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WHEREAS, the applicant, Frontier Enterprises, LLC, proposes to construct a 204-unit Apartment Complex comprised of seven three-story buildings with a maximum height of 40 feet. The proposed residential units would consist of one- to three-bedroom units, ranging between 702 square feet to 1,106 square feet, configured in four buildings that contain twenty-four (24) units and three buildings that contain thirty-six (36) units. The project includes construction of a 3,210-square foot leasing office and clubhouse building, with a recreational pool and barbeque area for residential use. The pool and barbeque area would include an in-ground pool and Jacuzzi, firepits and barbeque grill areas, shaded cabanas, and pool-side lounge areas. The project site consists of 8.02± acres of land (APNs: 0133-171-07, -08, -09, and -31) located at 534 E Foothill Boulevard, which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU) zone of the Foothill Boulevard Specific Plan; and

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1 area would include an in-ground pool and Jacuzzi, firepits and barbeque grill areas, shaded  
2 cabanas, and pool-side lounge areas; and

3 WHEREAS, pursuant to Table 3.1 (Permitted Uses) of the Foothill Specific Plan, the  
4 operation of a 204-unit Apartment Complex is a use permitted by right; and

5 WHEREAS, the Project within the R-MU district requires the approval of a Precise Plan  
6 of Design, and the applicant has agreed to apply for Precise Plan of Design No. 2021-0043 ("PPD  
7 No. 2021-0043"), in accordance with Chapter 18.65 (Precise Plan of Design) of the Rialto  
8 Municipal Code; and

9 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,  
10 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,  
11 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section  
12 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study  
13 (Environmental Assessment Review No. 2021-0045) prepared by Rincon Consultants, Inc. and  
14 determined that there is no substantial evidence that the approval of the Project would result in a  
15 significant adverse effect on the environment, provided appropriate mitigation measures are  
16 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof  
17 was given in the manner required by law; and

18 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project  
19 was published in the San Bernardino Sun newspaper, and mailed to all property owners within 660  
20 feet of the Project Site, and a twenty (20) day public comment period was held from November  
21 10, 2021 to November 29, 2021; and

22 WHEREAS, The Planning Division did not receive any public comment letters during the  
23 twenty (20) day public comment period; and

24 WHEREAS, the City mailed public hearing notices for the proposed Project to all property  
25 owners within 300 feet of the project site, and published the public hearing notice in the San  
26 Bernardino Sun newspaper as required by State law; and

27 WHEREAS, on November 10, 2021, the Planning Commission of the City of Rialto  
28 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration

1 and PPD No. 2021-0043, took testimony, at which time it received input from staff, the city  
2 attorney, and the Applicant; heard public testimony; discussed the proposed Mitigated Negative  
3 Declaration and PPD No. 2021-0043; and closed the public hearing; and

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

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

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

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

14 SECTION 3: The Initial Study (Environmental Assessment Review No. 2021-0045)  
15 prepared for the project identified the soils have been completely disturbed and vegetation mowed.  
16 The site was previously prepared for development evidenced by excavated soils including slopes  
17 for construction equipment to enter the site. The topsoil has been removed and soils currently on  
18 site are representative of much lower soil layers. Land cover within the site consists of disturbed  
19 habitat. Disturbed habitats have been physically altered and are no longer recognizable as a native  
20 or naturalized vegetation community but continue to retain a soil substrate. Typically, vegetation  
21 of disturbed/agricultural areas is almost exclusively composed of non-native ruderal plant species  
22 that take advantage of disturbance and which removes the capability of providing viable natural  
23 habitat, and therefore the proposed Project will have no individual or cumulative adverse impacts  
24 upon resources, as defined in Section 711. 2 of the State Fish and Game Code.

25 SECTION 4: The attached proposed Initial Study and Mitigated Negative Declaration,  
26 Exhibit "A" hereto, finds that there are no impacts or less than significant impacts to aesthetics,  
27 agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas  
28 emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral

resources, noise, population/housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire.

SECTION 5: With the imposition of mitigation measures that address potential impacts upon biological resources, cultural resources, traffic and transportation, and mandatory findings of significance in the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit "B" hereto, which is attached hereto and incorporated herein by this reference, the proposed Project's potential significant impacts will be reduced below a level of significance.

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

SECTION 7: 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 8th day of December, 2021.

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FRANK GONZALEZ, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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8 STATE OF CALIFORNIA )  
9 COUNTY OF SAN BERNARDINO ) ss  
10 CITY OF RIALTO )  
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12 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
13 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the Planning  
14 Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2021.

15 Upon motion of Planning Commissioner\_\_\_\_\_, seconded by Planning Commissioner  
16 \_\_\_\_, the foregoing Resolution No. \_\_\_\_ was duly passed and adopted.

17 Vote on the motion:

18 AYES:

19 NOES:

20 ABSENT:

21 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
22 Rialto this \_\_\_\_th day of \_\_\_\_, 2021.  
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26 \_\_\_\_\_  
27 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
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Exhibit “A”

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Exhibit “B”