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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2018-0024 TO ALLOW THE DEVELOPMENT OF A 1,800 SQUARE FOOT RESTAURANT BUILDING WITH DRIVE-THRU SERVICE ON 2.07 GROSS ACRES OF LAND (APNS: 0132-031-03 & -21) LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE AVENUE AND RANDALL AVENUE WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE.

WHEREAS, the applicant, Beyond International, LLC, proposes to develop a 1,800 square foot restaurant building with drive-thru service (“Project”) on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone (“Site”); and

WHEREAS, pursuant to Section 18.66.040A(1) of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2018-0024 (“CDP No. 2018-0024”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0020 to allow the development of a vehicle fuel station, consisting of ten (10) fuel dispensers and a 5,460 square foot overhead canopy, on the Site (“CDP No. 2018-0020”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0021 to allow the development and operation of a 7,250 square foot convenience market on the Site (“CDP No. 2018-0021”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0022 to allow drive-thru service for merchandise pick-up, in conjunction with the development and operation of a 7,250 square foot convenience market on the Site (“CDP No. 2018-0022”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2018-0023 to allow the development of a 1,750 square foot automated car wash on the Site (“CDP No. 2018-0023”); and

1 WHEREAS, the Development Review Committee (DRC) preliminarily reviewed the  
2 Project on August 15, 2018 for compliance with health, safety, and design requirements and  
3 forwarded the a recommendation of approval to the Planning Commission subject to the  
4 incorporation of DRC comments; and

5 WHEREAS, on June 12, 2019, the Planning Commission of the City of Rialto conducted  
6 a duly noticed public hearing, as required by law, on CDP No. 2018-0024, CDP No. 2018-0020,  
7 CDP No. 2018-0021, CDP No. 2018-0022, and CDP No. 2018-0023, took testimony, at which  
8 time it received input from staff, the city attorney, and the applicant; heard public testimony;  
9 discussed the proposed CDP No. 2018-0024, CDP No. 2018-0020, CDP No. 2018-0021, CDP  
10 No. 2018-0022, and CDP No. 2018-0023; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
17 the public hearing conducted with regard to CDP No. 2018-0024, including written staff reports,  
18 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
19 Planning Commission hereby determines that CDP No. 2018-0024 satisfies the requirements of  
20 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
21 precedent to granting a conditional development permit. The findings are as follows:

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

25 *This finding is supported by the following facts:*

26 The Site is located at the southwest corner of the intersection of Riverside Avenue and  
27 Randall Avenue, which is currently not served by any other restaurant use. The next  
28 nearest restaurant with drive-thru service is located over one-third (0.33) mile to the north  
of the Site. The Project is anticipated to be a benefit to the community and an  
improvement to the surrounding area by providing an additional choice of food and

1 beverages at a convenient location that is currently not served. The Project will provide a  
2 more diverse economic base for the surrounding area and will provide a necessary service  
3 for residents and travelers within the City.

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

6 *This finding is supported by the following facts:*

7 The project site is bound by Randall Avenue to the north and Riverside Avenue to the  
8 east. To the north of the project site, across Randall Avenue, are several single-family  
9 residences, and to the east, across Riverside Avenue, is a sixty-four (64) unit apartment  
10 complex. To the south is a single-family residence on approximately 0.49 acres of land,  
11 and to the west is a single-family residence approximately 0.51 acres of land. The  
12 Project is consistent with the underlying Neighborhood Commercial (C-1) zone. The  
13 nearest sensitive uses are the single-family residences adjacent to the south and west of  
14 the Site. These land uses are not expected to be negatively impacted by the proposed  
15 project, since measures, such as landscape buffering and the installation of solid block  
16 walls for noise attenuation, will be implemented. Additionally, the project has been  
17 reviewed by the Design Review Committee (DRC) for compliance with all health, safety,  
18 and design requirements to ensure the project will significantly enhance the infrastructure  
19 and aesthetics of the local community.

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

23 *This finding is supported by the following facts:*

24 The Site contains 2.07 acres, is fairly level, and adjacent to one (1) major arterial street and  
25 one (1) secondary arterial street, which will be able to accommodate the proposed use. The  
26 development will have two (2) points of access – one (1) a driveway connected directly to  
27 Riverside Avenue and one (1) driveway connected directly to Randall Avenue. The  
28 driveway along Riverside Avenue is limited to right-in/right-out access only, while the  
driveway along Randall Avenue will allow full access.

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 has 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 as part of the  
proposed Project.

- 1           5.     The proposed use will be arranged, designed, constructed, and maintained so as it  
2                 will not be injurious to property or improvements in the vicinity or otherwise be  
3                 inharmonious with the General Plan and its objectives, or any zoning ordinances;  
4                 and

5           *This finding is supported by the following facts:*

6           The restaurant use is consistent with the underlying Neighborhood Commercial (C-1)  
7           zone. The Project will feature high-quality building exteriors designed in compliance  
8           with the City's Design Guidelines. Landscaping has been abundantly incorporated into  
9           the site. The landscape coverage for the Project is 21.0 percent, which greatly exceeds  
10           the minimum required amount of 10.0 percent. Landscape planters containing trees  
11           spaced every thirty (30) linear feet will be installed along the entire perimeter of the Site  
12           to provide a buffer between the neighboring residential uses and the Project. Additionally,  
13           the applicant will install a six (6) foot high solid block wall along the south  
14           and west property lines for further buffering and sound attenuation. Furthermore, the  
15           Project includes the installation of 53 parking spaces, which exceeds the minimum  
16           parking requirement of 50 parking spaces required by Chapter 18.58 (Off-Street Parking  
17           Regulations) of the Rialto Municipal Code.

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

21           *This finding is supported by the following facts:*

22           The Project's effects will be minimized through the implementation of the Conditions of  
23           Approval contained herein, and through the implementation of Conditions of Approval  
24           imposed by the Development Review Committee during the Precise Plan of Design  
25           Process, such as extensive landscaping, a decorative trash enclosure, decorative paving,  
26           and enhanced architectural features. The development of a restaurant with drive-thru  
27           service, a vehicle fuel station, a convenience market, and a car wash at a major  
28           intersection will provide additional employment opportunities and a convenient location  
29           for residents and visitors to purchase fuel and other goods and services. Additionally, the  
30           applicant will implement landscape buffering and solid wall buffering, as a means to  
31           minimize any disturbance that may be generated by the Project. Therefore, any potential  
32           adverse effects are outweighed by the benefits conferred upon the community and  
33           neighborhood as a whole.

34           SECTION 3. Based on the findings and recommended mitigation within the Initial Study,  
35           staff determined that the project will not have an adverse impact on the environment, provided that  
36           mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The  
37           local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative

1 Declaration for the project, and the City mailed the notice to all property owners within 300 feet of  
2 the project site for a public comment period held from May 19, 2019 to June 6, 2019. The  
3 Mitigated Negative Declaration was prepared in accordance with the California Environmental  
4 Quality Act (CEQA). The Planning Commission directs the Planning Division to file the necessary  
5 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

6 SECTION 4. CDP No. 2018-0024 is granted to Beyond International, LLC in accordance  
7 with the plans and application on file with the Planning Division, subject to the following  
8 conditions:  
9

- 10 1. The applicant is granted CDP No. 2018-0024 allowing the development of a 1,800  
11 square foot restaurant building with drive-thru service on 2.07 gross acres of land  
12 (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and  
13 Randall Avenue, as shown on the plans submitted to the Planning Division on June 5,  
14 2019, and as approved by the Planning Commission. If the Conditions of Approval  
15 specified herein are not satisfied or otherwise completed, the project shall be subject to  
16 revocation.
- 17 2. Prior to the issuance of building or grading permits for the proposed development, a  
18 Precise Plan of Design shall be approved by the City's Development Review Committee  
19 (DRC).
- 20 3. City inspectors shall have access to the site to reasonably inspect the site during  
21 normal working hours to assure compliance with these conditions and other codes.
- 22 4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
23 officers, or employees from any claims, damages, action, or proceeding against the  
24 City or its agents, officers, or employees to attack, set aside, void, or annul any  
25 approval of the City, its advisory agencies, appeal boards, or legislative body  
26 concerning CDP No. 2018-0024. The City will promptly notify the applicant of any  
27 such claim, action, or proceeding against the City and will cooperate fully in the  
28 defense.
5. 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.
6. 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-

1 Kizh Nation, and documentation of coordination between the applicant and the  
2 Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the  
3 Planning Division prior to the issuance of a grading permit.

- 4 7. The applicant shall install decorative pavement within the driveway connected to  
5 Riverside Avenue. The decorative pavement shall extend across the entire width of the  
6 driveway and shall have a minimum depth of fourteen (14) feet as measured from the  
7 property line along Riverside Avenue. Decorative pavement means decorative pavers  
8 and/or color concrete with patterns and color variety. The location of the decorative  
9 pavement shall be identified on the Precise Grading Plan prior to the issuance of a  
10 grading permit, and it shall also be identified on the site plan within the formal building  
11 plan check submittal prior to the issuance of building permits. The type of decorative  
12 pavement shall be identified on the formal Landscape Plan submittal prior to the  
13 issuance of building permits.
- 14 8. The applicant shall install decorative pavement within the driveway connected to  
15 Randall Avenue. The decorative pavement shall extend across the entire width of each  
16 driveway and shall have a minimum depth of thirty (30) feet as measured from the  
17 property line along Randall Avenue. Decorative pavement means decorative pavers  
18 and/or color concrete with patterns and color variety. The location of the decorative  
19 pavement shall be identified on the Precise Grading Plan prior to the issuance of a  
20 grading permit, and it shall also be identified on the site plan within the formal building  
21 plan check submittal prior to the issuance of building permits. The type of decorative  
22 pavement shall be identified on the formal Landscape Plan submittal prior to the  
23 issuance of building permits.
- 24 9. In order to provide enhanced building design in accordance with Chapter 18.61 (Design  
25 Guidelines) of the Rialto Municipal Code, the applicant shall route all downspouts  
26 through the interior of the building. The internal downspouts shall be identified within  
27 the formal building plan check submittal prior to the issuance of building permits.
- 28 10. 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 five (5) feet in depth from the main wall plane, at all height variations on all four  
(4) sides of the 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.
11. Any new walls, including any retaining walls, shall be comprised of decorative masonry  
block. Decorative masonry block means tan-colored slumpstone block, tan-colored  
split-face block, or precision block with a stucco, plaster, or cultured stone finish.  
Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a  
maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the  
wall. All pilasters shall protrude a minimum of one (1) block course above the wall and  
a minimum of six (6) inches 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 an elevation detail for the walls shall

1 be included in the formal building plan check submittal prior to the issuance of building  
2 permits.

3 12. The exterior of the trash enclosure shall match the color and materials of the buildings  
4 on-site. This includes a stucco finish and a wainscot and/or columns of cement board  
5 siding on all exterior sides of the enclosure. Additionally, the trash enclosure shall  
6 contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not  
7 acceptable materials to use as a part of the trash enclosure. An elevation detail for the  
8 trash enclosure shall be provided within formal building plan check submittal prior to  
9 the issuance of building permits.

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

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

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

25 16. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site  
26 landscape setback along Riverside Avenue. All trees within the landscape setbacks shall  
27 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the  
28 trees within the landscape setback shall be permanently irrigated and maintained. 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.

17. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site  
landscape setback along Randall Avenue. All trees within the landscape setbacks 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. 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.

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18. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Riverside Avenue. 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 parkway shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Riverside Avenue shall be the *Platanus Yarwoodi* "London Plane" and/or the *Magnolia Grandiflora* "Southern Magnolia". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
  19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Randall Avenue. 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 parkway shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Randall Avenue shall be the *Tristania Conferta* "Brisbane Box" and/or the *Quercus Virginianan* "Southern Live Oak". The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
  20. The applicant shall plant shrubs around the entire outer perimeter of the drive-thru lane for the purpose of creating a solid hedge to screen the headlights of vehicles within the drive-thru. All of the drive-thru 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 drive-thru shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the drive-thru lane 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.
  21. The applicant shall plant a row of shrubs at the rear of the landscape setbacks along Riverside Avenue and Randall Avenue for the purpose of creating a solid hedge to screen the headlights of vehicles from within the Site. All of the 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 shrubs shall be permanently irrigated and maintained into a continuous box-shape along the entire length of the drive-thru lane 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.
  22. 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.

23. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land 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. 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.
24. 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.
25. The applicant shall install and maintain a trash receptacle on the driver-side of the exit of the drive-thru lane. The trash receptacle shall be installed prior to issuance to the Certificate of Occupancy.
26. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
27. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
28. All signage on the building shall comply with Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code and any subsequent Master Sign Program.
29. The applicant shall obtain all necessary approvals and operating permits from all Federal, State, and local agencies and provide proof thereof to the City prior to the issuance of a Certificate of Occupancy.
30. 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

1 approval, the privileges granted hereunder will continue inured to the property as long  
2 as the property is used for the purpose for which the conditional development permit  
3 was granted, and such use remains compatible with adjacent property uses.

4 31. If the applicant fails to comply with any of the conditions of approval placed upon  
5 CDP No. 2018-0024, CDP No. 2018-0020, CDP No. 2018-0021, CDP No. 2018-  
6 0022, or CDP No. 2018-0023, or any conditions placed upon the approval of the  
7 Precise Plan of Design required by Condition No. 2 above, the Planning Commission  
8 may initiate proceedings to revoke the conditional development permit in accordance  
9 with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
10 Municipal Code.

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

13 PASSED, APPROVED AND ADOPTED this 12th day of June, 2019.

14 \_\_\_\_\_  
15 JOHN PEUKERT, CHAIR  
16 CITY OF RIALTO PLANNING COMMISSION  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that  
6 the foregoing Resolution No. \_\_\_\_ was duly passed and adopted at a regular meeting of the  
7 Planning Commission of the City of Rialto held on the \_\_\_\_th day of \_\_\_\_, 2019.

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

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
15 of Rialto this \_\_\_\_th day of \_\_\_\_, 2019.  
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19 \_\_\_\_\_  
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
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