



# City of Rialto

## Legislation Details (With Text)

**File #:** PC-19-400    **Version:** 1    **Name:** VAR No. 2019-0003 & VAR No. 2019-0004  
**Type:** Agenda Item    **Status:** Agenda Ready  
**File created:** 4/3/2019    **In control:** Planning Commission  
**On agenda:** 4/10/2019    **Final action:**  
**Title:** Variance No. 2019-0003 & Variance No. 2019-0004: A request to vary from the wall sign requirements of the Rialto Gateway Master Sign Program - Major Tenant Guidelines, to allow an increase on the allowable sign square footage and height. The proposed wall signs will be east and south of the future Ross and DD's Discount retail stores within the Retail Commercial (RC) zone of the Gateway Specific Plan.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map, 2. Exhibit B - Sign Plans (DD's), 3. Exhibit C - Sign Plans (Ross), 4. Exhibit D - Applicant's Justification and Findings, 5. Exhibit E - Photos of the surrounding site

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of April 10, 2019

**TO:** Honorable Chairman and Planning Commissioners  
**APPROVAL:** Robb Steel, Asst.CA/Development Services Director  
**REVIEWED BY:** Daniel Casey, Senior Planner  
**FROM:** Edgar Gonzalez, Assistant Planner

**Variance No. 2019-0003 & Variance No. 2019-0004:** A request to vary from the wall sign requirements of the Rialto Gateway Master Sign Program - Major Tenant Guidelines, to allow an increase on the allowable sign square footage and height. The proposed wall signs will be east and south of the future Ross and DD's Discount retail stores within the Retail Commercial (RC) zone of the Gateway Specific Plan.

**APPLICANT:**

Jeff Sealy, 5130 Hacienda Drive, Dublin, CA 94568.

**LOCATION:**

The project site is located at 1610 S. Riverside Avenue, at the northwest corner of Valley Boulevard and Riverside Avenue (APN: 0132-121-07) (Refer to attached Location Map (**Exhibit A**)).

**BACKGROUND:**

*Surrounding Land Use and Zoning*

<b>Location</b>	<b>Existing Land Use</b>	<b>Zoning</b>
Site	Ross/DD's/Auto zone	Retail Commercial (RC)*
North	Jack-in-the-box/Vacant land	Retail Commercial (RC)*
East	Restaurants/Retail Business	Retail Commercial (RC)*
South	Hometown Buffet/USA Gas Station	Freeway Commercial (FC)*
West	San Bernardino Flood Control	San Bernardino Flood Control*

\* Within the Gateway Specific Plan

### *General Plan Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	General Commercial with an Specific Plan Overlay
North	General Commercial with an Specific Plan Overlay
East	General Commercial with an Specific Plan Overlay
South	General Commercial with an Specific Plan Overlay
West	Public Facility /Hydrological Feature

### *Site Characteristics*

The site is comprised of one (1) parcel, with approximately 7.24 acres on the northwest corner of Valley Boulevard and Riverside Avenue. The project site is accessed through two drive entries located north Valley Boulevard and west of Riverside Avenue. The project site is adjacent to different restaurants, shops, and north of the 10 freeway.

### **ANALYSIS/DISCUSSION:**

#### *Proposed Sign*

The applicant, Jeff Sealy, submitted a variance application to allow an increase for the allowable height and square footage for the Ross and DD's Discount wall signs. The applicant proposes to: (1) increase the height of the east DD's wall sign facing Riverside Avenue from 6 feet to 15 feet 8 inches and increase the square footage from 184.5-square feet to 361.4-square feet, and (2) to increase the height of the south DD's wall sign facing Valley Boulevard, from 6 feet to 9 feet and increase the square footage from 134.3-square feet to 261.9-square feet (**Exhibit B**).

The applicant also proposes to: (1) increase the height of the east Ross wall sign facing Riverside Avenue from 6 feet to 12 feet and increase the square footage from 200 square feet to 351 square feet, and (2) to increase the square footage of the south Ross wall sign facing Valley Boulevard, from 134.3-square feet to 215.4-square feet (**Exhibit C**).

#### *Rialto Gateway Master Sign Program*

The City Council approved the Sign Program on October 8, 2018. The variance request proposes to vary from the requirements of Section 3: Tenant Sign Criteria of subsection (J) Major Tenants. The sign proposal exceeds the maximum sign requirements specified on the Rialto Gateway Master Sign Program, except for the proposed height of the south Ross wall sign.

#### *Justification*

The location of the building for Ross and DD's is at a lower grade level than Riverside Avenue.

However, the Planning Division recently approved two freestanding signs and one monument sign for the Rialto Gateway shopping center. The owner will re-face the existing 40-foot tall freestanding sign and install a new 8-foot tall monument sign along Riverside Avenue, allowing potential customers along Riverside Avenue to view the businesses. Additionally, the owner will install a new 20-foot tall freestanding sign along Valley Boulevard, which allows potential customers along Valley Boulevard and beyond to identify the businesses located in the shopping center (**Exhibit D & E**). Accordingly, the proposed variances do not justify for larger signage, as potential customers will be able to find the businesses driving along Riverside Avenue and Valley Boulevard.

### *Variance Findings*

The purpose of a variance is to provide flexibility to prevent practical difficulties or unnecessary hardships that occur through the strict enforcement of development standards. Section 18.64.020 of the RMC requires the Planning Commission to make certain findings prior to the adoption of a variance, but staff has found that the following the facts do not support the required findings for an approval of Variance No. 2019-0003 and Variance No. 2019-0004:

1. That 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.

*The location of the building is at a lower grade level than Riverside Avenue, but it does not justify larger signage, as potential customers will be able to find the location of businesses driving along Riverside Avenue and Valley Boulevard. The Planning Division recently approved two freestanding signs and one monument sign, along Riverside Avenue and Valley Boulevard, which allows potential customers to identify the businesses at the shopping center. Adjacent businesses have complied with the wall sign requirements, incorporating monument signs and freestanding signs to identify their businesses along Riverside Avenue. There are not exceptional circumstances that are applicable to the property to allow the increase of wall sign area.*

2. That such 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.

*The City approved previous variances with slight variations from the sign code requirements. The proposed wall signs double the allowable sign requirements of the Rialto Gateway Sign Program. The Planning Commission has not approved variances allowing such a large increase from the established sign requirements. Therefore, no property owners in the same vicinity share the same right. The applicant will enjoy the same property rights as other property owners without a granting of the variances.*

3. That the granting of such 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.

*The proposed wall sign increase from the requirements of the Rialto Gateway Sign Program will not be unsightly or otherwise injurious to the property or improvements in the vicinity or detrimental to public welfare.*

4. That the granting of such variance will not adversely affect the master plan.

*The objective of the City of Rialto General Plan, Gateway Specific Plan, Rialto Master Sign Program and the Development Code are to protect the public health safety and general welfare through land use controls. The proposed sign will vary from the recently approved and well-analyzed Rialto Gateway Master Sign Program, in which adequate wall sign requirements were established for the shopping center. Allowing the sign variances will set a precedent that marginalizes the importance of the City's policies and the development standards of the Rialto Gateway Master Sign Program within the Gateway Specific Plan. Allowing the sign variances will ultimately prevent the City from enforcing the same sign requirements and policies elsewhere in the area and in the same zoning district.*

### **Conclusion**

A variance request must demonstrate that all of the required findings for granting a variance can be made in a positive manner, prior to Planning Commission approval. As documented above, the project does not satisfy findings number one (1), two (2), and four (4), required by Section 18.64.020 of the RMC. As such, the Planning Division recommends that the Planning Commission deny the Variance request.

### **GENERAL PLAN CONSISTENCY:**

The project is inconsistent with the following goal of the Land Use Element of the Rialto General Plan:

**Goal 2-4:** Create an attractive gateway into Rialto from the I-10 freeway.

### **ENVIRONMENTAL IMPACT:**

Planning staff recommends denial of the project, and therefore no environmental determination is necessary. However, if the two variances are granted, the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. Section 15301, lists the proposed use as a Class I categorical exemption from CEQA which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

### **PUBLIC NOTICE:**

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site and published the public hearing notice in the San Bernardino Sun newspaper as required by State law.

### **RECOMMENDATION:**

It is recommended that the Planning Commission:

- Conduct the public hearing and receive public testimony; and
- Deny Variance No. 2019-0003 and Variance No. 2019-0004 subject to findings included therein; and

Attachments:

1. Exhibit A - Location Map
2. Exhibit B - Sign Plans (DD's)
3. Exhibit C - Sign Plans (Ross)
4. Exhibit D - Applicant's Justification & Findings
5. Exhibit E - Photos of the surrounding site