

**ORDINANCE NO. MC-1637**

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF SAN BERNARDINO, CALIFORNIA, AND  
APPROVING DEVELOPMENT CODE AMENDMENT  
(ZONING MAP AMENDMENT) 20-05 CHANGING THE  
ZONING DISTRICT CLASSIFICATION FROM OFFICE  
INDUSTRIAL PARK (OIP) TO INDUSTRIAL LIGHT (IL) OF  
TWO (2) PARCELS (APN(S): 0280-021-44 AND 47)  
CONTAINING A TOTAL OF APPROXIMATELY 3.84  
ACRES, PURSUANT TO A MITIGATED NEGATIVE  
DECLARATION.**

**WHEREAS**, together, Development Code Amendment (Zoning Map Amendment) 20-05 and Development Permit Type-D 20-03 constitute the Amazing 34 Distribution Center Project ("Project"); and

**WHEREAS**, Development Code Amendment (Zoning Map Amendment) 20-05 is a request to change the Zoning District Classification from Office Industrial Park (OIP) to Industrial Light (IL) of two (2) parcels containing a total of approximately 3.84 acres; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code, § 21000 et seq.), Section 21067, and State CEQA Guidelines (California Code of Regulations, § 15000 et seq.), Section 15367, the City of San Bernardino is the lead agency for the Project; and

**WHEREAS**, City staff determined that pursuant to State CEQA Guidelines Section 15073, preparation of a Mitigated Negative Declaration was the appropriate environmental review procedure under CEQA, because all potential significant impacts of the Project can be mitigated to a level of less than significant; and

**WHEREAS**, a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") were prepared for the Project; and

**WHEREAS**, on February 13, 2024, the Planning Commission of the City of San Bernardino held a duly-noticed public hearing to consider public testimony and the staff report for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Development Code Amendment (Zoning Map Amendment) 20-05, and Development Permit Type-D 20-03. After opening the public hearing and receiving public testimony, the Planning Commission voted (4-2) to approve Resolution No. 2024-004 for Development Code Amendment (Zoning Map Amendment) 20-05 and Development Permit Type-D 20-03, however, pursuant to SBMC Section 2.22.030, recommendations for amendments to the Municipal Code shall be by the affirmative vote of not less than a majority (five) of the total membership of the Planning Commission.; and

**WHEREAS**, notice of the May 1, 2024 public hearing for the Mayor and City Council's consideration of this proposed Resolution was published in The Sun newspaper on April 20, 2024,

and was mailed to the owners and tenants of the properties located within 1,000 feet of the subject property in accordance with Development Code Chapter 19.52 (Hearing and Appeals); and

**WHEREAS**, no comments made in the public hearing conducted by the Mayor and City Council and no additional information submitted to the City Council, has produced substantial new information requiring substantial revisions that trigger recirculation of the MND or additional environmental review under State CEQA Guidelines Section 15073.5; and

**WHEREAS**, pursuant to the requirements of Chapter 19.52 (Hearing and Appeals), Chapter 19.42 (Development Code Amendments), and Chapter 19.74 (Zoning Map Amendments) of the City of San Bernardino Development Code, the Mayor and City Council have the authority to take action on Development Code Amendment (Zoning Map Amendment) 20-05; and

**NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Compliance with the California Environmental Quality Act. The Mayor and City Council having independently reviewed and analyzed the record before it, including the adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and written and oral testimony, and having exercised their independent judgment, find that there is no substantial evidence supporting a fair argument that approval of the Project will result in a significant effect on the environment.

**SECTION 3.** Finding of Facts – Development Code Amendment (Zoning Map Amendment) 20-05.

**Finding No. 1:** The proposed amendment is consistent with the General Plan.

**Finding of Fact:** The proposed amendment will result in removing the existing Office Industrial park (OIP) Zoning District classification from the project site, resulting in the entire site having the Industrial Light (IL) Zoning District Classification. The Industrial Light (IL) Zoning District classification is intended to provide for the new development of lighter industrial uses along major vehicular, rail, and air transportation routes serving the City. The change in the Zoning District Classification would provide a single zone over the entire 4.02 acre property and would allow the development and establishment of an industrial warehouse containing approximately 89,475 square feet, which is consistent with the light industrial uses within the project vicinity. The project is also consistent with the following General Plan goal and policies:

*Goal 4.1 encourages economic activity that capitalizes upon the transportation and locational strengths of San Bernardino.*

*Policy 2.5.6 requires that new development be designed to complement and not devalue the physical characteristics of the surrounding environment, including consideration of the site's natural topography and vegetation, and surrounding exemplary architectural styles.*

*Policy 5.7.6 encourages architectural detailing, which includes richly articulated surfaces rather than plain or blank walls.*

The proposed change of the Zoning District classification from Office Industrial Park (OIP) to Industrial Light (IL) will capitalize on the City's transportation and locational strengths and will encourage economic development and provide employment opportunities to the City's residents. The project site is flat and has been disturbed. The site is surrounded by light industrial businesses, office uses, vacant lots and nonconforming single-family residential properties. The proposed project will result in the construction of a 89,475 square foot industrial warehouse building with ancillary parking and landscaping. The concrete tilt-up building will be articulated on all sides through the use of varying parapet heights, corner elements and the use of color and varying materials to break up the mass of the building walls. The rooftop equipment will be screened, and extensive landscaping will be provided along the project's frontages, consistent with these policies. Therefore, the proposed amendment is consistent with the General Plan.

**Finding No. 2:** The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Fact:** The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendment from Office Industrial Park (OIP) to Industrial Light (IL) will facilitate the development of an industrial warehouse, which is consistent with the light industrial uses within the project vicinity. The project site has direct access from S. Waterman Avenue and E. Central Avenue, will be fully served by utility providers, will be constructed in accordance with all applicable codes and regulations, and will not result in the need for the excessive provision of services. Additionally, any potential impacts created by the proposed amendment have been addressed in the Final Initial Study/Mitigated Negative Declaration and appropriate mitigation measures have been included within the Mitigation Monitoring and Reporting Program.

**Finding No. 3:** The proposed amendment would maintain the appropriate balance of land uses within the City.

**Finding of Fact:** The proposed amendment will result in removing the existing Office Industrial Park (OIP) Zoning District Classification from the project site, resulting in the entire site having the Industrial Light (IL) Zoning District

classification. The proposed amendment will result in transforming an underutilized site into an industrial warehouse containing approximately 89,475 square feet in order to capitalize on the City's transportation and locational strengths and will encourage economic development and provide employment opportunities to the City's residents. Therefore, the proposed amendment will not change the balance of land uses within the City due to the fact that the Industrial Light (IL) Zoning District classification to allow an industrial development on a parcel adjacent to and directly across the street from other large parcels of land designated for industrial uses and create greater consistency with the surrounding properties and provide for an appropriate balance of land uses within the City limits.

**Finding No. 4:** The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**Finding of Fact:** The proposed industrial warehouse containing approximately 89,475 square feet along is permitted within the Industrial Light (IL) zone, subject to the approval of Development Code Amendment (Zoning Map Amendment) 20-05 and Development Permit Type-D 20-03 with the appropriate Conditions of Approval, and Mayor and City Council adoption of the Mitigated Negative Declaration. The subject site as an industrial development is sufficient in size to accommodate the project as proposed as required by the City of San Bernardino Development Code for Industrial Zones. Therefore, the subject site is physically suitable for the proposal.

**SECTION 4.** Development Code Amendment (Zoning Map Amendment) 20-05 to change the Zoning District Classification from Office Industrial Park (OIP) to Industrial Light (IL) of two (2) parcels (APN(S): 0280-021-44 and 47) containing a total of approximately 3.84 acres, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

**SECTION 5.** The documents and materials associated with this Ordinance and that constitute the record of proceedings on which these findings are based are located at 290 North D Street, San Bernardino, CA 92401. The City Clerk is the custodian of the record of proceedings.

**SECTION 6. Notice of Determination:** The Planning Division of the Community and Economic Development Department is hereby directed to file a Notice of Determination with the County Clerk of the County of San Bernardino within five (5) working days of final project approval certifying the City's compliance with the California Environmental Quality Act in approving the Project.

**SECTION 7. Severability:** If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or

more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**SECTION 8. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**SECTION 9. Notice of Adoption.** The City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under Section 36933 of the Government Code of the State of California.

**APPROVED** and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Helen Tran, Mayor  
City of San Bernardino

Attest:

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Sonia Carvalho, City Attorney

**CERTIFICATION**

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
CITY OF SAN BERNARDINO

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1637, introduced on May 1, 2024, and adopted by the City Council of the City of San Bernardino, California, at a regular meeting held at the \_\_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

<u><b>Council Members:</b></u>	<u><b>AYES</b></u>	<u><b>NAYS</b></u>	<u><b>ABSTAIN</b></u>	<u><b>ABSENT</b></u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk