RESOLUTION NO. 2023-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT SCH. 2020120036, AS RELATED TO A PROPOSED PROJECT CONSISTING OF THE SUBDIVISION OF ONE (1) PARCEL OF LAND INTO TWO (2) NEW PARCELS OF LAND, THE DEVELOPMENT OF ONE (1) 430,581 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, AND THE DEVELOPMENT OF ONE (1) 249,026 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON SAID PARCELS OF LAND; ADOPT FINDINGS OF FACT RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a) AND CEQA GUIDELINES, SECTION 15091; APPROVE A MITIGATION MONITORING AND REPORTING PROGRAM RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097; AND ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(b) AND CEQA GUIDELINES SECTION 15093

WHEREAS, the applicant, Crow Holdings Industrial, LLC, ("Applicant") proposes to subdivide one (1) parcel of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan ("Site") into two (2) new parcels – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres), develop and operate a 430,581 square foot industrial warehouse building on Parcel 1, and develop and operate a 249,026 square foot industrial warehouse building on Parcel 2 ("Project"); and

WHEREAS, the City of Rialto ("City") has undertaken review under the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq.* and California Code of Regulations ("CEQA Guidelines") Title 14, Sections 15000, *et seq.*; and

WHEREAS, the Applicant retained Kimley-Horn and Associates, Inc., an environmental consulting firm, to prepare an environmental impact report ("EIR") for the Project; and

WHEREAS, the City retained EcoTierra Consultants, an environmental consulting firm, to conduct a peer review of the EIR prepared for the Project by Kimley-Horn and Associates, Inc.; and

WHEREAS, on December 2, 2020, the City distributed a Notice of Preparation for Draft Environmental Impact Report SCH. 2020120036, for the Project, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4, providing a 45-day period during which responsible agencies, trustee agencies, and members of the general public could provide comments to the City regarding the scope of the proposed EIR; and

WHEREAS, pursuant to the authority and criteria contained in CEQA and the City of Rialto environmental guidelines, the City, as the Lead Agency, analyzed the Project and directed the Applicant to prepare a Draft Environmental Impact Report ("DEIR"), and determined that the proposed Project would have significant impacts related to transportation/traffic from Project construction and operations; and

WHEREAS, consistent with the requirements of CEQA Guidelines Section 15085, upon completing the DEIR dated December 2021, the City filed a Notice of Completion on December 1, 2021 with the Office of Planning and Research; and

WHEREAS, on December 7, 2021 consistent with the requirements of the Public Resources Code Section 21092 and CEQA Guidelines Section 15087, the City published a Notice of Availability of the DEIR in the San Bernardino Sun newspaper, and, on December 7, 2021, posted the Notice of Availability at City Hall and mailed a Notice of Availability to all responsible and trustee agencies, all organizations and individuals who had requested notice, and all property owners located within a 300 foot radius of the Site; and

WHEREAS, the Notice of Availability and Notice of Completion noticed all agencies, organizations, and the public that they had 45 days to provide comments on the contents of the DEIR, which was available in hard copy for in-person review at City Hall – the Community Development Building - and available for download on the City of Rialto website, throughout the comment period; and

WHEREAS, at the conclusion of the 45-day public review and comment period related to the DEIR, the City directed the preparation of the Final Environmental Impact Report dated April 2022 ("FEIR") pursuant to CEQA Guidelines Sections 15088, 15089 and 15132, which included the DEIR, responses to public comments on the DEI, and a Mitigation Monitoring and Reporting Program; and

WHEREAS, pursuant to CEQA Guidelines Section 15132, the FEIR is required to be completed in compliance with CEQA, and pursuant to Section 21092.5 of CEQA, on April 7, 2022, the City sent via email and overnight mail the FEIR, including written responses to comments, to all agencies, organizations, and persons that commented on the DEIR; and

WHEREAS, on April 14, 2023, the City published a Notice of Public Hearing that the Planning Commission would consider certification of the FEIR and approval of the Project at its April 26, 2023 meeting in the San Bernardino Sun newspaper, posted the notice at City Hall, and mailed said notice to all property owners within a 300 foot radius of the Site as well as all to all organizations and individuals who had requested notice; and

WHEREAS, on April 26, 2023, the Planning Commission conducted a public hearing, and considered the record of proceedings for the FEIR, which includes, but is not limited to, the following:

(1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;

(2) The FEIR dated April 2022;

(3) All written comments submitted by agencies or members of the public during any public review comment period on the DEIR;

(4) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Staff Report to the Planning Commission, including all attachments, any all presentations by City staff, the City's consultants, the Applicant and the Applicant's consultants, the public, and any other interested party;

(5) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");

(6) The reports, studies and technical memoranda included and/or referenced in the DEIR and the FEIR and or their appendices;

(7) All documents, studies, or other materials incorporated by reference in the DEIR and the FEIR;

(8) All Ordinances and Resolutions presented to and/or to be adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this Resolution and its exhibit;

(9) Matters of common knowledge to the City, including but not limited, to federal, state, and local laws and regulations, adopted City plans, policies (including but not limited to the 2010 Rialto General Plan and the Rialto Airport Specific Plan), and the professional qualifications of City staff members and consultants;

(10) Any documents expressly cited in this Resolution and its exhibit, the Staff Report to the Planning Commission, the FEIR which includes the DEIR; and

(11) Any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code; and

WHEREAS, the City has not pre-committed to approving the Project or the FEIR, and will not commit to any approval related to the Project until the Planning Commission and City Council consider and certify the FEIR for the Project based upon all evidence presented; and

WHEREAS, on April 26, 2023, following the public hearing, the Planning Commission considered and discussed the adequacy of the proposed FEIR as an informational document and applied their own independent judgment and analysis to review said FEIR, and hereby desire to take action to recommend that the City Council certify the FEIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, at its April 26, 2023, meeting, following the public hearing, the Planning Commission also considered and decided whether to approve or reject the Project at this time; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

"Section 21081. Findings necessary for approval of project. Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for

which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment."

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, that the Planning Commission of the City of Rialto hereby do find, determine, and declare based upon the evidence presented as follows:

SECTION 1: RECITALS. The Planning Commission hereby finds all of the above recitals to be true and correct.

SECTION 2: FINDINGS. The FEIR available at the Community Development Department office and provided concurrently with this Resolution, includes the DEIR SCH No. 2020120036 dated December 2021 and all related appendices, the Response to Comments, and all related appendices and attachments to the FEIR. The Planning Commission finds, based upon the

substantial evidence in the record of proceedings and the whole record before it, in the exercise of its independent judgment and analysis, that the FEIR is, procedurally and substantively, in compliance with the requirements of CEQA:

a. *Procedural Compliance*: The Final EIR was prepared in procedural compliance with the requirements of CEQA:

1. Notice of Preparation. As described in the Recitals hereto, a Notice of Preparation was prepared in accordance with Section 15082 of CEQA.
2. Public Review. As described in the Recitals hereto, the City held multiple public review periods pursuant to the CEQA Guidelines.
3. Notice of Completion. As described in the Recitals hereto, the City has complied with CEQA Guidelines Sections 15085, 15086, 15087, and 15105 by providing a Notice of Completion of the DEIR to the State Clearinghouse and a Notice of Availability to responsible and trustee agencies and other persons and agencies as required.
4. Written Comments. As described in the Recitals hereto, the City has evaluated and responded to all written comments received during the public review period and included both comments and responses as part of the FEIR pursuant to CEQA Guidelines Section 15088.

b. *Findings Regarding Significant Effects that Can be Mitigated to Less Than Significant.* The FEIR identifies potentially significant effects on the environment that could result if the Project were adopted without changes or alterations in the Project and imposition of mitigation measures and further finds that changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the Project. The Planning Commission adopts the statements

and findings in Exhibit A (Section 5, titled "Environmental Impacts Found to be Less Than Significant with Mitigation Incorporated") to this Resolution, which is attached hereto and incorporated herein by this reference. These avoidable significant effects are identified in Exhibit A (Section 5) and include potentially significant impacts to air quality, biological resources, cultural resources, geology and soils, and hazards and hazardous materials. However, mitigation measures can be implemented to reduce these impacts to a level that is less than significant; changes have been required in, or incorporated into, the Project through the imposition of mitigation measures as described in Exhibit A (Section 5). These mitigation measures identified in Exhibit A will be imposed pursuant to the MMRP found at Section 3.0 in the FEIR. These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the Project as proposed or they have been imposed as conditions of approval on the Project.

c. *Findings Regarding Unavoidable Significant Impacts*. The Planning Commission adopts the statements and findings in Exhibit A (Section 6, titled "Environmental Impacts Found to be Significant and Unavoidable") to this Resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that cannot be mitigated to a less than significant level through the imposition of mitigation measures. These significant effects are identified in Exhibit A (Section 6). Specific economic, legal, social, technological, or other considerations are found to make the Proposed Project acceptable notwithstanding that even with the required mitigation measures, and consideration of project alternatives identified in the FEIR for the significant impacts identified in Exhibit A (Section 7) all impacts cannot be reduced to less then and significant levels, including those based upon the findings in Exhibit A

(Section 6) to this resolution, and the findings in Exhibit A (Section 7) regarding the proposed alternatives. Therefore, those impacts are found to be significant and unavoidable.

d. *Findings Regarding Less than Significant Impacts*. In the course of the DEIR evaluation, certain environmental impacts of the Project were found not to be significant. Any and all potential significant impacts discussed in the FEIR that are not subject to paragraph 2(b) or 2(c), above, as either an avoidable significant impact, or as an unavoidable significant impact, are insignificant impacts to the environment. There exists no fair argument that the environmental conditions that were found not to be significant in the DEIR will pose a significant environmental impact, due to the inability of a Project of this scope to create such impacts or the absence of Project characteristics producing significant effects of this nature.

SECTION 3: FEIR REVIEWED AND CONSIDERED. The Planning Commission has reviewed and considered the information contained in the FEIR and finds that the FEIR has been completed in compliance with CEQA.

SECTION 4: ALTERNATIVES. The FEIR identified potential environmental impacts of separate project alternatives compared to impacts from the proposed Project. These alternatives were selected based upon their ability to avoid or substantially lessen the significant effects of the proposed Project, while still achieving the primary Project objectives. Most alternatives are hereby found infeasible due to lack of alternative site availability, failure to meet basic Project objectives, or the fact that some alternatives would still have the same types of significant and unavoidable impacts as the Project. The Planning Commission hereby recommends that the City Council adopt the Statement of Findings on rejection of Project Alternatives in Exhibit A (Section 7, titled "Alternatives to the Proposed Project") to this Resolution, which is attached hereto and incorporated herein by this reference.

SECTION 5: STATEMENT OF OVERRIDING CONSIDERATIONS. The Planning Commission finds, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, that the specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse environmental impacts, and therefore, the impacts are acceptable. The Planning Commission hereby recommends that the City Council adopt the Statement of Overriding Considerations in Exhibit A (Section 10, titled "Statement of Overriding Considerations") to this Resolution, which is attached hereto and incorporated herein by this reference. The Planning Commission finds that each of the Significant and Unavoidable Impacts identified in Exhibit A (Section 6) may be considered acceptable for the reasons cited.

SECTION 6: MITIGATION MONITORING. The City as lead agency adopts the MMRP for the changes made to the Project that it has adopted in order to mitigate or avoid significant effects on the environment. Pursuant to Public Resources Code Section 21081.6, the MMRP set forth as Section 3.0 to the FEIR to this Resolution, which is attached hereto and incorporated herein by this reference, is hereby adopted to ensure that all mitigation measures adopted for the Project are fully implemented. The Planning Commission hereby recommends that the City Council adopt the MMRP to ensure compliance with mitigation measures during Project implementation. As required by Public Resources Code Section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the FEIR. The MMRP will remain available for public review during the compliance period.

SECTION 8: RECOMMENDATION OF CERTIFICATION. Based on the above facts and findings, the Planning Commission hereby recommends that the City Council certify the FEIR for the Project as accurate and adequate. The Planning Commission further recommends that the City Council certify that the FEIR was completed in compliance with CEQA and the CEQA Guidelines.

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

PASSED, APPROVED, AND ADOPTED this 26th day of April, 2023.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. **2023-34** was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the 26th day of April, 2023.

Upon motion of Commissioner Dale Estvander, second by Commissioner Frank Gonzalez, foregoing Resolution No. **2023-34** was duly passed and adopted.

Vote on the motion:

AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

NOES: 0

ABSTENTION: 1 (Gilbert)

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 26th day of April, 2023.

Kimberly Dame
Administrative Analyst

RESOLUTION NO. 2023-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP NO. 2020-0001 TO ALLOW THE SUBDIVISION OF ONE (1) 31.61 GROSS ACRE PARCEL OF LAND (APN: 0264-213-18) LOCATED ON THE NORTH SIDE OF BASELINE ROAD APPROXIMATELY 350 FEET EAST OF FITZGERALD AVENUE WITHIN THE AIRPORT-RELATED PLANNED INDUSTRIAL DEVELOPMENT (I-AR) LAND USE DISTRICT OF THE RIALTO AIRPORT SPECIFIC PLAN INTO TWO (2) NEW PARCELS OF LAND – PARCEL 1 (18.29 NET ACRES) AND PARCEL 2 (12.80 NET ACRES) – TO FACILITATE THE DEVELOPMENT OF ONE (1) 430,581 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING AND ONE (1) 249,026 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING THEREON.

WHEREAS, the applicant, Crow Holdings Industrial, LLC, proposes to subdivide one 31.61 gross acre parcel of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan ("Site") into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres) ("Project"); and

WHEREAS, the Project within the I-AR land use district requires the approval of a tentative parcel map, and the Applicant has agreed to apply for a Tentative Parcel Map No. 2020-0001, also referred to as Tentative Parcel Map No. 20195, ("TPM No. 20195"), in accordance with Government Code Sections 66473.5 and 66474; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2020-0002 ("CDP No. 2020-0002") to facilitate the development and operation of one (1) 430,581 square foot industrial warehouse building on Parcel 1 and one (1) 249,026 square foot industrial warehouse building on Parcel 2; and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2020-0003 ("PPD No. 2020-0003") to facilitate the development of one (1) 430,581 square foot industrial warehouse building and Parcel 1 and one (1) 249,026 square foot industrial warehouse building on Parcel 2; and

WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on TPM No. 20195, CDP No. 2020-0002, and PPD No. 2020-0003, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed TPM No. 20195, CDP No. 2020-0002, and PPD No. 2020-0003; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to TPM No. 20195, including written staff reports, verbal testimony, site plan, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that TPM No. 20195 satisfies the requirements of Government Code Sections 66473.5 and 66474 pertaining to the findings which must be made precedent to approving a tentative map. The findings are as follows:

1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City of Rialto and the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan; and

This finding is supported by the following facts:

The Site has a General Plan designation of Business Park with a Specific Plan Overlay, and a land use designation of Airport-Related Planned Industrial Development (I-AR) within the Rialto Airport Specific Plan. The Project will subdivide the Site into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres) – to facilitate the development of two (2) new industrial warehouse buildings. Per Table 9 (Development Standards – Non-Residential Designations) of the Rialto Airport Specific Plan, the required minimum parcel size within the I-AR land use designation is 1.0 acre. The proposed parcels greatly exceed the required minimum size.

2. That the design and improvements of the proposed tentative parcel map are consistent with the Subdivision Ordinance, the General Plan of the City of Rialto, and the Freeway Incubator (FI) zone of the Renaissance Specific Plan.

This finding is supported by the following facts:

The Project will comply with all technical standards required by Subdivision Map Act, the General Plan of the City of Rialto, and the I-AR land use designation of the Rialto Airport Specific Plan. The proposed parcels exceed the minimum lot dimensions as required by the I-AR land use district of the Rialto Airport Specific Plan.

3. That the site is physically suitable for the type of proposed development; and

This finding is supported by the following facts:

The Site is a relatively flat piece of land and development of the land should be easily accommodated. The Applicant will be required to submit a grading plan and geotechnical/soils report to the Public Works Department for review and approval prior to issuance of any building permits.

4. That the site is physically suitable for the proposed density of the development; and

This finding is supported by the following facts:

The Project will subdivide the Site into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres) – to facilitate the development of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building. Table 9 (Development Standards – Non-Residential Designations) of the Rialto Airport Specific Plan does not have criteria restricting the maximum allowable Floor Area Ratio (FAR) or Lot Coverage for a development in the I-AR land use district. However, the proposed development does comply with all of the development standards of the I-AR land use district that are contained within the Table 9 (Development Standards – Non-Residential Designations) of the Rialto Airport Specific Plan and Chapter 18.112 (Indoor Storage Uses) of the Rialto Municipal Code, including building setbacks, landscape setbacks, parking, etc.

5. That the design of the land division is not likely to cause substantial environmental damage or substantially injure fish, wildlife, or their habitat; and

This finding is supported by the following facts:

The Site is completely undeveloped and covered by natural grasses and shrubs. The Environmental Impact Report (Environmental Assessment Review No. 2020-0003) prepared for the project identified that the Site did not have suitable habitat for any threatened or endangered species. Nevertheless, the Environmental Impact Report prepared for the Project includes two (2) mitigation measures requiring pre-construction surveys to ensure that burrowing owls and other nesting birds are not present on the Site. Implementation of those two (2) mitigation measures will reduce any potential impacts on biological resources to a less than significant level.

6. That the design of the land division is not likely to cause serious public health problems; and

This finding is supported by the following facts:

The Project is consistent with the General Plan and the Airport-Related Planned Industrial Development (I-AR) land use designation of the Rialto Airport Specific Plan. To the north of the project site is Jerry Eaves Park and to east is the Cactus Basin Flood Control Channel. To the south, across Baseline Road, is a single-family residential subdivision built in 1989, and to the west are several multi-tenant industrial buildings and approximately 2.48 acres of vacant land, which is planned for the development of a 45,659 square foot industrial warehouse building ("Precise Plan of Design No. 2021-0019"). The project is not expected to negatively impact any uses with the successful implementation of mitigation measures. Measures, such as landscape buffering and the installation of solid screen walls, will be implemented as a part of the Project to prevent any negative impacts to the nearby land uses. Furthermore, construction impacts on the site will be limited through the strict enforcement of the allowable construction hours listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular watering of the site to limit airborne dust and other particulate matter. As a result, the Project is not likely to cause any public health problems.

7. That the design of the land division or proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed land division.

This finding is supported by the following facts:

One (1) easement for storm drain cross access exists on or near the Site. Upon completion of the Final Map and street dedication, the easement will be vacated and replaced with a new storm drain easement on site.

SECTION 3. An Environmental Impact Report (Environmental Assessment Review No. 2020-0003) has been prepared for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and it has been determined that the Project will create unavoidable significant impacts to transportation/traffic. The Planning Commission has forwarded, or is forwarding, a recommendation to the City Council to adopt the Environmental Impact Report prepared for the Project.

SECTION 4. The Planning Commission hereby recommends that the City Council approve TPM No. 20195 and allow the subdivision of one (1) 31.61 gross acre parcel of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use designation of the Rialto

Airport Specific Plan into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres), in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. TPM No. 20195 is approved allowing the subdivision of one (1) 31.61 gross acre parcel of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use designation of the Rialto Airport Specific Plan into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres) – for the purpose of developing one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building, as shown on the tentative parcel map attached as Exhibit A, and as approved by the City Council.

2. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.

3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not be limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of TPM No. 20195.

4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

5. The applicant shall complete and abide by all pre-construction mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Environmental Impact Report (Environmental Assessment Review No. 2020-0003) adopted for the Project, prior to the issuance of a grading permit.

6. The applicant shall complete and abide by all during-construction mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Environmental Impact Report (Environmental Assessment Review No. 2020-0003) adopted for the Project, prior to the issuance of a Certificate of Occupancy.

7. The applicant shall secure the services of a tribal cultural monitor to be present during all ground disturbance activities associated with the construction of this project. The tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation, and documentation of coordination between the applicant and the Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the Planning Division prior to the issuance of a grading permit.

8. The applicant shall pay all applicable development impact fees, in accordance with the current City of Rialto fee ordinance, including any Transportation and Traffic Fair Share Contribution fees, as applicable.

9. The applicant shall comply with all conditions of approval for TPM No. 20195 and Precise Plan of Design No. 2020-0003 to the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy. Dedication requirements required by Precise Plan of Design No. 2020-0003 shall be met with recordation of the parcel map unless provided otherwise in the PPD conditions of approval.

10. The applicant shall provide documentation of a recorded reciprocal access easement for the shared driveway on Baseline Road. The easement shall grant each property owner access to the proposed shared driveway connected to Baseline Road at the center of the project site.

11. The applicant shall submit a final parcel map (Parcel Map No. 20195), prepared by a California registered Land Surveyor or qualified Civil Engineer, to the Public Works Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with Parcel Map No. 20195 to the Public Works Engineering Division as part of the review of the

Map. Parcel Map No. 20195 shall be approved by the City Council and recorded by the County Recorder's Office prior to issuance of any building permits.

12. In accordance with Government Code 66462, all required public improvements shall be completed prior to the approval of a final map (Parcel Map No. 20195). Alternatively, the applicant may enter into a Subdivision Improvement Agreement to secure the cost of all required public improvements at the time of requesting the City Engineer's approval of Parcel Map No. 20195. The applicant will be required to secure the Subdivision Improvement Agreement pursuant to Government Code 66499 in amounts determined by the City Engineer.

13. The applicant shall comply with all other applicable State and local ordinances.

14. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No. 20195 is granted for a period of twenty-four (24) months from the effective date of this resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension of time for TPM No. 20195 may be granted by the Planning Commission for a period or periods not to exceed a total of thirty-six (36) months. The period or periods of extension shall be in addition to the original twenty-four (24) months. An application shall be filed with the Planning Division for each extension together with the required fee prior to the expiration date of TPM No. 20195.

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

PASSED, APPROVED AND ADOPTED this 26th day of April, 2023.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. **2023-35** was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the 26th day of April, 2023.

Upon motion of Commissioner Dale Estvander, second by Commissioner Frank Gonzalez, foregoing Resolution No. **2023-35** was duly passed and adopted.

Vote on the motion:

AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

NOES: 0

ABSTENTION: 1 (Gilbert)

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 26th day of April, 2023.

Kimberly Dame
Administrative Analyst

RESOLUTION NO. 2023-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0002 ALLOWING THE DEVELOPMENT AND OPERATION OF ONE (1) 430,581 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING AND ONE (1) 249,026 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON 31.61 GROSS ACRES (31.09 NET ACRES) OF LAND (APN: 0264-213-18) LOCATED ON THE NORTH SIDE OF BASELINE ROAD APPROXIMATELY 350 FEET EAST OF FITZGERALD AVENUE WITHIN THE AIRPORT-RELATED PLANNED INDUSTRIAL DEVELOPMENT (I-AR) LAND USE DISTRICT OF THE RIALTO AIRPORT SPECIFIC PLAN.

WHEREAS, the applicant, Crow Holdings Industrial, LLC, proposes to develop and operate one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building ("Project") on 31.61 gross acres (31.09 net acres) of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan ("Site"); and

WHEREAS, the Project will consist of 18,000 square feet of office space, and 481,607 square feet of warehouse space, seventy-nine (79) dock-high loading doors, concrete screen walls, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, Pursuant to Ordinance Nos. 1394 and 1633, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2020-0002 ("CDP No. 2020-0002"); and

WHEREAS, in conjunction with the Project, the applicant has applied for Tentative Parcel Map No. 2020-0001, also referred to as Tentative Parcel Map No. 20195 ("TPM No. 20195"), in accordance with Section 17.16.040 of the Rialto Municipal Code, to subdivide the Site into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres); and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2020-0003 ("PPD No. 2020-0003") to facilitate the development of one (1) 430,581 square foot industrial warehouse building, one (1) 249,026 square foot industrial warehouse

building, and associated paving, landscaping, fencing, lighting, and drainage improvements on the Site; and

WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2020-0002, TPM No. 20195, and PPD No. 2020-0003, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2020-0002, TPM No. 20195, and PPD No. 2020-0003; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2020-0002, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2020-0002 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit, which findings are as follows:

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

This finding is supported by the following facts:

The Site is relatively flat, asymmetrical-shaped, expansive in size, and covered entirely by natural grasses and shrubs. The Project will develop the highest and best use for the Site, in accordance with the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan. Additionally, the Project will provide employment opportunities within the City and reduce blight by implementing a use on vacant, unimproved land.

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

This finding is supported by the following facts:

The development of industrial warehouse buildings on the Site is consistent with the Airport-Related Planned Industrial Development (I-AR) land use designation of the Rialto Airport Specific Plan, which conditionally permits the development and operation of industrial warehouse buildings. To the north of the project site is Jerry Eaves Park and to east is the Cactus Basin Flood Control Channel. To the south, across Baseline Road, is a single-family residential subdivision built in 1989, and to the west are several multi-tenant industrial buildings and approximately 2.48 acres of vacant land, which is planned for the development of a 45,659 square foot industrial warehouse building. The nearest sensitive uses are the public park to the north of the Site and the single-family residences to the south of the Site. The project is not expected to negatively impact any uses with the successful implementation of measures such as landscape buffering, the installation of solid screen walls, aesthetic building enhancements, and other traffic related measures.

3. The site for the proposed use is adequate in size, shape, topography, accessibility and other physical characteristics to accommodate the proposed use in a manner compatible with existing land uses; and

This finding is supported by the following facts:

The Site contains 31.61 gross acres (31.09 net acres), is asymmetrical-shaped, fairly level, and adjacent one (1) public street, which will be able to accommodate the proposed use. The Project will have three (3) points of access via Baseline Road. A new 50-foot-wide shared driveway connected directly to Baseline Road in the center of the project frontage will provide full access for both trucks and passenger vehicles at a new signalized intersection. The other two (2) driveways on the east and west ends of the site will provide right-in/left-out access for passenger vehicles only. In addition, the Site will have 505 passenger vehicle parking spaces, which exceeds the amount required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

4. The site has adequate access to those utilities and other services required for the proposed use; and

This finding is supported by the following facts:

The Site will have adequate access to all utilities and services required through main water, electric, sewer, and other utility lines that will be hooked up to the Site.

5. The proposed use will be arranged, designed, constructed, and maintained so as it will not be injurious to property or improvements in the vicinity or otherwise be inharmonious with the General Plan and its objectives, the Rialto Airport Specific Plan, or any zoning ordinances, and

This finding is supported by the following facts:

As previously stated, the use is consistent with the Airport-Related Planned Industrial Development (I-AR) land use designation of the Rialto Airport Specific Plan. The buildings will be oriented such that none of the dock doors will front or face the public right-of-way and the Site will have 505 passenger vehicle parking spaces, all of which comply with the General Plan, the Rialto Airport Specific Plan, Chapter 18.112 (Indoor Storage Facilities) of the Rialto Municipal Code, and the City's Design Guidelines. A thirty (30) foot wide landscaped setback will be provided along Baseline Road. Landscaping will be abundantly incorporated into the Site, as the landscape coverage for the entire project is 13.1 percent, which exceeds the minimum required amount of 10.0 percent.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, and through the implementation of Conditions of Approval imposed by the City Council on the Precise Plan of Design, such as extensive landscaping, solid screen walls, decorative paving, and enhanced architectural features. The development of a high-quality industrial development will provide additional employment opportunities for residents and visitors to the City. The Project will also serve to develop a piece of land, which has remained undeveloped. The Project is consistent with the Airport-Related Planned Industrial Development (I-AR) land use district and the nearby industrial land uses. The nearest sensitive uses are the public park to the north of the Site and the single-family residences to the south of the Site. The project is not expected to negatively impact any uses with the successful implementation of measures such as landscape buffering, the installation of solid screen walls, aesthetic building enhancements, and other traffic related measures. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. An Environmental Impact Report (Environmental Assessment Review No. 2020-0003) has been prepared for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and it has been determined that the Project will create unavoidable significant impacts to transportation/traffic. The Planning Commission has forwarded, or is forwarding, a recommendation to the City Council to adopt the Environmental Impact Report prepared for the Project.

SECTION 4. The Planning Commission hereby recommends that the City Council approve CDP No. 2020-0002, in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. The approval is granted allowing the development and operation of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building on 31.61 gross acres (31.09 net acres) of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue, as shown on the plans attached as Exhibit A and as approved by the City Council. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the project shall be subject to revocation.

2. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.

3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of CDP No. 2020-0002.

4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

5. The property owner(s) and building tenants shall always abide by all operational mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Environmental Impact Report (Environmental Assessment Review No. 2020-0003) adopted for the Project.

6. The tenants within the buildings shall always conduct operations consistent with the environmental analysis contained within the Environmental Impact Report (Environmental Assessment Review No. 2020-0003) adopted for the Project.

7. The Project shall be limited to a maximum of 710 actual passenger car trips and 473 actual truck trips daily, in accordance with Table 3 (Summary of Project Trip Generation) of the Traffic Impact Study prepared for the Project by Kimley-Horn and Associates, Inc. and dated November 2021, which is attached hereto as Exhibit B.

8. The applicant, landlord, operator(s) and/or tenant(s) shall ensure that all inbound truck traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall not queue or stage on any public street at any time. Activities on-site shall not operate in such a manner that would impact traffic lanes, cause back up (queuing or staging) of vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police access and passage around trucks queuing or staging on-site shall be feasible at all times and activities shall not block parking areas, access or passage for disabled persons or emergency response vehicles.

9. The applicant, landlord, operator(s) and/or tenant(s) shall only park or store trucks and trailers within designated truck and trailer parking spaces on-site. No trucks or trailers shall be parked or stored within any public street or within any on-site drive-aisles or passenger vehicle parking areas at any time.

10. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of the building at any time, except for trucks, trailers, and vehicles associated with the operation(s) conducted within the building, without prior approval of a separate Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage Uses) of the Rialto Municipal Code.

11. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of approval. If the applicant fails to commence the project within one year of said effective date, this conditional development permit shall be null and void and any privileges granted hereunder shall terminate automatically. If the applicant or his or her successor in interest commence the project within one year of the effective date of approval, the privileges granted hereunder will continue inured to the property as long as the property is used for the purpose for which the conditional development permit was granted, and such use remains compatible with adjacent property uses.

12. Approval of CDP No. 2020-0002 will not become effective until the applicant has signed a statement acknowledging awareness and acceptance of the required conditions of approval contained herein.

13. In the event, that any operation on the Site is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to, uses which are or have become offensive to neighboring property or the goals and objectives of the Airport-Related Planned Industrial Development (I-AR) land use district, the Rialto Airport Specific Plan, and/or the City's General Plan, the applicant shall address the issues within forty-eight (48) hours of being notified by the City.

14. If the applicant fails to comply with any of the conditions of approval placed upon CDP No. 2020-0002 or PPD No. 2020-0003, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2020-0002 may be revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the Planning Commission if:

    a) The use for which such approval was granted has ceased to exist, been subsequently modified, or has been suspended for six (6) months or more;

    b) Any of the express conditions or terms of such permit are violated;

    c) The use for which such approval was granted becomes or is found to be objectionable or incompatible with the character of the City and its environs due to excessive noise, excessive traffic, loitering, criminal activity or other undesirable characteristics including, but not strictly limited to uses which are or have become offensive to neighboring property or the goals and objectives of the Airport-Related Planned Industrial Development (I-AR) land use district, the Rialto Airport Specific Plan, and/or the City's General Plan.

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

PASSED, APPROVED AND ADOPTED this 26th day of April, 2023.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. **2023-36** was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the 26th day of April, 2023.

Upon motion of Commissioner Dale Estvander, second by Commissioner Frank Gonzalez, foregoing Resolution No. **2023-36** was duly passed and adopted.

Vote on the motion:

AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

NOES: 0

ABSTENTION: 1 (Gilbert)

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 26th day of April, 2023.

Kimberly Dame
Administrative Analyst

RESOLUTION NO. 2023-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE PRECISE PLAN OF DESIGN NO. 2020-0003 ALLOWING THE DEVELOPMENT OF ONE (1) 430,581 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, ONE (1) 249,026 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, AND ASSOCIATED PAVING, LANDSCAPING, FENCING, LIGHTING, AND DRAINAGE IMPROVEMENTS ON 31.61 GROSS ACRES (31.09 NET ACRES) OF LAND (APN: 0264-213-18) LOCATED ON THE NORTH SIDE OF BASELINE ROAD APPROXIMATELY 350 FEET EAST OF FITZGERALD AVENUE WITHIN THE AIRPORT-RELATED PLANNED INDUSTRIAL DEVELOPMENT (I-AR) LAND USE DISTRICT OF THE RIALTO AIRPORT SPECIFIC PLAN.

WHEREAS, the applicant, Crow Holdings Industrial, LLC, proposes to develop one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building ("Project") on 31.61 gross acres (31.09 net acres) of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan ("Site"); and

WHEREAS, the Project consists of the development of one (1) 430,581 square foot industrial warehouse building, one (1) 249,026 square foot industrial warehouse building, 505 passenger vehicle parking spaces, concrete screen walls, an abundant amount of landscaping, and full pedestrian and vehicle access; and

WHEREAS, Pursuant to Chapter 18.65 (Precise Plan of Design) 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. 2020-0003 ("PPD No. 2020-0003"); and

WHEREAS, in conjunction with the Project, the applicant has applied for Tentative Parcel Map No. 2020-0001, also referred to as Tentative Parcel Map No. 20195 ("TPM No. 20195"), in accordance with Section 17.16.040 of the Rialto Municipal Code, to subdivide the Site into two (2) new parcels of land – Parcel 1 (18.29 net acres) and Parcel 2 (12.80 net acres); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2020-0002 ("CDP No. 2020-0002") to facilitate the development and operation of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building on the Site; and

WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on PPD No. 2020-0003, TPM No. 20195, and CDP No. 2020-0002, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2020-0003, TPM No. 20195, and CDP No. 2020-0002; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to PPD No. 2020-0003, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that PPD No. 2020-0003 satisfies the requirements of Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a Precise Plan of Design. The findings are as follows:

1. The proposed development is in compliance with all city ordinances and regulations, unless in accordance with an approved variance; and

This finding is supported by the following facts:

The Site has a General Plan land use designation of Business Park with a Specific Plan overlay and a zoning designation of Rialto Airport Specific Plan. The Site's land use designation within the Rialto Airport Specific Plan is Airport-Related Planned Industrial Development (I-AR). Those designations allow for the development and operation of industrial warehouse buildings, as proposed by the Project. The Project, as conditioned herein, will comply with all City ordinances and regulations, the I-AR land use district, and the Rialto Airport Specific Plan.

2. The site is physically suitable for the proposed development, and the proposed development will be arranged, designed, constructed, and maintained so that it will not be unreasonably detrimental or injurious to property, improvements, or the health, safety or general welfare of the general public in the vicinity, or otherwise be inharmonious with the city's general plan and its objectives, zoning ordinances or any applicable specific plan and its objectives; and

This finding is supported by the following facts:

The Site is relatively flat, 31.61 gross acres in size, bound by one (1) public street (Baseline Road to the south), and is within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan. To the north of the project site is Jerry Eaves Park and to east is the Cactus Basin Flood Control Channel. To the south, across Baseline Road, is a single-family residential subdivision built in 1989, and to the west are several multi-tenant industrial buildings and approximately 2.48 acres of vacant land, which is planned for the development of a 45,659 square foot industrial warehouse building. The Project is consistent with the I-AR land use district and the industrial uses adjacent to and nearby the Site. The nearest sensitive uses are the public park to the north of the Site and the single-family residences to the south of the Site. The project is not expected to negatively impact any uses with the successful implementation of measures such as landscape buffering, the installation of solid screen walls, aesthetic building enhancements, and other traffic related measures.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, such as extensive landscaping, concrete screen walls, decorative paving, and enhanced architectural features. To the north of the project site is Jerry Eaves Park and to east is the Cactus Basin Flood Control Channel. To the south, across Baseline Road, is a single-family residential subdivision built in 1989, and to the west are several multi-tenant industrial buildings and approximately 2.48 acres of vacant land, which is planned for the development of a 45,659 square foot industrial warehouse building. The Project is consistent with the I-AR land use district and the industrial uses adjacent to and nearby the Site. The nearest sensitive uses are the public park to the north of the Site and the single-family residences to the south of the Site. The development and operation of the proposed industrial warehouse buildings will not interfere with these uses as the orientation of the buildings, the incorporation of a screen wall adjacent to the truck court, and the incorporation of landscape planters along the Baseline Road street frontage and perimeter of the Site will all serve as a buffer to reduce impacts to a level of insignificance. Additionally, the residences to the south are approximately 100 feet away from the Site and are separated from the Site by an existing public street that further serves as buffer.

4. The proposed development will not substantially interfere with the orderly or planned development of the City of Rialto.

This finding is supported by the following facts:

The Project is consistent with the underlying Airport-Related Planned Industrial Development (I-AR) land use designation and is a logical addition to the existing industrial buildings to the west of the Site. The design of the Project will ensure a continuation of the public improvements and aesthetics present in the surrounding area. The City staff have reviewed the design of the Project to ensure compliance with all health, safety, and design requirements to ensure the Project will enhance the infrastructure and aesthetics of the local community.

SECTION 3. An Environmental Impact Report (Environmental Assessment Review No. 2020-0003) has been prepared for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and it has been determined that the Project will create unavoidable significant impacts to transportation/traffic. The Planning Commission has forwarded, or is forwarding, a recommendation to the City Council to adopt the Environmental Impact Report prepared for the Project.

SECTION 4. The Planning Commission hereby recommends that the City Council approve PPD No. 2020-0003, in accordance with the plans and application on file with the Planning Division, subject to the following Conditions of Approval:

1. The applicant is granted PPD No. 2020-0003 allowing the development of one (1) 430,581 square foot industrial warehouse building, one (1) 249,026 square foot industrial warehouse building, and associated paving, landscaping, fencing, lighting, and drainage improvements on 31.61 gross acres (31.09 net acres) of land (APN: 0264-213-18) located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue within the Airport-Related Planned Industrial Development (I-AR) land use district of the Rialto Airport Specific Plan, subject to the Conditions of Approval contained herein.

2. The approval of PPD No. 2020-0003 is granted for a one (1) year period from the date of approval. Approval of PPD No. 2020-0003 will not become effective until the applicant has signed a Statement of Acceptance acknowledging awareness and acceptance of the required Conditions of Approval contained herein. Any request for an extension shall be reviewed by the Community Development Director and shall be based on the progress that has taken place toward the development of the project.

3. The development associated with PPD No. 2020-0003 shall conform to the site plan, site details, floor plans, roof plans, exterior elevations, conceptual grading and drainage

plan, and preliminary planting plan attached hereto as Exhibit A, except as may be required to be modified based on the Conditions of Approval contained herein.

4. The development associated with PPD No. 2020-0003 shall comply with all Conditions of Approval contained within CDP No. 2020-0002.

5. The development associated with PPD No. 2020-0003 shall comply with all applicable sections of the Rialto Airport Specific Plan, the Rialto Municipal Code, and all other applicable State and local laws and ordinances.

6. City inspectors shall have access to the site to reasonably inspect the site during normal working hours to assure compliance with these conditions and other codes.

7. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not be limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of PPD No. 2020-0003.

8. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of

the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

9. The applicant shall install decorative pavement within each driveway connected to Baseline Road. The decorative pavement shall extend across the entire width of each driveway and shall have a minimum depth of thirty feet (30) feet as measured from the property line along Baseline Road. Decorative pavement means decorative pavers and/or color concrete with patterns and color variety. The location of the decorative pavement shall be identified on the Precise Grading Plan prior to the issuance of a grading permit. Additionally, the location and type of decorative pavement shall be identified on the formal Landscape Plan submittal, and other on-site improvement plans, prior to the issuance of building permits.

10. In order to provide enhanced building modulation in accordance with Section 18.61.080C of the Rialto Municipal Code, horizontal wall plane articulation shall be incorporated approximately every one-hundred (100) linear feet on all four (4) sides of each building, except along any wall plane containing dock doors. The wall planes of each building shall incorporate projections and/or recesses having a minimum depth of three (3) feet (as measured from the main wall plane) and a width of twelve (12) feet. The wall plane articulation will provide greater visual interest to these readily visibly buildings as seen from Baseline Road and Jerry Eaves Park.

11. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall route all drainage downspouts through the interior of the buildings. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.

12. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns, at least three (3) feet in depth from the recessed wall planes, at all height variations on all four (4) sides of each building. The parapet returns shall be demonstrated on the roof plans within the formal building plan check submittal prior to the issuance of building permits.

13. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall provide internal roof access only for each building. The internal roof access shall be identified within the formal building plan check submittal prior to the issuance of building permits.

14. In order to provide enhanced site design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, any new walls, including any retaining walls, shall be comprised of decorative masonry block or decorative concrete. Decorative masonry block means tan-colored slumpstone block, tan-colored split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or trim lines. Pilasters shall be

incorporated within all new walls visible from the public right-of-way. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum of six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan and Precise Grading Plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.

15. The applicant shall install a solid decorative masonry block or decorative concrete screen wall along the entire length of the property line between the site and Jerry Eaves Park, prior to the issuance of a Certificate of Occupancy. The wall shall have a minimum height of eight (8) feet as measured from the finished grade of the park at the location of the wall. The screen wall shall be identified on the site plan and Precise Grading Plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.

16. The applicant shall install a solid or louvered metal gate at the southerly entry of the truck court for the purpose of screening trucks and trailers within the truck court, prior to the issuance of a Certificate of Occupancy. The new gate shall have a minimum height of eight (8) feet and shall be painted to match the color of the adjoining wall. The new gate shall be identified on the site plan, and an elevation detail for the gate shall be included in the formal building plan check submittal prior to the issuance of building permits.

17. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, any new fencing installed on site shall be comprised of tubular steel. Decorative masonry or decorative concrete pilasters, with a minimum dimension of sixteen (16) inch square, shall be incorporated within all new fencing visible from any public right-of-way. Decorative masonry block means tan slumpstone block, tan split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or trim lines. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the fencing. All decorative masonry pilasters shall include a decorative masonry cap. All fencing and pilasters shall be identified on the site plan, and an elevation detail for the fencing and pilasters shall be included in the formal building plan check submittal prior to the issuance of building permits.

18. The applicant shall construct one (1) ADA accessible trash enclosure for each building on the project site. The trash enclosures shall provide room for one (1) commercial waste container and one (1) commercial recycling container. The exterior of each trash enclosure shall match the material and base color of the buildings. Additionally, each trash enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials to use as a part of the trash enclosure. The location of each trash enclosure shall be identified on the site plan within the formal

building plan check prior to the issuance of building permits. An elevation detail for the trash enclosures shall be provided within formal building plan check submittal prior to the issuance of building permits.

19. All light standards installed on site, shall have a maximum height of twenty-five (25) feet, as measured from the finished surface, including the base. Lighting shall be shielded and/or directed toward the site so as not to produce direct glare or "stray light" onto adjacent properties. All light standards shall be identified on the site plan and a note indicating the height restriction shall be included within the formal building plan check submittal prior to the issuance of building permits.

20. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.

21. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

22. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setback along Baseline Road. All trees within the landscape setback shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained by the property owner. At least fifty (50) percent of the trees within the setbacks shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

23. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Baseline Road. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parking shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Baseline Road shall be the Pyrus Calleryana "Bradfordi" and/or the Quercus Virginianan "Southern Live Oak". The street trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

24. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated

and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

25. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land on-site and off-site (adjacent to the project site) that is not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

26. All planting and irrigation shall be installed on-site in accordance with the approved landscape plans and permit prior to the issuance of a Certificate of Occupancy. The installation of the planting and irrigation shall be certified in writing by the landscape architect responsible for preparing the landscape plans prior to the issuance of a Certificate of Occupancy.

27. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy, unless specified otherwise herein.

28. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.

29. The applicant shall comply with all conditions of approval for PPD No. 2020-0003 to the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.

30. All improvements within the public right-of-way require a City of Rialto Encroachment Permit.

31. The applicant shall pay all applicable development impact fees in accordance with the current City of Rialto fee ordinance, including any Traffic Fair Share Contribution fees, prior to the issuance of any building permit related to the Project.

32. The applicant shall apply and complete the Special District Annexation for the public street lighting and the public landscape and irrigation, including applicable easement areas, parkway areas, and raised medians along the property frontage, as determined by the City Engineer, prior to the issuance of the Grading/On-site Construction Permit.

33. A City of Rialto Off-site Construction Permit is required for any improvements within the public right-of-way. In an effort to expedite and facilitate improvements in the public right-of-way, the applicant is responsible for submitting a multi-phase master plan traffic control plan which includes all phases of construction in the public right-of-way i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting process, a single master Off-Site Construction Permit shall replace individual Encroachment Permits to be pulled by the applicant's contractor.

34. At the discretion of the City Engineer, the applicant shall apply for annexation of the underlying property into City of Rialto Landscape and Lighting Maintenance District No. 2 ("LLMD 2") or enter into a landscape maintenance agreement to be recorded on the property. An application fee of $5,000 shall be paid at the time of application. Annexation into LLMD 2 is a condition of acceptance of any new median, parkway, and/or easement landscaping, or any new public street lighting improvements, to be maintained by the City of Rialto. Annexation to the LMD hall be completed prior to issuance of building permits.

35. The applicant shall submit off-site landscaping and irrigation system improvement plans for review and approval at the time of first (1st) public improvement plan submittal to the Community Development Department. The parkway and median irrigation system shall be separately metered from the on-site private irrigation to be maintained for a period of one (1) year and annexed into a Special District. The off-site landscape and irrigation plans must show separate electrical and water meters to be annexed into the Landscape and Lighting Maintenance District No. 2 via a City Council Public Hearing. The landscape and irrigation plans shall be approved concurrently with the street improvement plans, including the median portion, prior to issuance of a building permit. The landscaping architect must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to ensure all landscape and irrigation guidelines are met prior to plan approval. Electrical and water irrigation meter pedestals must not be designed to be installed at or near street intersections or within a raised median to avoid burdensome traffic control set-up during ongoing maintenance.

36. If the property is accepted in the LLMD, the applicant shall guarantee all new parkway landscaping irrigation for a period of one (1) year from the date of the City Engineer acceptance. Any landscaping that fails during the one-year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period. The applicant must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to confirm a full twelve (12) months' time of non-interrupted ongoing maintenance.

37. The applicant shall install City Engineer approved deep root barriers, in accordance with the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten (10) feet of the public sidewalk and/or curb.

38. All new streetlights shall be installed on an independently metered, City-owned underground electrical system. The developer shall provide documentary proof of application with Southern California Edison ("SCE") for all appropriate service points and electrical meters prior to the issuance of a Certificate of Occupancy. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2.

39. If and where deficiencies in the existing system occur, the applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Baseline Road, as determined necessary by the City Engineer. New marbelite streetlight poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

40. The applicant is responsible for requesting from the Community Development Department any addresses needed for any building(s) and/or any electrical single/dual irrigation meter pedestal(s). The main building address shall be included on Precise Grading Plans and Building Plan set along with the PPD number. The electrical meter pedestal addresses (single or dual) shall be included in the public improvement plans

41. The applicant shall submit street improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of building permits.

42. The applicant shall submit streetlight improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of building permits.

43. The applicant shall submit public sewer improvement plans by a registered California civil engineer to the Community Development Department Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of building permits. Note that onsite private sewer plans shall be reviewed by the Building Division.

44. The applicant shall submit traffic and signage improvement plans by a registered California civil engineer to the Community Development Department Engineering Division for review. The plans shall be approved by the City Engineer prior to the issuance of building permits.

45. The applicant shall submit copies of approved water improvement plans prepared by a registered California civil engineer to the Community Development Department Engineering Division for record purposes. The plans shall be approved by Rialto Water Services, the water purveyor, prior to the issuance of building permits. Note that onsite private domestic water plans shall be reviewed by the Building Division. Offsite water and sewer plan for laterals and services may be combined on a single plan.

46. The applicant shall submit a Precise Grading/Paving Plan prepared by a California registered civil engineer to the Community Development Department Engineering Division for review and approval. The Grading Plan shall be approved by the City Engineer prior to the issuance of building permits.

47. The applicant shall submit a Geotechnical/Soils Report, prepared by a California registered Geotechnical Engineer, for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Community Development Department Engineering Division with the first submittal of the Precise Grading Plan.

48. The applicant shall submit a wet-signed and stamped Earthwork Cut and Fill Certification Letter prepared by a Civil Engineer registered in the State of California to the Community Development Department Engineering Division for review.

49. The applicant shall provide pad elevation certification for all building pads, in conformance with the approved Precise Grading Plan, to the Engineering Division prior to construction of any building foundation.

50. The public street improvements outlined in these Conditions of Approval are intended to convey to the developer an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.

51. The applicant shall construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete. Unless the City Engineer provide prior authorization, paving of streets in one lift prior to completion of on-site construction is not allowed. If City Engineer authorized, completion of asphalt concrete paving for streets prior to completion of on-site construction activities, requires additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs.

52. The applicant shall repair all street cuts for utilities in accordance with City Standard SC-231 within 72 hours of completion of the utility work; and any interim trench repairs shall consist of compacted backfill to the bottom of the pavement structural section followed by placement of standard base course material in accordance with the Standard Specifications for Public Work Construction ("Greenbook"). The base course material shall be placed the full height of the structural section to be flush with the existing pavement surface and provide a smooth pavement surface until permanent cap paving occurs using an acceptable surface course material.

53. In accordance with City Ordinance No. 1589, adopted to preserve newly paved streets, any and all street and/or trench cuts in newly paved streets will be subject to moratorium street repair standards as reference in Section 11.04.145 of the Rialto Municipal Code.

54. The applicant shall backfill and/or repair all utility trenches or other excavations within existing asphalt concrete pavement of off-site streets resulting from the proposed development, in accordance with City of Rialto Standard Drawings. The applicant shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets including pavement repairs in addition to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Fontana Water Company, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets resulting from the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than what existed prior to construction of the proposed development.

55. The applicant shall install underground all existing electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting the site, in accordance with Chapter 15.32 of the Rialto Municipal Code, along the Baseline Avenue frontage to the centerline of Fitzgerald Avenue prior to the issuance of a Certificate of Occupancy. Undergrounding shall extend to the nearest off-site power pole. Unless City Engineer approved, no new power poles shall be installed. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Precise Grading/Paving Plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the City Engineer identifying all above ground facilities in the area of the project to be undergrounded. At the discretion of the City Engineer, the undergrounding of the utilities may be required to extend west of the project to the west side of Fitzgerald Ave with reimbursement coming from the owner of the parcel on the northeast corner of Baseline Ave and Fitzgerald Ave, identified as Assessor's Parcel No. 0264-213-35.

56. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

57. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or curbs along the entire project frontage, in accordance with the General Plan and the City of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of a Certificate of Occupancy.

58. The applicant shall provide construction signage, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time of construction.

59. Upon approval of any improvement plan by the City Engineer, the applicant shall provide the improvement plan to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

60. The applicant shall construct 4-inch conduit within the parkway area along the entire project frontage of Baseline Road for future use, prior to the issuance of a Certificate of Occupancy. Contact the Engineering Division for design and material specifications.

61. The applicant shall dedicate additional right-of-way along the entire frontage of Baseline Road, as necessary, to provide the ultimate half-width of 60 feet, as required by the City Engineer.

62. The applicant shall construct a twelve (12) foot wide raised and landscaped median island along the frontage of Baseline Road, as required by the City Engineer. Taper the ends of the median as required for transitions into adjoining street widths.

63. The applicant shall construct three (3) new commercial driveway approaches on Baseline Road, in accordance with City of Rialto Standard Drawings, or as otherwise approved by the City Engineer. The driveway approach shall be constructed so the top of "X" is 5 feet from the property line, or as otherwise approved by the City Engineer. Nothing shall be constructed or planted in the corner cut-off area which does exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer.

64. Upon review of public improvement plans, the applicant shall dedicate additional right-of-way as may be required to provide property line corner cutbacks at the northeast and northwest corners of the intersection of Baseline Road and the driveway connected to Baseline Road, in accordance with City Standard SC-235, as required by the City Engineer.

65. The applicant shall construct curb ramps meeting current California State Accessibility standards at the signalized intersection of Baseline Road and Idyllwild Avenue, the signalized intersection of Baseline Road and the proposed driveway in the center of the project frontage, and the northeast and northwest corners of the intersections of Baseline Road and the proposed driveways on the east and west ends of the project frontage, in accordance with the City of Rialto Standard Drawings, and as required by the City Engineer. The applicant shall ensure that an appropriate path of travel, meeting ADA

guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

66. The applicant shall construct a 6-foot-wide Americans with Disabilities Act (ADA) compliant sidewalk 8 feet behind the edge of the curb along the entire project frontage of Baseline Road, in accordance with City of Rialto Standard Drawings.

67. At the discretion of the City Engineer, the applicant shall construct an 8-inch curb and gutter located 36 feet north of the centerline along the entire frontage of Baseline Road, in accordance with City of Rialto Standard Drawings.

68. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage and provide proper striping for vehicular and bicycle lanes along the entire project frontage of Baseline Road, as required by the City Engineer. Proper tapers and transitions shall be provided as required by the City Engineer.

69. The applicant shall, as determined necessary by the City Engineer, remove existing pavement and construct new pavement with a minimum pavement section of 4 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire project frontage of Baseline Road in accordance with City of Rialto Standard Drawings, as determined to be necessary by the City Engineer. The pavement section shall be determined using a Traffic Index ("TI") of 10. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from clean sawcut edge of pavement at centerline of each street.

70. The minimum pavement section for all on-site pavements shall be 2½ inches asphalt concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

71. In recognition of the Project impacts and the necessity for a Statement of Overriding Considerations in connection with the Project's environmental clearance, the Applicant has offered as an offset benefit to the City (i) a Storm Drain Easement necessary for and (ii) construction of the City's storm drainage infrastructure through the site and into the County of San Bernardino's Cactus Basin #3B. The storm drain is known as the Baseline Master Planned Storm Drain and is approximately a 6' tall x 12' wide reinforced concrete box. Accordingly, within 30 days of final approval of the Project entitlements, Applicant shall provide the City with an executed Storm Drain Easement in substantially the form contained in Exhibit B attached herein. Construction of the storm drain by the Applicant shall commence within 180 days of construction plan

approval and issuance of a permit by the County of San Bernardino. The Applicant's agreement to accept and abide by all conditions set forth in the Resolution(s) of Approval for the Project shall constitute an express approval of this condition and the Applicant waives its right to challenge the inclusion of this condition in the Resolution(s) of Approval.

72. A reimbursement agreement between the City and the Applicant shall be entered into for reimbursement of the costs associated with the construction of the City's 6-foot by 12-foot RC Box storm drain in accordance with the Rialto Municipal Code.

73. The applicant shall construct or pay Fair Share costs for traffic improvements as identified in the Traffic Impact Study, prepared for the project by Kimley-Horn & Associates, Inc., dated November 2021.

The Applicant shall construct and place into operation a traffic signal located on Baseline Road at the center driveway of the Site (Driveway #2) and at Idyllwild Avenue intersections. The signals shall be interconnected to operate in a coordinated fashion. The traffic signal shall be operational prior to issuance of any Certificate of Occupancy.

Applicant shall enter into a Fair Share Agreement with the City for Improvements identified per Table 13 of the Traffic Impact Study, for mitigation of project impacts to surrounding roads and intersections prior to issuance of building permits

74. The applicant shall submit a Water Quality Management Plan identifying site specific Best Management Practices ("BMPs") in accordance with the Model Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to the City Engineer for review and approval with the Precise Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to issuance of a building permit, unless otherwise allowed by the City Engineer. The development of the Site is subject to the requirements of the National Pollution Discharge Elimination System (NPDES) Permit for the City of Rialto, issued by the Santa Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant to the NPDES Permit, the Applicant shall ensure development of the site incorporates post-construction Best Management Practices ("BMPs") in accordance with the Model Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The Applicant is advised that applicable Site Design BMPs will be required to be incorporated into the final site design, pursuant to a site specific WQMP submitted to the City Engineer for review and approval.

75. The applicant shall prepare a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality

Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The applicant's contractor shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.

76. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications, and as identified in the approved WQMP.

77. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study, prepared by a Civil Engineer, to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be determined by comparing the existing "pre-developed" condition and proposed "developed" condition, using the 100-year frequency storm. All on-site and off-site designs must comply with Federal (NPDES), State, Regional, and City stormwater regulations.

78. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to the adjacent public streets. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. All on-site and off-site designs must comply with NPDES stormwater regulations.

79. The applicant shall connect the project to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water Services.

80. The applicant is advised that domestic water service is provided by Rialto Water Services. The developer shall be responsible for coordinating with Rialto Water Services and complying with all requirements for establishing domestic water service to the property.

81. The applicant shall install a new domestic water line lateral connection to the main water line within Baseline Road, pursuant to the Rialto Water Services requirements. A water

line plan shall be approved by Rialto Water Services prior to the issuance of building permits.

82. The applicant shall provide certification from Rialto Water Services that demonstrates that all water and/or wastewater service accounts for the project are documented, prior to the issuance of a Certificate of Occupancy or final inspection approval from the Community Development Department Engineering Division.

83. All sewer mains constructed by the applicant, as necessary, are to become part of the public sewer system and shall be pressure tested and digitally video recorded by the City's wastewater system operator (Veolia) prior to acceptance of the sewer system for maintenance by the City. The developer shall be responsible for all costs associated with testing and inspection services. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

84. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

85. The applicant shall adhere to the City Council approved franchise agreements and disposal requirements during all construction activities, in accordance with Section 8.08 (Refuse Collection of the City of Rialto Municipal Code).

86. Prior to commencing with any grading, the applicant shall implement the required erosion and dust control measures shall be in place. In addition, the following shall be included if not already identified:

    a. 6 foot high tan colored perimeter screened fencing

    b. Contractor information signage including contact information along the street frontage of Baseline Road.

    c. Post dust control signage with the following verbiage: "Project Name, WDID No., IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-CUT-SMOG/1-800-228-7664"

87. The applicant shall submit full architectural and structural plans with all mechanical, electrical, and plumbing plans, structural calculations, truss calculations and layout, rough grading plans approved by Community Development Department Engineering, Water Quality Management Plan, Erosion Control Plan, Stormwater Pollution Prevention Plan, and Title 24 Energy Calculations to the Building Division for plan check and review, prior to the issuance of building permits.

88. The applicant shall provide a Scope of Work on the title page of the architectural plan set. The Scope of Work shall call out all work to be permitted (ex. Main structure, perimeter walls, trash enclosure, etc.).

89. The applicant shall design the structures in accordance with the 2019 California Building Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and the 2019 California Electrical Code, 2019 Residential Code and the 2019 California Green Buildings Standards adopted by the State of California.

90. The applicant shall design the structures to withstand ultimate wind speed of 130 miles per hour, exposure C and seismic zone D.

91. The applicant shall submit fire sprinkler, fire alarm systems, and fire hydrant plans to the Building Division for plan review concurrently with building plans and shall be approved prior to the issuance of a building permit.

92. The applicant shall obtain an Electrical Permit from the Building Division for any temporary electrical power required during construction. No temporary electrical power will be granted to a project unless one of the following items is in place and approved by the Building Division: (A) Installation of a construction trailer, or, (B) Security fencing around the area where the electrical power will be located.

93. The applicant shall install any required temporary construction trailer on private property. No trailers are allowed to be located within the public right-of-way. The trailer shall be removed prior to the issuance of a Certificate of Occupancy.

94. The applicant shall design and construct accessible paths of travel from the building's accessible entrances to the public right-of-way, accessible parking, and the trash enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning, signage, gates, lifts and walking surface materials, as necessary. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.

95. Prior to issuance of a Building Permit all of the following must be in place on the Site: a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent street saying "If there is any dust or debris coming from this site please contact (superintendent number here) or the AQMD if the problem is not being resolved" or something similar to this.

96. The applicant shall provide temporary toilet facilities for the construction workers. The toilet facilities shall always be maintained in a sanitary condition. The construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3.

97. The applicant shall underground all on site utilities to the new proposed structures, prior to the issuance of a Certificate of Occupancy, unless prior approval has been obtained by the utility company or the City.

98. Prior to issuance of Building Permits, site grading final and pad certifications shall be submitted to the Building Division, which include elevation, orientation, and compaction. The certifications are required to be signed by the engineer of record.

99. The applicant shall provide proof of payment to the Rialto Unified School District for all required school fees, prior to the issuance of a building permit.

100. Site facilities such as parking open or covered, recreation facilities, and trash dumpster areas, and common use areas shall be accessible per the California Building Code, Chapter 11.

101. The applicant shall place a copy of the Conditions of Approval herein on within the building plan check submittal set and include the PPD number on the right bottom corner cover page in 20 point bold, prior to the issuance of a building permit.

102. The applicant shall ensure that a minimum of 65% of all construction and demo debris shall be recycled using an approved City of Rialto recycling facility during construction. Copies of receipts for recycling shall be provided to the City Inspector and a copy shall be placed in the office of the construction site.

103. Prior to issuance of Building Permits, on site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved.

104. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.

105. The applicant shall illuminate all walkways, passageways, and locations where pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.

106. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.

107. The applicant shall illuminate all loading dock areas, truck well areas, and delivery areas with a minimum of 2.0 foot-candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.

108. The applicant shall design/construct all lighting fixtures and luminaries, including supports, poles and brackets, in such a manner as to resist vandalism and/or destruction by hand.

109. The applicant shall provide an illuminated channel letter addresses prominently placed on the building to be visible to the front of the location and if applicable, visible from the main street to which they are located (e.g. commercial building facing the interior of the property would require two address signs if located adjacent to a roadway), prior to the issuance of a Certificate of Occupancy.

110. At the discretion of the Rialto Police Department, the applicant shall install exterior security cameras at the location that cover the entire Site, prior to the issuance of a Certificate of Occupancy. The security cameras shall be accessible to the Rialto Police Department via FusionONE web application.

111. The applicant shall install Knox boxes immediately adjacent to the main entrance of each building and at least one (1) rear entrance on each building to facilitate the entry of safety personnel. The Knox boxes shall be installed in such a manner as to be alarmed, resist vandalism, removal, or destruction by hand, and be fully recessed into the building. The Knox boxes shall be equipped with the appropriate keys, for each required location, prior to the first day of business. The Knox-Box placement shall be shown on the formal building plan review submittal prior to the issuance of a building permit.

112. The applicant shall prominently display the address on the building rooftop to be visible to aerial law enforcement or fire aircraft. Specifications to be followed for alphanumeric characters are as follows: Three (3) foot tall and six (6) inches thick alphanumeric characters. The alphanumeric characters shall be constructed in such a way that they are in stark contrast to the background to which they are attached (e.g. white numbers and letters on a black background), and resistant weathering that would cause a degradation of the contrast.

113. The applicant shall provide an audible alarm within the building, prior to the issuance of a Certificate of Occupancy. The building shall be alarmed in such a way as to emit a continuous audible notification until reset by responsible personnel (e.g. alarmed exit device / crash bar).

114. The applicant or General Contractor shall identify each contractor and subcontractor hired to work at the job site on a Contractor Sublist form and return it to the Business License Division with a Business License application and the Business License tax fee based on the Contractors tax rate for each contractor.

115. Prior to issuance of a Certificate of Occupancy, the Lessor(s) of the Site shall pay a business license tax based on the Rental Income Property tax rate.

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

PASSED, APPROVED AND ADOPTED this 26th day of April, 2023.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. **2023-37** was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the 26th day of April, 2023.

Upon motion of Commissioner Dale Estvander, second by Commissioner Frank Gonzalez, foregoing Resolution No. **2023-37** was duly passed and adopted.

Vote on the motion:

AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

NOES: 0

ABSTENTION: 1 (Gilbert)

ABSENT: 0

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 26th day of April, 2023.

Kimberly Dame
Administrative Analyst