

**RESOLUTION NO. 2024-181**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, DENYING APPEAL 24-03 THEREBY UPHOLDING PLANNING COMMISSION'S DENIAL OF DEVELOPMENT PERMIT TYPE-P 22-05 TO ALLOW THE DEVELOPMENT AND ESTABLISHMENT OF A NEW TRUCK AND TRAILER PARKING FACILITY ON A PROJECT SITE CONTAINING A TOTAL OF APPROXIMATELY 2.90 ACRES LOCATED ON THE SOUTHEAST CORNER OF W. RIALTO AVENUE AND S. RANCHO AVENUE, (APN(S): 0142-212-22) WITHIN THE INDUSTRIAL LIGHT (IL) ZONE.**

**WHEREAS**, on October 17, 2022, pursuant to the requirements of Chapter 19.44 (Development Permits) of the City of San Bernardino Development Code, an application for Development Permit Type-P 22-05 was duly submitted by:

Owner: Olivos Otay, LLC  
4938 Surfcliff Point  
San Diego, CA 92154

Applicant: Guillermo Urias  
4938 Surfcliff Point  
San Diego, CA 92154

Property Address: Southeast corner of W. Rialto Avenue and S. Rancho Avenue

APN: 0142-212-22

Lot Area: 2.90 acres

**WHEREAS**, Development Permit Type-P 22-05 is a request to allow the development and establishment of a new truck and trailer parking facility on a project site containing a total of approximately 2.90 acres; and

**WHEREAS**, the Planning Division of the Community Development and Housing Department has reviewed Development Permit Type-P 22-05 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code; and

**WHEREAS**, on March 12, 2024 After opening the public hearing and receiving public testimony, the Planning Commission continued consideration of Development Permit Type – P 22-05 to the Regular Planning Commission meeting of April 9, 2024; and

**WHEREAS**, on April 9, 2024 After opening the public hearing and receiving public testimony, the Planning Commission pulled Development Permit Type – P 22-05 from the agenda until the item was brought back for future date; and

**WHEREAS**, on June 11, 2024 pursuant to the requirements of Section 19.52.040 (Hearing and Appeals – Application on Processing) of the City of San Bernardino Development Code, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Development Permit Type-P 22-05, and at which meeting the Planning Commission considered Development Permit Type-P 22-05; and

**WHEREAS**, at the June 11, 2024 Planning Commission meeting, staff recommended that the Planning Commission adopt Resolution No. 2024-012 approving Development Permit Type-P 22-05 and finding that the project is subject to a Categorical Exemption under the California Environmental Quality Act; and

**WHEREAS**, at the June 11, 2024 Planning Commission meeting, the Commission listed various reasons for denying the project, including that the proposed land use is not harmonious nor compatible with the surrounding residential land uses, and that the proposed land use does not integrate nor minimize impacts on the surrounding land uses as stated in the General Plan Goals and Policies; and

**WHEREAS**, at the June 11, 2024 Planning Commission meeting, after conducting the public hearing, receiving public testimony, and deliberation by the Commission, Commissioner Daily made a motion and Chair Armstead seconded the motion to deny Resolution No. 2024-012 denying Development Permit Type-P 22-05; and

**WHEREAS**, the motion passed by the following vote:

Ayes:	Dailey, Lopez, Armstead, Sherrick
Nays:	Garcia, Quiel, Garcia
Absent:	Flores, Karaiscos

**WHEREAS**, on June 26, 2024, pursuant to the requirements of Section 19.52.100 (Filing of Appeals) of the City of San Bernardino Development Code, the applicant submitted an application for Appeal No. 24-03 of the decision taken by the Planning Commission denying Development Permit Type-P 22-05; and

**WHEREAS**, on July 9, 2024, the Planning Commission adopted Resolution No. 2024-012 of the Planning Commission of the City of San Bernardino, California, denying Development Permit Type-P 22-05; and

**WHEREAS**, notice of the August 21, 2024 public hearing for the Mayor and City Council's consideration of the proposed Resolution for Appeal 24-03 for Development Permit Type-P 22-05 was published in The Sun newspaper on, August 10, 2024, and was mailed to owners of property and tenants located within 1,000 feet of the subject property of the holding of the public

hearing in accordance with Chapter 19.52 (Hearings and Appeals) of the City of San Bernardino Development Code; and

**WHEREAS**, pursuant to the requirements of Chapter 19.52 (Hearings and Appeals) and Chapter 19.44 (Administrative and Development Permits) of the City of San Bernardino Development Code, the Mayor and City Council has the authority to take action on Appeal 24-03 for Development Permit Type-P 22-05.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Compliance with the California Environmental Quality Act. As the decision-making body for the project, the Mayor and City Council have reviewed and considered the information contained in the administrative record for Development Permit Type-P 22-05. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Mayor and City Council, the Mayor and City Council finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines;

(2) In accordance with Section 15270 (Projects Which are Disapproved) of the CEQA Guidelines, the Mayor and City Council has determined that consideration of Development Permit Type-P 22-05 is exempt from CEQA due to the fact that the Mayor and City Council is denying Development Permit Type-P 22-05; and

(3) The determination of CEQA exemption reflects the independent judgment of the Mayor and City Council.

**SECTION 3.** Findings of Fact – Development Permit Type-P 22-05.

**Finding No. 1:** The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code, including prescribed development/site standards and any/all applicable design guidelines.

**Finding of Fact:** The proposed development is located within the Industrial Light (IL) zone. The development and establishment of a truck and trailer parking facility within the IL zone is permitted subject to the approval of a Development Permit Type-P application. The proposal under Development Permit Type-P 22-05 will be developed in compliance with all of the applicable provisions contained in the City of San Bernardino Development Code, including development standards and applicable design guidelines.

Therefore, the proposed project will not impair the integrity and character of the subject zone.

**Finding No. 2:** The proposed development is consistent with the General Plan.

**Finding of Fact:** The proposal is not consistent with the following General Plan Goals and Policies:

*General Plan Land Use Element Policy 2.1.1: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.*

*General Plan Land Use Element Goal 2.2: Promote development that integrates with and minimizes impacts on surrounding land uses.*

The project site consists of an undeveloped parcel surrounded by light industrial businesses, vacant lots and residential properties. The subject site directly abuts residentially zoned properties to the south that are developed with single family residential homes. The proposed project site will be developed with 54 parking stalls designated for semi-truck parking. The development and establishment of an industrial use of this caliber abutting single family homes will not ensure compatibility between land uses. The subject site is located within an industrial area with established industrial type uses. The addition of a truck and trailer parking facility will add to the number of truck activity within the area, which will not minimize the impacts the industrial uses have on the surrounding residential development. Therefore, the proposed project does not comply with the goals and policies of the General Plan.

**Finding No. 3:** The proposed development would be harmonious and compatible with existing and future developments within the zone and general area, as well as with the land uses presently on the subject property.

**Finding of Fact:** The subject site is located within the Industrial light (IL) zone which allows for the development and establishment of truck and trailer parking. However, the site directly abuts residentially zoned properties to the south that are developed with single family residential homes. The project proposes a truck parking facility that will accommodate the parking of 54 semi-trucks on site. The intensity of the proposed use will not be compatible with the abutting single-family homes. Therefore, the development and establishment of the proposed truck and trailer parking will neither be harmonious nor compatible with the existing and future development of the general area.

- Finding No. 4:** The approval of the Development Permit for the proposed development is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code.
- Finding of Fact:** Pursuant to section 15270(a) (Projects Which are Disapproved) of the CEQA Guidelines, “CEQA does not apply to projects which a public agency rejects or disapproves.” Therefore, CEQA does not apply to the denial of Development Permit Type – P 22-05.
- Finding No. 5:** There will be no potential significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.
- Finding of Fact:** The project site is located within an urbanized area and is surrounded by existing industrial, commercial and residential development. Therefore, no significant negative impacts on the environment are anticipated to result from the proposed development.
- Finding No. 6:** The subject site is physically suitable for the type and density/intensity of use being proposed.
- Finding of Fact:** The subject site is in compliance with the applicable Development Code Standards and is physically suitable for the type and density/intensity of the project being proposed. Therefore, there are no physical constraints on the site that would limit the development of the proposed truck and trailer parking facility.
- Finding No. 7:** There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
- Finding of Fact:** There are adequate provisions for public access, water, sanitation, and public utilities and services for the proposed Development. The subject site is located in an urbanized area with a full range of public utilities and services and public access off of West Rialto Avenue. Subject to Conditions of Approval, the proposed development under Development Permit Type-P 22-05 will not be detrimental to the public services or public health and safety.
- Finding No. 8:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Fact:** The proposed 2.90-acre truck and trailer parking facility will be in compliance with the Development standards of the City of San Bernardino Development Code requirements that are applicable for industrial development within the Industrial Light Zone. However, the subject site directly abuts residentially zoned properties to the south that are developed with single family residential homes. The development and establishment of an industrial use of this type of operating characteristic will neither be harmonious nor compatible with the abutting residentially zoned properties. Therefore, the location, size, design, and characteristics of the proposed development will not enhance the general area to the benefit of the public interest and general welfare of the city.

**SECTION 4. Severability:** If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Mayor and City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**APPROVED** and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 21<sup>st</sup> day of August, 2024.

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Helen Tran, Mayor  
City of San Bernardino

Attest:

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Genoveva Rocha, CMC, City Clerk

Approved as to form:

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Sonia Carvalho, City Attorney

**CERTIFICATION**

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

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-181, adopted at a regular meeting held on the 21<sup>st</sup> day of August 2024 by the following vote:

<b><u>Council Members:</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this \_\_\_ day of \_\_\_ 2024.

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk