

ORDINANCE NO. 3297

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA APPROVING A CHANGE OF ZONE ON 1.46 ACRES FROM C-2 (RESTRICTED COMMERCIAL) TO C-3 (GENERAL COMMERCIAL) ON PROPERTY LOCATED AT 1215 E. ONTARIO AVENUE (CZ2018-0002)

WHEREAS, on April 22, 2019, the Planning and Housing Commission of the City of Corona ("Planning Commission") conducted a duly noticed public hearing and recommended that the City Council of the City of Corona ("City Council") approve a change of zone ("Change of Zone") of 1.46 acres located at 1215 E. Ontario Avenue ("Subject Property"), from C-2 (Restricted Commercial) to C-3 (General Commercial) to facilitate development of a 4,462 sq. ft. restaurant with drive-through service on the Subject Property (CZ2018-0002); and

WHEREAS, the Subject Property is part of a larger 2.17-acre commercial center and in 2013 the eastern portion of the commercial center was changed from C-2 (Restricted Commercial) to C-3 (General Commercial) to accommodate a Del Taco restaurant with drive-through service, while the western portion of the commercial center, where the Subject Property is located, remained C-2 (Restricted Commercial); and

WHEREAS, the proposed Change of Zone will allow the Subject Property to be developed in a manner consistent with the rest of the commercial center in which it is located and will facilitate the development of a Raising Cane's restaurant with drive-through service under companion application PPM2018-0011 submitted currently with CZ2018-0002; and

WHEREAS, on the basis of the initial study, which indicated that all potential environmental impacts from the Change of Zone were less than significant Negative Declaration ("ND") was prepared pursuant to California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"), the State CEQA Guidelines and the City of Corona Local CEQA Guidelines; and

WHEREAS, the ND was made available to the public and to all interested agencies for review and comment on February 6, 2019, pursuant to CEQA, the State CEQA Guidelines and the City of Corona Local CEQA Guidelines; and

WHEREAS, the Planning Commission based its recommendation to approve the Change of Zone on the findings set forth below and adoption of the ND; and

WHEREAS, on May 15, 2019, the City Council conducted a duly noticed public hearing at which all persons wishing to testify in connection with the Change of Zone were heard and the Change of Zone was comprehensively reviewed.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. As the decision-making body for this Change of Zone, the City Council has reviewed and considered the information contained in the ND, the initial study and the administrative record for this Change of Zone, including all written and oral evidence provided during the comment period. Based upon the facts and information contained in the ND, the initial study and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

A. The ND, initial study and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines and the City of Corona Local CEQA Guidelines.

B. The ND and initial study contain a complete and accurate reporting of the environmental impacts associated with this Change of Zone and reflects the independent judgment and analysis of the City Council.

C. There is no substantial evidence in the administrative record supporting a fair argument that the Change of Zone may result in significant environmental impacts.

D. All environmental impacts of the Change of Zone are less than significant.

SECTION 2. Adoption of Negative Declaration. The City Council hereby approves and adopts the ND prepared for this Change of Zone.

SECTION 3. Change of Zone Findings. Pursuant to Corona Municipal Code (“CMC”) section 17.104.120 and based on the entire record before the City Council, including all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. This proposed Change of Zone is in conformity with the General Plan map and text for the following reasons:

(i) CZ2018-0002 conforms to Policies 1.1.1, 1.1.2, 1.1.3 and 1.11.1 of the General Plan as it encourages a community that contains a diversity of land uses that supports the needs of Corona’s residents and helps maintain Corona as a self-sustaining city in that the C-3 zone provides more flexibility on the types of commercial land uses allowed on the Subject Property.

(ii) CZ2018-0002 fulfills Policy 1.4.4 of the General Plan as it encourages the adaptive re-use of economically underutilized commercial sites that are within existing urbanized areas in that the C-3 zone will allow the Subject Property to be redeveloped with commercial land uses based on market demand.

B. The Subject Property is suitable for the uses permitted in the C-3 (General Commercial) zone in terms of access, size of parcel and relationship to similar or related uses for the following reasons:

(i) The Subject Property is located in an area that has existing land uses that are similar and compatible with the proposed use of the Subject Property and is developed for commercial purposes.

(ii) The Subject Property is able to accommodate development that may occur as a result of the proposed zoning because the site currently contains an existing commercial building, parking lot, and the necessary utilities to support development on the site.

(iii) The Subject Property is in an area where infrastructure exists to support the redevelopment of the site.

C. This proposed Change of Zone is necessary and proper at this time and is not likely to be detrimental to the adjacent property or residences for the following reasons:

(i) CZ2018-0002 is necessary at this time as the property owner has a letter of intent from Raising Cane's restaurant to develop a restaurant with drive-through services on the Subject Property, pending City approvals.

(ii) CZ2018-0002 is consistent with the existing zoning and land uses in the vicinity and has suitable access from Ontario Avenue.

D. This proposed Change of Zone is in the interest of the public health, safety, necessity, convenience and general welfare and in accordance with good zoning practice for the following reason:

(i) CZ2018-0002 will allow greater flexibility in commercial land uses and will provide the property owner an opportunity to redevelop the site with a higher and better land use and prevent the site from being vacant.

SECTION 4. Approval of Change of Zone (CZ2018-0002). CZ2018-0002 is hereby approved to change 1.46 acres of real property located at 1215 E. Ontario Avenue, as described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, from C-2 (Restricted Commercial) to C-3 (General Commercial) as described in Chapter 17.33 of Title 17 of the Corona Municipal Code.

SECTION 5. Modification of Zoning Map. The Community Development Director shall modify the Official Zoning Map of the City of Corona in accordance with this Ordinance to indicate thereon the zoning applicable to the Subject Property as set forth on the map attached as Exhibit "B" attached hereto and incorporated by reference.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which the findings set forth in this Ordinance have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is Joanne Coletta, Community Development Director.

SECTION 7. Effective Date of Ordinance. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published in the City of Corona. This Ordinance shall take effect and be in force on the 30th day after its adoption.

ADOPTED this 5th day of June, 2019.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held on the 15th day of May, 2019, and thereafter at regular meeting held on the 5th day of June, 2019, it was duly passed and adopted by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 5th day of June, 2019.

City Clerk of the City of Corona, California

SUMMARY

On June 5, 2019, the Corona City Council will consider approving a Change of Zone to change the zone on 1.46 acres from C-2 (Restricted Commercial) to C-3 (General Commercial) on property located at 1215 E. Ontario Avenue. A certified copy of the full text of this proposed ordinance is posted in the City Clerk's office.

The City Council meets at 6:30 a.m. in the Council Chambers in the Corona City Hall, located at 400 South Vicentia Avenue. The City Clerk's office is located in City Hall near the Council Chambers.

EXHIBIT “A”

LEGAL DESCRIPTION AND DEPICTION

63.782 square fee (1.46 acres) of property located at the street address 1215 Ontario Avenue, Corona, California, as shown in the Site Sketch attached as ***Exhibit B-1*** to this Lease and legally described as follows:

Parcel 1 of Parcel Map No. 36633, in the City of Corona, County of Riverside, State of California, as per map recorded in Book 237, Pages 96, 97 and 98 of Parcel Maps, in the Office of the County Recorder of said County.

APN: 107-180-052-4

CITY 231/97

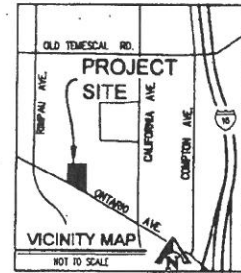
IN THE CITY OF CORONA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PARCEL MAP NO. 36633

BEING PORTIONS OF LOTS 3 AND 6 IN BLOCK 30 OF LANDS OF SOUTH RIVERSIDE LAND AND WATER COMPANY AS SHOWN BY MAP ON FILE IN BOOK 9, PAGE 6 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, MAY, 2013

SUMMIT WEST CONSULTANTS, INC.

SHEET 2 OF 3 SHEETS



FD. BRASS TAG SET IN CONCRETE FOOTING STAMPED R.C.E. 21084 PER R1. ACCEPTED AS S.E. CORNER OF TRACT 28562.

PROPERTY CORNER ESTAB. BY RECORD DISTANCE PER R6 FROM S.E. CORNER OF TRACT 28562.

TRACT NO. 28562
H.B. 285/99-102

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

FD. NAIL & TAG WITH L.S. 7161 FLUSH IN LIEU OF 1" P PER R1. ACCEPTED AS PROPERTY CORNER.

FD. NAIL & TAG WITH L.S. 7161 FLUSH IN LIEU OF 1" P PER R1. NOTED 30'E 0.26'.

(N49°01'28"W 290.00' R1)
(N88°56'05"W 290.11')

(S89°37'08"E 158.77' R1)

DOC. NO. 2008-0256887
RECORDED 05/14/2008

SOUTHERN CALIFORNIA EDISON CO.
UTILITY EASEMENT PER
DOC. 2008-0459200 O.R.
RECORDED AUGUST 20, 2008.
SEE DETAIL "A" ON SHEET 3.

CITY OF CORONA
PUBLIC UTILITY EASEMENT PER
DOC. 2008-0494216 O.R.
RECORDED SEPTEMBER 8, 2008.
SEE DETAIL "B" ON SHEET 3.

PARCEL 1
1.464 AC.

PARCEL 2
0.709 AC.

LOT 6, BLOCK 30
SOUTH RIVERSIDE LAND & WATER CO.
H.B. 9/6 S.B. CO.

C/L RIMPAU AVE

FD. 1" P W/ PLASTIC PLUG STAMPED L.S. 7161 FLUSH PER R1.

FD. 1" P W/ PLASTIC PLUG STAMPED L.S. 7161 FLUSH PER R1.

FD. 2" PUNCHED BRASS DISK IN WELL MONUMENT STAMPED L.S. 1311 ON 0.80' PER R1.

FD. 2" PUNCHED BRASS DISK IN WELL MONUMENT STAMPED L.S. 6124 ON 0.80' PER R1.

MONUMENT NOTES:

- MONUMENT FOUND AS NOTED.
- ◎ SET LEAD, NAIL & TAG "PLS 8234".
- ▲ SET SPOKE & WASHER IN ASPHALT TAGGED "PLS 8234".

BASIS OF BEARINGS:

THE BEARING OF NORTH 00°54'32" EAST ALONG THE WESTERLY LINE OF PROPERTY AS SHOWN ON RECORD OF SURVEY, R.S.B. 136/14, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND:

- PROPERTY LINE
- - - CENTERLINE
- - - RECORD LOT LINES
- - - EASEMENT LINES
- ||||| INDICATES VEHICULAR ACCESS RIGHTS RESTRICTED
- SLF SEARCHED NOTHING FOUND

RECORD REFERENCES:

- (R1) = RECORD OF SURVEY R.S.B. 136/14.
- (R2) = DOC. 2008-0494216 O.R. RECORDED SEPTEMBER 8, 2008.
- (R3) = DOC. 2008-0459200 O.R. RECORDED AUGUST 20, 2008.
- (R4) = DOC. 2008-0494215 O.R. RECORDED SEPTEMBER 8, 2008.
- (R5) = CO. OF RIVERSIDE CORNER RECORD NO. 86-171.
- (R6) = DOC. 2008-0256887 O.R. RECORDED MAY 14, 2008.

GENERAL NOTES:

- PARCELS 1 & 2, ORIGINALLY DESCRIBED AS OWNER PARCEL & DEVELOPER PARCEL, LEGALS & PLATS RECORDED 8/8/2013 AS DOCUMENT NO. 2013-0270812, O.R.
- THE SMALL DISCREPANCIES IN CALLS PER (R1) ARE THE RESULT OF HOLDING FOUND MONUMENTS AS REFERENCED THEREIN. (R1) WAS USED TO ESTABLISH THE BOUNDARY OF THIS MAP.

RECIPROCAL ACCESS NOTES:

- EXISTING GRANT OF EASEMENT OVER BOTH PARCELS 1 & 2 FOR INGRESS, EGRESS, UTILITY EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS AND SIGNS, PER ARTICLE "Y" OF COVENANTS, CONDITIONS & RESTRICTIONS, RECORDED 6/6/2013 AS DOC. NO. 2013-0270813, O.R.

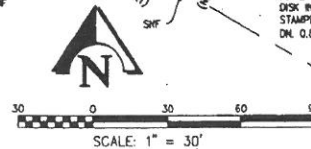


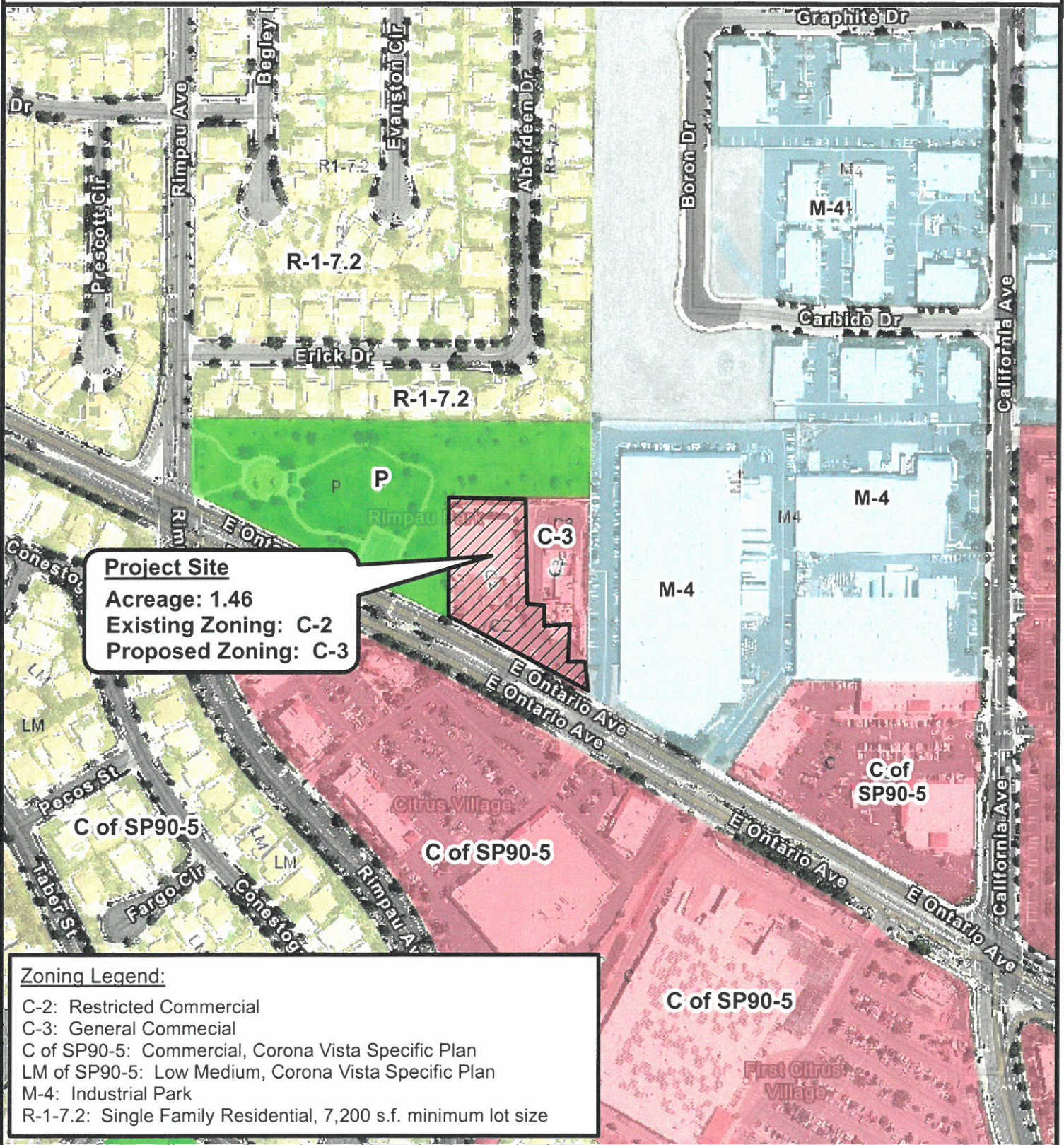
EXHIBIT A

EXHIBIT “B”

PROPOSED CHANGES TO OFFICIAL ZONING MAP

**(THE PROPOSED OFFICIAL ZONING MAP IS ATTACHED AS PAGE B-1 BEHIND
THIS PAGE)**

CHANGE OF ZONE MAP



Date: 02/19/2019

CZ2018-0002



EXHIBIT B