

RESOLUTION NO. 19-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2019-0002 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 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. FROM RESIDENTIAL 21 (R21) TO BUSINESS PARK (BP)

WHEREAS, approximately 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"), is currently designated by the Land Use Element of the General Plan as Residential 21; and

WHEREAS, the applicant, Survivor's TR Buchwalter FAM LIV TR, proposes to change the land use designation of the Site from Residential 21 to Business Park ("Project"); and

WHEREAS, in conjunction with the Project, the applicant has also submitted Specific Plan Amendment No. 2019-0001 ("SPA No. 2019-0001") to change the zoning designation of the Site from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan; and

WHEREAS, the Site is developed with several metal buildings of an industrial character 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 proposes to change the land use and zoning designations of the Site to accommodate a wider range of uses that will be compatible with the existing metal buildings on-site; and

WHEREAS, pursuant to Government Code Sections 65350-65362, the Project requires the approval of an amendment to the General Plan, and the applicant has agreed to apply for General Plan Amendment No. 2019-0002 ("GPA No. 2019-0002"); and

1 WHEREAS, pursuant to Government Code Sections 65350-65362, the City Council is
2 authorized to amend the General Plan within the City; and

3 WHEREAS, pursuant to Government Code Sections 65350-65362, the Planning
4 Commission shall hold a public hearing for a proposed amendment to the General Plan and
5 forward a recommendation to the City Council for action; and

6 WHEREAS, on September 11, 2019, the Planning Commission of the City of Rialto
7 conducted a duly noticed public hearing, as required by law, on GPA No. 2019-0002 and SPA
8 No. 2019-0001, took testimony, at which time it received input from staff, the city attorney, and
9 the applicant; heard public testimony; discussed GPA No. 2019-0002 and SPA No. 2019-0001;
10 and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during
17 the public hearing conducted with regard to GPA No. 2019-0002, including written staff reports,
18 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
19 Planning Commission hereby determines that GPA No. 2019-0002 satisfies the requirements of
20 Government Code Sections 65358 pertaining to the findings which must be made precedent to
21 amending a General Plan. The findings are as follows:

- 22
23 1. That the proposed General Plan Amendment is in the public interest.

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

25 The land immediately to the west of the Site similarly contains a development and use (self-
26 storage warehousing) that is compatible with the Business Park land use designation. The
27 existing metal buildings on the Site have remained vacant for many years due to the
28 inconsistency between their industrial nature and the Site's residential land use designation
and commercial zoning designation. The Project will correct the inconsistency between the
land use and zoning designations and will facilitate the leasing of the existing metal

1 buildings on-site. This will result in additional business licenses tax revenue and jobs within
2 the City.

3 SECTION 3. An Initial Study (Environmental Assessment Review No. 2019-0006) has
4 been prepared for GPA No. 2019-0002 in accordance with the California Environmental Quality
5 Act (CEQA). Based on the findings within the Initial Study, staff determined that the project will
6 not have an adverse impact on the environment and a Negative Declaration was prepared. The local
7 newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for
8 the project, and the City mailed the notice to all property owners within 300 feet of the project site
9 for a public comment period held from July 17, 2019 to August 5, 2019. The Negative Declaration
10 was prepared in accordance with CEQA. The Planning Commission hereby recommends that the
11 City Council adopt the Negative Declaration and direct the Planning Division to file the necessary
12 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

13 SECTION 4. The Planning Commission hereby recommends that the City Council
14 approve GPA No. 2019-0002 to change the land use designation of the Site from Residential 21 to
15 Business Park, in accordance with the applications on file with the Planning Division, subject to the
16 following conditions:
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- 18 1. GPA No. 2019-0002 is approved changing the land use designation of approximately
19 2.17 acres of land (APNs: 0131-031-41 & -56) located on the west side of Sycamore
20 Avenue approximately 700 feet south of Rialto Avenue, as described in the legal
21 description attached as Exhibit A, from Residential 21 to Business Park. If the
22 Conditions of Approval specified herein are not satisfied or otherwise completed, the
23 Project shall be subject to revocation.
- 24 2. City inspectors shall have access to the Site to reasonably inspect the Site during
25 normal working hours to assure compliance with these conditions and other codes.
- 26 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
27 officers, or employees from any claims, damages, action, or proceeding against the
28 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 GPA No. 2019-0002. The City will promptly notify the applicant of any
such claim, action, or proceeding against the City, and applicant will cooperate fully
in the defense.

- 1 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
2 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
3 subject to protest by the applicant at the time of approval or conditional approval of
4 the Project or within 90 days after the date of the imposition of the fees, dedications,
5 reservations, or exactions imposed on the Project.
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7 5. The applicant shall comply with all conditions of approval contained in SPA No. 2019-
8 0001, to the extent they are not in conflict with any condition of approval herein.

9 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
10 adoption of this resolution and thereupon the same shall take effect and be in force.

11 PASSED, APPROVED AND ADOPTED this 11th day of September, 2019.

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13 JOHN PEUKERT, CHAIR
14 CITY OF RIALTO PLANNING COMMISSION
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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. **19-50** 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. **19-50** 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.

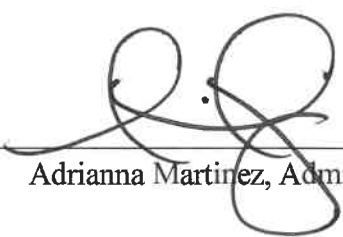
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21 Adrianna Martínez, Administrative Assistant
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Exhibit "A"

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.