



PUBLIC HEARING

City of San Bernardino Request for Council Action

Date: August 21, 2024
To: Honorable Mayor and City Council Members
From: Rochelle Clayton, Interim City Manager
Gabriel Elliott, Director of Community Development & Housing
Department: Community Development & Housing
Subject: **Appeal 24-03 for Development Permit Type-P 22-05
(Ward 3)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Adopt Resolution No. 2024-181 of the Mayor and City Council of the City of San Bernardino, California, denying Appeal 24-03 thereby upholding Planning Commission's denial of Development Permit Type-P 22-05 to allow the development, establishment, and operation of a truck and trailer parking facility on a parcel containing approximately 2.90 acres, located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue (APN: 0142212-22) within the Industrial Light (IL) zone (Attachment 1).

OR

2. Adopt Resolution No. 2024-182 of the Mayor and City Council of the City of San Bernardino, California, granting Appeal 24-03 of the Planning Commission's denial, thereby approving Development Permit Type-P 22-05 to allow the development, establishment, and operation of a truck and trailer parking facility on a parcel containing approximately 2.90 acres, located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue (APN: 0142-212-22) within the Industrial Light (IL) zone; and finding the project subject to a Categorical Exemption under the California Environmental Quality Act (Attachment 6).

Executive Summary

Staff is providing the City Council with two Resolutions to approve or deny the appeal of a project denied by the Planning Commission and appealed to the City Council by the applicant. The proposed project consists of the development and establishment of a new truck and trailer parking facility. The project was denied by the Planning

Commission due to the concern that the proposed land use may have a negative impact upon the environment and surrounding residential land uses.

Background

On June 11, 2024 the Planning Commission held a duly noticed public hearing, and at which meeting staff recommended that the Planning Commission adopt Resolution No. 2024-012 approving Development Permit Type-P 22-05 to allow for a truck and trailer parking facility located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue, in accordance with the requirements of Chapter 19.44 (Administrative and Development Permits), of the City of San Bernardino Development Code (Attachment 3).

The Planning Commission considered the proposal for Development Permit Type-P 22-05 and at the hearing, the Commissioners expressed the following concerns:

- That the proposed land use does not integrate nor minimize impacts on the surrounding land uses as stated in the General Plan Goals and Policies;
- That the proposed land use is not harmonious nor compatible with the surrounding residential land uses and schools;
- That the proposed land use may have an impact upon the environment; and
- That the proposed use will contribute to higher truck traffic within the area.

Pursuant to Section 2.22.030 (Quorum and Vote Required) of the City of San Bernardino Municipal Code, five (5) members of the City Planning Commission shall constitute a quorum for the transaction of business. Action granting approval of any matter, except General Plan amendments, and amendments to the Municipal Code, must be taken by a majority vote of commissioners in attendance, and a failure to do so results in an automatic denial of the pending matter. After public testimony and deliberation among the Planning Commission, Commissioner Dailey made a motion and Chair Armstead seconded the motion to deny Resolution No. 2024-012 denying Development Permit Type-P 22-05. Out of seven (7) Commissioners present, the motion to deny received four (4) votes, which is a majority. As a result of the majority vote taken, the motion passed, and Development Permit Type-P 22-05 was denied.

Subsequently, in accordance with Section 19.52.100 (Filing of Appeals) of the City of San Bernardino Development Code, the applicant filed Application for Appeal 24-03 within the 15-day appeal period of the decision taken by the Planning Commission denying Development Permit Type-P 22-05 (Attachment 5).

On July 9, 2024, the Planning Commission took the following action:

1. Adopted Resolution No. 2024-012 of the Planning Commission of the City of San Bernardino, California, denying Development Permit Type-P 22-05.

In adopting Resolution No. 2024-012, ratifying the denial for Development Permit Type-P 22-05, the Planning Commission ratified the denial with a motion of five (5) to two (2) votes, carrying the latest motion (Attachment 4).

Discussion

Appeal Grounds

On June 26, 2024, an Application for Appeal 24-03 was filed. The specific grounds for the appeal are summarized as follows:

1. The Project is consistent with all applicable zoning laws and compatible with surrounding uses.
2. The planning commission failed to make required findings.
3. The Planning Commission's determination is inconsistent with treatment of similar facilities.

Based on the information provided, the applicant is requesting that the Mayor and City Council uphold Appeal 24-03, thereby denying the Planning Commission's denial of Development Permit Type-P 22-05, and allow the development, establishment, and operation of a truck and trailer parking facility on a parcel containing approximately 2.90 acres, located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue (APN: 0142-212-22) within the Industrial Light (IL) zone. The appellants will be present at the meeting.

Project Description/Analysis

The subject site is located within the Industrial light (IL) zone which allows for the development and establishment of truck and trailer parking facilities. The Industrial Light zone is intended to retain, enhance, and intensify existing and provide for the new development of lighter industrial uses along major vehicular, rail, and air transportation routes serving the city. The proposed use will be compatible with the properties to the north, east and west which are also zoned Industrial Light and will be harmonious to the existing adjacent uses. However, the site directly abuts residentially zoned properties to the south that are developed with single family residential homes.

To minimize impact on the neighboring residential properties, the proposed project will provide a 17-foot-wide landscape buffer in addition to the existing six (6) feet high block wall to further screen the parking area from the single-family residential properties. In addition, an environmental evaluation was conducted (Attachment 8). The evaluation took into consideration the effects of traffic, noise and air quality relating to the project, and concluded that the proposed project will not result in any significant effects on the environment and the surrounding area.

The project site will have direct ingress/egress from one (1) 48-foot-wide driveway located along W. Rialto Avenue. The project site will consist of 53 parking stalls for trucks, 1 standard parking stall and 1 accessible parking stall. The proposed project will also consist of a 260 square-foot guard shack located along W. Rialto Avenue.

Landscaping

The proposed project will provide landscaping throughout the site with various plants, trees, and ground cover. The proposed 17-foot-wide landscape buffer along the south

side of the property will consist of Palo Verde tree, Desert Willow, Afghan Pine, Chaste Tree, Century Plant, Bougainvillea, Desert Spoon, Dwarf Lavender Cotton, and Spanish Dagger. The buffer will also provide additional setback and will help screen the parking area from the single-family homes abutting the south side of the subject site.

Traffic

The City's Traffic Engineering Division has reviewed the proposed project scope study form for Levels of Service (LOS), and the Vehicle Miles Traveled (VMT) assessment. Based on the size of the project and number of trips generated, the Traffic Engineer has determined that the proposed project will not have a significant impact on the surrounding roadways or intersections.

California Environmental Quality Act (CEQA)

Pursuant to Section 15270(a) of the CEQA Guidelines, "CEQA does not apply to projects which a public agency rejects or disapproves." Therefore, based upon the action of the Mayor and City Council, CEQA does not apply to the denial of Appeal 24-03 for Development Permit Type-P 22-05.

or

Pursuant to Section 15332 (In-Fill Development Projects) of CEQA, a Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions contained within Section 15332 of CEQA. Section 15332 of CEQA applies to the approval of Appeal 24-03 for Development Permit Type-P 22-05 due to the fact that: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development is located within the City limits on less than five (5) acres; 3) Conditions of Approval will be imposed to alleviate potential impacts; and, 4) there are no additional potential significant environmental impacts that may result from the proposed development, establishment and operation of the proposed use.

2021-2025 Strategic Targets and Goals

Appeal 24-03 for Development Permit Type-P 22-05 does not align with Key Strategic Goal 3, Improved Quality of Life. The addition of a truck and trailer parking facility will add to the number of truck activity within the area, which will not minimize the impacts the industrial uses have on the surrounding residential development. However, the project does align with Key Target No. 4: Economic Growth and Development. The proposed project will provide economic benefit to an underutilized site by turning an existing vacant parcel into a productive industrial development and capitalizing on the City's transportation and locational strengths as well as the logistics sector.

Fiscal Impact

There is no financial impact associated with the item.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Adopt Resolution No. 2024-181 of the Mayor and City Council of the City of San Bernardino, California, denying Appeal 24-03 thereby upholding Planning Commission’s denial of Development Permit Type–P 22-05 to allow the development, establishment, and operation of a truck and trailer parking facility on a parcel containing approximately 2.90 acres, located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue (APN: 0142212-22) within the Industrial Light (IL) zone (Attachment 1).

OR

2. Adopt Resolution No. 2024-182 of the Mayor and City Council of the City of San Bernardino, California, granting Appeal 24-03 of the Planning Commission’s denial, thereby approving Development Permit Type–P 22-05 to allow the development, establishment, and operation of a truck and trailer parking facility on a parcel containing approximately 2.90 acres, located on the Southeast corner of W. Rialto Avenue and S. Rancho Avenue (APN: 0142-212-22) within the Industrial Light (IL) zone; and finding the project subject to a Categorical Exemption under the California Environmental Quality Act (Attachment 6).

Attachments

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| Attachment 1 | Resolution No. 2024-181 (Denying Appeal 24-03) |
| Attachment 2 | Resolution No. 2024-181, Exhibit A – Plans |
| Attachment 3 | Planning Commission Resolution No. 2024-012 (Proposed Resolution) |
| Attachment 4 | Planning Commission Resolution No. 2024-012 (Ratified Resolution) |
| Attachment 5 | Application for Appeal 24-03, Dated June 26, 2024 |
| Attachment 6 | Resolution No. 2024-182 (Approving Appeal 24-03) |
| Attachment 7 | Resolution No. 2024-182, Exhibit A – Plans |
| Attachment 8 | Resolution No. 2024-182, Exhibit B – Environmental Determination, CEQA Exemption |
| Attachment 9 | Power Point |
| Attachment 10 | Newspaper Publication |

Ward:

Third Ward

Synopsis of Previous Council Actions:

N/A