



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**, on August 11, 2021, the Planning Commission voted 4-2 (1 abstention) to adopt  
5 Planning Commission Resolution No. 21-38 to formally deny CDP No. 2020-0020 and PPD No.  
6 2020-0026; and

7       **WHEREAS**, on August 18, 2021, pursuant to Chapter 18.68 (Appeals) of the Rialto  
8 Municipal Code, the applicant filed with the office of the City Clerk an appeal to the City Council  
9 requesting a review and reversal of the decision previously made by the Planning Commission  
10 denying CDP No. 2020-0020 and PPD No. 2020-0026 (“Appeal”); and

11       **WHEREAS**, on September 28, 2021, the City Council scheduled a public hearing for the  
12 Appeal for October 12, 2021; and

13       **WHEREAS**, on October 12, 2021, in accordance with Chapter 18.68 (Appeals) of the  
14 Rialto Municipal Code, the City Council conducted a public hearing of the Appeal, took testimony,  
15 discussed the Appeal; and closed the public hearing; and

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

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

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

20       **SECTION 2.** Based on substantial evidence presented to the City Council during the public  
21 hearing conducted for the Appeal, including written staff reports, verbal testimony, project plans,  
22 other documents, and the conditions of approval stated herein, the City Council hereby determines  
23 that CDP No. 2020-0020 does not satisfy the requirements of Section 18.66.020 of the Rialto  
24 Municipal Code pertaining to the findings which must be made precedent to granting a Conditional  
25 Development Permit. As documented below, the Project does not satisfy findings A, B, and F. The  
26 findings are as follows:  
27  
28

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

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

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

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

12 B. The proposed use will not be detrimental or injurious to health, safety, or general welfare  
13 of persons residing or working in the vicinity.

14 *This finding is not satisfied due to the following:*

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

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

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

24 *This finding is not satisfied due to the following:*

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

**SECTION 3.** Based on substantial evidence presented to the City Council during the public  
hearing conducted for the Appeal, including written staff reports, verbal testimony, site plans, other  
documents, and the conditions of approval stated herein, the City Council hereby determines that PPD  
No. 2020-0026 does not satisfy the requirements of Section 18.65.020E of the Rialto Municipal Code

1 pertaining to the findings which must be made precedent to granting a Precise Plan of Design. As  
2 documented below, the Project does not satisfy finding number 3. The findings are as follows:

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

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

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

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

15 **SECTION 4.** The City Council hereby denies the Appeal and upholds the previous decision  
16 of the Planning Commission denying CDP No. 2020-0020 and PPD No. 2020-0026 on the grounds  
17 that the Project will be a detriment to the air quality and the level of service of traffic in the immediate  
18 area, and that the Project does not comply with the required findings necessary for approval contained  
19 in Section 18.66.020 of the Rialto Municipal Code and Section 18.65.020E of the Rialto Municipal  
20 Code.

21 **SECTION 5.** The Mayor shall sign the passage and adoption of this resolution and  
22 thereupon the same shall take effect and be in force.

23 **PASSED, APPROVED AND ADOPTED** this 12th day of October, 2021.

24  
25 \_\_\_\_\_  
26 DEBORAH ROBERTSON, MAYOR  
27  
28

**ATTEST:**

---

BARBARA MCGEE, CITY CLERK

**APPROVED AS TO FORM:**

---

ERIC S. VAIL, CITY ATTORNEY

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

5 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing  
6 Resolution No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council  
7 of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

8 Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
16  
17  
18

19 \_\_\_\_\_  
20 BARBARA MCGEE, CITY CLERK  
21  
22  
23  
24  
25  
26  
27  
28