



# City of Rialto

## Legislation Text

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**File #:** EDC-21-0380, **Version:** 2

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### City Council Resolution No. 2401 - 1612 West Merrill Avenue Non-Conforming Status Extension Request

The owner of a convenience 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 convenience market and associated paved parking area. With exception of the westerly 20 feet of property frontage, street improvements were also constructed with convenience market development in compliance with the County standards at that time.

Upon annexation in 1982, 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.

At the time, 153 neighboring residents submitted a petition to the City requesting that the grocery store be allowed to continue operation.

Attached is a copy of Resolution No. 2401 of the City Council adopted on January 5, 1982. The document allowed the convenience market to remain for forty (40) years until January 5, 2022.

The convenience market use and structure are 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 support nor opposition to the continuance of the neighborhood convenience market and has verified with the Rialto Police Department that there are no but only the owner request for continued operations.

If it is the Council's pleasure that the convenience market remain, Council can rescind the resolution (or allow it to lapse) and then recognize that it's a legal non-conforming use under the code. If the Council wishes to uphold the resolution, then they can direct staff on enforcing the resolution.

### **RECOMMENDATION:**

It is recommended that EDC review the extension request and provide general direction to staff.