

ORDINANCE NO. 4405
LAND USE ZONING DISTRICT MAP FH29 AMENDMENT

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, TO AMEND THE SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT MAP FH29.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Public hearings have been held before the Planning Commission and Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the County Code of the County of San Bernardino.

SECTION 2. The Land Use Zoning District Map is amended as shown on the attached map marked "LUZD MAP FH29" from Single Residential 1-acre minimum lot size Additional Agriculture (RS-1-AA) to General Commercial (CG) on 8.9 acres in conjunction with a Conditional Use Permit and Tentative Parcel Map for a Commercial/Retail Center to include a 7-pump truck fueling canopy, 8-pump auto fueling canopy, 9,900-square foot convenience store, 3,000-square foot quick service drive-thru restaurant and 2,800-square foot quick service drive thru restaurant and subdivision into four parcels (Project) located at the southeast corner of Cedar Avenue and Santa Ana Avenue in the community of Bloomington (Project site).

SECTION 3. FINDINGS FOR THE ZONE AMENDMENT:

1. The proposed amendment is internally consistent with all other provisions of the Countywide Plan, Policy Plan. Based on the evidence contained in the Project's supporting documents, the proposed amendment is consistent with and will further the goals and policies of the Policy Plan as further indicated below:

Policy LU-1.3. Fiscal sustainability. When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

Consistency: The Project proponent is required to construct and install all necessary improvements to serve the Project and maintain service levels in the community. The Project proponent is also required to pay all applicable development impact fees as well as property taxes to ensure long-term operations and maintenance of public facilities and services.

Policy LU-2.1. Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: The proposed Project is located in an area where commercial uses exist and are expanding. Site design provides sufficient setbacks, landscaping and buffering to minimize potential negative impacts on existing adjacent neighborhoods.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the zoning amendment facilitates a Project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served because the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services. A commercial/retail development on this site would offer community benefit of expanded services to include a convenience store and restaurant opportunities. The Project will also promote significant economic development within the community, including construction jobs.
3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The Project will promote significant economic development within the community, including construction jobs, as well as provide local services.
4. The proposed land use district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The recent adoption of the Countywide, Policy Plan established a land use pattern for the surrounding area, including the Project site. The proposed zoning amendment is consistent with the pattern established by the Countywide Plan and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The parcel will become an extension of the General Commercial (CG) zone to the north and west along Cedar Avenue.

5. The proposed land use zoning district change does not conflict with provisions of the Development Code. The proposed Project is in compliance with the Development Code. Conditions of approval and the plan check process will ensure compliance with countywide development standards and standards for specific land uses and activities proposed by the Project. The zoning amendment is required to remain consistent with the Countywide Plan/Policy Plan and would not conflict with provisions of the Development Code.
6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property. An Initial Study/Mitigated Negative Declaration was prepared for the Project and was found to impose no substantial impact with the implementation of recommended mitigation measures, which are included as conditions of approval for the Project. Appropriate mitigation measures and conditions of approval will ensure countywide performance standards are met and that the Project will not have an adverse effect on the surrounding property.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. All components of the Project were analyzed by the appropriate County departments and determined to be physically suitable in terms of design, location, shape, size, operating characteristics, as well as the provision of public and emergency vehicle access and public services and utilities, to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
8. Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination will be filed as part with the San Bernardino County Clerk of the Board's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

