



CITY OF RIALTO  
PLANNING COMMISSION  
APPEAL FORM

CITY CLERK'S DATE STAMP

1. A filing fee of **\$1,369.60** must accompany this Appeal Form. Check made payable to the City of Rialto.
2. Appeal Form and Filing Fee must be submitted to the City Clerk's Office within 15 days after the decision.

**RETURN TO:** Rialto City Clerk's Office      Mail: 150 S. Palm Ave., Rialto, CA 92376      Address: 290 W. Rialto Ave., Rialto, CA 92376

**APPELLANT INFORMATION:**

Dedeaux Properties, LLC

FULL NAME

100 Wilshire Blvd., Suite 250

ADDRESS

Santa Monica, CA 90401

CITY, STATE & ZIP

( 323 ) 981-8226

TELEPHONE NO.

( 909 ) 730-0186

ALTERNATE TELEPHONE NO.

☒ APPLICANT    ☐ BONAFIDE AGENT    ☐ CITY DEPARTMENT    ☐ PROPERTY OWNER WITHIN 300 FEET

1. DATE OF PLANNING COMMISSION ACTION: 08/11/2021

**PROJECT LOCATION/ADDRESS:**

Located between Cactus Avenue and Lilac Avenue approximately 625 south of Slover Avenue

(APN: 0258-011-01, -09, & -10)

**2. PLEASE INDICATE WHY YOU ARE APPEALING THIS DECISION:**

Please see attached letter.

**DO NOT WRITE IN THIS SPACE**

Received by: \_\_\_\_\_

Set Public Hearing Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

*Jon Shorallow*

SIGNATURE OF APPELLANT OR AGENT

08/17/2021

DATE

August 18, 2021

**VIA E-MAIL & HAND-DELIVERY**

Honorable Mayor and Members of the City Council  
c/o Barbara McGee, City Clerk  
City of Rialto  
290 W Rialto Avenue  
Rialto, CA 92376

**Re: Notice of Appeal of Planning Commission Denial of Conditional  
Development Permit No. 2020-0020; Precise Plan of Design No. 2020-0026**

Honorable Mayor and Members of the City Council:

This firm represents Dedeaux Properties, LLC ("**Dedeaux**") in connection with its application for the above-referenced Conditional Development Permit (No. 2020-0020) and Precise Plan of Design (No. 2020-0026) seeking to entitle, construct and operate a 47,609 square foot truck terminal and storage warehouse/distribution center on three parcels comprising 12.72 gross acres located between Cactus Avenue and Lilac Avenue approximately 625 feet south of Slover Avenue (APN Nos. 0258-011-01, -09, and -10) ("**Site**") in the City of Rialto ("**City**") (the "**Project**").

On July 28, 2021, the City Planning Commission voted 4-2 to direct staff to prepare a resolution making findings denying the Project entitlements due to concerns related to increased truck traffic and air quality impacts associated with the Project. On August 11, 2021, the Planning Commission adopted Resolution No. 2021-38 formally denying the Project based upon findings reflecting the above-referenced concerns ("**Resolution of Denial**"). As outlined more fully below, the Planning Commission's Resolution of Denial and the supporting findings are inadequate and insufficient to justify denial of the Project.

We respectfully request that this correspondence be included as part of the administrative record for this matter. Enclosed herewith is a check in the amount of \$1,369.60 as payment of the appeal processing fee for this matter.

In accordance with Chapter 18.68 of the City Municipal Code, Dedeaux respectfully submits this appeal of the Planning Commission's denial of the Project for the following reasons:

**The Project Will Not Result in Significant or Impermissible Truck-Related Impacts**

The Planning Commission's denial of the Project based upon alleged increased truck traffic and impacts to the surrounding community is not consistent with the facts and the unique design of the Project. For example, the Project is proposing to construct two new forty (40) foot wide driveways off Lilac Avenue on both the north and south ends of the Project frontage that will provide full access movements for both trucks and passenger vehicles. No driveways will be constructed onto Cactus Avenue to prevent project generated vehicle traffic from passing by the existing residential to the west of the Project site.<sup>1</sup> Truck traffic from the Project site will still traverse Slover Avenue; however, this thoroughfare is a designated truck route under the City's General Plan and specifically designed to accommodate such traffic. To that end, the Project is consistent with the underlying Light Industrial (M-1) and Heavy Industrial (H-IND) zone and with the surrounding industrial uses to the north, east, and south of the Project site.

Similarly, with respect to traffic impacts to the surrounding area, the Project is conditioned to provide fair-share participation in future improvements to seven (7) cumulatively impacted intersections (totaling \$227,114.00), including: (i) installation of a traffic signal at the intersection of Lilac Avenue and Slover Avenue; (ii) widening Riverside Avenue to south of the I-10 freeway to include a third through lane; (iii) and various traffic signal timing modifications, and the addition of various turn lanes at certain intersections. Upon completion of the proposed improvements, the seven (7) intersections will operate at LOS D or better during future cumulative and ambient conditions thereby alleviating the Project's proposed traffic impacts.<sup>2</sup>

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<sup>1</sup> In addition, the City has conditioned the Project to require the installation of "No Stopping Anytime" signs along the entire project frontage of Cactus Avenue to prevent the parking of trucks and other vehicles along this frontage near the existing residences.

<sup>2</sup> Further, the City Transportation Commission reviewed and approved the Traffic Impacts Analysis ("TIA") prepared for the Project on June, 2, 2021, and agreed with the findings within the TIA and the recommended "fair-share" mitigation in the TIA. The TIA was conducted in accordance with the City's Traffic Impact Analysis Guidelines and specifically considered the presence of larger multi-axle vehicles and cumulative Project traffic.

Furthermore, the Project will be constructing half-width street improvements along the entire project frontages of Cactus Avenue and Lilac Avenue and will be responsible for the payment of development impact fees related to traffic. All street improvements, “fair-share” payments, and development impact fee payments must be paid and/or completed prior to final inspection and occupancy of the Project.

Finally, we note that Dedeaux and its representatives were not provided an opportunity to respond directly to the Planning Commission’s concerns at the July 28, 2021, hearing. Dedeaux is confident that, had such an opportunity been granted, the Planning Commission’s concerns about the Project’s transportation-related impacts and impacts to sensitive receptors could have been sufficiently addressed and the Project approved by the Commission.

**The Project Mitigation Measures Will Ensure the Avoidance of Significant  
Transportation-Related Air Quality and GHG Impacts**

The Planning Commission further denied the Project based upon alleged air quality and greenhouse gas (GHG) emission impacts related to the proposed warehouse use and associated truck traffic. This conclusion, however, is inconsistent and cannot be reconciled with the findings set forth in the Project’s Initial Study which concluded that the Project would not exceed any threshold or standard required by either the South Coast Air Quality Management District (“SCAQMD”) or the Rialto General Plan without mitigation, except for short-term construction localized PM10 and PM2.5 emissions, which after implementation of mitigation, will be less than significant.<sup>3</sup>

In addition to the above, and as outlined in the Planning Commission staff report, the Project also includes Standard Condition GHG-1 (SC GHG-1), Mitigation Measure GHG-1 (MM GHG-1), and Mitigation Measure GHG-2 (MM GHG-2) that will require Dedeaux to incorporate vehicle charging stations and infrastructure to support the use of electric powered forklifts and/or other interior vehicles into the design of the Project, as well as utilize zero-emission on-site service vehicles (e.g. yard hostlers,

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<sup>3</sup> The incorporation of Standard Condition AIR-1 (SC AIR-1) and Mitigation Measure AIR-1 (MM AIR-1) will ensure that the project generated emissions of PM10 and PM2.5 will be below the established SCAQMD threshold for the project’s construction localized emissions, including through the daily use of water trucks, street sweepers, reduced speeds of construction vehicles on-site, and truck covers to prevent dust and other particulate matter from exceeding the established SCAQMD threshold and the use of construction equipment with engines greater than 50 horsepower meet/exceed United States Environmental Protection Agency or California Air Resources Board (“CARB”) Tier IV off-road emission standards.

counterbalance forklifts, rider pallet jacks) or purchase carbon credits to offset greenhouse gas emissions produced by any exterior on-site service vehicles that would produce greenhouse gas emissions.

In sum, and contrary to the findings of the Planning Commission, the Project as mitigated will not result in significant air quality and GHG emission related impacts.

**The Project Contributes to the Convenience and General Well-Being of the Community and is an Appropriate and Beneficial Use of the Site**

Notwithstanding the Planning Commission's denial, the truck terminal and storage warehouse/distribution center proposed by the Project is an appropriate and beneficial use of the Site in that it will revitalize an under-utilized collection of parcels in an area designated for and surrounded by industrial uses with near-direct access to a City-approved truck route and that, with the agreed-upon mitigation measures, will minimize and avoid impacts to sensitive receptors. The Project will generate increased revenue for the City and provide significant financial contributions towards the construction of traffic-related improvements that will *benefit* the entire community rather than simply *offsetting* the Project's relatively minor traffic-related impacts. The project will also result in the creation of short-term and long-term employment for the City's residents and surrounding communities. As such, the City Council can and should make the requisite findings under Municipal Code section 18.66.020 to approve the Project entitlements.

**Conclusion**

Based on the foregoing, Dedeaux has demonstrated that the Planning Commission's denial of the Project entitlements was not supported by valid findings and is without any legitimate or lawful basis. Contrary to the Resolution of Denial:

- The Project is essential and desirable and provides a service or facility that will contribute to the convenience and general well-being of the community;
- The Project will not be detrimental or injurious to the health, safety or general welfare of persons residing or working in the vicinity of the Project; and,
- The potential adverse effects of the Project upon the surrounding properties will be minimized to every extent practical and any remaining adverse effects are outweighed by the benefits conferred upon the greater community. (Mun. Code, § 18.66.020(A), (B) and (F).)

Honorable Mayor and Members of the City Council  
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Dedeaux reserves the right to submit additional grounds in support of the appeal of the Planning Commission's decision prior to and during any subsequent City Council hearing on the matter. Dedeaux also appreciates the opportunity to use this venue to discuss the appropriate scope of suitable conditions of approval.

We appreciate the City's processing of this appeal and look forward to a just and fair hearing on the Project before the City Council. Please contact me if you have any questions or wish to discuss this matter further.

Very truly yours,

A handwritten signature in blue ink that reads "Jon Shardlow". The signature is written in a cursive, flowing style.

Jonathan Shardlow, Attorney of  
GRESHAM SAVAGE  
NOLAN & TILDEN,  
A Professional Corporation

Enclosure

cc: Marcus Fuller, City Manager  
Eric Vail, City Attorney  
Daniel Casey, Acting Community Development Manager