



# City of Rialto

## Legislation Details (With Text)

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**File created:** 5/22/2019    **In control:** Planning Commission

**On agenda:** 5/29/2019    **Final action:**

**Title:** Conditional Development Permit No. 2017-0024: A request to allow the development and operation of a used car dealership with incidental vehicle service and repairs, that will include the construction of a 4,381 square foot sales and service building, on 1.46 acres of land (APN: 0254-091-13) located at the southwest corner of Valley Boulevard and Lilac Avenue within the Industrial Park (I-P) zone of the Gateway Specific Plan. This project is categorically exempt pursuant to Section 15303 (New Construction of Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

Variance No. 2018-0007: A request to allow a variance from Section 18.35.030B of the Rialto Municipal Code to reduce the minimum required street-side landscape setback from 25 feet to 13.5 feet, as it relates to a proposal to develop a used car dealership with incidental vehicle service and repairs on 1.46 gross acres of land (APN: 0254-091-13) located at the southwest corner of Valley Boulevard and Lilac Avenue within the Industrial Park (I-P) zone of the Gateway Specific Plan. This project is categorically exempt pursuant to Section 15303 (New Construction of Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map, 2. Exhibit B - Site Plan, 3. Exhibit C - Floor Plan, 4. Exhibit D - Elevations, 5. Exhibit E - Conceptual Landscape Plan, 6. Exhibit F - Notice of Exemption, 7. Exhibit G - Draft Resolution for VAR No. 2018-0007, 8. Exhibit H - Draft Resolution for CDP No. 2017-0024

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of May 29, 2019

**TO:** Honorable Chairman and Planning Commissioners

**APPROVAL:** Robb Steel, Assistant CA/Director of Development Services

**FROM:** Daniel Casey, Senior Planner

**Conditional Development Permit No. 2017-0024:** A request to allow the development and operation of a used car dealership with incidental vehicle service and repairs, that will include the construction of a 4,381 square foot sales and service building, on 1.46 acres of land (APN: 0254-091-13) located at the southwest corner of Valley Boulevard and Lilac Avenue within the Industrial Park (I-P) zone of the Gateway Specific Plan. This project is categorically exempt pursuant to Section 15303 (New Construction of Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

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**APPLICANT:**

Liskanich-Stevens Trust 12-2-04, 886 W. Foothill Boulevard, Suite G, Upland, CA 91786

**LOCATION:**

The project site consists of one (1) parcel of land located at the southwest corner of Valley Boulevard and Lilac Avenue (APN: 0254-091-13) (Refer to the attached Location Map (**Exhibit A**)).

**BACKGROUND:**

*Surrounding General Plan Land Use Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	Business Park with a Specific Plan Overlay (Gateway SP)
North	General Commercial with a Specific Plan Overlay (Gateway SP)
East	Business Park with a Specific Plan Overlay (Gateway SP)
South	Business Park with a Specific Plan Overlay (Gateway SP)
West	Business Park with a Specific Plan Overlay (Gateway SP)

*Surrounding Zoning Designations*

<b>Location</b>	<b>Zoning</b>
Site	Industrial Park (I-P) (Gateway SP)
North	Freeway Commercial (F-C) (Gateway SP)
East	Industrial Park (I-P) (Gateway SP)
South	Industrial Park (I-P) (Gateway SP)
West	Industrial Park (I-P) (Gateway SP)

*Site Characteristics*

The project site is a relatively flat, rectangular-shaped piece of land comprised of one (1) parcel. The parcel is 1.46 gross acres in size with approximate dimensions of 288 feet (east-west) by 220 feet (north-south). The property is entirely undeveloped and covered only with natural grasses. The project site is bound by Valley Boulevard to the north and Lilac Avenue to the east.

*Surrounding Area*

To the north of the project site, across Valley Boulevard, is the Joe Baca Middle School, and to the east is a three-story motel (Days Inn). To the south are various industrial developments, and to the west is an Enterprise Rent-A-Car establishment, which conducts vehicle rental, sales, and service. The zoning of the project site and the properties to the east, south, and west is Industrial Park (I-P) within the Gateway Specific Plan. The zoning of the property to the north is Freeway Commercial (F-

C) within the Gateway Specific Plan.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Liskanich-Stevens Trust 12-2-04, the applicant, proposes to develop a used car dealership on the project site. This will include the construction of 4,381 square foot sales and service building and associated paving, drainage, lighting, fencing, and landscaping. The applicant intends to construct the project and then lease the property to Sus Amigos Auto Center. Sus Amigos Auto Center will sell used cars, SUV's, and pickup trucks from 9:00 a.m. to 9:00 p.m. seven days a week. Sus Amigos Auto Center will also offer vehicle detailing services and minor vehicle maintenance/repair services, such as oil changes, brakes, etc.

### *Entitlement Requirements*

Per Section 18.35.020 (Permitted Uses (I-P Zone)) of the Rialto Municipal Code, the development and operation of a used car dealership with incidental vehicle service and repair within three-hundred (300) feet of a public educational facility and within the I-P zone is subject to the approval of a Conditional Development Permit. The applicant complied with this requirement and filed a Conditional Development Permit application on June 14, 2017.

### *Site Design*

According to the site plan (**Exhibit B**), the applicant will construct the building in the center of the project site. The proposed layout places the display vehicles along the edges of the property for visibility from Valley Boulevard and Lilac Avenue. The layout also designates employee/customer parking along the north side of the building and designates space at the rear of the building for the parking of vehicles receiving service. Access to the site will come from one (1) thirty (30) foot wide driveway connected to Valley Boulevard, and one (1) twenty-six (26) foot wide driveway connected to Lilac Avenue. Lastly, the applicant will provide landscape planters around the perimeter of the building and the project site itself.

### *Floor Plan*

The floor plan (**Exhibit C**) indicates that the building will consist of approximately 2,821 square feet of show room/office space and approximately 1,560 square feet of vehicle service bay space. The show room/office space will occupy the east side of the building, and the service bay will occupy the west side of the building. The service bay will have four (4) roll up doors on the south side of the building oriented away from the public's view. The applicant will place the main entrance to the building on the north side of the sales office for convenient access to the customer/employee parking lot, along with three (3) secondary/emergency exits on the south side of the building.

### *Architectural Design*

The proposed building will feature significant vertical and horizontal exterior articulation in the form of building massing, projected wall segments, and height variations on all sides of the building that are visible from the public right-of-way. As shown on the elevations (**Exhibit D**), the building height ranges from thirteen (13) feet to twenty-six (26) feet from the finished grade. The exterior of the building will consist of concrete plastered walls with smooth finishes, as well as modern architectural windows. The building will consist of five (5) different colors with the main attractive color being white, and supporting complimentary colors being black and brown. Other architectural features of the building include complimentary mental panels and modern landscape planters in the front of the building.

*Parking*

The development will have eighty-seven (87) parking spaces, including two (2) ADA accessible parking spaces - fifty (50) for vehicle display, fifteen (15) for customers/employees, and twenty-two (22) for vehicles in service. This quantity exceeds the minimum parking requirement as shown in the parking calculation chart below and as required by Section 18.58.050I(5) of the Rialto Municipal Code, which requires one (1) parking space for every 300 square feet of gross floor area of the building:

<b>Type of Use</b>	<b>Floor Area (square feet)</b>	<b>Parking Ratio</b>	<b>Number of spaces required</b>
<u>Motor Vehicle Sales &amp; Service</u>	4,381	1 / 300	15
Ground Floor			
Total Required/Total Provided			<b>15/87</b>

*Landscaping*

The landscape coverage for the project is 17.9 percent, which exceeds the minimum required amount of 10.0 percent. This includes a 13.5 foot landscape setback along Valley Boulevard, a 25.25 foot landscape setback along Lilac Avenue, as well as planters around the perimeter of the building and the interior perimeter of the project site. All of the landscape planters will feature a variety of trees spaced every 30 feet and an abundant amount of shrubs and ground cover (**Exhibit E**).

*Variance No. 2018-0007 / Landscape Setback*

The minimum depth of the landscape setback proposed along Valley Boulevard is 13.5 feet, while the I-P zone requires a minimum landscape setback depth of 25 feet along public streets. The depth of the landscape setback along Valley Boulevard is 11.5 feet less than that required in I-P zone.

The project site is constrained by two (2) public streets to the north and the east, as well as existing developments to the south and west. Strict enforcement of the minimum depth of the landscape setback will prevent the applicant from providing not only a layout that is functional but also the highest quality design. The incorporation of twenty-five (25) foot setback along Valley Boulevard will likely result in the loss of other areas of landscaping on-site, including a raised planter/vehicle display concept on the north side of the building, thereby reducing the quality of the design. The applicant cannot reduce the widths of the drive-aisles, as these currently meet the minimum standard required by the Fire Department, and eliminating the row of vehicle display spaces along the Valley Boulevard frontage will greatly impact the project's ability to be successful.

Several other properties in the area do not currently meet the 25-foot street-side landscape setback. For instance, the Planning Commission approved Variance No. 660 in 1998 allowing a reduced street-side landscape setback of 13 feet along Valley Boulevard for a gas station located approximately one-half (0.5) mile to the east of the Site. Furthermore, the Days Inn Motel directly east of the Site has a landscape setback along Valley Boulevard with a depth of approximately 18 feet and a landscape setback along Lilac Avenue with a depth of approximately 9 feet, despite no record of a variance. Therefore, a street-side landscape setback with a depth of 13.5 feet will not be out of character with other street-side landscape setbacks in the area.

The purpose of a variance is to provide flexibility to prevent practical difficulties or unnecessary hardships that occur through the strict interpretation of development standards. The following findings from Section 16.64.020 of the RMC must be made prior to Planning Commission approval of the Variance:

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.

*Strict enforcement of the minimum landscape setback of 25 feet required by the I-P zone will prevent the applicant from providing the highest quality design of the site. With a reduced landscape setback of 13.5 feet, the applicant will be able to design a site that can accommodate proper parking and on-site traffic, while also appear aesthetically pleasing.*

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 proposed development offers the highest and best use of the property under the current zoning. However, given the relatively small size of the Site (1.46 gross acres), a reduction to the 25 foot minimum street-side landscape setback is necessary in order to develop a viable used car dealership with adequate space for on-site parking and traffic control. Without a variance, the applicant cannot design and construct a viable used car dealership on the site, thereby giving an unfair advantage to other nearby developments not restricted by the 25-foot street-side landscape setback.*

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 13.5 foot difference in the depth of the street-side landscape setback is negligible considering the depths of the existing street-side landscape setbacks in the vicinity. Granting the variance will not be detrimental or injurious to the public welfare or to the property, as the proposed depth of the landscape setback along Valley Boulevard is still more than adequate to ensure the planting of an abundance of trees, shrubs, and groundcover to help soften views of the Development as seen from the public-right-of-way. In spite of the variance, the Development will still provide the City with street and sidewalk improvements and all other health and safety requirements consistent with the General Plan and the Gateway Specific Plan.*

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

*Granting the variance will facilitate the development of a high-quality used car dealership that is consistent with the General Plan Land Use Element Goal 2-22, which requires the City to "Promote commercial and/or industrial development planned that is well designed, people oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose".*

Planning staff concludes that the project meets all of the findings required for the Variance request,

as documented above.

#### *Development Review Committee*

The Development Review Committee (DRC) reviewed the project on July 12, 2017. The DRC recommended approval of the project subject to the applicant revising the dimensions of the parking spaces and providing additional architectural features to the building. The applicant incorporated each of the DRC's revisions into the project plans attached to the agenda report. After Planning Commission review of the variance request, the project will return to the Development Review Committee for finalization of all Precise Plan of Design development-related conditions.

#### *Land Use Compatibility*

The project and its design are consistent with the Industrial Park (I-P) zone of the Gateway Specific Plan and the Design Guidelines contained within Chapter 18.61 of the Rialto Municipal Code. The nearest sensitive use is the Joe Baca Middle School located to the north of the project site. The development and operation of project will not significantly affect this sensitive use since measures, such as the installation of landscaping and the incorporation of a condition of approval requiring all service and repair operation to be conducted within the enclosed building, will reduce both noise and visual impacts generated by the project. The project will provide a benefit to the community and improve the surrounding area.

#### *Fiscal Analysis*

Prior to completion of the project, the applicant will pay plan check, permit, and development impact fees to the City. Additionally, the value of the new commercial development will increase the value of the land, which will result in increased property tax collection from the County of San Bernardino, of which the City will receive a portion. Sales tax generated by the used car dealership will also result in additional tax revenue distributed to the City. Furthermore, the project will generate approximately 10 to 15 jobs, increasing employment opportunities for City of Rialto residents.

### **GENERAL PLAN CONSISTENCY:**

The project is consistent with the following goals of the Land Use Element and Economic Development Element of the Rialto General Plan:

**Goal 2-16:** Improve the architectural and design quality of development in Rialto.

**Goal 2-22:** Promote commercial and/or industrial development that is well designed, people-oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose.

**Goal 3-1:** Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

### **ENVIRONMENTAL IMPACT:**

#### *California Environmental Quality Act*

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures. Class 3 allows for the exemption of a project consisting of the construction of up to four (4) commercial structures not exceeding a total floor area of 10,000 square feet. The project involves the

construction of one (1) 4,381 square foot commercial structure, thereby qualifying the project for a Class 3 exemption. A completed Notice of Exemption form is attached to agenda report (**Exhibit F**).

**PUBLIC NOTICE:**

The City mailed a public hearing notice for the proposed project to all property owners within 300 feet of the project site, posted a copy of the public hearing notice on a large notification sign on the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

**RECOMMENDATION:**

The Planning Division recommends that the Planning Commission:

- Adopt the attached Resolution (**Exhibit H**) to approve Conditional Development Permit No. 2017-0024 to allow the development and operation of a used car dealership with incidental vehicle service and repairs, to include the construction of a 4,381 square foot sales and service building, subject to the findings and conditions therein; and
- Adopt the attached Resolution (**Exhibit G**) to approve Variance No. 2018-0007 to reduce the minimum required street-side landscape setback from 25 feet to 13.5 feet, as it relates to a proposal to develop a used car dealership with incidental vehicle service and repairs, subject to the findings and conditions therein.
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