

1 **RESOLUTION NO. 2024-XX**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF RIALTO, CALIFORNIA APPROVING PRECISE PLAN
4 OF DESIGN NO. 2022-0016 ALLOWING THE DEVELOPMENT
5 OF A 6-UNIT APARTMENT COMPLEX CONSISTING OF 6
6 TWO-STORY BUILDINGS AND ASSOCIATED PAVING,
7 LANDSCAPING, LIGHTING AND DRAINAGE
8 IMPROVEMENTS ON A 0.5-ACRE PARCEL OF LAND (APN:
9 0130-082-05) LOCATED ON THE SOUTH SIDE OF THIRD
10 STREET APPROXIMATELY 200 FEET EAST OF LILAC
11 AVENUE.

12 WHEREAS, the applicant, Jose Zepeda, proposes to develop a 6-unit apartment complex
13 consisting of 6 two-story buildings and associated paving, landscaping, lighting and drainage
14 improvements (Project) on approximately 0.5 gross acres of land (APNs: 0130-082-05) located on
15 the south side of Third Street approximately 200 feet east of Lilac Avenue (“Site”); and

16 WHEREAS, Pursuant to Chapter 18.65 (Precise Plan of Design) of the Rialto Municipal
17 Code, the Project requires a Precise Plan of Design, and the applicant has agreed to apply for Precise
18 Plan of Design No. 2022-0016 (“PPD No. 2022-0016”); and

19 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
20 Development Permit No. 2022-0014 (“CDP No. 2022-0014”), pursuant to Section 18.78.060 of
21 the Rialto Municipal Code; and

22 WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted a
23 duly noticed public hearing, as required by law, on PPD No. 2022-0016 and CDP No. 2022-0014,
24 took testimony, at which time it received input from staff, the city attorney, and the applicant;
25 heard public testimony; discussed the proposed PPD No. 2022-0016 and CDP No. 2022-0014; and
26 closed the public hearing; and

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

28 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.

1 SECTION 2. Based on substantial evidence presented to the Planning Commission during
2 the public hearing conducted with regard to PPD No. 2022-0016, including written staff reports,
3 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
4 Planning Commission hereby determines that PPD No. 2022-0016 satisfies the requirements of
5 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
6 precedent to granting a Precise Plan of Design. The findings are as follows:

- 7
8 1. The proposed development is in compliance with all city ordinances and regulations,
 unless in accordance with an approved variance; and

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

10
11 The Site has a General Plan designation of Residential 21 and a zoning designation of Multiple
12 Family Residential (R-3). According to R-3 Development Standards there shall be a
13 minimum of 2,000 square feet of lot area for each proposed dwelling on the project site. The
14 applicant is proposing to develop 6 dwelling units on the 0.5-acre Site. The Project will
15 include 6 detached apartment unit buildings with the associated paving, landscaping, lighting
and drainage improvements on the project site. As a result, the Project will facilitate the
development of multi-family residential project that is consistent with the underlying land use
and zoning designations.

- 16 2. The site is physically suitable for the proposed development, and the proposed
17 development will be arranged, designed, constructed, and maintained so that it will
18 not be unreasonably detrimental or injurious to property, improvements, or the health,
19 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

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

21
22 The Project is consistent with the Residential 21 General Plan land use designation and the
23 R-3 zoning designation. The Site is bound on the north by Third Street. All the
24 surrounding properties are similarly zoned R-3 and are within the same General Plan
25 designation of Residential 21. The proposed multi-family residential development is
26 compatible with all nearby land uses as all the surrounding properties also consist of
27 multiple unit developments. Construction impacts will be limited through the strict
28 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. The proposed project will not have a significant impact
on the environment and is not anticipated to have a negative effect on the surrounding
neighborhood.

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

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

5 The Project's effects will be minimized through the implementation of the Conditions of
6 Approval contained herein, such as extensive landscaping, perimeter walls, and enhanced
7 architectural features. The proposed multi-family residential development is compatible with
8 all nearby land uses as all the surrounding properties also consist of multiple unit
9 developments. Therefore, the proposed project is not expected to negatively impact any uses
10 with the successful implementation of measures such as landscape buffering, the installation
11 of perimeter walls, and aesthetic building enhancements.

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

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

15 The Project is consistent with the intent of the Multiple Family Residential (R-3) zone and is
16 a logical addition to the existing uses in the immediate area. The design of the Project will
17 ensure a continuation of the public improvements and aesthetics present in the surrounding
18 area. The City staff have reviewed the design of the Project to ensure compliance with all
19 health, safety, and design requirements to ensure the Project will enhance the infrastructure
20 and aesthetics of the local community.

21 SECTION 3. The Project is categorically exempt from the requirements of the California
22 Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities. The Planning
23 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
24 Board of Supervisors for San Bernardino County.

25 SECTION 4. PPD No. 2022-0016 is granted to Jose Zepeda in accordance with the plans and
26 application on file with the Planning Division, subject to the following Conditions of Approval:

- 27 1. The applicant is granted PPD No. 2022-0016 allowing the development of a 6-unit
28 apartment complex consisting of 6 two-story buildings and associated paving,
landscaping, lighting and drainage improvements on a 0.5-acre parcel of land (APN:
0130-082-05) located on the south side of Third Street approximately 200 feet east of
Lilac Avenue, subject to the Conditions of Approval contained herein.
2. The approval of PPD No. 2022-0016 is granted for a one (1) year period from the date
of approval. Approval of PPD No. 2022-0016 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

1 an extension shall be reviewed by the Community Development Director and shall be
2 based on the progress that has taken place toward the development of the project.

- 3 3. The development associated with PPD No. 2022-0016 shall conform to the site plan,
4 floor plan, exterior elevations, conceptual grading plan, conceptual landscape plan, Wall
5 and Fence plan, and wall details plan attached hereto as "Exhibit A", except as may be
6 required to be modified based on the Conditions of Approval contained herein.
- 7 4. The development associated with PPD No. 2022-0016 shall comply with all Conditions
8 of Approval contained within CDP No. 2022-0014.
- 9 5. The development associated with PPD No. 2022-0016 shall comply with the Rialto
10 Municipal Code, and all other applicable State and local laws and ordinances.
- 11 6. City inspectors shall have access to the site to reasonably inspect the site during
12 normal working hours to assure compliance with these conditions and other codes.
- 13 7. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
14 and/or any of its officials, officers, employees, agents, departments, agencies, and
15 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
16 demands, law suits, writs of mandamus, and other actions and proceedings (whether
17 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
18 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
19 and other such procedures), (collectively "Actions"), brought against the City, and/or
20 any of its officials, officers, employees, agents, departments, agencies, and
21 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
22 annul, the any action of, or any permit or approval issued by, the City and/or any of
23 its officials, officers, employees, agents, departments, agencies, and instrumentalities
24 thereof (including actions approved by the voters of the City), for or concerning the
25 Project (collectively, the "Entitlements"), whether such Actions are brought under
26 the California Environmental Quality Act, the Planning and Zoning Law, the
27 Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the
28 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 PPD No. 2022-0016.

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2 8. In accordance with the provisions of Government Code Section 66020(d)(1), the
3 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
4 subject to protest by the applicant at the time of approval or conditional approval of
5 the Project or within 90 days after the date of the imposition of the fees, dedications,
6 reservations, or exactions imposed on the Project.
- 7
8 9. The applicant shall install decorative lighting (carriage and/or recessed) adjacent to the
9 front entry door and both sides of the garage door of each dwelling. The lighting shall
10 be identified on the formal building plan check submittal prior to the issuance of
11 building permits.
- 12
13 10. All on-site light standards, including the base, shall be a maximum of twenty (20) feet
14 high, as measured from the finished surface. Lighting shall be shielded and/or directed
15 toward the site so as not produce glare or “stray light” onto adjacent properties. All light
16 standards shall be identified on the site plan and a note indicating the height restriction
17 shall be included within the formal building plan check submittal prior to the issuance
18 of building permits.
- 19
20 11. All new walls, including any retaining walls, shall be comprised of decorative masonry
21 block. Decorative masonry block means tan-colored slumpstone block, tan-colored
22 split-face block, or precision block with a stucco, plaster, or cultured stone finish.
23 Pilasters shall be incorporated within all new walls visible from the public view. The
24 pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed
25 at all corners and ends of the wall. All pilasters shall protrude a minimum of six (6)
26 inches above and to the side of the wall. All decorative masonry walls and pilasters,
27 including retaining walls, shall include a decorative masonry cap. All walls and pilasters
28 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.
12. The applicant shall construct ADA accessible trash enclosure in compliance with
Burrtec Design Guidelines. 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.
13. The 26-foot-wide drive aisle serves as an emergency Fire Lane with approved fire truck
turn around at the far east end and is required to be maintained clear of all obstructions
at all times. The applicant shall install red curbing and “No Parking” signage along the
entire length of the Fire Lane including Fire turnaround areas to the satisfaction of the
Fire Department prior to the issuance of a Certificate of Occupancy. The red curbing

1 and “No Parking” signage shall be identified on the formal Building Permit submittal
2 prior to the issuance of a building permit.

- 3 14. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
4 the issuance of building permits. The submittal shall include three (3) sets of planting
5 and irrigation plans, a completed Landscape Plan Review application, and the applicable
6 review fee.
- 7 15. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
8 right-of-way parkway along Cactus Avenue. All trees within the public right-of-way
9 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
10 Thereafter, the trees within the public right-of-way parking shall be permanently
11 irrigated and maintained, as required by the Public Works Department. The street tree
12 species along Third Street shall be the Lagerstromia Indica “Crape Myrtle” and/or the
13 Quercus Virginianan “Southern Live Oak”. The street trees shall be identified on the
14 formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 15 16. The applicant shall plant shrubs that surround all ground mounted equipment and utility
16 boxes, including transformers, fire-department connections, backflow devices, etc. for
17 the purpose of providing screening of said equipment and utility boxes. All equipment
18 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
19 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
20 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
21 and maintained into a continuous box-shape with a height of no less than three and one-
22 half (3.5) feet above the finished grade. The shrubs shall be identified on the formal
23 Landscape Plan submittal prior to the issuance of a landscape permit.
- 24 17. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
25 throughout all land on-site and off-site (adjacent to the project site) that is not covered
26 by structures, walkways, parking areas, and driveways. Trees shall be planted a
27 minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted
28 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.
18. 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

1 architect responsible for preparing the landscape plans prior to the issuance of a
2 Certificate of Occupancy.

- 3 19. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
4 of a Certificate of Occupancy, unless specified otherwise herein.
- 5 20. The applicant shall comply with all conditions of approval for PPD No. 2022-0016 to
6 the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 7 21. All improvements within the public right-of-way require a City of Rialto Encroachment
8 Permit.
- 9 22. The applicant shall pay all applicable development impact fees in accordance with the
10 current City of Rialto fee ordinance, including any applicable Transportation and Traffic
11 Fair Share Contribution fees, prior to the issuance of any building permit related to the
12 Project.
- 13 23. A City of Rialto Off-site Construction Permit is required for any improvements within
14 the public right-of-way. In an effort to expedite and facilitate improvements in the public
15 right-of-way, the applicant is responsible for submitting a multi-phase master plan
16 traffic control plan which includes all phases of construction in the public right-of-way
17 i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site
18 Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting
19 process, a single master Off-Site Construction Permit shall replace individual
20 Encroachment Permits to be pulled by the applicant's contractor.
- 21 24. The applicant shall install City Engineer approved deep root barriers, in accordance with
22 the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten
23 (10) feet of the public sidewalk and/or curb.
- 24 25. The applicant shall submit street improvement plans for streetlight, sewer, water, traffic
25 and signage improvements prepared by a registered California civil engineer to the
26 Engineering Division, as determined by the City Engineer, for review and approval by
27 the City Engineer prior to the issuance of permits.
- 28 26. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
registered civil engineer to the Engineering Division for review and approval. The
Grading Plan shall be approved by the City Engineer prior to the issuance of any
building permit.
- 27 27. Prior to grading plan approval, 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.

- 1 28. Prior to the grading plan approval, a Geotechnical/Soils Report, prepared by a California
2 registered Geotechnical Engineer shall be required for and incorporated as an integral
3 part of the grading plan for the proposed development. A geotechnical report shall
4 include a section on infiltration testing. A digital copy (PDF) of the Geotechnical/Soils
5 Report shall be submitted to the Engineering Division with the first submittal of the
6 Precise Grading Plan.
- 7 29. Prior to issuance of building permit, submit a rough grade certification, engineered fill
8 certification and compaction report pad elevation certifications for all building pads in
9 conformance with the approved precise grading plan, to the Engineering Division
10 Trenching for footings or construction of any building foundation is not allowed until
11 the certifications have been submitted for review and approval by the City Engineer.
- 12 30. The public street improvements outlined in these Conditions of Approval are intended
13 to convey to the developer an accurate scope of required improvements, however, the
14 City Engineer reserves the right to require reasonable additional improvements as may
15 be determined in the course of the review and approval of street improvement plans
16 required by these conditions.
- 17 31. The applicant shall construct asphalt concrete paving for streets in two separate lifts.
18 The final lift of asphalt concrete pavement shall be postponed until such time that on-
19 site construction activities are complete. Unless the City Engineer provide prior
20 authorization, paving of streets in one lift prior to completion of on-site construction is
21 not allowed. If City Engineer authorized, completion of asphalt concrete paving for
22 streets prior to completion of on-site construction activities, requires additional paving
23 requirements prior to acceptance of the street improvements, including, but not limited
24 to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry
25 seal, or other repairs.
- 26 32. The applicant shall repair all street cuts for utilities in accordance with City Standard
27 SC-231 within 72 hours of completion of the utility work; and any interim trench repairs
28 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.
33. 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.
34. The applicant shall backfill and/or repair any and 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

1 concrete pavement of off-site streets including pavement repairs in addition to pavement
2 repairs made by utility companies for utilities installed for the benefit of the proposed
3 development (i.e. Rialto Water Service, Southern California Edison, Southern
4 California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches,
5 and other street cuts within existing asphalt concrete pavement of off-site streets
6 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.

- 7 35. The applicant shall replace all damaged, destroyed, or modified pavement legends,
8 traffic control devices, signing, striping, and streetlights, associated with the proposed
9 development shall be replaced as required by the City Engineer prior to issuance of a
Certificate of Occupancy.
- 10 36. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or
11 curbs along the entire project frontage, in accordance with the General Plan and the City
12 of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of
a Certificate of Occupancy.
- 13 37. The applicant shall provide construction signage, lighting and barricading shall be
14 provided during all phases of construction as required by City Standards or as directed
15 by the City Engineer. As a minimum, all construction signing, lighting and barricading
16 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
17 of construction.
- 18 38. Upon approval of any improvement plan by the City Engineer, the applicant shall
19 provide the improvement plan to the City in digital format, consisting of a DWG
20 (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.
- 21 39. Prior to grading plan approval, the applicant shall submit to the City Traffic Engineer
22 verification that sight distance requirements are met at the project access driveway with
23 Third Street. Verification shall be in the form of field photographs showing adequate
24 sight distance with a cover memo describing the required sight distance based on 85th
percentile speed consistent with City requirements and subject to the satisfaction of the
City Engineer.
- 25 40. The applicant shall construct one (1) new twenty-six (26) foot wide commercial
26 driveway approach on Third Street, in accordance with City of Rialto Standard
27 Drawings, or as otherwise approved by the City Engineer. Nothing shall be constructed
28 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.

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41. At the discretion of the City Engineer, the applicant shall 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 frontage of Third Street in accordance with City of Rialto Standard Drawings. 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. Alternatively, depending on the existing street condition and geotechnical recommendations, a 2” grind and overlay, slurry seal, or other repair can be performed to preserve existing pavement improvements as approved by the City Engineer.
 42. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt concrete pavement over four (4) inches crushed aggregate base with a minimum subgrade of twenty-four (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.
 43. The applicant shall connect the project to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water Services.
 44. Domestic water service to the underlying property is provided by Rialto Water Services. The applicant shall be responsible for coordinating with Rialto Water Services and complying with all requirements for establishing domestic water service to the property. The design may be required to include fire hydrants along West Third Street.
 45. The applicant shall install a new domestic water line lateral connection to the main water line within Third Street, pursuant to the Rialto Water Services requirements. A water line plan shall be approved by Rialto Water Services prior to issuance of permit.
 46. 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 Public Works Engineering Division.
 47. The development of the site is subject to the requirements of the National Pollution Discharge Elimination System (NPDES) Permit for the City of Rialto, under 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.

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- 2 48. Prior to grading plan approval, the applicant shall submit a Water Quality Management
- 3 Plan for the parcel identifying site-specific Best Management Practices (“BMPs”) in
- 4 accordance with the Model Water Quality Management Plan (“WQMP”) approved for
- 5 use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to
- 6 the City Engineer for review and approval with the Grading Plan. A WQMP
- 7 Maintenance Agreement shall be required, obligating the property owner(s) to
- 8 appropriate operation and maintenance obligations of on-site BMPs constructed
- 9 pursuant to the approved WQMP.
- 10 49. Prior to grading plan approval, a WQMP Maintenance Agreement shall be required,
- 11 obligating the property owner(s) to appropriate operation and maintenance obligations
- 12 of on-site BMPs constructed pursuant to the approved WQMP.
- 13 50. The applicant shall prepare a Notice of Intent (NOI) to comply with the California
- 14 General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as
- 15 modified September 2, 2009) is required via the California Regional Water Quality
- 16 Control Board online SMARTS system. A copy of the executed letter issuing a Waste
- 17 Discharge Identification (WDID) number shall be provided to the City Engineer prior
- 18 to issuance of a grading or building permit. The applicant’s contractor shall prepare and
- 19 maintain a Storm Water Pollution Prevention Plan (“SWPPP”) as required by the
- 20 General Construction Permit. All appropriate measures to prevent erosion and water
- 21 pollution during construction shall be implemented as required by the SWPPP.
- 22 51. Prior to occupancy approval, submit a WQMP Certification that demonstrates that all
- 23 structural BMPs have been constructed and installed in conformance with approved
- 24 plans and specifications, and as identified in the approved WQMP.
- 25 52. Prior to grading approval, all stormwater runoff passing through the site shall be
- 26 accepted and conveyed across the property in a manner acceptable to the City Engineer.
- 27 For all stormwater runoff falling on the site, on-site retention or other facilities approved
- 28 by the City Engineer shall be required to contain the increased stormwater runoff
- generated by the development of the property. Provide a hydrology study 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.
53. 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

1 of a minor storm drain system that collects and conveys nuisance water to landscape or
2 parkway areas, and in only a stormwater runoff condition, pass runoff directly to the
3 streets through parkway or under sidewalk drains. All on-site and off-site designs must
comply with NPDES stormwater regulations.

4 54. Any utility trenches or other excavations within existing asphalt concrete pavement of
5 off-site streets required by the proposed development shall be backfilled and repaired in
6 accordance with City of Rialto Standard Drawings. The Applicant shall be responsible
7 for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of
8 off-site streets as required by and at the discretion of the City Engineer, including
9 additional pavement repairs to pavement repairs made by utility companies for utilities
10 installed for the benefit of the proposed development (i.e. Rialto Water Services,
11 Southern California Edison, Southern California Gas Company, Spectrum, Verizon,
12 etc.). Multiple excavations, trenches, and other street cuts within existing asphalt
concrete pavement of off-site streets required by 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 existed prior to construction of
the proposed development.

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

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

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

- 22 a. 6-foot-high tan colored perimeter screened fencing
- 23 b. Contractor information signage including contact information along the street
24 frontages of Cactus Avenue.
- 25 c. Post dust control signage with the following verbiage: “Project Name, WDID No.,
26 IF YOU SEE DUST COMING FROM THIS PROJECT CALL:, If you do not
27 receive a response, please call the AQMD at 1-800-CUT-SMOG/1-800-228-
7664”

28 58. The applicant shall remove any graffiti within 24 hours, before, during, and post
construction.

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59. 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 Public Works 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.
 60. 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.).
 61. The applicant shall design the structures in accordance with the 2022 California Building Code, 2022 California Mechanical Code, 2022 California Plumbing Code, and the 2022 California Electrical Code, 2022 Residential Code and the 2022 California Green Buildings Standards adopted by the State of California.
 62. The applicant shall design the structures to withstand ultimate wind speed of 130 miles per hour, exposure C and seismic zone D.
 63. 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.
 64. 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.
 65. The applicant shall install temporary construction fencing and screening around the perimeter of the project site. The fencing and screening shall be maintained at all times during construction to protect pedestrians.
 66. 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.
 67. 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.

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- 2 68. Prior to issuance of a Building Permit all of the following must be in place on the Site:
- 3 a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent
- 4 street saying "If there is any dust or debris coming from this site please contact
- 5 (superintendent number here) or the AQMD if the problem is not being resolved" or
- 6 something similar to this.
- 7
- 8 69. The applicant shall provide temporary toilet facilities for the construction workers. The
- 9 toilet facilities shall always be maintained in a sanitary condition. The construction
- 10 toilet facilities of the non-sewer type shall conform to ANSI ZA.3.
- 11
- 12 70. The applicant shall underground all on site utilities to the new proposed structures, prior
- 13 to the issuance of a Certificate of Occupancy, unless prior approval has been obtained
- 14 by the utility company or the City.
- 15
- 16 71. Prior to issuance of Building Permits, site grading final and pad certifications shall be
- 17 submitted to the Building Division, which include elevation, orientation, and
- 18 compaction. The certifications are required to be signed by the engineer of record.
- 19
- 20 72. The applicant shall provide proof of payment to the Rialto Unified School District for
- 21 all required school fees, prior to the issuance of a building permit.
- 22
- 23 73. Site facilities such as parking open or covered, recreation facilities, and trash dumpster
- 24 areas, and common use areas shall be accessible per the California Building Code,
- 25 Chapter 11.
- 26
- 27 74. The applicant shall place a copy of the Conditions of Approval herein on within the
- 28 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.
75. 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.
76. 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.
77. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
78. The applicant shall install an engineered automatic sprinkler system in each residential structure. Plans for such a system shall be submitted for review and approval by the Fire Department prior to the issuance of any building permit.

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79. The applicant shall install a water supply system capable of providing the required fire flow for the proposed type of development as per requirements of the applicable California Fire Code current edition. On site fire hydrants shall be installed by a C-16 licensed contractor as required prior to the construction phase of the development. Plans for the on-site water system shall be approved by the Fire Department prior to issuance of building permits. Provide 12 gage locator wire non-insulated, taped above fire service main for all underground fire line.
 80. Where access to or within a structure area is restricted because of secured openings and immediate access is necessary for life saving or firefighting purposes, a Key Box is to be installed in an accessible location(s) as approved by the Fire Department. The Key Box shall be of a type approved by the Fire Department.
 81. All streets and access roadways as approved on the final tract map shall be maintained in such a manner as to provide access for emergency vehicles at all times during construction phase. All streets and/or access roadways shall be constructed and maintained as to provide a smooth driving surface of not less than twenty-six (26) feet of unobstructed width, capable of supporting the imposed load of Fire Department apparatus and/or emergency rescue equipment to within seventy five (75) feet of all structures. Failure by the developer and the persons responsible for the project site to comply with this provision or any of the other requirements outlined in Rialto Municipal Code and California Fire Code current edition, will be cause for the Fire Chief to require that all activity be discontinued pending compliance.
 82. 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.
 83. 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.
 84. The applicant shall illuminate all common open space 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.
 85. 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.
 86. The applicant shall provide an illuminated address prominently placed on the front of each dwelling unit, prior to the issuance of a Certificate of Occupancy.

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- 87. The applicant shall install a Knox box immediately adjacent to all entrances of the private residential neighborhood 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 an adjacent block column or wall. The Knox box shall be equipped with the appropriate keys, prior to the issuance of the first certificate of occupancy. The Knox box placement shall be shown on the formal building plan review submittal prior to the issuance of a building permit.
- 88. The applicant shall install cluster mailboxes in such a way that they are tamper and vandalism resistant and shall be illuminated during times of darkness.
- 89. 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.

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 3rd day of April, 2024.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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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. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ___rd day of ____, 2024.

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

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ___rd day of ____, 2024.

KIMBERLY DAME, ADMINISTRATIVE ANALYST

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Exhibit A