



City of Rialto

Legislation Text

File #: 21-0884, Version: 1

For City Council Meeting [December 14, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Sean M. Moore, AICP, Director of Community Development

Request City Council to consider an Extension of Time for a Non-Conforming Grocery Store Located at 1612 West Merrill Avenue to be in Existence and Operate within a Residential Zone and adopt **Resolution No. 7815.**

(ACTION)

BACKGROUND:

The owner of a grocery store is requesting the extension of the non-conforming status of the property at 1612 West Merrill Avenue. The site is a 2.19-acre parcel of land located on the north side of Merrill Avenue approximately 630 feet west of Linden Avenue within the R-1A zone.

Prior to annexation into the City of Rialto in 1973, the existing grocery store located at 1612 West Merrill Avenue developed in 1971 in compliance with County of San Bernardino requirements. The site is partially developed and consists of an existing residential dwelling structure, the existing grocery store and associated paved parking area. With exception of the westerly 20 feet of property frontage, street improvements were also constructed with grocery store development in compliance with the County standards at that time.

Upon annexation the property was zoned R-1A (Single-Family Residential) subject to the provisions for nonconforming uses contained in Chapter 18.60 of the Rialto Municipal Code.

In 1982, 153 neighboring residents submitted a petition to the City requesting that the grocery store be allowed to continue operation. On January 5, 1982, the City Council adopted Resolution No. 2401 (**Exhibit A**) allowing the grocery store to remain for forty (40) years until January 5, 2022.

ANALYSIS/DISCUSSION:

The owner has requested that the City consider an extension of time to allow the non-conforming use to remain in existence for an additional 40 year period.

The grocery store use and structure remain the same today as they were back in 1982 and the City has not received any applications or requests proposing change to the existing site or use.

Staff is not aware of any opposition to the continuance of the neighborhood grocery store and has verified that there are no open violations or concerns with the Rialto Police Department. The owner's request for extension was discussed and supported by the Economic Development Committee (EDC) on August 12, 2021.

Additionally, the property owner conducted a petition regarding the continuance of the existing grocery store use. In all, the property owner obtained 658 signatures in support of the grocery store, of which, 34 were confirmed to be associated to properties within a 500-foot radius around the existing grocery store.

ENVIRONMENTAL IMPACT:

The request is not a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

LEGAL REVIEW:

The City Attorney has reviewed and recommends approval of the staff report.

FINANCIAL IMPACT

There is no Financial Impact for this request.

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution (**Exhibit B**) allowing the continued operation of the existing non-conforming grocery store for another 40 years until January 5, 2062.