

1 **RESOLUTION NO. XXXX**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIALTO, CALIFORNIA TO UPHOLD THE APPEAL DATED
4 AUGUST 21, 2024, FILED BY THE CENTER FOR COMMUNITY
5 ACTION AND ENVIRONMENTAL JUSTICE, DISAPPROVING
6 THE PREVIOUS DECISION OF THE PLANNING COMMISSION
7 APPROVING ENVIRONMENTAL ASSESSMENT REVIEW NO.
8 2023-0022, TPM NO. 20853, CDP NO. 2023-0011 AND PPD NO.
9 2023-0018, DECLINING TO APPROVE ENVIRONMENTAL
10 ASSESSMENT REVIEW NO. 2023-0022, AND DENYING
11 TENTATIVE PARCEL MAP NO. 2023-0001, CONDITIONAL
12 DEVELOPMENT PERMIT NO. 2023-0011, AND PRECISE PLAN
13 OF DESIGN NO. 2023-0018.

14 **WHEREAS**, the applicant, Rialto Springs, LLC, proposes to develop and operate a 225,173
15 square foot industrial warehouse building and associated paving, landscaping, lighting, and drainage
16 improvements (“Project”) on 12.01 gross acres (11.19 net acres) of land (APN’s: 0239-301-39, -40,
17 -51, -55, -56, & -64) located at the southeast corner of Locust Avenue and West Coast Boulevard
18 within the Planned Industrial Development (I-PID) land use district of the Rialto Airport Specific
19 Plan (“Site”); and

20 **WHEREAS**, the Project within the I-PID land use district of the Rialto Airport Specific Plan
21 requires the approval of a tentative parcel map, and the applicant agreed to apply for a Tentative Parcel
22 Map No. 2023-0001, also referred to as Tentative Parcel Map No. 20853, (“TPM No. 20853”), in
23 accordance with California Government Code Sections 66473.5 and 66474; and

24 **WHEREAS**, the Project within the I-PID land use district of the Rialto Airport Specific Plan
25 requires the approval of a Conditional Development Permit, and the applicant agreed to apply for
26 Conditional Development Permit No. 2022-0002 (“CDP No. 2022-0002”), in accordance with
27 Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code and Chapter 18.112
28 (Indoor Storage Facilities) of the Rialto Municipal Code; and

WHEREAS, the Project within the I-PID land use district of the Rialto Airport Specific Plan
requires the approval of a Precise Plan of Design, and the applicant agreed to apply for Precise Plan
of Design No. 2022-0001 (“PPD No. 2022-0001”), in accordance with Chapter 18.65 (Precise Plan
of Design) of the Rialto Municipal Code; and

1 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act, Public
2 Resources Code Sections 21000, *et. seq.* (" CEQA"), the State's CEQA Guidelines, California Code
3 of Regulations, Title 14, Section 15000, *et. seq.*, and Government Code Section 65962.5(f)
4 (Hazardous Waste and Substances Statement), the City staff reviewed an Addendum to the
5 Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment
6 Review No. 2023-0022) prepared by Kimley-Horn and Associates, Inc. and recommended that the
7 Planning Commission determine that the Project would result in no new significant impacts that were
8 not analyzed in the Rialto Airport Specific Plan Environmental Impact Report ("RASP EIR"), the
9 Project would result in no substantial increase in the severity of any previously identified
10 environmental impacts, and the potential impacts associated with Project would either be the same or
11 less than those described in the RASP EIR; and

12 **WHEREAS**, the City mailed public hearing notices for the Project to all property owners
13 within 1,000 feet of the Project Site, and published the public hearing notice in the San Bernardino
14 Sun newspaper as required by State law; and

15 **WHEREAS**, on July 17, 2024, the Planning Commission of the City of Rialto conducted a
16 duly noticed public hearing, as required by law, on TPM No. 20853, CDP No. 2023-0011, PPD No.
17 2023-0018, and the associated Addendum to the RASP EIR, took testimony, at which time it received
18 input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed
19 TPM No. 20853, CDP No. 2023-0011, PPD No. 2023-0018, and the associated Addendum to the
20 RASP EIR; and continued the public hearing to the following meeting on August 7, 2024; and

21 **WHEREAS**, on August 7, 2024, the Planning Commission of the City of Rialto conducted a
22 duly noticed public hearing, as required by law, on TPM No. 20853, CDP No. 2023-0011, PPD No.
23 2023-0018, and the associated Addendum to the RASP EIR, took testimony, at which time it received
24 input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed
25 TPM No. 20853, CDP No. 2023-0011, PPD No. 2023-0018, and the associated Addendum to the
26 RASP EIR; and closed the public hearing; and

1 **WHEREAS**, on August 7, 2024, the Planning Commission voted 3-1 (1 abstention and 2
2 vacancies) to approve TPM No. 20853, CDP No. 2023-0011, PPD No. 2023-0018, and the associated
3 Addendum to the RASP EIR (Environmental Assessment Review No. 2023-0022); and

4 **WHEREAS**, on August 21, 2024, pursuant to Chapter 18.68 (Appeals) of the Rialto
5 Municipal Code, the Center for Community Action and Environmental Justice (“Appellant”) filed
6 with the office of the City Clerk an appeal to the City Council requesting a review and reversal of the
7 decision previously made by the Planning Commission approving TPM No. 20853, CDP No. 2023-
8 0011, PPD No. 2023-0018, and the associated Addendum to the RASP EIR (Environmental
9 Assessment Review No. 2023-0022) (“Appeal”); and

10 **WHEREAS**, on September 10, 2024, the City Council scheduled a public hearing for the
11 Appeal for September 24, 2024; and

12 **WHEREAS**, on September 24, 2024, in accordance with Chapter 18.68 (Appeals) of the
13 Rialto Municipal Code, the City Council conducted a public hearing of the Appeal, took testimony,
14 discussed the Appeal; and voted 5-0 to continue the public hearing to November 12, 2024; and

15 **WHEREAS**, on November 12, 2024, the City Council reopened the public hearing of the
16 Appeal, took testimony, discussed the Appeal; and closed the public hearing; and

17 **WHEREAS**, on November 12, 2024, after closing the public hearing, the City Council voted
18 5-0 to uphold the Appeal, decline to approve Environmental Assessment Review No. 2023-0022, and
19 deny TPM No. 20853, CDP No. 2023-0011, and PPD No. 2023-0018; and

20 **WHEREAS**, this Resolution as presented, memorializes and ratifies the City Council’s
21 decision of November 12, 2024; and

22 **WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

23 **WHEREAS**, the City Council’s hearing of the Appeal is *de novo* and its decision is final and
24 with prejudice.

25 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

26 **SECTION 1.** The City Council hereby specifically finds that all the facts set forth in the
27 recitals above of this Resolution are true and correct and incorporated herein.

1 **SECTION 2.** As the City Council has voted to deny the Project, the City Council declines
2 to approve the Addendum to the RASP EIR, prepared for the Project. Under State CEQA Guidelines
3 Section 15270, findings under CEQA are not required when a project is denied because CEQA only
4 applies to projects that are approved by a public agency.

5 **SECTION 3.** Based on evidence presented to the City Council during the public hearing
6 conducted regarding Environmental Assessment Review No. 2023-0022, TPM No. 20853, CDP No.
7 2023-0011, and PPD No. 2023-0018, including written staff reports, verbal testimony, site plans,
8 other documents, and the conditions of approval stated herein, the City Council hereby determines
9 that TPM No. 20853 does not satisfy the required finding below:

10 6. That the design of the land division is not likely to cause serious health problems.

11 *This finding is not satisfied due to the following facts:*

12 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
13 industrial developments to be sensitive to the character of surrounding neighborhoods and
14 consistent with both the scale and height of surrounding existing developments, and the
15 proposed use, including the proposed height of the warehouse building, would not
16 adequately achieve consistency with those goals. Furthermore, according to the Rialto
17 Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
18 district envisions campus-like developments that provide for light industrial and
19 industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
20 between existing sensitive uses, such as the existing residential uses to the north and east,
and more intense industrial-zoned areas. Ultimately, the I-PID land use district is intended
to avoid a drastic change in the scale and type of developments as well as developments
that lend themselves to large amounts of truck traffic and twenty-four hour/seven days per
week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

21 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
22 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
23 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
24 neighborhood, from construction, operational, and mobile emission sources. Based on
25 studies reported by the California Air Resources Board and as demonstrated by the recently
enacted Assembly Bill 98, there is an increased awareness of the potential health risks
associated with increased air emissions posed by warehouse operations constructed close
to residential areas.

26 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
27 the Project would increase truck traffic on local streets, which would negatively impact the
28 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.

1 The Project’s traffic study also estimated trucks would constitute a maximum of 156 of the
2 391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
3 of pedestrians in the vicinity of the Site.

4 As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
5 the Project would increase noise in the vicinity of the Site during construction and
6 operation of the Project. The Addendum indicates the Project would create construction
7 noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
8 to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
9 negatively impact the adjacent residential neighborhood, particularly those single-family
10 residences approximately 15 feet to the east of the Site boundary.

11 The height and scale of the warehouse would negatively impact the views from the vicinity
12 around the Site, particularly the views of residents east of the Site. As indicated on the
13 rendering of “VIEW FROM EAST SIDE OF BUILDING FACING WEST”, page 33 of
14 the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
15 would not screen the view of the warehouse from the adjacent residential neighborhood
16 and the height of the proposed warehouse building likely would block existing views from
17 the adjacent residential neighborhood.

18 The Project would introduce an industrial warehouse building that would be incompatible
19 with the existing residential properties to the north and east due to the large physical scale of
20 the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
21 These adverse effects are not outweighed by any benefits conferred upon the community or
22 neighborhood by the implementation of the Project.

23 **SECTION 4.** Based on evidence presented to the City Council during the public hearing
24 conducted with regard to Environmental Assessment Review No. 2023-0022, TPM No. 20853, CDP
25 No. 2023-0011, and PPD No. 2023-0018, including written staff reports, verbal testimony, site plans,
26 other documents, and the conditions of approval stated herein, the City Council hereby determines
27 that CDP No. 2023-0011 does not satisfy the requirements of Section 18.66.020 of the Rialto
28 Municipal Code pertaining to the findings which must be made precedent to granting a conditional
development permit. As documented below, the Project does not satisfy the required findings 1, 2, 5
and 6, as follows:

- 1 1. The proposed use is deemed essential or desirable to provide a service or facility
2 which will contribute to the convenience or general well-being of the neighborhood
3 or community; and

4 *This finding is not satisfied due to the following facts:*

5 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
6 industrial developments to be sensitive to the character of surrounding neighborhoods and
7 consistent with both the scale and height of surrounding existing developments, and the
8 proposed use, including the proposed height of the warehouse building, would not
9 adequately achieve consistency with those goals. Furthermore, according to the Rialto
10 Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
11 district envisions campus-like developments that provide for light industrial and
12 industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
13 between existing sensitive uses, such as the existing residential uses to the north and east,
14 and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
15 to avoid a drastic change in the scale and type of developments as well as developments
16 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
17 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

18 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
19 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
20 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
21 neighborhood, from construction, operational, and mobile emission sources. Based on
22 studies reported by the California Air Resources Board and as demonstrated by the recently
23 enacted Assembly Bill 98, there is an increased awareness of the potential health risks
24 associated with increased air emissions posed by warehouse operations constructed close
25 to residential areas.

26 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
27 the Project would increase truck traffic on local streets, which would negatively impact the
28 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
29 study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
30 daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
31 The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
32 391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
33 of pedestrians in the vicinity of the Site.

34 As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
35 the Project would increase noise in the vicinity of the Site during construction and
36 operation of the Project. The Addendum indicates the Project would create construction
37 noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
38 to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
39 negatively impact the adjacent residential neighborhood, particularly those single-family
40 residences approximately 15 feet to the east of the Site boundary.

1 The height and scale of the warehouse would negatively impact the views from the vicinity
2 around the Site, particularly the views of residents east of the Site. As indicated on the
3 rendering of “VIEW FROM EAST SIDE OF BUILDING FACING WEST”, page 33 of
4 the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
5 would not screen the view of the warehouse from the adjacent residential neighborhood
6 and the height of the proposed warehouse building likely would block existing views from
7 the adjacent residential neighborhood.

8 The Project would introduce an industrial warehouse building that would be incompatible
9 with the existing residential properties to the north and east due to the large physical scale of
10 the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
11 These adverse effects are not outweighed by any benefits conferred upon the community or
12 neighborhood by the implementation of the Project.

- 13 2. The proposed use will not be detrimental or injurious to health, safety, or general
14 welfare of persons residing or working in the vicinity; and

15 *This finding is not satisfied due to the following facts:*

16 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
17 industrial developments to be sensitive to the character of surrounding neighborhoods and
18 consistent with both the scale and height of surrounding existing developments, and the
19 proposed use, including the proposed height of the warehouse building, would not
20 adequately achieve consistency with those goals. Furthermore, according to the Rialto
21 Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
22 district envisions campus-like developments that provide for light industrial and
23 industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
24 between existing sensitive uses, such as the existing residential uses to the north and east,
25 and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
26 to avoid a drastic change in the scale and type of developments as well as developments
27 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
28 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
neighborhood, from construction, operational, and mobile emission sources. Based on
studies reported by the California Air Resources Board and as demonstrated by the recently
enacted Assembly Bill 98, there is an increased awareness of the potential health risks
associated with increased air emissions posed by warehouse operations constructed close
to residential areas.

As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
the Project would increase truck traffic on local streets, which would negatively impact the
efficiency of traffic and increase traffic delays in the immediate area. The Project’s traffic
study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE

1 daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
2 The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
3 391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
4 of pedestrians in the vicinity of the Site.

5 As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
6 the Project would increase noise in the vicinity of the Site during construction and
7 operation of the Project. The Addendum indicates the Project would create construction
8 noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
9 to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
10 negatively impact the adjacent residential neighborhood, particularly those single-family
11 residences approximately 15 feet to the east of the Site boundary.

12 The height and scale of the warehouse would negatively impact the views from the vicinity
13 around the Site, particularly the views of residents east of the Site. As indicated on the
14 rendering of "VIEW FROM EAST SIDE OF BUILDING FACING WEST", page 33 of
15 the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
16 would not screen the view of the warehouse from the adjacent residential neighborhood
17 and the height of the proposed warehouse building likely would block existing views from
18 the adjacent residential neighborhood.

19 The Project would introduce an industrial warehouse building that would be incompatible
20 with the existing residential properties to the north and east due to the large physical scale of
21 the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
22 These adverse effects are not outweighed by any benefits conferred upon the community or
23 neighborhood by the implementation of the Project.

- 24 5. The proposed use will be arranged, designed, constructed and maintained so as it
25 will not be injurious to property or improvements in the vicinity or otherwise be
26 inharmonious with the General Plan and its objectives, the M-1 zone, or any zoning
27 ordinances, and

28 *This finding is not satisfied due to the following facts:*

General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
industrial developments to be sensitive to the character of surrounding neighborhoods and
consistent with both the scale and height of surrounding existing developments, and the
proposed use, including the proposed height of the warehouse building, would not
adequately achieve consistency with those goals. Furthermore, according to the Rialto
Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
district envisions campus-like developments that provide for light industrial and
industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
between existing sensitive uses, such as the existing residential uses to the north and east,
and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
to avoid a drastic change in the scale and type of developments as well as developments

1 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
2 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

3 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
4 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
5 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
6 neighborhood, from construction, operational, and mobile emission sources. Based on
7 studies reported by the California Air Resources Board and as demonstrated by the recently
8 enacted Assembly Bill 98, there is an increased awareness of the potential health risks
9 associated with increased air emissions posed by warehouse operations constructed close
10 to residential areas.

11 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
12 the Project would increase truck traffic on local streets, which would negatively impact the
13 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
14 study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
15 daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
16 The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
17 391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
18 of pedestrians in the vicinity of the Site.

19 As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
20 the Project would increase noise in the vicinity of the Site during construction and
21 operation of the Project. The Addendum indicates the Project would create construction
22 noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
23 to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
24 negatively impact the adjacent residential neighborhood, particularly those single-family
25 residences approximately 15 feet to the east of the Site boundary.

26 The height and scale of the warehouse would negatively impact the views from the vicinity
27 around the Site, particularly the views of residents east of the Site. As indicated on the
28 rendering of "VIEW FROM EAST SIDE OF BUILDING FACING WEST", page 33 of
the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
would not screen the view of the warehouse from the adjacent residential neighborhood
and the height of the proposed warehouse building likely would block existing views from
the adjacent residential neighborhood.

The Project would introduce an industrial warehouse building that would be incompatible
with the existing residential properties to the north and east due to the large physical scale of
the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
These adverse effects are not outweighed by any benefits conferred upon the community or
neighborhood by the implementation of the Project.

1 6. Any potential adverse effects upon the surrounding properties will be minimized to
2 every extent practical and any remaining adverse effects shall be outweighed by the
3 benefits conferred upon the community or neighborhood as a whole.

4 *This finding is not satisfied due to the following facts:*

5 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
6 industrial developments to be sensitive to the character of surrounding neighborhoods and
7 consistent with both the scale and height of surrounding existing developments, and the
8 proposed use, including the proposed height of the warehouse building, would not
9 adequately achieve consistency with those goals. Furthermore, according to the Rialto
10 Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
11 district envisions campus-like developments that provide for light industrial and
12 industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
13 between existing sensitive uses, such as the existing residential uses to the north and east,
14 and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
15 to avoid a drastic change in the scale and type of developments as well as developments
16 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
17 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

18 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
19 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
20 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
21 neighborhood, from construction, operational, and mobile emission sources. Based on
22 studies reported by the California Air Resources Board and as demonstrated by the recently
23 enacted Assembly Bill 98, there is an increased awareness of the potential health risks
24 associated with increased air emissions posed by warehouse operations constructed close
25 to residential areas.

26 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
27 the Project would increase truck traffic on local streets, which would negatively impact the
28 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
of pedestrians in the vicinity of the Site.

As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
the Project would increase noise in the vicinity of the Site during construction and
operation of the Project. The Addendum indicates the Project would create construction
noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
negatively impact the adjacent residential neighborhood, particularly those single-family
residences approximately 15 feet to the east of the Site boundary.

1 The height and scale of the warehouse would negatively impact the views from the vicinity
2 around the Site, particularly the views of residents east of the Site. As indicated on the
3 rendering of “VIEW FROM EAST SIDE OF BUILDING FACING WEST”, page 33 of
4 the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
5 would not screen the view of the warehouse from the adjacent residential neighborhood
6 and the height of the proposed warehouse building likely would block existing views from
7 the adjacent residential neighborhood.

8 The Project would introduce an industrial warehouse building that would be incompatible
9 with the existing residential properties to the north and east due to the large physical scale of
10 the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
11 These adverse effects are not outweighed by any benefits conferred upon the community or
12 neighborhood by the implementation of the Project.

13 **SECTION 5.** Based on evidence presented to the City Council during the public hearing
14 conducted with regard to Environmental Assessment Review No. 2023-0022, TPM No. 20853, CDP
15 No. 2023-0011, and PPD No. 2023-0018, including written staff reports, verbal testimony, site plans,
16 other documents, and the conditions of approval stated herein, the City Council hereby determines
17 that PPD No. 2023-0018 does not satisfy the requirements of Section 18.65.020E of the Rialto
18 Municipal Code pertaining to the findings which must be made precedent to granting a Precise Plan
19 of Design. As documented below, the Project does not satisfy the required findings 2 and 3, as follows:

- 20 2. The site is physically suitable for the proposed development, and the proposed
21 development will be arranged, designed, constructed, and maintained so that it
22 will not be unreasonably detrimental or injurious to property, improvements, or
23 the health, safety or general welfare of the general public in the vicinity, or
24 otherwise be inharmonious with the city’s general plan and its objectives, zoning
25 ordinances or any applicable specific plan and its objectives, and

26 *This finding is not satisfied, due to the following facts:*

27 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
28 industrial developments to be sensitive to the character of surrounding neighborhoods and
consistent with both the scale and height of surrounding existing developments, and the
proposed use, including the proposed height of the warehouse building, would not
adequately achieve consistency with those goals. Furthermore, according to the Rialto
Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
district envisions campus-like developments that provide for light industrial and
industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
between existing sensitive uses, such as the existing residential uses to the north and east,
and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
to avoid a drastic change in the scale and type of developments as well as developments

1 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
2 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

3 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
4 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
5 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
6 neighborhood, from construction, operational, and mobile emission sources. Based on
7 studies reported by the California Air Resources Board and as demonstrated by the recently
8 enacted Assembly Bill 98, there is an increased awareness of the potential health risks
9 associated with increased air emissions posed by warehouse operations constructed close
10 to residential areas.

11 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
12 the Project would increase truck traffic on local streets, which would negatively impact the
13 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
14 study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
15 daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
16 The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
17 391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
18 of pedestrians in the vicinity of the Site.

19 As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
20 the Project would increase noise in the vicinity of the Site during construction and
21 operation of the Project. The Addendum indicates the Project would create construction
22 noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
23 to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
24 negatively impact the adjacent residential neighborhood, particularly those single-family
25 residences approximately 15 feet to the east of the Site boundary.

26 The height and scale of the warehouse would negatively impact the views from the vicinity
27 around the Site, particularly the views of residents east of the Site. As indicated on the
28 rendering of "VIEW FROM EAST SIDE OF BUILDING FACING WEST", page 33 of
the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
would not screen the view of the warehouse from the adjacent residential neighborhood
and the height of the proposed warehouse building likely would block existing views from
the adjacent residential neighborhood.

The Project would introduce an industrial warehouse building that would be incompatible
with the existing residential properties to the north and east due to the large physical scale of
the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
These adverse effects are not outweighed by any benefits conferred upon the community or
neighborhood by the implementation of the Project.

- 1 3. The proposed development will not unreasonably interfere with the use or enjoyment
2 of neighboring property rights or endanger the peace, health, safety or welfare of the
3 general public.

4 *This finding is not satisfied, due to the following facts:*

5 General Plan Goal 2-8, Goal 2-14, Goal 2-19, and Goal 2-22, encourage and require
6 industrial developments to be sensitive to the character of surrounding neighborhoods and
7 consistent with both the scale and height of surrounding existing developments, and the
8 proposed use, including the proposed height of the warehouse building, would not
9 adequately achieve consistency with those goals. Furthermore, according to the Rialto
10 Airport Specific Plan, the underlying Planned Industrial Development (I-PID) land use
11 district envisions campus-like developments that provide for light industrial and
12 industrial/business park uses. Additionally, I-PID areas are intended to provide a transition
13 between existing sensitive uses, such as the existing residential uses to the north and east,
14 and more intense industrial zoned areas. Ultimately, the I-PID land use district is intended
15 to avoid a drastic change in the scale and type of developments as well as developments
16 that lend themselves to large amounts of truck traffic and twenty-four hour seven days per
17 week (24/7) operations, and that the Project, as proposed, would not conform to that intent.

18 As discussed on pages 24-33 of the Addendum to the RASP EIR, prepared for the Project,
19 the Project would increase air emissions, including emissions of Carbon Monoxide (CO)
20 and Nitrogen Oxide (NOx), in the vicinity of the Site, particularly the adjacent residential
21 neighborhood, from construction, operational, and mobile emission sources. Based on
22 studies reported by the California Air Resources Board and as demonstrated by the recently
23 enacted Assembly Bill 98, there is an increased awareness of the potential health risks
24 associated with increased air emissions posed by warehouse operations constructed close
25 to residential areas.

26 As discussed on pages 94-103 of the Addendum to the RASP EIR, prepared for the Project,
27 the Project would increase truck traffic on local streets, which would negatively impact the
28 efficiency of traffic and increase traffic delays in the immediate area. The Project's traffic
study estimates the Project would generate approximately 391 daily vehicle trips (655 PCE
daily vehicle trips) with 39 trips in the AM peak hour and 41 trips in the PM peak hour.
The Project's traffic study also estimated trucks would constitute a maximum of 156 of the
391 new daily vehicle trips. This increase in traffic also could negatively impact the safety
of pedestrians in the vicinity of the Site.

As discussed on pages 76-84 of the Addendum to the RASP EIR, prepared for the Project,
the Project would increase noise in the vicinity of the Site during construction and
operation of the Project. The Addendum indicates the Project would create construction
noise of up to 70.5 dBA at neighboring sensitive receptors and operational noise of close
to 60 dBA. With the proposed warehouse operating 24/7, the increased noise would
negatively impact the adjacent residential neighborhood, particularly those single-family
residences approximately 15 feet to the east of the Site boundary.

1 The height and scale of the warehouse would negatively impact the views from the vicinity
2 around the Site, particularly the views of residents east of the Site. As indicated on the
3 rendering of “VIEW FROM EAST SIDE OF BUILDING FACING WEST”, page 33 of
4 the Staff Report for the September 24, 2024, City Council meeting, the proposed vegetation
5 would not screen the view of the warehouse from the adjacent residential neighborhood
6 and the height of the proposed warehouse building likely would block existing views from
7 the adjacent residential neighborhood.

8 The Project would introduce an industrial warehouse building that would be incompatible
9 with the existing residential properties to the north and east due to the large physical scale of
10 the proposed industrial warehouse building and its heavy truck traffic during 24/7 operations.
11 These adverse effects are not outweighed by any benefits conferred upon the community or
12 neighborhood by the implementation of the Project.

13 **SECTION 6.** The City Council hereby upholds the Appeal, disapproves the previous
14 decision of the Planning Commission approving Environmental Assessment Review No. 2023-0022,
15 TPM No. 20853, CDP No. 2023-0011 and PPD No. 2023-0018, declines to approve Environmental
16 Assessment Review No. 2023-0022, and denies TPM No. 20853, CDP No. 2023-0011 and PPD No.
17 2023-0018, on the grounds that the Project would be a detriment to the air quality in the vicinity of
18 the Site, would increase noise during construction and operation of the Project in the vicinity of the
19 Site, would negatively impact the level of service of traffic in the immediate area of the Site, would
20 negatively impact the views from the residential area to the east of the Site, and that the Project does
21 not comply with the required findings necessary for approval contained in Section 18.66.020 of the
22 Rialto Municipal Code and Section 18.65.020E of the Rialto Municipal Code.

23 **SECTION 7.** The Mayor shall sign as to the passage and adoption of this resolution and
24 thereupon the same shall take effect and be in force.
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PASSED, APPROVED AND ADOPTED this ____ day of _____.

JOE BACA, MAYOR

ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

ERIC S. VAIL, CITY ATTORNEY

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the _____ day of _____, 2025.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:
AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this _____ day of _____, 2025.

BARBARA MCGEE, CITY CLERK

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