant fails to commence the project within one year of said
6 effective date, this conditional development permit shall be null and void and any
7 privileges granted hereunder shall terminate automatically. If the applicant or his or
8 her successor in interest commences the project within one year of the effective date
9 of approval, the privileges granted hereunder will continue inured to the property as
10 long as the property is used for the purpose for which the conditional development
11 permit was granted, and such use remains compatible with adjacent property uses.

12 15. If the applicant fails to comply with any of the Conditions of Approval placed upon
13 Conditional Development Permit No. 2018-0004, the Planning Commission may
14 initiate proceedings to revoke the Conditional Development Permit in accordance
15 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
16 Municipal Code. Conditional Development Permit No. 2018-0004 shall be revoked,
17 suspended or modified in accordance with Section 18.66.070 of the Zoning
18 Ordinance at the discretion of the Planning Commission if:

- 19 a) The use for which such approval was granted has ceased to exist, been
20 subsequently modified or have been suspended for six (6) months or more;
21 b) Any of the express conditions or terms of such permit are violated;
22 c) The use for which such approval was granted becomes or is found to be
23 objectionable or incompatible with the character of the City and its
24 environs due to noise, loitering, criminal activity or other undesirable
25 characteristics including, but not strictly limited to uses which are or have
26 become offensive to neighboring property or the goals and objectives of
27 the Retail Commercial (R-C) zone, the Gateway Specific Plan, and the
28 City's General Plan.

29 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
30 adoption of this resolution and thereupon the same shall take effect and be in force.

31 PASSED, APPROVED AND ADOPTED this 28th day of February, 2018.

32 
33 JOHN PEUKERT, CHAIR
34 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, Rozie Orihuela, Administrative Assistant of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. 18-18 was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 28th day of February 2018.

8 Upon motion of Planning Commissioner Dale Estvander, seconded by Vice Chair Frank
9 Gonzalez, the foregoing Resolution No. 18-18 was duly passed and adopted.

10 Vote on the motion:

11 AYES: 5

12 NOES: 0

13 ABSENT: 1

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
15 of Rialto this 28th day of February 2018.

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ROZIE ORIHUELA, ADMINISTRATIVE ASSISTANT