

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0020 ALLOWING THE DEVELOPMENT AND OPERATION OF A 47,609 SQUARE FOOT TRUCK TERMINAL WAREHOUSE BUILDING ON 12.72 GROSS ACRES (11.80 NET ACRES) OF LAND (APN: 0258-011-01, -09, & -10) LOCATED BETWEEN CACTUS AVENUE AND LILAC AVENUE APPROXIMATELY 625 FEET SOUTH OF SLOVER AVENUE WITHIN THE LIGHT INDUSTRIAL (M-1) ZONE AND THE HEAVY INDUSTRIAL (H-IND) ZONE OF THE AGUA MANSA SPECIFIC PLAN.

WHEREAS, the applicant, Dedeaux Properties, LLC, proposes to develop and operate a 47,609 square foot truck terminal and storage warehouse/distribution center (“Project”) on 12.72 gross acres (11.80 net acres) of land (APN: 0258-011-01, -09, & -10) located between Cactus Avenue and Lilac Avenue approximately 625 feet south of Slover Avenue within the Light Industrial (M-1) zone and the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan (“Site”); and

WHEREAS, APN: 0258-011-01 contains a zoning designation of H-IND within the Agua Mansa Specific Plan, and APNs: 0258-011-09 & -10 contain a zoning designation of M-1; and

WHEREAS, in accordance with Section 18.06.020 of the Rialto Municipal Code, the Project shall comply with the requirements of the M-1 and H-IND zones in the areas of the Site that are zoned M-1 and H-IND; and

WHEREAS, Pursuant to Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code, the Project within the M-1 and H-IND requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2020-0020 (“CDP No. 2020-0020”); and

WHEREAS, in conjunction with the Project, the applicant submitted Precise Plan of Design No. 2020-0026 (“PPD No. 2020-0026”) to facilitate the development of a 47,609 square foot truck terminal warehouse building and associated paving, landscaping, fencing, lighting, and drainage improvements on the Site; and

1 WHEREAS, on July 28, 2021, the Planning Commission of the City of Rialto conducted a
2 duly noticed public hearing, as required by law, on CDP No. 2020-0020 and PPD No. 2020-0026,
3 took testimony, at which time it received input from staff, the city attorney, and the applicant;
4 heard public testimony; discussed the proposed CDP No. 2020-0020 and PPD No. 2020-0026; and
5 closed the public hearing; and

6 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.
7 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as
8 follows:

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

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to CDP No. 2020-0020, including written staff reports,
13 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
14 Planning Commission hereby determines that CDP No. 2020-0020 satisfies the requirements of
15 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
16 precedent to granting a conditional development permit, which findings are as follows:

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

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

21 The Site is relatively flat, "L"-shaped, expansive in size, and covered mostly by natural
22 grasses, shrubs, and trees, except for 0.28 acres of asphalt paving, one (1) non-conforming
23 single-family residence, one (1) non-conforming modular home, and several accessory
24 structures. The Project will develop the highest and best use for the Site, in accordance
25 with the Light Industrial (M-1) zone and the Heavy Industrial (H-IND) zone of the Agua
26 Mansa Specific Plan. Additionally, the Project will provide employment opportunities
27 within the City.

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

This finding is supported by the following facts:

1 The development and operation of a truck terminal warehouse building on the Site is
2 consistent with the Light Industrial (M-1) zone and the Heavy Industrial (H-IND) zone of
3 the Agua Mansa Specific Plan, which conditionally permit the development and operation
4 of truck terminal warehouse buildings. To the north of the project site are several industrial
5 developments including an approximately 212,000 square foot commercial bakery facility occupied by Biscoamerica Corporation, a petroleum products
6 facility occupied by Flyers Energy, and a truck dispatch yard occupied by SC Fuels. To
7 the east, across Lilac Avenue, is an approximately 27,000 square foot warehouse building
8 occupied by Tsubaki Ballantine an industrial parts distributor, and to the south are several
9 industrial developments including a truck dispatch yard occupied by Impact Energy
10 Transport, a construction contractor's yard occupied by Chrisp Company, a truck yard
11 occupied by Uppal Trucking and approximately 1.32 acres of vacant land. To the west,
12 across Cactus Avenue, are several single-family residences located within the
13 unincorporated area of Bloomington. The Project is consistent with the M-1 and H-IND
14 zones and the surrounding land uses. The nearby area is predominantly zoned for and
15 developed with industrial uses except for the single-family residences to the west of the
16 Site, across Cactus Avenue. The project is not expected to negatively impact any uses
17 since measures, such as the installation of a solid screen wall and landscape buffering, will
18 ensure that both noise and visual impacts remain at acceptable levels. The project will be
19 a benefit to the community and an improvement to the surrounding area.

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

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

24 The Site contains 12.72 gross acres (11.80 net acres), is "L"-shaped, fairly level, and adjacent
25 to two (2) public streets, which are able to accommodate the proposed use. The Project will
26 have two (2) points of access – both via Lilac Avenue. Both driveways on Lilac Avenue will
27 provide full access for both trucks and passenger vehicles. In addition, the building will have
28 44 parking spaces, which exceeds the amount required by Table 13 (Off-Street Parking
Requirements) of the Agua Mansa Specific Plan.

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

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

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

- 34 5. The proposed use will be arranged, designed, constructed, and maintained so as it will
35 not be injurious to property or improvements in the vicinity or otherwise be
36 inharmonious with the General Plan and its objectives, the Agua Mansa Specific Plan,
37 or any zoning ordinances, and

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

3 As previously stated, the use is consistent with the M-1 and H-IND zones. The building
4 will be oriented such that none of the dock doors will front or face the public right-of-way,
5 the design includes a solid screen wall around the Site, the building will have forty-four
6 (44) passenger vehicle parking spaces, and the building will have a Floor Area Ratio (FAR)
7 of 9.3 percent, all of which comply with the General Plan, the M-1 and H-IND zones, and
8 the City's Design Guidelines. Additionally, a twenty-five (25) foot wide landscape setback
9 will be provided along the entire frontage of Cactus Avenue, and a fifteen (15) foot wide
10 landscape setback will be provided along the entire frontage of Lilac Avenue.

- 11
12 6. Any potential adverse effects upon the surrounding properties will be minimized to
13 every extent practical and any remaining adverse effects shall be outweighed by the
14 benefits conferred upon the community or neighborhood as a whole.

15
16 *This finding is supported by the following facts:*

17 The Project's effects will be minimized through the implementation of the Conditions of
18 Approval contained herein, and through the implementation of Conditions of Approval
19 imposed by the Planning Commission on the Precise Plan of Design, such as extensive
20 landscaping, solid screen walls, decorative paving, and enhanced architectural features.
21 The development of a high-quality industrial development will provide additional
22 employment opportunities for residents and visitors to the City. The Project is consistent
23 with the M-1 and H-IND zones and the surrounding land uses. The nearest sensitive use
24 is the single-family residences to the west of the Site, across Cactus Avenue. The project
25 is not expected to negatively impact any use with the successful implementation of
26 measures such as landscape buffering, the installation of solid screen walls, and aesthetic
27 building enhancements. Therefore, any potential adverse effects are outweighed by the
28 benefits conferred upon the community and neighborhood as a whole.

29 SECTION 3. Based on the findings and recommended mitigation within the Initial Study,
30 staff determined that the project will not have an adverse impact on the environment, provided that
31 mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The local
32 newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for
33 the project, and the City mailed the notice to all property owners within 1,000 feet of the project site
34 for a public comment period held from June 19, 2021 to July 8, 2021. The Mitigated Negative
35 Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). The

1 Planning Commission directs the Planning Division to file the necessary documentation with the
2 Clerk of the Board of Supervisors for San Bernardino County.

3 SECTION 4. CDP No. 2020-0020 is granted to Dedeaux Properties, LLC, in accordance with
4 the plans and application on file with the Planning Division, subject to the following conditions:

- 5 1. CDP No. 2020-0020 is approved allowing the development and operation of a 47,609
6 square foot truck terminal warehouse building on 12.72 gross acres (11.80 net acres) of
7 land (APNs: 0258-011-01, -09, & -10) located between Cactus Avenue and Lilac Avenue
8 approximately 625 feet south of Slover Avenue within the Light Industrial (M-1) zone
9 and Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, as shown on the
10 plans attached as Exhibit A and as approved by the Planning Commission. If the
11 Conditions of Approval specified herein are not satisfied or otherwise completed, the
12 project shall be subject to revocation.
- 13 2. City inspectors shall have access to the site to reasonably inspect the site during normal
14 working hours to assure compliance with these conditions and other codes.
- 15 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
16 and/or any of its officials, officers, employees, agents, departments, agencies, and
17 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
18 demands, law suits, writs of mandamus, and other actions and proceedings (whether
19 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
20 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
21 and other such procedures), (collectively "Actions"), brought against the City, and/or
22 any of its officials, officers, employees, agents, departments, agencies, and
23 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
24 annul, the any action of, or any permit or approval issued by, the City and/or any of its
25 officials, officers, employees, agents, departments, agencies, and instrumentalities
26 thereof (including actions approved by the voters of the City), for or concerning the
27 Project (collectively, the "Entitlements"), whether such Actions are brought under the
28 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
or any decision of a court of competent jurisdiction. This condition to indemnify,
protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
and other costs, liabilities and expenses incurred in connection with such proceeding
whether incurred by applicant, Property owner, or the City and/or other parties
initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
"Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
shall not be liable to the City Parties under this indemnity to the extent the Damages
incurred by any of the City Parties in such Action(s) are a result of the City Parties'
fraud, intentional misconduct or gross negligence in connection with issuing the
Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,

1 and hold the City harmless as stated herein within five (5) days of approval of CDP No.
2 2020-0020.

- 3 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
4 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
5 subject to protest by the applicant at the time of approval or conditional approval of the
6 Project or within 90 days after the date of the imposition of the fees, dedications,
7 reservations, or exactions imposed on the Project.
- 8 5. The operator(s) and/or tenant(s) on the Site and within the building shall always conduct
9 operations consistent with the environmental analysis contained within Environmental
10 Assessment Review No. 2020-0024.
- 11 6. The applicant shall complete and abide by all pre-construction mitigation measures
12 contained within the Mitigation Monitoring and Reporting Program associated with
13 Environmental Assessment Review No. 2020-0024, prior to the issuance of a grading
14 permit.
- 15 7. The applicant shall complete and abide by all during-construction mitigation measures
16 contained within the Mitigation Monitoring and Reporting Program associated with
17 Environmental Assessment Review No. 2020-0024, prior to the conducting of a final
18 inspection by the Building Division.
- 19 8. The applicant, property owner, operator(s), and tenant(s) shall always abide by all
20 operational mitigation measures contained within the Mitigation Monitoring and
21 Reporting Program associated with Environmental Assessment Review No. 2020-0024.
- 22 9. The Project shall be limited to a maximum of 528 actual passenger car trips and 364 actual
23 truck trips daily, in accordance with the Traffic Impact Analysis prepared for the Project
24 by Urban Crossroads, Inc. and dated June 2021.
- 25 10. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck
26 traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall
27 not queue or stage on any public street at any time. Activities on-site shall not operate in
28 such a manner that would impact traffic lanes, cause back up (queuing or staging) of
vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police
access and passage around trucks queuing or staging on-site shall be feasible at all times
and activities shall not block parking areas, access or passage for disabled persons or
emergency response vehicles.
11. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and
trailers within designated truck and trailer parking spaces on-site. No trucks or trailers
shall be parked or stored within any public street or within any on-site drive-aisles or
passenger vehicle parking areas at any time.

12. The applicant, landlord, operator(s) and/or tenant(s) shall not store any product, goods, materials, etc. outside of the building at any time, except for trucks, trailers, and vehicles associated with the operation(s) conducted within the building, without prior approval of a separate Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage Uses) of the Rialto Municipal Code.
13. Operations of any use on the Site may occur only between the hours of 7:00 a.m. and 7:00 p.m. seven (7) days a week.
14. The applicant shall install “No Stopping Anytime” R26A(S)(CA) signage along the entire project frontage of Cactus Avenue, as required by the City Engineer, prior to the issuance of a Certificate of Occupancy.
15. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit 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 commence 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. Approval of CDP No. 2020-0020 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.
17. In the event, that any operation on the Site is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, 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 Light Industrial (M-1) zone, the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan, and/or the City’s General Plan, the applicant shall address the issues within forty-eight (48) hours of being notified by the City.
18. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2020-0020 or PPD No. 2020-0026, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional Development Permit No. 2020-0020 may 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 has been suspended for six (6) months or more;

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the ____th day of ____, 2021.

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

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this ____th day of ____, 2021.

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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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Exhibit A

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