



## Legislation Text

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File #: 19-0155, Version: 1

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### PLANNING AND HOUSING COMMISSION STAFF REPORT

DATE: 2/25/2019

TO: Honorable Chair and Commissioners

FROM: Community Development Department

#### APPLICATION REQUEST:

**CZ2018-0002:** An application to change the zone on 1.46 acres located at 1215 E. Ontario Avenue from C-2 (Restricted Commercial) to C-3 (General Commercial) to facilitate the development of a 4,462 sq. ft. drive-through restaurant (Applicant: Ruben Gonzalez, PM Design Group, 38 Executive Park, Suite 310, Irvine, CA 92614).

#### RECOMMENDED ACTION:

That the Planning and Housing Commission recommend adoption of the Negative Declaration and **APPROVAL of CZ2018-0002** to the City Council, based on the findings contained in the staff report.

#### PROJECT SITE SUMMARY

**Area of Property:** 1.46 acres

**Existing Zoning:** C-2 (Restricted Commercial)

**Proposed Zoning:** C-3 (General Commercial)

**Existing General Plan:** GC (General Commercial)

**Existing Land Use:** Vacant commercial building (formerly occupied by Fresh & Easy)

**Proposed Land Use:** Drive-through restaurant for Raising Cane's

**Surrounding Zoning/Land Uses:**

**N:** Park (Rimpau Park)/Public park

**E:** C-3/Del Taco drive-through restaurant

**S:** Commercial designation of the Corona Vista Specific Plan/Commercial center

**W:** Park (Rimpau Park)/Public park

#### BACKGROUND

The 1.46-acre property is part of a larger 2.17-acre commercial center that was originally constructed in 2008 (Exhibit 1). The overall center was reviewed and entitled under Precise Plan 07-003. Under the original entitlement, the western portion of the center which is where the current project is proposed was developed with a 13,969 square foot Fresh & Easy market while the eastern portion was undeveloped. In 2013, the eastern portion underwent a change of zone from C-2 to C-3

(General Commercial) to allow for the development of a Del Taco drive-through restaurant. The change of zone was necessary because the C-2 zone does not permit drive-through establishments while the C-3 zone does allow for drive-through establishments by right. The western portion of the center (Fresh & Easy) remained under the C-2 zone. In 2015, Fresh & Easy vacated the site and its building has remained unoccupied ever since.

The current proposal is a drive-through restaurant for Raising Cane's which will replace the building formerly occupied by Fresh & Easy. The project would require the demolition of the existing building and the pad would be reconstructed with a smaller 4,462 square foot building that will include an outdoor dining patio and drive-through lane. The parking in front of the restaurant will be reconfigured to fit the new building layout. Since the applicant is proposing to make substantive changes to the original entitled precise plan, the changes require approval by the Planning and Housing Commission. The site plan and architecture are reviewed under PPM2018-0011 and is attached as Exhibit C for reference. The applicant is requesting concurrent approvals for the change of zone, CZ2018-0002, and PPM2018-0011.

The Infrastructure Committee at its meeting on January 3, 2018, discussed the land use change. The Committee expressed no objection to having an additional restaurant with drive-through services on the site but inquired about potential noise from the drive-through lane being located on the north side of the building and the proximity to the residents located north of the park site. Noise was addressed in the Negative Declaration and the noise analysis prepared for the project determined operational noise from the restaurant would be within the city's acceptable thresholds for sound during day time and evening hours.

The project was initially reviewed by city staff at the Development Plan Review meeting on September 20, 2018. The applicant submitted official applications for the change of zone and precise plan modification to the city on November 20, 2018, which were reviewed by the Project and Environmental Review Committee on December 13, 2018 and determined to be incomplete. The applicant over time submitted the required application materials to staff with the applications finally considered complete on January 25, 2019, and cleared for public hearing before the Planning and Housing Commission on February 25, 2019.

## **PROPOSED CHANGE OF ZONE**

The subject site is 1.46 acres. The applicant is proposing to construct a 4,462 square foot restaurant with drive-through services for Raising Cane's on the site. The site's current C-2 zone does not allow drive-through establishments; therefore, to accommodate drive-through services the applicant is proposing to change the zoning to C-3. The C-3 zone allows for a wider range of commercial uses, including higher intensity uses that will allow drive-through services on the property by right.

As shown in Exhibit A, the C-3 zone is appropriate for the site. To the north and west of the subject site is Rimpau Park which is zoned Park. To the east is the Del Taco restaurant which has the same C-3 zoning, and on the other side of Del Taco is a light industrial development in the M-4 (Industrial Park) zone. To the south across Ontario Avenue is a commercial center that is in the Corona Vista Specific Plan with a Commercial designation, which also allows uses with drive-through services. The nearest residential land use is an existing neighborhood located to the north of the subject site beyond Rimpau Park. The C-3 zone proposed on the subject site is not expected to impact the neighborhood as the park provides a buffer between the subject site and neighborhood.

Furthermore, per the city's General Plan Land Use Map, the property has a General Plan designation of GC (General Commercial). The C-3 zone maintains consistency with the GC designation. The General Plan map of the project site and surrounding area is attached as Exhibit B.

### **ENVIRONMENTAL ANALYSIS:**

Per Section 15070 of the State Guidelines for Implementing the California Environmental Quality Act (CEQA) and Section 6.01 of the City's Local Guidelines, a Negative Declaration was prepared for the project because the Initial Study showed that there is no substantial evidence, in light of the whole record before the City, that the project may have a significant or potentially significant effect on the environment. Therefore, a Negative Declaration is recommended for adoption (Exhibit F).

### **FISCAL IMPACT**

The applicant paid \$4,892.00 in application processing fees for the change of zone.

### **PUBLIC NOTICE AND COMMENTS**

A 20-day public notice was mailed to all property owners within a 500-foot radius of the project site, as well as advertised in the *Sentinel Weekly News* and posted at the project site. As of the preparation of this report, the Community Development Department has not received any responses from the public regarding the proposal.

### **STAFF ANALYSIS**

CZ2018-0002 will change 1.46 acres of underutilized infill land located within an existing commercial center from C-2 to C-3. The change of zone will enable the applicant to develop the site with a restaurant having drive-through services. The C-3 zone is appropriate for the site because it is located in an area that consists of commercial and industrial uses and a public park which are similar or compatible to the intended use of the site. The zone change is also consistent with the property's General Plan designation of General Commercial because this designation allows for a broad range of commercial uses. All infrastructure that is necessary to support the potential commercial land use exists on the project site.

Development of the proposed project would fulfill several General Plan policies including Policies 1.1.1, 1.1.2, 1.1.3 and 1.11.1 which all encourage and emphasize having a community that contains a diversity of land uses that supports the needs of Corona's residents and help maintain Corona as a self-sustaining city. The project also fulfills General Plan Policy 1.4.4 which encourages the adaptive re-use of economically underutilized commercial sites that are within existing urbanized areas. Therefore, CZ2018-0002 is recommended for approval based on the following findings.

## **FINDINGS FOR APPROVAL OF CZ2018-0002**

1. An initial study (environmental assessment) has been conducted by the City of Corona so as to evaluate the potential for adverse environmental impacts. The environmental assessment shows that there is no substantial evidence, in light of the whole record before the City, that the project may have a significant or potentially significant adverse effect on the environment.
2. The proposed change of zone is in conformity with the General Plan map and text for the following reasons:

- a. The change of zone conforms to General Plan Policies 1.1.1, 1.1.2, 1.1.3 and 1.11.1 which all encourage and emphasize having a community that contains a diversity of land uses that supports the needs of Corona's residents and help maintain Corona as a self-sustaining city, because the C-3 zone provides more flexibility on the types of commercial land uses allowed on the property.*
  - b. The change of zone fulfills General Plan Policy 1.4.4 which encourages the adaptive re-use of economically underutilized commercial sites that are within existing urbanized areas because the C-3 zone will allow the site to be redeveloped with commercial land uses based on market demand.*
3. The subject property is suitable for the uses permitted in the C-3 (General Commercial) zone in terms of access, size of parcel, relationship to similar or related uses, for the following reasons:
  - a. The infill project site is located in an area that has existing land uses that are similar and compatible to the proposed use of the project site and was developed for commercial purposes.*
  - b. The project site 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.*
  - c. The project site is in an area where infrastructure exists to support the redevelopment of the site.*
4. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents for the following reason:
  - a. The property owner has a letter of intent from Raising Cane's restaurant to develop the site with a restaurant having drive-through services; therefore, the C-3 zone is necessary at this time.*
  - b. CZ2018-0002 is consistent with the existing zoning and land uses in the vicinity and has suitable access from Ontario Avenue.*
5. The 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:
  - a. 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.*

**PREPARED BY:** SANDRA YANG, SENIOR PLANNER

**REVIEWED BY:** TERRI MANUEL, PLANNING MANAGER

**SUBMITTED BY:** JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

## EXHIBITS

1. Locational and Zoning Map.
2. Exhibit A - Proposed Zoning Map Amendment.
3. Exhibit B - Existing General Plan.
4. Exhibit C - Site Plan for Raising Cane's restaurant.
5. Exhibit D - Applicant's letter dated November 20, 2018 describing the scope of the project.
6. Exhibit E - Legal Description of the change of zone project site and Parcel Map 36633
7. Exhibit F - Environmental Documentation.

Case Planner: Sandra Yang (951) 736-2262