

1 **RESOLUTION NO. 2021-XX**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE  
4 DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW  
5 NO. 2020-0024) FOR A PROJECT CONSISTING OF THE  
6 DEVELOPMENT AND OPERATION OF A 47,609 SQUARE  
7 FOOT TRUCK TERMINAL WAREHOUSE BUILDING 12.72  
8 GROSS ACRES (11.80 NET ACRES) OF LAND (APN: 0258-011-  
9 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.

10 **WHEREAS**, the applicant, Dedeaux Properties, LLC, proposes to develop and operate a  
11 47,609 square foot truck terminal warehouse building (“Project”) on 12.72 gross acres (11.80 net  
12 acres) of land (APN: 0258-011-01, -09, & -10) located between Cactus Avenue and Lilac Avenue  
13 approximately 625 feet south of Slover Avenue within the Light Industrial (M-1) zone and the  
14 Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan (“Site”); and

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

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

20 **WHEREAS**, the Project within both the M-1 and H-IND zones requires the approval of a  
21 Conditional Development Permit, and the applicant has applied for Conditional Development  
22 Permit No. 2020-0020 (“CDP No. 2020-0020”), in accordance with Chapter 18.66 (Conditional  
23 Development Permits) of the Rialto Municipal Code; and

24 **WHEREAS**, the Project within both the M-1 and H-IND zone requires the approval of a  
25 Precise Plan of Design, and the applicant has applied for Precise Plan of Design No. 2020-0026  
26 (“PPD No. 2020-0026”), in accordance with Chapter 18.65 (Precise Plan of Design) of the Rialto  
27 Municipal Code; and  
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1           **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act,  
2 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,  
3 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section  
4 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study  
5 (Environmental Assessment Review No. 2020-0024) prepared by FirstCarbon Solutions, Inc. and  
6 determined that there is no substantial evidence that the approval of the Project would result in a  
7 significant adverse effect on the environment, provided appropriate mitigation measures are  
8 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof  
9 was given in the manner required by law; and

10           **WHEREAS**, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project  
11 was published in the San Bernardino Sun newspaper, and mailed to all property owners within  
12 1,000 feet of the Project Site, and a twenty (20) day public comment period was held from June  
13 19, 2021 to July 8, 2021; and

14           **WHEREAS**, The Planning Division received three (3) comment letters during the twenty  
15 (20) day public comment period – one (1) comment letter from the California Department of Fish  
16 and Wildlife (CDFW), which was submitted on July 6, 2021, one (1) comment letter from Mr. and  
17 Mrs. Randall Mills, which was submitted on July 7, 2021, and one (1) comment letter from Mr.  
18 Richard Ciranny, which was submitted on July 8, 2021; and

19           **WHEREAS**, the comment letter from CDFW recommended revisions to the language of  
20 MM BIO-1 and MM BIO-2, contained within the Initial Study, to reflect the latest CDFW  
21 protocols as it relates to Burrowing Owls and nesting birds; and

22           **WHEREAS**, on July 15, 2021, the Planning Division, in coordination with FirstCarbon  
23 Solutions, Inc., provided a response letter to CDFW that indicates that the final language of MM  
24 BIO-1 and MM BIO-2 was updated to reflect the recommendations from CDFW; and

25           **WHEREAS**, the Planning Division did not receive any further comment from CDFW upon  
26 providing the response to the original comment letter; and

27           **WHEREAS**, the comment letter from Mr. and Mrs. Randall Mills expressed concerns  
28 regarding operational noise generated by the Project, language within the Initial Study that

1 indicated the repair and manufacturing of vehicles as a part of the Project, and the potential for  
2 vehicles to park along Cactus Avenue in front of the Site; and

3       **WHEREAS**, on July 15, 2021, the Planning Division, in coordination with FirstCarbon  
4 Solutions, Inc., provided a response letter to Mr. and Mrs. Randall Mills that explained that the  
5 estimated Project operational noise levels are expected to be a maximum of 49 dBA CNEL, as  
6 measured from the exterior of the nearest residence, and 37 dBA CNEL, as measured from the  
7 interior of the nearest residence, and that both projected noise levels are below the thresholds  
8 required by the Rialto General Plan and Title 24 of the California Health and Safety Code; that the  
9 language regarding the repair and manufacturing of vehicles as a part of the Project was input in  
10 error and was removed in response to the comment; and that the City of Rialto, through a Condition  
11 of Approval, will require the installation of “No Stopping Anytime” signs along the entire Project  
12 frontage of Cactus Avenue, as a means to prevent the parking of trucks and other vehicles along  
13 this portion of Cactus Avenue near the existing residences to the west of the Site; and

14       **WHEREAS**, the Planning Division did not receive any further comment from Mr. and  
15 Mrs. Randall Mills upon providing the response to the original comment letter; and

16       **WHEREAS**, the comment letter from Mr. Richard Ciranny expressed concerns about the  
17 split-zoning of the Site, the analysis conducted regarding the Project generated traffic and  
18 cumulative project generated traffic, existing traffic issues (e.g. speeding, vehicle noise, streetlight  
19 intensity), and the location and size of the proposed screen wall along Cactus Avenue, and Mr.  
20 Richard Ciranny’s letter also recommended specific improvements to certain roadway segments  
21 and intersections in the vicinity of the Site; and

22       **WHEREAS**, on July 15, 2021, the Planning Division, in coordination with FirstCarbon  
23 Solutions, Inc., provided a response letter to Mr. Richard Ciranny that explained that the Project  
24 has been designed to comply with the requirements of the M-1 and H-IND zones in areas of the  
25 Site that are zoned M-1 and H-IND, in accordance with Section 18.06.020 of the Rialto Municipal  
26 Code; that the Traffic Impact Analysis prepared for the Project was conducted in accordance with  
27 the City of Rialto’s Traffic Impact Analysis Guidelines and did in fact consider the presence of  
28 larger multi-axle vehicles and cumulative project traffic; that the enforcement of speeds and the

1 maintenance of existing streetlights is under the purview of the City of Rialto and the County of  
2 San Bernardino and not related to the effects of the Project; that the Project will pay fair-share  
3 contributions and transportation-related development impact fees to go towards regional  
4 improvements, including along Slover Avenue and other nearby intersections roadway segments,  
5 and that the improvements that Mr. Richard Ciranny recommends at the intersection of Cactus  
6 Avenue and Slover Avenue require additional street-dedication from the property at the southeast  
7 corner of the intersection and this property is privately owned by another party and not under the  
8 control of the Project applicant; and that the proposed fourteen (14) foot tall concrete screen wall  
9 will not contain a forty (40) foot wide driveway, as previously proposed at one point, and that the  
10 wall will be behind a landscape setback containing a berm and a landscape hedge to reduce the  
11 visible height of the wall; and

12 **WHEREAS**, the Planning Division did not receive any further comment from Mr. Richard  
13 Ciranny upon providing the response to the original comment letter; and

14 **WHEREAS**, the City mailed public hearing notices for the proposed Project to all property  
15 owners within 1,000 feet of the project site, and published the public hearing notice in the San  
16 Bernardino Sun newspaper as required by State law; and

17 **WHEREAS**, on July 28, 2021, the Planning Commission of the City of Rialto conducted  
18 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, CDP No.  
19 2020-0020, and PPD No. 2020-0026, took testimony, discussed the proposed Mitigated Negative  
20 Declaration, CDP No. 2020-0020, and PPD No. 2020-0026, and closed the public hearing; and

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

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

27 **WHEREAS**, on August 18, 2021, pursuant to Chapter 18.68 (Appeals) of the Rialto  
28 Municipal Code, the applicant filed with the office of the City Clerk an appeal to the City Council

1 requesting a review and reversal of the decision previously made by the Planning Commission  
2 denying CDP No. 2020-0020 and PPD No. 2020-0026 (“Appeal”); and

3 **WHEREAS**, on October 12, 2021, in accordance with Chapter 18.68 (Appeals) of the  
4 Rialto Municipal Code, the City Council conducted a public hearing of the Appeal and the  
5 Mitigated Negative Declaration, took testimony, discussed the Appeal and Mitigated Negative  
6 Declaration, and closed the public hearing; and

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

8 **NOW, THEREFORE**, by the City Council hereby finds, determines, and resolves as  
9 follows:

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

12 **SECTION 2.** The City Council has independently reviewed and considered the proposed  
13 Mitigated Negative Declaration, the public comments upon it, and other evidence and finds that  
14 the Mitigated Negative Declaration was prepared in the manner required by law, and there is no  
15 substantial evidence, provided appropriate mitigation measures are imposed, that the Project would  
16 result in a significant adverse effect upon the environment.

17 **SECTION 3.** The Initial Study (Environmental Assessment Review No. 2020-0024)  
18 prepared for the project identified that the Site did not have suitable habitat for any threatened or  
19 endangered species, and therefore the proposed Project will have no individual or cumulative  
20 adverse impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code.

21 **SECTION 4.** The attached proposed Initial Study and Mitigated Negative Declaration,  
22 Exhibit “A” hereto, finds that there are no impacts or less than significant impacts to aesthetics,  
23 agriculture and forestry resources, energy, hydrology/water quality, land use/planning, mineral  
24 resources, population/housing, public services, recreation, utilities and service systems, and  
25 wildfire.

26 **SECTION 5.** With the imposition of mitigation measures that address potential impacts  
27 upon air quality, biological resources, cultural resources, geology and soils, greenhouse gas  
28 emissions, hazards/hazardous materials, noise, traffic and transportation, tribal cultural resources,

1 and mandatory findings of significance in the community, and as set forth in the Mitigation  
2 Monitoring & Reporting Program, Exhibit “B” hereto, which is attached hereto and incorporated  
3 herein by this reference, the proposed Project’s potential significant impacts will be reduced below  
4 a level of significance.

5 **SECTION 6.** For the foregoing reasons and based on the information and findings  
6 included in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation  
7 Monitoring and Reporting Program, Staff Report, public testimony, and all other documents and  
8 evidence in the administrative record of proceedings, the City Council has determined that the  
9 Project, as conditioned and mitigated, will not have a significant adverse impact on the  
10 environment and also finds that the preparation of the Initial Study and Mitigated Negative  
11 Declaration attached hereto complies with CEQA. Therefore, the City Council hereby certifies  
12 the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting  
13 Program, making certain environmental findings to allow the Project.

14 **SECTION 7.** The Mayor shall sign the passage and adoption of this resolution and  
15 thereupon the same shall take effect and be in force.

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

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20 DEBORAH ROBERTSON, MAYOR

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25 **ATTEST:**  
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BARBARA MCGEE, CITY CLERK

**APPROVED AS TO FORM:**

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ERIC S. VAIL, CITY ATTORNEY

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

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

Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Exhibit "A"

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Exhibit "B"