



DATE: August 4, 2021

TO: Mayor and Members of the City Council

FROM: John R. Gillison, City Manager

INITIATED BY: Anne McIntosh, AICP, Planning Director

SUBJECT: Public Hearing for Consideration of a Resolution Denying General Plan Amendment DRC2018-00533 and Zoning Map Amendment DRC2018-00534 – Alan Smith for Arbor Express Carwash – A Request for General Plan and Zoning Map Amendments to Change the Land Use and Zoning Designation for One Project-Specific Parcel of Land (APN: 0208-291-03) from Low Medium (LM) Residential District to General Commercial (GC) District and for Two Non-Project Specific Adjacent Parcels of Land (0208-291-01 and 0208-291-02) From Low Medium (LM) Residential District to Medium (M) Residential District Related to an Approved Carwash Located Approximately 200 Feet East of Archibald Avenue on the North Side of Arrow Route. **(RESOLUTION NO. 2021-045) (CITY) (Continued from June 2, 2021 City Council Meeting.)**

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt Resolution No. 2021-045 denying General Plan Amendment DRC2018-00533 and Zoning Map Amendment DRC2018-00534.

BACKGROUND:

On March 10, 2021, the Planning Commission voted 4-1 to approve Design Review DRC2018-00535, Conditional Use Permit DRC2018-00536, and Tree Removal Permit DRC2019-00218 for the site plan, design review, and operation of a 5,078 square foot carwash and 1,296 square foot detailing center on 1.36 acres of land. The Planning Commission also recommended City Council approval of the Related General Plan and Zoning Map Amendments. One Planning Commissioner voted in opposition to the project based on their determination that a carwash and detailing center were not the highest and best use for the project site. A timeline for this project is attached as Attachment 3. Correspondence received by Applicant supporting their request is attached as Attachment 5.

PROJECT AND SITE DESCRIPTION:

The project site is comprised of two parcels totaling 1.36 acres of land (59,300 square feet) located on the north side of Arrow Route, approximately 200 feet east of Archibald Avenue. The “L” shaped project site is approximately 266 feet (east to west), and approximately 280 feet and 170 feet (north to south) along the east and west property lines, respectively. The westernmost

parcel of land that makes up the project site is vacant (APN: 0209-291-06) and the easternmost parcel is developed with a single-family residence (APN: 0208-291-03).

A non-operational service station is located on the parcel of land to the west of the project site, at the northeast corner of Archibald Avenue and Arrow Route. On August 15, 2018, the City Council approved the reactivation of this service station (Design Review DRC2015-00682). That approval included the design review of a drive-through automatic carwash to be located on the east side of the existing service station along with General Plan land use (DRC2015-00683) and Zoning Map (DRC2015-00684) amendments changing the General Plan land use and zoning designations from Low Medium/Low Medium (LM) Residential District to General Commercial/General Commercial (GC) District, respectively. The land use and zoning amendments for that project included one of the two parcels of land (APN: 0208-291-06) that comprise the subject project site.

The existing Land Use, General Plan and Zoning Designations for the project site and adjacent properties are as follows:

	Land Use	General Plan	Zoning
Site	Vacant	General Commercial	General Commercial (GC) District
	Single-Family Residence	Low Medium Residential	Low Medium (LM) Residential District (4-8 du/acre)
North	School	Low Medium Residential	Low Medium (LM) Residential District (4-8 du/acre)
South	Commercial Center	General Commercial	General Commercial (GC) District
	Family Resource Center	Public Facility/ Civic/Regional	Low (L) Residential District (2-4 du/acre)
East	Single-Family Residence ¹	Low Medium Residential	Low Medium (LM) Residential District (4-8 du/acre)
West	Service Station ²	General Commercial	General Commercial (GC) District

1 – “Beverly Hills House” (designated a local historic landmark on January 18, 1989) on APN: 0208-291-03;
2 – Non-operational but approved for reactivation

ANALYSIS:

Tonight, staff will present the arguments for why a general plan amendment is not recommended at this location at this time.

Context

In order to execute and utilize the conditional use permit approved by the Planning Commission for Arbors Car Wash at the subject (project) location, the general plan amendment being considered by the City Council tonight is required, as well as a corresponding zone map amendment. This is needed specifically to redesignate the land use on the easternmost parcel from residential to commercial.

The review process for a project which requires a general plan amendment, admittedly, seems to take place in reverse order. That is, the Design Review Committee’s review of the site and architectural design was completed first. Then, the Planning Commission review of the conditional use permit for the car wash proposal itself was completed second. Both of these

reviews and decisions took place prior to the City Council consideration of the general plan amendment that is needed to make the two prior recommendations and approvals legally valid. This is awkward because the largest policy question – whether or not the underlying land use should change – isn't decided until the project has already been studied and processed by staff and the Planning Commission. However, to take a general plan amendment forward without understanding the merits of the proposed use, and whether the project can even be approved is also not the most viable sequence of events. The merits of a specific project help to inform the decision on the amendment.

Issue 1: Importance of the General Plan Land Use Element and Map to the Planning Process

An amendment to the general plan from one land use type to another is a weighty decision that should not be taken lightly. The State mandated 2010 Rancho Cucamonga General Plan is the City's legislative document that guides land use and development decisions with a long-range view in mind. Many cities call their general plan the "road map" or the "constitution" for the city. Typically, a general plan amendment is appropriate when a project will advance a significant and important goal of the City that could not be met without the amendment. Given the City Council's recent discussions about fiscal performance of land, you might consider a redesignation that would allow for a larger development footprint for a high-performing use. Or you might consider a new designation to accommodate a needed public facility or beneficial affordable housing project.

Staff analysis: The City Council should only amend the General Plan when such amendment furthers clear and important goals of the City. The establishment of a new car wash does not rise to this level. There is no documented shortage of car wash facilities in Rancho Cucamonga at this time. Car wash facilities do not further the City's economic development goals.

Issue 2: The General Plan is a legislative document and is amended by legislative action

The adoption and amendment of a general plan is a legislative action. It is the prerogative of the City Council to make the decision whether or not to amend the General Plan for any reason based on policy goals. The request before the City Council tonight does not require project level findings like those required for discretionary permits such as a conditional use permit.

Staff analysis: The applicant for this general plan amendment has understood that the project approval relies on the legislative action being considered tonight and has been willing to continue this process in spite of the risk that the general plan amendment might not be approved.

Issue 3: Legal Limit on the Number of General Plan Amendments

As a way of signifying the importance and sanctity of the long-range planning process, State law limits the number of general plan amendments a City can approve to four a year. For 2021, the City has multiple general plan amendments under way: three major industrial projects will require general plan amendments in order to calibrate zoning designations for very large sites and the PlanRC comprehensive General Plan update and Housing Element. In the absence of any other requests, these projects alone will utilize all four of the City's allowed amendments.

Staff analysis: Car wash is not a land use that warrants the consideration of one of a limited number of allowable general plan amendments. The City Council previously implemented a moratorium on the car wash use to amend the standards for new car wash uses, which are predominantly in District 2, thereby requiring a higher level of scrutiny to approve. Further, the

City Council recently established a moratorium on service station uses, which are also predominantly in District 2, to establish more regulations and performance standards for this auto-oriented use. These recent measures to further study and restrict auto-related uses, both of which have historically dominated the economic development of District 2, indicate the opposite of a justification of a general plan amendment for a car wash. Further, should the City Council approve the car wash General Plan, it will be unable to approve a General Plan Amendment for one of the major industrial projects (all of which are 500,000 SF to 1,500,000 sf and represent hundreds of millions of dollars of investment and thousands of jobs) unless that project is held for 3-4 months until 2022 or could result in a delay to the update of the City's Housing Element and General Plan, impacting the City's ability to regulate new commercial, industrial, and housing developments.

Issue 4: PlanRC Comprehensive General Plan Update

The City began a two-year comprehensive General Plan update in January 2020. When adopted, this new long-range vision for future land use development will close the chapter on the 2010 General Plan, and establish a vision for the next ten or more years. Extensive community outreach was conducted through meetings, discussion groups and surveys to better understand the community's land use and development goals. The public review draft of the Land Use Plan reflects the goals articulated by the community. It has been released in draft form prior to public hearings and adoption, which are scheduled to take place in Fall 2021. The draft Land Use Plan indicates that the Archibald and Arrow intersection, including the subject property is intended to be designated "Neighborhood Corridor." At this time, this designation discourages auto-dependent land uses in favor of commercial businesses that serve the local community and can be accessed without requiring an automobile. In addition, this commercial corner is adjacent to the proposed Cucamonga Town Center Focus Area, which envisions enhanced commercial and industrial uses at a walkable, neighborhood scale.

There are other locations in the City which are identified as potential locations for any increased demand in auto-related uses that might result from a growing residential population.

Staff analysis: The community's future land use vision for Arrow and Archibald neighborhood, as proposed in the draft PlanRC Land Plan does not include auto-related uses. The General Plan update community engagement effort indicated the community greatly desires walkable, destination oriented retail developments. The subject property will no longer be designated as LM Residential but is not proposed to accommodate a car wash use in the future designation either. As the comprehensive General Plan update is in process, staff asserts that this amendment to a single parcel of land is not timely. A project that is compliant with the current land use and zoning designation could be considered, but any reconsideration of land use on these parcels should only be considered as part of the comprehensive update.

Issue 5: Redesignating Land Use from Residential to Commercial

In 2017 the California Legislature approved California's 2017 Housing Package, which, among other housing bills, included Senate Bill No. 166 (SB 166). SB 166 prohibits a City from reducing, requiring, or permitting a reduction of the residential density to a lower residential density that is below the density that was used by the California Department of Housing and Community Development in determining compliance with housing element law unless the City makes written findings supported by substantial evidence that the reduction is consistent with the General Plan, including the housing element, and that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need.

The City may only reduce or eliminate residential density for a parcel if there is a sufficient replacement of residentially zoned land so that there is “no net loss” of residential development capacity. When the City prepared the 2013 Housing Element Update only vacant parcels were analyzed to address the City’s regional housing need (underutilized parcels and those with active development applications were not included) and the City identified an adequate number of vacant parcels to meet the regional housing need. The easterly 0.85-acre parcel of land was identified by the capacity analysis of the Low Medium (LM) Residential District. To overcome the loss of housing capacity as a result of this project, the applicant is requesting to amend the General Plan land use and zoning designations for two non-project related parcels (APNs: 208-29-01 and -02) as described previously.

The subject 0.85-acre project-related parcel of land has a maximum potential residential density of 6.8 units under the current Low Medium (LM) Residential District (4-8 dwelling units per acre) zoning designation. Rezoning the two adjacent non-project related parcels of land (1.21 acres) from Low Medium (LM) Residential District (4-8 dwelling units per acre) to Medium (M) Residential District (8-14 dwelling units per acre) will increase the potential residential density from 9.68 dwelling units per acre to 16.94 dwelling units per acre, an increase in density of 7.26 dwelling units per acre. This change in the zoning designation will overcome the potential loss of housing opportunities created by the rezoning of the project-specific parcel of land (7.26 vs 6.8 dwelling units per acre) and will, in turn, make the project compliant with the “no net loss” provision in Senate Bill No. 166 (SB 166).

Staff analysis: This is the one area this general plan amendment would conform to – it would meet the requirements of SB 166 as it would not result in a net loss of potential housing.

Issue 6: Car Wash Use Adjacent to Low or Medium Density Residential Housing

As stated in Issue 5, the General Plan Amendment requested would require a re-designation and re-zoning of the adjacent property to the east to a higher density residential land use and zone. If developed to its full potential, these residential properties would be located immediately adjacent to a car wash use. The noise of equipment, vehicles, and patrons at the site during operating hours as well as the environmental conditions of water spraying and air blowing, while not found to have significant environmental impacts under CEQA, with mitigation, are still conditions that are not ideal in a residential neighborhood.

Staff analysis: Car wash uses are not compatible with residential neighborhoods. There are many other locations in the City of Rancho Cucamonga where a car wash could be located at a much further distance away from neighboring residences.

Summary

In summary, staff cannot recommend a general plan amendment to accommodate the development of a car wash due to the lack of consistency with the City’s current and future land use goals, the lack of a demonstrated need for the use, and the lack of a clear community benefit that would be achieved by the project as well as the impact on other, larger projects currently in process.

FISCAL IMPACT:

The Fiscal Impact Analysis (Stanley R. Hoffman Associates) prepared for the project estimates that the project would provide a net annual recurring impact of \$4,862 to the City upon completion

of the project. This figure has not been peer-reviewed or confirmed. New recurring general fund revenues include property taxes, property tax in-lieu, residential derived sales taxes, commercial derived sales taxes, business license fees, and franchise fees. The project proponent will also be responsible for paying one-time impact fees. These fees are intended to address the increased demand for City services due to the proposed project. The following types of services that these impact fees would support include the following: library services, transportation infrastructure, drainage infrastructure, animal services, police, parks, and community and recreation services.

COUNCIL GOAL(S) ADDRESSED:

The request to make an amendment for a single property and for this proposed development project does not meet the Council Goals of completing a comprehensive General Plan and Development Code Update.

CORRESPONDENCE:

This item was advertised as a public hearing with a regular page legal advertisement in the Inland Valley Daily Bulletin newspaper, the property was posted on April 28, 2021, and notices were mailed to all property owners (135 addresses) within a 660-foot radius of the project site on April 28, 2021. To date, no comments/correspondence has been received in response to these notifications.

EXHIBITS:

- Attachment 1 - Planning Commission Staff Report Dated March 10, 2021
- Attachment 2 - Planning Commission Minutes Dated March 10, 2021
- Attachment 3 - Correspondence Received
- Attachment 4 - Draft Resolution No. 2021-045
- Attachment 5 - Project Timeline