

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2018-0046) FOR A PROJECT CONSISTING OF THE DEVELOPMENT OF A 74,466 SQUARE FOOT WAREHOUSE BUILDING ON 3.72 GROSS ACRES OF LAND (APN: 0132-191-15) LOCATED ON THE SOUTH SIDE OF VALLEY BOULEVARD APPROXIMATELY 330 FEET EAST OF LILAC AVENUE WITHIN THE INDUSTRIAL PARK (I-P) ZONE OF THE GATEWAY SPECIFIC PLAN.

WHEREAS, the applicant, CDRE Holdings 12, LLC, proposes to construct a 74,466 square foot warehouse building ("Project") on 3.72 gross acres of land (APN: 0132-191-15) located on the south side of Valley Boulevard approximately 330 feet east of Lilac Avenue within the Industrial Park (I-P) zone of the Gateway Specific Plan ("Site"); and

WHEREAS, as part of the Project, the applicant has also submitted Variance No. 2018-0002 to allow an increase in the maximum allowable height for the proposed warehouse building from 35 feet to 44 feet ("VAR No. 2018-0002"); 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 Initial Study (Environmental Assessment Review No. 2018-0046) and determined that there is no substantial evidence that the approval of the Project would result in a significant adverse effect on the environment, provided appropriate mitigation measures are imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof was given in the manner required by law; and

WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project was published in the San Bernardino Sun newspaper, and mailed to all property owners

1 within 300 feet of the Project Site, and a twenty (20) day public comment period was held from
2 October 2, 2018 to October 22, 2018; and

3 WHEREAS, two (2) comment letters were received - one (1) comment letter from Mr.
4 Juan C. Gonzalez, General Manager of the Days Inn located at 475 W. Valley Boulevard (Days
5 Inn), which was submitted on October 12, 2018, and one (1) comment letter from the Colton
6 Joint Unified School District (CJUSD), which was submitted on October 23, 2018, one (1) day
7 after the closing of the public comment period; and

8 WHEREAS, the comment letter from Days Inn expressed a concern about the height of
9 the proposed warehouse building and the effect it will have on the visibility of the Days Inn; and

10 WHEREAS, October 31, 2018, the Planning Division, in coordination with Lilburn
11 Corporation, provided a response to Days Inn that included photo renderings showing the
12 visibility of the Days Inn upon completion of the Project, and noted that the project will have no
13 effect on views of the Days Inn from the west, south, or north, and only a limited effect on views
14 from the east as the proposed warehouse building will have a setback of 145 feet from the
15 southern property line, and that the Days Inn maintains a tower element with signage that stands
16 at 58.8 feet, which is well above the highest point of the proposed warehouse building; and

17 WHEREAS, the Planning Division did not receive any further comment from Days Inn
18 upon providing the response to the original comment; and

19 WHEREAS, the comment letter from CJUSD requested additional information with
20 respect to storage of hazardous materials, population growth, and construction related traffic; and

21 WHEREAS, on October 31, 2018, the Planning Division, in coordination with Lilburn
22 Corporation, provided a response to CJUSD that included the requested information and
23 additional analysis; and

24 WHEREAS, the Planning Division did not receive any further comment from CJUSD
25 upon providing the response to the original comment; and

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

1 WHEREAS, on November 28, 2018, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative
3 Declaration and VAR No. 2018-0002, took testimony, at which time it received input from staff,
4 the city attorney, and the Applicant; heard public testimony; discussed the proposed Mitigated
5 Negative Declaration and VAR No. 2018-0002; and closed the public hearing; and

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

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

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

11 SECTION 2: The Initial Study and Mitigated Negative Declaration (Environmental
12 Assessment Review No. 2018-0046) prepared for the project concluded that even without
13 mitigation, the Project's impacts on aesthetics, agricultural and forestry resources, air quality,
14 geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and
15 water quality, land use and planning, mineral resources, noise, population and housing, public
16 services, recreation, transportation and traffic, and utilities and service systems would be less
17 than significant. The Initial Study and Mitigated Negative Declaration (EAR No. 2018-0046)
18 also identified that the Site did not have suitable habitat for any threatened or endangered
19 species, and therefore the proposed Project will have no individual or cumulative adverse
20 impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code.
21 Nevertheless, the Initial Study prepared for the Project includes one (1) mitigation measure
22 requiring a pre-construction survey to ensure that nesting birds are not present on the Site during
23 the breeding season of February 1 through August 31. Implementation of this mitigation
24 measure will reduce any potential impacts on biological resources to a less than significant level.
25 The Initial Study and Mitigated Negative Declaration (EAR No. 2018-0046) further concluded
26 that, after incorporation of the recommended mitigation measures, the Project's impacts on tribal
27 and cultural resources would also be less than significant.

SECTION 3: The Planning Commission has independently reviewed and considered the Initial Study proposed Mitigated Negative Declaration, related studies, the public comments upon it, and other evidence and finds that the Mitigated Negative Declaration was prepared in the manner required by law, and there is no substantial evidence supporting a fair argument that the Project would result in a significant adverse effect upon the environment, provided appropriate mitigation measures are imposed.

SECTION 4: With the imposition of mitigation measures that address potential impacts upon biological resources and cultural resources in the community and as set forth in the Mitigation Monitoring 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 5: For the foregoing reasons and based on the information and findings included in the Initial Study and Staff Report, 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 Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission hereby adopts and certifies the Mitigated Negative Declaration, which is attached hereto as Exhibit “A” and incorporated herein by this reference, making certain environmental findings to allow the Project, as well as the Mitigation Monitoring and Reporting Program attached as Exhibit “B”.

SECTION 6: 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 28th day of November, 2018.

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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6 STATE OF CALIFORNIA)
7 COUNTY OF SAN BERNARDINO) ss
8 CITY OF RIALTO)
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10 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
11 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
12 Planning Commission of the City of Rialto held on the ____th day of ____, 2018.
13

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

16 Vote on the motion:

17 AYES:

18 NOES:

19 ABSENT:

20 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
21 of Rialto this ____th day of ____, 2018.
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25 _____
ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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