



City of Rialto

Legislation Details (With Text)

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On agenda: 5/13/2020 **Final action:**
Title: Zoning Code Amendment No. 2020-0002: An Ordinance to amend various provisions of the Rialto Municipal Code to eliminate the Development Review Committee (DRC), delegate its authority to approve Precise Plan of Design applications to the Planning Commission and Community Development Director, and make corresponding amendments, and to repeal Resolution No.2507.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Draft Ordinance.pdf, 2. Exhibit B - Draft Resolution for ZCA No. 2020-0002

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of May 13, 2020

TO: Honorable Chairman and Planning Commissioners

APPROVAL: Matt Schneider, Community Development Director

FROM: Daniel Casey, Senior Planner

Zoning Code Amendment No. 2020-0002: An Ordinance to amend various provisions of the Rialto Municipal Code to eliminate the Development Review Committee (DRC), delegate its authority to approve Precise Plan of Design applications to the Planning Commission and Community Development Director, and make corresponding amendments, and to repeal Resolution No.2507.

BACKGROUND:

On February 20, 1979, the City adopted Resolution No. 2093 establishing the Design Review Committee (DRC) with the intent to ensure that development within the City follows all design standards and city ordinances and regulations. The DRC originally was designated to consist of the Planning Director, Community Services Director, Police Chief, Fire Chief and Chief Building Official or their designees. Resolution No. 2093 authorized the DRC to approve Precise Plans of Design (PPD) for the development of one (1) or more dwelling units in any residential zone and of new or expanded uses in any commercial, industrial or other zones. The Resolution further set forth the information required to be provided by any applicant seeking a PPD and the basis for the DRC to approve any such PPD. Subsequently, after Resolution No. 2093 expired, the City adopted Resolution No. 2326 on April 21, 1981 and Resolution No. 2507 on April 5, 1983 continuing the establishment of the DRC.

Concerns have been raised about whether the DRC has expanded the scope of its authority, has appropriately been entrusted to address CEQA issues, complied with the requirements and spirit of

the Brown Act, and applied city rules and standards consistently. To this end, the City Council directed staff and the City Attorney to prepare an Ordinance to eliminate the DRC and develop a new review and approval procedure for consideration of PPDs.

ANALYSIS/DISCUSSION:

Proposed Ordinance

The proposed Ordinance is included as **Exhibit A** and shows the recommended textual changes to the Rialto Municipal Code. Additions are shown in ***bold italics*** and deletions in ~~strikethroughs~~.

In summary, the proposed Ordinance will:

- Amend various provisions of the Rialto Municipal Code to eliminate all references to the Development Review Committee (DRC) and replace it with the Planning Commission or Community Development Director; and,
- Add Chapter 18.65 (Precise Plan of Designs) to the Rialto Municipal Code establishing the requirements, content, and process for Precise Plan of Design applications.

The new Ordinance will not affect when a PPD is required. A PPD will still be required for the development of one (1) or more dwelling units in any residential zone and of new or expanded uses in any commercial, industrial or other zones. However, the Ordinance will establish a new review process for PPD's whereby development projects that solely require a PPD and qualify for a California Environmental Quality Act (CEQA) exemption will be reviewed and considered by the Community Development Director, while development projects that require other land use entitlements in addition to a PPD or do not qualify for a CEQA exemption, will have their PPD reviewed and considered concurrently by the Planning Commission. Decisions on PPD's reviewed by the Community Development Director will be appealable to the Planning Commission, while decisions on PPD's reviewed by the Planning Commission will be appealable to the City Council.

The Ordinance will streamline the approval process for PPD's by allowing projects with a PPD and other entitlements to be reviewed and approved concurrently by the Planning Commission in a public hearing, as opposed to separate Planning Commission and DRC meetings. Less complex and more routine projects which only require approval of a PPD and a CEQA exemption will be reviewed and approved administratively by the Community Development Director.

Economic Development Committee

The Economic Development Committee (EDC) reviewed the proposed Ordinance on January 29, 2020. At its meeting, the EDC expressed support for the proposed Ordinance, and recommended that it move forward for consideration by both the Planning Commission and the City Council.

GENERAL PLAN CONSISTENCY:

The proposed Ordinance will create a public review process for Precise Plan of Designs and serve to ensure high-quality development within the City that complies with all City ordinances and regulations. As such, it is consistent with the following City of Rialto General Plan policies:

Guiding Principle: Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do

business.

ENVIRONMENTAL IMPACT:

The adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA). Pursuant to Section 15378 of the California Environmental Quality Act, 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. A project does not include:

- Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

The Planning Division will file a Notice of Exemption with the Clerk of the Board of San Bernardino County in accordance with CEQA upon completion of the Ordinance.

PUBLIC NOTICE:

The City published a public hearing notice for proposed Ordinance in the *San Bernardino Sun* newspaper and posted a copy of the public hearing notice outside the Council Chambers, City Clerk's Office, and Grace Vargas Senior Center, as required by State law.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission:

- Adopt the attached Resolution (**Exhibit B**) forwarding to the City Council a recommendation to approve the proposed Ordinance to amend various provisions of the Rialto Municipal Code eliminating references to the Development Review Committee (DRC), delegate its authority to approve Precise Plan of Design applications to the Planning Commission and Community Development Director, and make corresponding amendments, and to repeal Resolution No. 2507.