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**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF RIALTO, CALIFORNIA, DENYING CONDITIONAL  
DEVELOPMENT PERMIT NO. 2020-0020 AND PRECISE PLAN  
OF DESIGN NO. 2020-0026.**

WHEREAS, the applicant, Dedeaux Properties, LLC, proposes to develop and operate a 47,609 square foot truck terminal warehouse building (“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, Pursuant to Section 18.65.010 of the Rialto Municipal Code, the Project requires a Precise Plan of Design, and the applicant has agreed to apply for Precise Plan of Design No. 2020-0026 (“PPD No. 2020-0026”); and

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

1 WHEREAS, on July 28, 2021, the Planning Commission voted 4-2 (1 absence) to deny  
2 CDP No. 2020-0020 and PPD No. 2020-0026 and to direct staff to prepare a formal Resolution of  
3 Denial for consideration at the August 11, 2021 Planning Commission meeting; and

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

5 NOW, THEREFORE, the Planning Commission hereby finds, determines, and resolves as  
6 follows:

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

9 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
10 the public hearing conducted with regard to CDP No. 2020-0020, including written staff reports,  
11 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the  
12 Planning Commission hereby determines that CDP No. 2020-0020 does not satisfy the requirements  
13 of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
14 precedent to granting a Conditional Development Permit. As document below, the Project does not  
15 satisfy findings number 1, 2, and 6. The findings are as follows:

- 16  
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  
or community.

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

20 The Project will generate an increase in truck traffic to the local streets, which will negatively  
21 impact the efficiency of traffic in the immediate area. The Traffic Impact Analysis prepared  
22 for the Project identified seven (7) intersections in the immediate area that will operate at an  
23 unacceptable Level of Service "E" or worse with existing, project, cumulative, and ambient  
growth conditions with no action plan or program to physically address the deficiencies.

24 Additionally, the Project will generate an unnecessary increase in pollution in the immediate  
25 area through construction, operational, and mobile emission sources.

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

1 The Project will generate harmful pollution through construction, operational, and mobile  
2 emission sources, including but not limited to Carbon Monoxide (CO), Nitrogen Oxide  
(NOx), etc., that will disperse throughout the area around the Site.

3 Additionally, the Project will increase truck traffic in the immediate area, which will create  
4 further traffic delays on local streets that will negatively affect persons residing or working in  
5 the vicinity.

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

8 The Project will generate an increase in truck traffic and air pollution that will affect the  
9 surrounding properties, including the sensitive residential properties to the west of the Site,  
10 but also throughout the immediate area. These adverse effects do not outweigh any benefits  
posed by the implementation of the Project.

11 SECTION 3. Based on substantial evidence presented to the City Council during the public  
12 hearing conducted with regard to PPD No. 2020-0026, including written staff reports, verbal  
13 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning  
14 Commission hereby determines that PPD No. 2020-0026 does not satisfy the requirements of Section  
15 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made precedent  
16 to granting a Precise Plan of Design. As documented below, the Project does not satisfy finding  
17 number 3. The findings are as follows:  
18

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

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

23 The Project will generate harmful pollution through construction, operational, and mobile  
24 emission sources, including but not limited to Carbon Monoxide (CO), Nitrogen Oxide  
25 (NOx), etc., that will disperse throughout the area around the Site. Additionally, the Project  
26 will increase truck traffic in the immediate area, which will create further traffic delays on  
local streets that will negatively affect persons residing or working in the vicinity.

27 The increase in truck traffic and air pollution by the Project will negatively affect the health,  
28 safety, and welfare of those residing or working in the immediate area, particularly the  
sensitive residential receptors to the west of the Site.

1           SECTION 4. The Planning Commission hereby denies Conditional Development Permit  
2 No. 2020-0020 and Precise Plan of Design No. 2020-0026 on the grounds that the Project will be a  
3 detriment to the air quality and the level of service of traffic in the immediate area, and that the Project  
4 does not comply with the required findings necessary for approval contained in Section 18.66.020 of  
5 the Rialto Municipal Code and Section 18.65.020E of the Rialto Municipal Code.  
6

7           SECTION 5. The Chairman of the Planning Commission shall sign the passage and  
8 adoption of this resolution and thereupon the same shall take effect and be in force.  
9

10           PASSED, APPROVED AND ADOPTED this    11th    day of   August, 2021.

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FRANK GONZALEZ, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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. **2021-38** was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the 11<sup>th</sup> day of August 2021.

8 Upon motion of Commissioner Jerry Gutierrez, second by Commissioner BarBara Chavez  
9 the foregoing Resolution No. **2021-38** was duly passed and adopted.  
10


11 Vote on the motion:

12 AYES: 4

13 NOES: 2

14 ABSENT: Commissioner Artist Gilbert

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
16 Rialto this 11<sup>th</sup> day of August 2021.

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Adrianna Martinez, Administrative Assistant  
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