

RESOLUTION NO. 19-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT NO. 2019-0001 TO CHANGE THE ZONING 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 SUPPORT COMMERCIAL (S-C) WITHIN THE CENTRAL AREA SPECIFIC PLAN TO URBAN SERVICES (U-S) WITHIN THE CENTRAL AREA SPECIFIC PLAN.

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 within the boundary of the Central Area Specific Plan and is currently zoned Support Commercial (S-C); and

WHEREAS, the applicant, Survivor's TR Buchwalter FAM LIV TR, proposes to change the zoning designation of the Site from Support Commercial (S-C) to Urban Services (U-S) within the Central Area Specific Plan ("Project"); and

WHEREAS, in conjunction with the Project, the applicant has also submitted General Plan Amendment No. 2019-0002 ("GPA No. 2019-0002") to change the land use designation of the Site from Residential 21 to Business Park; 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 zoning and land use 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 Section 18.78.060 of the Rialto Municipal Code, the Project requires the approval of an amendment to the Central Area Specific Plan, and the applicant has agreed to apply for Specific Plan Amendment No. 2019-0001 ("SPA No. 2019-0001"); and

1 WHEREAS, pursuant to Section 18.78.010 of the Rialto Municipal Code, the City
2 Council is authorized to adopt and implement specific plans with the City; and

3 WHEREAS, pursuant to Section 18.78.060E and Section 18.78.060F of the Rialto
4 Municipal Code, the Planning Commission shall hold a public hearing for a proposed
5 amendment to an adopted specific plan and forward a recommendation to the City Council for
6 action; and

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

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

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

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

17 SECTION 2. Based on substantial evidence presented to the Planning Commission during
18 the public hearing conducted with regard to SPA No. 2019-0001, including written staff reports,
19 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
20 Planning Commission hereby determines that SPA No. 2019-0001 satisfies the requirements of
21 Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code
22 pertaining to the findings which must be made precedent to amending a Specific Plan. The findings
23 are as follows:

- 24 1. That the proposed Specific Plan Amendment is consistent with the goals and
25 policies of the General Plan and its purposes, standards and land use guidelines; and

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

27 The current Support Commercial zoning designation of the Site is not compatible with the
28 current Residential 21 land use designation of the Site. The applicant's request to change

1 both the zoning designation of the Site to Urban Services and the land use designation of the
2 Site to Business Park will provide consistency between both the zoning and the land use
3 designations. The Business Park land use designation and the U-S zone both allow for
4 various light industrial uses. The zone change is therefore consistent with the proposed
5 General Plan land use designation.

6 Additionally, the Project and GPA No. 2019-0002 are proposed to facilitate occupancy of
7 several metal buildings of an industrial character that exist on the Site that have remained
8 vacant for many years. Therefore, the Project is consistent with Goal 3-1 of the Economic
9 Development Element of the General Plan, which encourages strengthening and
10 diversification of the economic base and employment opportunities, while maintaining a
11 positive business climate. The change in the zoning designation of the Site from S-C to U-S
12 is consistent with Goal 3-1, as it will lead to the occupancy of several metal buildings of an
13 industrial character that have remained vacant for quite some time because of an
14 incompatible commercial zoning designation.

- 15
16 2. That the proposed Specific Plan Amendment will help achieve a balanced
17 community of all races, age groups, income levels and ways of life; and

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

19 The Project will facilitate the occupancy of several existing metal buildings of an industrial
20 character that have remained vacant for quite some time because of an incompatible
21 commercial zoning designation. This will ultimately provide new job opportunities
22 available to all races, age groups, and ways of life.

- 23 3. That the proposed Specific Plan Amendment results in development of desirable
24 character, which will be compatible with existing and proposed development in the
25 surrounding neighborhood; and

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

27 The Project does not entail any development; however it could lead to the development of
28 the approximately 0.33 acres of vacant land within the site. Any future development
within the U-S zone will be consistent with other U-S developments to the west of the
Site.

- 29 4. That the proposed Specific Plan Amendment contributes to a balance of land uses
30 that will enable local residents to work and shop in the community in which they
live; and

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

32 The Central Area Specific Plan is comprised of four (4) land use types, Residential, Office,
Retail, and Light Industrial. The Retail and Office uses dominate the frontage of Riverside
Avenue, which is one block to the west of the Site. Riverside Avenue is the only major

arterial street that runs through the Central Area Specific Plan. As such, it attracts all of the commercial uses. Any lands to the east or west of the Riverside Avenue street frontage suffers from lower vehicle trips and therefore are not conducive to commercial development or uses. Thus is the reason for the applicant's request to change the zoning designation of the Site from S-C to U-S. Maintaining non-retail commercial uses and/or light industrial uses to the west or east of Riverside Avenue contributes toward balancing the land uses within the Central Area Specific Plan area. Additionally, it will also provide added employment opportunities to the City by allowing for industrial uses within existing buildings that are industrial in nature.

5. That the proposed Specific Plan Amendment respects the environmental and aesthetic assets of the community consistent with economic realities; and

This finding is supported by the following facts:

Planning staff prepared an Initial Study (Environmental Assessment Review No. 2019-0006) to assess the potential environmental impacts of the proposed project, in accordance with the requirements of the California Environmental Quality Act (CEQA). Based on the findings and within the Initial Study, staff determined that the project will not have an adverse impact on the environment.

6. That the proposed Specific Plan Amendment incorporates, where feasible, active and passive energy conservation measures.

This finding is supported by the following facts:

The Project does not entail any development. Any future developments and/or tenant improvements located within the Site will be required to meet all of the latest energy requirements with Title 24 of the California Building Code.

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

1 City Council adopt the Negative Declaration and direct the Planning Division to file the necessary
2 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

3 SECTION 4. The Planning Commission hereby recommends that the City Council
4 approve SPA No. 2019-0001 to change the zoning designation of the Site from Support
5 Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central
6 Area Specific Plan, in accordance with the applications on file with the Planning Division, subject
7 to the following conditions:
8

- 9 1. SPA No. 2019-0001 is approved changing the zoning designation of approximately 2.17
10 acres of land (APNs: 0131-031-41 & -56) located on the west side of Sycamore Avenue
11 approximately 700 feet south of Rialto Avenue, as described in the legal description
12 attached as Exhibit A, from Support Commercial (S-C) within the Central Area Specific
13 Plan to Urban Services (U-S) within the Central Area Specific Plan. If the Conditions of
Approval specified herein are not satisfied or otherwise completed, the Project shall be
subject to revocation.
- 14 2. City inspectors shall have access to the Site to reasonably inspect the Site during
15 normal working hours to assure compliance with these conditions and other codes.
- 16 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
17 officers, or employees from any claims, damages, action, or proceeding against the
18 City or its agents, officers, or employees to attack, set aside, void, or annul any
19 approval of the City, its advisory agencies, appeal boards, or legislative body
concerning SPA No. 2019-0001. The City will promptly notify the applicant of any
20 such claim, action, or proceeding against the City, and applicant will cooperate fully
in the defense.
- 21 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
22 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
23 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,
24 reservations, or exactions imposed on the Project.
- 25 5. The applicant shall comply with all conditions of approval contained in GPA No. 2019-
26 0002, to the extent they are not in conflict with any condition of approval herein.
27
28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. 19-51 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. 19-51 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.
17

18
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20 
Adrianna Martinez, Administrative Assistant

SECTION 5. 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

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.