

RESOLUTION NO. 19-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2019-0006) FOR A PROJECT CONSISTING OF A GENERAL PLAN AMENDMENT AND A SPECIFIC PLAN AMENDMENT TO CHANGE THE LAND USE AND ZONING DESIGNATIONS OF 2.17 ACRES OF LAND LOCATED ON THE WEST SIDE OF SYCAMORE AVENUE APPROXIMATELY 700 FEET SOUTH OF RIALTO AVENUE.

WHEREAS, the applicant, Survivor's TR Buchwalter FAM LIV TR, currently owns 2.17 acres of land (APNs: 0131-031-41 & -56) located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue, as described in the legal description attached as Exhibit A, ("Site"); and

WHEREAS, the Site currently contains a General Plan land use designation of Residential 21 (R21) and a zoning designation of Support Commercial (S-C) within the Central Area Specific Plan; and

WHEREAS, the Site is developed with several non-conforming metal industrial buildings along the north and west boundaries, two (2) commercial buildings along the east boundary, pavement in the center, and approximately 0.33 acres of vacant land at the southwest corner; and

WHEREAS, the applicant has had difficulty in securing viable tenants for the non-conforming industrial buildings on-site that conform to the commercial uses allowed by the S-C zone; and

WHEREAS, the applicant proposes to change the General Plan land use designation of the Site from R21 to Business Park (BP) and to change the zoning designation of the Site from S-C to Urban Services (U-S) within the Central Area Specific Plan ("Project") in order to accommodate a wider range of uses that will be compatible with existing metal industrial buildings on-site; and

1 WHEREAS, in conjunction with the Project, the applicant has submitted General Plan
2 Amendment No. 2019-0002 to change the land use designation of the Site, as described in the legal
3 description attached as Exhibit A, from R21 to BP ("GPA No. 2019-0002"); and

4 WHEREAS, in conjunction with the Project, the applicant has also submitted Specific Plan
5 Amendment No. 2019-0001 to change the zoning designation of the Site, as described in the legal
6 description attached as Exhibit A, from Support Commercial (S-C) within the Central Area
7 Specific Plan to Urban Services (U-S) within the Central Area Specific Plan ("SPA No. 2019-
8 0001"); and

9 WHEREAS, the applicant does not propose any physical development in conjunction with
10 the Project; and

11 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
12 Public Resources Code Sections 21000 et. seq. ("CEQA"), the State's CEQA Guidelines,
13 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
14 65962.5(f) (Hazardous Waste and Substances Statement), the City prepared an Initial Study
15 (Environmental Assessment Review No. 2019-0006) and determined that there is no substantial
16 evidence that the approval of the Project would result in a significant adverse effect on the
17 environment; thus, a Negative Declaration was prepared and notice thereof was given in the
18 manner required by law; and

19 WHEREAS, a Notice of Intent to adopt the Negative Declaration for the Project was
20 published in the San Bernardino Sun newspaper, and mailed to all property owners within 300 feet
21 of the Site, and a twenty (20) day public comment period was held from July 17, 2019 to August
22 5, 2019; and

23 WHEREAS, The Planning Division received no public comment letters during the twenty
24 (20) day public comment period; and

25 WHEREAS, the City mailed public hearing notices for the proposed Project to all property
26 owners within 300 feet of the project site, and published the public hearing notice in the San
27 Bernardino Sun newspaper as required by State law; and

1 WHEREAS, on September 11, 2019, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on the Negative Declaration, GPA
3 No. 2019-0002, and SPA No. 2019-0001, took testimony, at which time it received input from
4 staff, the city attorney, and the Applicant; heard public testimony; discussed the proposed Negative
5 Declaration, GPA No. 2019-0002, and SPA No. 2019-0001; and closed the public hearing; and

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

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

9 SECTION 1: The Planning Commission hereby finds all of the above recitals to be true
10 and correct.

11 SECTION 2: The Planning Commission has independently reviewed and considered the
12 proposed Initial Study and Negative Declaration (Environmental Assessment Review No. 2019-
13 0006) attached hereto as Exhibit "B" and incorporated herein by this reference, the public
14 comments upon it, and other evidence and finds that the Negative Declaration was prepared in the
15 manner required by law, and there is no substantial evidence in the record to support a fair
16 argument that the Project would result in a significant adverse effect upon the environment,
17 provided appropriate mitigation measures are imposed as recommended below.

18 SECTION 3: The Initial Study and Negative Declaration prepared for the Project identified
19 that the Site did not have suitable habitat for any threatened or endangered species, and therefore
20 the proposed Project will have no individual or cumulative adverse impacts upon such resources,
21 as defined in Section 711.2 of the State Fish and Game Code.

22 SECTION 4: The attached proposed Initial Study and Negative Declaration finds that there
23 are no impacts or less than significant impacts to aesthetics, agriculture and forestry resources, air
24 quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions,
25 hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources,
26 noise, population/housing, public services, recreation, transportation/traffic, tribal cultural
27 resources, utilities and service systems, and mandatory findings of significance.
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SECTION 5: For the foregoing reasons and based on the information and findings included in the Initial Study and Negative Declaration, Staff Report, public testimony, and all other documents and evidence in the administrative record of proceedings, the Planning Commission has determined that the Project, will not have a significant adverse impact on the environment and also finds that the preparation of the Initial Study and Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission recommends that the City Council certify the Initial Study and Negative Declaration, making certain environmental findings to allow the Project.

SECTION 6: The Chairman of the Planning Commission 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 11th day of September, 2019.



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, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. **19-49** was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 11th day of September 2019.

8 Upon motion of Planning Commissioner Dale Estvander, second by Commissioner Jerry
9 Gutierrez the foregoing Resolution No. **19-49** was duly passed and adopted.
10

11 Vote on the motion:

12 AYES: 7

13 NOES: 0

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 11th day of September 2019.

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Adrianna Martinez, Administrative Assistant

Exhibit "A"

LEGAL DESCRIPTION

GENERAL PLAN AMENDMEN & SPECIFIC PLAN AMENDMENT

LEGAL DESCRIPTION:

300 S. Sycamore Ave. – APN: 0131-031-56

The East one-half of the North 7 acres of Lot 107, according to Map of Town of Rialto and adjoining subdivision, as per plat recorded in book 4 of Maps, page 11, records of San Bernardino County.

Excepting therefrom that portion lying west of a line 270 feet East of and parallel with the West line of Date Street, extended southerly.

Also excepting therefrom the South 75 feet of said land.

Also excepting therefrom the east 32 feet of said land.

322 S. Sycamore Ave. – APN: 0131-031-41

The East ½ of the North 7 acres of Lot 107, Town of Rialto and adjoining subdivisions, in the City of Rialto, County of San Bernardino, State of California, as per plat recorded in Book 4 of Maps, page 11, records of said County.

Excepting therefrom that portion lying West of a line 270 feet East of and parallel with the West line of Date Street extended southerly.

Also excepting therefrom the East 32.0 feet of said land.