



# City of Rialto

## Legislation Details (With Text)

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**Type:** Agenda Item    **Status:** Agenda Ready  
**File created:** 9/26/2019    **In control:** City Council  
**On agenda:** 10/22/2019    **Final action:**  
**Title:** Request City Council to Set a Public Hearing for November 12, 2019 to consider (1) General Plan Amendment No. 2019-0002, which is a request to change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP), (2) Specific Plan Amendment No. 2019-0001, which is a request to change the zoning designation of approximately 2.17 acres of land from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan, and (3) a Negative Declaration (Environmental Assessment Review No. 2019-0006) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The site for this project is located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map, 2. Exhibit B - Land Use Exhibit, 3. Exhibit C - Zoning Exhibit, 4. Exhibit D - Neighborhood Meeting Flyer, 5. Exhibit E - Neighborhood Meeting Attendance Sheet, 6. Exhibit F - Planning Commission Staff Report 9-11-2019.pdf, 7. Exhibit G - Planning Commission Resolution No. 19-49 (EAR 2019-0006).pdf, 8. Exhibit H - Planning Commission Resolution No. 19-50 (GPA 2019-0002).pdf, 9. Exhibit I - Planning Commission Resolution No. 19-51 (SPA 2019-0001).pdf, 10. Exhibit J - Initial Study, 11. Exhibit L - Legal Description, 12. Exhibit K - Notice of Public Hearing- Time.pdf

Date	Ver.	Action By	Action	Result
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For City Council Meeting [October 22, 2019]

TO: Honorable Mayor and City Council

REVIEWED BY: Rod Foster, City Administrator

FROM: Sean Grayson, Acting Public Works Director

Request City Council to Set a Public Hearing for **November 12, 2019** to consider (1) **General Plan Amendment No. 2019-0002**, which is a request to change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP), (2) **Specific Plan Amendment No. 2019-0001**, which is a request to change the zoning designation of approximately 2.17 acres of land from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan, and (3) a Negative Declaration (**Environmental Assessment Review No. 2019-0006**) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The site for this project is located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue.

**BACKGROUND:**

*Applicant*

Survivor's TR Buchwalter FAM LIV TR, 300 S. Sycamore Avenue, Rialto, CA 92376.

#### *Location*

The project site consists of two (2) parcels of land (APNs: 0131-031-41 & -56) located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue (Refer to the attached Location Map (**Exhibit A**)).

#### *Surrounding General Plan Land Use Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	Residential 21 (12.1 - 21.0 du/acre)
North	Residential 21 (12.1 - 21.0 du/acre)
East	Residential 6 (2.1 - 6.0 du/acre)
South	Residential 12 (6.1 - 12.0 du/acre)
West	Downtown Mixed-Use

#### *Surrounding Zoning Designations*

<b>Location</b>	<b>Zoning</b>
Site	Support Commercial (S-C) (Central Area SP)
North	Support Facilities (S-F) (Central Area SP)
East	Single-Family Residential (R-1C)
South	Multi-Family Residential (MFR) (Central Area SP)
West	Urban Services (U-S)

#### *Site Characteristics*

The project site is a generally square-shaped piece of land comprised of two (2) parcels. Altogether, the project site is approximately 2.17 acres in size with approximate dimensions of 305 feet (east-west) by 300 feet (north-south). The project site contains 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.

#### *Surrounding Area*

The project site is bound on the north by the Burlington Northern and Santa Fe Railway (BNSF) rail line, and on the east by Sycamore Avenue. To the north, across the BNSF rail line, is a Sprint telecommunications switch center, and to the east, across Sycamore Avenue, is the Templo Bautista Monte Calvario church. To the south is a private alley and several single-family residences, and to the west is a self-storage facility.

### **ANALYSIS/DISCUSSION:**

#### *Project Proposal*

Survivor's TR Buchwalter FAM LIV TR, the applicant, proposes to change the General Plan land use designation of the project site from Residential 21 (R21) to Business Park (BP), and to change the zoning designation of the project site from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan. As previously mentioned, the

project site contains several non-conforming metal buildings of an industrial nature despite having a residential land use designation and a commercial zoning designation. Given the industrial nature of the metal buildings on-site, the applicant has had difficulty in finding viable tenants that conform to the commercial uses allowed by the S-C zone. According to the applicant, the land use and zoning changes are necessary to facilitate the complete leasing of the property. No new development is proposed as a part of the project.

It is uncertain why the zoning and land use designations of the project site are inconsistent with one another, as well as with the type of buildings that exist on-site. Nevertheless, the applicant's request will simultaneously address the inconsistency and accommodate a wider range of uses that are typically compatible with the existing metal buildings. Such uses may consist of auto repair, auto sales, warehousing for storage purposes, any use permitted by the prior S-C zone, etc.

*General Plan Amendment No. 2019-0002 & Specific Plan Amendment No. 2019-0001*

A General Plan Amendment and a Specific Plan Amendment to the Central Area Specific Plan are necessary to facilitate the requested land use and zoning changes to the project site. A General Plan land use designation of Business Park (BP) and a zoning designation of Urban Services (U-S) are the most logical designations to accommodate the type of industrial users that would best be suited by the existing industrial-natured buildings within the project site.

The alternative to changing the land use and zoning designations of the project site is to leave the existing designations as is. This will result in leaving the existing metal buildings empty and would require the existing property owner to continue to pursue commercial tenants for buildings that are industrial in nature. The metal buildings on the project site have been vacant for many years, and the property immediately adjacent to west of the project site contains similar designations and a compatible storage use. For these reasons, staff supports the applicant's request to change the land use designation of the project site to BP and the zoning designation to U-S.

Exhibits demonstrating the existing and proposed General Plan land use designations and the zoning designations of the project site are attached to the staff report as **Exhibits B-C**.

*Economic Development Committee*

The Economic Development Committee (EDC) reviewed the project on February 27, 2019 and again on May 15, 2019. At its first meeting, the EDC recommended that staff and the applicant conduct a neighborhood meeting to introduce the project to public residing in the surrounding area. At its second meeting, the EDC expressed support for the project, and recommended the applicant to file the necessary applications.

*Neighborhood Meeting*

On March 25, 2019, the Planning Division held a neighborhood meeting regarding the project, as directed by the EDC. The meeting took place in the Sanctuary Hall of the Templo Bautista Monte Calvario church located at 311 S. Sycamore Avenue. Staff mailed flyers (**Exhibit D**) to all forty-four (44) property owners within 300 feet of the project site. Three (3) residents attended the meeting. The attendance sheet is included as **Exhibit E**. The attendees did not express any opposition to the project. The main issue of concern centered around vagrancy in the immediate area, particularly within the private alley to the south of the project site. Staff and the applicant responded by explaining that the applicant does not own/control the private alley, but that the placement of permanent tenants within the currently vacant buildings on-site may create a deterrent for vagrants that loiter near project site. The attendees did not provide any written comments at the meeting.

### *Planning Commission*

On September 11, 2019, the Planning Commission held a public hearing and considered oral and written testimony for General Plan Amendment No. 2019-0002, Specific Plan Amendment No. 2019-0001, and the associated Negative Declaration (Environmental Assessment Review No. 2019-0006). After consideration, the Planning Commission voted 7-0 to recommend approval of the project to the City Council. The staff report from the September 11, 2019 meeting and the adopted Planning Commission Resolutions are attached (**Exhibits F - I**).

### **ENVIRONMENTAL IMPACT:**

#### *California Environmental Quality Act*

The Planning Division prepared an Initial Study (Environmental Assessment Review No. 2019-0006) for the project to assess the potential environmental impacts of the proposed project, in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study is attached to the agenda report (**Exhibit J**). 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 City published a Notice of Intent to adopt the Negative Declaration for the project in the *San Bernardino Sun* newspaper and mailed it to all property owners within 300 feet of the project site. A twenty (20) day public comment period took place from July 17, 2019 to August 5, 2019. The City received no public comment letters during the public comment period.

#### *Native American Tribal Consultation (Assembly Bill 52 and Senate Bill 18)*

In accordance with California Assembly Bill 52 and California Senate Bill 18, the Planning Division mailed notices to nine (9) Native American tribes informing them of the project and allowing them to request consultation on the project. The tribes were given ninety (90) days, from June 11, 2019 to September 9, 2019 to request consultation on the proposed project. Several tribes responded to the notification, however, none of the tribes requested formal consultation during the period.

### **GENERAL PLAN CONSISTENCY:**

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

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

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and the attached Notice of Public Hearing (**Exhibit K**)

### **FINANCIAL IMPACT:**

#### Operating Budget Impact

The project may facilitate the leasing of buildings, which have remained vacant for the last several years. This could result in an increase in Business License and Sales Tax revenues collected by the City. The project may also facilitate the development of the remaining vacant land within the project site. This could result in the collection of plan-check fees, permit fees, and development impact fees from a future development.

#### Capital Improvement Budget Impact

The project does not include any development, therefore there are no financial costs associated with the project. No City funds will be used to complete the project.

#### Business License

Future tenants facilitated by the project will obtain business licenses from the Licensing Division prior to establishing. The license fees will be charged at the required rates on the applicable fee schedule at the time of establishment.

#### **RECOMMENDATION:**

Staff recommends that the City Council Set a Public Hearing for November 12, 2019, to consider:

- Adoption of the Negative Declaration (Environmental Assessment Review No. 2019-0006) prepared for the proposed project; and
- General Plan Amendment No. 2019-0002 to change the land use designation of approximately 2.17 acres of land, as described in the legal description attached as **Exhibit L**, from Residential 21 to Business Park; and
- Specific Plan Amendment No. 2019-0001 to change the zoning designation of approximately 2.17 acres of land, as described in the legal description attached as **Exhibit L**, from Support-Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan.