

RESOLUTION NO. 20-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0045 TO ALLOW THE DEVELOPMENT AND OPERATION OF A TRUCKING FACILITY ON 2.84 ACRES OF LAND (APN: 1133-081-01 & 02) LOCATED AT THE SOUTHWEST CORNER OF LOCUST AVENUE AND STONEHURST DRIVE WITHIN THE GENERAL MANUFACTURING (I-GM) ZONE OF THE RIALTO AIRPORT SPECIFIC PLAN.

WHEREAS, the applicant, Tony Hsu, proposes to develop and operate a trucking facility (“Project”) on 2.84 acres of land (APN: 1133-081-01 & 02) located at the southwest corner of Locust Avenue and Stonehurst Drive within the General Manufacturing (I-GM) zone of the Rialto Airport Specific Plan (“Site”); and

WHEREAS, the Project will include the construction of one (1) 15,258 square foot industrial building, containing 2,400 square feet of office area, 11,873 square feet of storage area, and 968 square feet of maintenance/repair area as well as a 1,400 square foot canopy, asphalt paving, masonry block walls, landscaping, and lighting in accordance with the site plan submitted to the Planning Division on January 9, 2020; and

WHEREAS, pursuant to Section 18.104.010, the development and operation of a truck and trailer storage yard, such as the Project, within the I-GM zone requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2018-0045”); and

WHEREAS, the completed application submittal was received on December 5, 2018 which was preliminarily reviewed by the Development Review Committee on December 19, 2018. On January 3, 2019, an Incomplete Letter was issued for the Project and the applicant first began to work on revising the architectural plan set. After providing revised architectural plans to the Planning Division on April 10, 2019, the applicant began to address environmental review comments for the Project. On behalf of the applicant, environmental consultant Jericho Systems Incorporated conducted a Historical/Archaeological Resources survey report (July 19, 2019) for the Project as well as a biological assessment (October 15, 2019) of the Project Site. Integrated

1 Engineering Group worked with the Public Works Department on completing a traffic scoping
2 agreement, which was eventually approved on November 20, 2019; and

3 WHEREAS, during the final stages of the Project's entitlement phase, on October 9,
4 2019 the City adopted a moratorium on all new trucking related uses through Urgency Ordinance
5 No. 1624; and

6 WHEREAS, because the applicant submitted the Project application and has shown
7 diligence and responsibility and has expended considerable funds and investment in in pursuing
8 completion of the required entitlements for the Project prior to the effectiveness of Urgency
9 Ordinance No. 1624, the application is not subject to the moratorium under Urgency Ordinance
10 No. 1624; and

11 WHEREAS, on January 29, 2020, the Planning Commission of the City of Rialto
12 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0045, took
13 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
14 public testimony; discussed the proposed CDP No. 2018-0045; closed the public hearing; and
15 tabled the item requesting cumulative traffic impact information for Locust Avenue; and

16 WHEREAS, on February 26, 2020, the Planning Commission of the City of Rialto
17 conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0045, took
18 testimony, at which time it received input from staff, the city attorney, and the applicant; heard
19 public testimony; discussed the proposed CDP No. 2018-0045; and closed the public hearing;
20 and

21 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

22 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
23 Rialto as follows:

24 SECTION 1. The Planning Commission hereby specifically finds that all of the facts set
25 forth in the recitals above of this Resolution are true and correct and incorporated herein.

26 SECTION 2. Based on substantial evidence presented to the Planning Commission during
27 the public hearing conducted with regard to CDP No. 2018-0045, including written staff reports,
28 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the

1 Planning Commission hereby determines that CDP No. 2018-0045 satisfies the requirements of
2 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
3 precedent to granting a conditional development permit. The findings are as follows:

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

7 *This finding is supported by the following facts:*

8 The Project will bring a viable tenant and a use that is consistent with the I-GM zone and
9 the General Industrial general plan designation. Additionally, the Project will provide
employment opportunities within the City.

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

12 *This finding is supported by the following facts:*

13 The development and operation of a truck and trailer storage yard on the Site is consistent
14 with the I-GM zone of the Rialto Airport Specific Plan, which permits heavy industrial
15 and storage uses subject to a Conditional Development Permit. To the north of the
16 project site, across Stonehurst Drive, is a 22,000 square foot industrial building, occupied
17 by United Rentals. To the east, across Locust Avenue, of the project site is a 613,000
18 square foot industrial warehouse building occupied by KW International Logistics. To
19 the west is a 5,300 square foot industrial building occupied by Bolding Engineering, and
20 to the south a precast concrete manufacturing facility operated by Pyramid Precast Co.
The zoning of the project site and the properties to the north, south and west is General
Manufacturing (I-GM) of the Rialto Airport Specific Plan. The zoning of the properties
to the east, across Locust Avenue, is Planned Industrial Development (I-PID) within the
Rialto Airport Specific Plan.

- 21 3. The site for the proposed use is adequate in size, shape, topography, accessibility
22 and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

23 *This finding is supported by the following facts:*

24 The Site contains 2.84 acres, is rectangular-shaped and adjacent to two (2) public streets, all
25 of which will be able to accommodate the proposed use. The Site will have access via two
26 (2) driveways; one (1) connected directly to Stonehurst Drive and one (1) connected directly
27 to Locust Avenue. In addition, the Project includes the installation of twenty-five (25)
28 parking spaces, which meets the minimum twenty-five (25) parking spaces required by
Chapter 18.58 (Off-Street Parking Regulations) of the Rialto Municipal Code.

- 1 4. The site has adequate access to those utilities and other services required for the
2 proposed use; and

3 *This finding is supported by the following facts:*

4 The Site will have adequate access to all utilities and services required through main water,
5 electric, sewer, and other utility lines that will be hooked up to the Site.

- 6 5. The proposed use will be arranged, designed, constructed, and maintained so as it
7 will not be injurious to property or improvements in the vicinity or otherwise be
8 inharmonious with the General Plan and its objectives, the Rialto Airport Specific
 Plan, or any zoning ordinances; and

9 *This finding is supported by the following facts:*

10 As previously stated, the use is consistent with the I-GM zone of the Rialto Airport
11 Specific Plan. The proposed project is also consistent with the General Industrial land
12 use designation which allows for a broad range of heavy industrial activities requiring
13 large areas of land with convenient access for trucks. A fourteen (14) foot high solid
14 block wall will be constructed along the north and east sides of the Site, including 80-foot
15 wall returns. These walls will provide adequate screening of the Project from the public
16 right-of-way including oblique views. Additionally, a fully landscaped setbacks will be
17 planted along the Project frontages of both Stonehurst Drive and Locust Avenue. These
18 landscape setbacks will help soften views of the development from the public right-of-
19 way. Furthermore, a minimum five (5) foot landscape buffer with continuous hedge and
20 trees planted every thirty (30) linear feet on-center will be installed along the interior
21 west and south property lines of the Site. These landscape buffers will serve to screen
22 views of the Site.

23 The preparation of a Traffic Scoping Agreement with the Public Works Department
24 found the trip generation from the facility to be minimal and does not require the
25 preparation of a Traffic Impact Analysis (TIA). The proposed operator anticipates
26 passenger vehicle trips resulting from a maximum of 15 employees and approximately 10
27 trucks entering and exiting the site on a daily basis. There are no sensitive uses near the
28 project site and the project should not negatively affect the surrounding properties since
 the applicant will install landscape buffering and block wall screening.

29 Additionally, the proposed use is consistent with Goal 3-1 of the Economic Development
30 Element of the Rialto General Plan by strengthening the business climate and by
31 providing additional employment opportunities in the area.

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

1 *This finding is supported by the following facts:*

2 The Project's effects will be minimized through the implementation of the Conditions of
3 Approval contained herein. The development and operation of a truck and trailer storage
4 yard will provide additional employment opportunities for residents and visitors to the
5 City. The Project will also serve to bring development to the Site, which has remained
6 historically vacant. Therefore, any potential adverse effects are outweighed by the benefits
7 conferred upon the community and neighborhood as a whole.

8 SECTION 3. Tony Hsu, is hereby granted CDP No. 2018-0045 to allow the development
9 and operation of a truck and trailer storage yard and repair facility on 1.11 gross acres of land (APN:
10 1133-081-01& 02) located at the southeast corner of Stonehurst Drive and Locust Avenue within
11 the General Manufacturing (I-GM) zone of the Rialto Airport Specific Plan.

12 SECTION 4. The project is categorically exempt from the requirements of the California
13 Environmental Quality Act (CEQA), pursuant to Section 15332, In-Fill Development Projects. The
14 project is zoned I-GM (General Manufacturing) and is within the Rialto Airport Specific Plan. The
15 nearly 3 acre project site is under the 5-acre threshold and can be served by all public utilities. The
16 site is directly accessed by a major city street, off a major highway, and the surrounding land uses
17 are developed with industrial uses. The project has no value as habitat for endangered, rare or
18 threatened species. Approval of the project would not result in any significant effects relating to
19 traffic, noise, air quality, or water quality and therefore, is consistent with the requirements for Class
20 32, In-Fill Development.

21 The Planning Commission directs the Planning Division to file the necessary documentation with
22 the Clerk of the Board of Supervisors for San Bernardino County.

23 SECTION 5. CDP No. 2018-0045 is granted to Tony Hsu, in accordance with the plans and
24 application on file with the Planning Division, subject to the following conditions:

- 25 1. The approval is granted to allow the development and operation of a truck and trailer
26 storage yard, including the construction of a one (1) 15,258 square foot industrial
27 building, containing 2,400 square feet of office area, 1,187 square feet of storage area,
28 and 968 square feet of maintenance/repair area as well as a 1,400 square foot canopy,
asphalt paving, masonry block walls, landscaping, and lighting, on 2.84 acres of land
(APN: 1133-081-01 & 02) located at the southwest corner of Locust Avenue and
Stonehurst Drive, as shown on the plans submitted to the Planning Division on January

1 9, 2020, and as approved by the Planning Commission. If the Conditions of Approval
2 specified herein are not satisfied or otherwise completed, the Project shall be subject to
3 revocation.

- 4 2. Prior to the issuance of building or grading permits for the proposed development, a
5 Precise Plan of Design shall be approved by the City's Development Review Committee
6 (DRC). Conditions of approval on the Precise Plan of Design shall include but are not
7 limited to: construction of street improvements, grading and water quality management
8 requirements, screening requirements, landscape planting and maintenance, and
9 architectural design.
- 10 3. Hours of operation shall be limited to 6:00 a.m. and 10:00 pm, six (6) days per week,
11 and operate with ten (10) employees, which may be increased to no more than fifteen
12 (15) employees.
- 13 4. Pursuant to the proposed operational characteristics, the number of trucks entering and
14 exiting the site shall limited to between ten (10) and twenty (20) trucks per day within
15 the specified hours of operation. The applicant or operator may request a modification
16 to this condition of approval to increase the number of trucks entering and exiting the
17 site on a daily basis. The Community Development Director is authorized to approve a
18 request for a minor increase (i.e., up to 49 trucks per day) and shall refer the matter to
19 the Planning Commission for a more significant increase (i.e., 50 or more trucks per
20 day).
- 21 5. Trucks shall not run idle for more than five (5) minutes. A truck idling for five (5)
22 minutes shall immediately leave the site or the engine shall be shut off.
- 23 6. All trucks shall be equipped with properly operating and maintained mufflers, consistent
24 with manufacturer's standards, at all times
- 25 7. All truck repair shall be conducted within the building only and restricted to the
26 approved hours of operation.
- 27 8. The storage of inoperable trucks is prohibited.
- 28 9. The applicant shall obtain all necessary approvals and operating permits from all
Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
10. Outside of the approved hours of operation, a guard may be utilized to secure the site
from vandalism and theft, however, overnight camping, sleeping, and similar
occupancies are strictly prohibited.
11. The applicant shall merge the two (2) parcels of land into one (1) parcel of land to
facilitate the proposed development. Merging of parcels shall be recorded prior to the
issuance of occupancy.

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12. The applicant shall dedicate thirty-two (32) feet of right-of-way for Stonehurst Drive half-width and fourteen (14) feet of additional right-of-way along Locust Avenue pursuant to the General Plan and Rialto Municipal Code Section 11.04.240, and make all of the necessary street improvements.
 13. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning CDP No. 2018-0045. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
 14. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
 15. The privileges granted by the Planning Commission pursuant to approval of CDP No. 2018-0045 are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said effective date, this conditional development permit shall be null and void and any privileges granted hereunder shall terminate automatically. If the applicant or his or her successor in interest commences the project within one year of the effective date of approval, the privileges granted hereunder will continue inured to the property as long as the property is used for the purpose for which the conditional development permit was granted, and such use remains compatible with adjacent property uses.
 16. If the applicant fails to comply with any of the Conditions of Approval placed upon CDP No. 2018-0045 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 4 above, the Planning Commission may initiate proceedings to revoke CDP No. 2018-0045 in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2018-0045 shall be revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the Planning Commission if:
 - a) The use for which such approval was granted has ceased to exist, been subsequently modified or have been suspended for six (6) months or more;
 - b) Any of the express conditions or terms of such permit are violated;
 - c) The use for which such approval was granted becomes or is found to be objectionable or incompatible with the character of the City and its

environs due to noise, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to uses which are or have become offensive to neighboring property or the goals and objectives of the General Manufacturing (I-GM) zone, the Rialto Airport Specific Plan, and the City's General Plan.

SECTION 6. The Chairman of the Planning Commission shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2020.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ____th day of ____, 2017.

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

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NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this th day of , 2017.

SHEREE LEWIS, ADMINISTRATIVE ASSISTANT