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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2017-0076) FOR A PROJECT CONSISTING OF THE CONSOLIDATION FIVE (5) PARCELS (APN(S): 0253-251-01, -02, -03, -04, AND -07) INTO ONE 19.1 GROSS ACRE LOT LOCATED BETWEEN SPRUCE AVENUE AND CACTUS AVENUE TO FACILITATE THE DEVELOPMENT OF A 404,837 SQUARE FOOT SPECULATIVE INDUSTRIAL BUILDING

WHEREAS, the applicant, Panattoni Development Company, Inc, proposes to consolidate five (5) parcels into one 19.1 gross acre lot to facilitate the development of a 404,837 square foot speculative industrial building ("Project"); and

WHEREAS, the Project location comprises 19.1 gross acres of land located between Spruce Avenue and Cactus Avenue with approximately 1,245 square feet of frontage on the south side of Valley Boulevard within the Industrial Park (I-P) zone of the Gateway Specific Plan; and,

WHEREAS, the Project within the Gateway Specific Plan Industrial Park (I-P) zone requires the approval of a tentative parcel map, and the Applicant has applied for approval of Tentative Parcel Map No. 2017-0008, also referred to as Tentative Parcel Map No. XXXXX, ("TTM No. XXXXX"), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, as part of the Project, the applicant has also submitted Variance No. 2017-0011 to increase the maximum building height from 35' to 47' ("VAR No. 2017-0011"); and

WHEREAS, as part of the Project, the applicant will submit a Precise Plan of Design application for the architectural design and site layout of the proposed industrial project; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City prepared an

1 Initial Study (Environmental Assessment Review No. 2017-0076) and determined that there
2 is no substantial evidence that the approval of the Project would result in a significant
3 adverse effect on the environment, provided appropriate mitigation measures are imposed
4 on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof was
5 given in the manner required by law; and

6 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project
7 was published in the San Bernardino Sun newspaper, and mailed to all property owners within
8 300 feet of the Project Site, and a twenty (20) day public comment period was held from December
9 21, 2017 to January 9, 2018; and

10 WHEREAS, one comment letter was received during the public comment period; and

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

14 WHEREAS, on January 10, 2018, the Planning Commission of the City of Rialto
15 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
16 Declaration, TPM No. 2017-0008, and VAR No. 2017-0011, took testimony, at which time it
17 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed
18 the proposed TPM No. 2017-0008, and VAR No. 2017-0011; and closed the public hearing; and

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

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

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

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

1 SECTION 3: The Initial Study (Environmental Assessment Review No. 2017-0076)
2 prepared for the project identified that Delhi Fine Sands soils are not present on the Project site
3 according to the Natural Resources Conservation Service (NRCS) soils map (USDA 2016) for the
4 site and field investigation during the site visit. Disking has greatly disturbed the site leaving very
5 few possible nectar sources for the Delhi Sands flower-loving fly. This, in combination with the
6 lack of Delhi Fine Sands, leads to the conclusion that there is no potential for this species to occur
7 on site. Alluvial fan scrub habitat is not present on the Project site. Disking has greatly disturbed
8 the site and made the soils on site loose and unstable. Two small potentially suitable burrows for
9 San Bernardino kangaroo rat were observed near the southeast corner of the developed storage
10 lot where the soil was slightly more compacted. However, no small mammal sign was observed
11 and the burrows appeared inactive. This leads to the conclusion that there is no potential for San
12 Bernardino kangaroo rat to occur on site. No burrowing owl individuals or burrowing owl sign were
13 observed on the Project site. The previous diskings on site has made the soil loose and unstable.
14 No suitable burrows were observed on site. Based on these conditions, the Project site has a low
potential to support burrowing owl. However, as identified in Mitigation Measure BIO-1, a pre-
construction burrowing owl survey is required prior to site disturbance to ensure impacts on
burrowing owls are reduced to a less than significant level.

15 SECTION 4: The Mitigated Negative Declaration, finds that there are no impacts or less
16 than significant impacts to biological resources, cultural resources, geology/soils, noise,
17 transportation/traffic, utilities and service systems, and mandatory findings of significance.

18 SECTION 5: With the imposition of mitigation measures that address potential impacts
19 upon biological resources and cultural resources in the community and as set forth in the
20 Mitigation Monitoring & Reporting Program, incorporated herein by this reference, the proposed
21 project's potential significant impacts will be reduced below a level of significance.

22 SECTION 3: For the foregoing reasons and based on the information and findings
23 included in the Initial Study and Staff Report, the Planning Commission has determined that the
24 Project, as conditioned and mitigated, will not have a significant adverse impact on the
25 environment and also finds that the preparation of the Mitigated Negative Declaration attached
26 hereto complies with CEQA. Therefore, the Planning Commission hereby certifies the Mitigated
27 Negative Declaration, which is incorporated herein by this reference, making certain
28 environmental findings to allow the Project.

SECTION 4: 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 10th day of January, 2018.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 10 th day of January, 2017.
8

9 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
10 _____, the foregoing Resolution No. ____ was duly passed and adopted.

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 10 th day of January, 2017.

17 _____
18 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT
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