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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING AN ADDENDUM TO THE 2010 FOOTHILL BOULEVARD SPECIFIC PLAN MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2022-0037) FOR A PROJECT CONSISTING OF THE DEVELOPMENT OF A 21-UNIT APARTMENT COMPLEX WITH 5 ACCESSORY DWELLING UNITS CONSISTING OF 8 TWO-STORY BUILDINGS AND ASSOCIATED PAVING, LANDSCAPING, LIGHTING AND DRAINAGE IMPROVEMENTS.

WHEREAS, the applicants, George Becerra and Fernando Acosta, propose to develop a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of 8 two-story buildings and associated paving, landscaping, lighting and drainage improvements (“Project”) on approximately 1.67 gross acres of land (APNs: 0130-013-02) located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard; and

WHEREAS, in conjunction with the Project, the applicant has submitted Specific Plan Amendment No. 2022-0001 (“SPA No. 2022-0001”) to amend the Foothill Boulevard Specific Plan; and

WHEREAS, additionally, in conjunction with the Project, the applicant has submitted Precise Plan of Design No. 2022-0025 to develop a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of 8 two-story buildings and associated paving, landscaping, lighting and drainage improvements on the Site (“PPD No. 2022-0025”); and

WHEREAS, pursuant to the provisions of California Environmental Quality Act (CEQA) Section 15164(a), 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 reviewed an Addendum to the 2010 Foothill Boulevard Specific Plan Mitigated Negative Declaration ("Environmental Assessment Review No. 2022-0037" and "EAR No. 2022-0037") prepared by Compass Consulting Enterprises, Inc., Exhibit "A" hereto, and determined that the proposed

1 Project would result in no new significant impacts that were not analyzed in the 2010 Foothill
2 Boulevard Specific Plan Mitigated Negative Declaration (“2010 FBSP MND”), nor would the
3 proposed Project cause a substantial increase in the severity of any previously identified
4 environmental impacts. The potential impacts associated with proposed Project would either be
5 the same or less than those described in the 2010 FBSP MND. In addition, there are no substantial
6 changes to the circumstances under which the proposed Project would be undertaken that would
7 result in new or more severe environmental impacts than previously addressed in the 2010 FBSP
8 MND, nor has any new information regarding the potential for new or more severe significant
9 environmental impacts been identified; and

10 WHEREAS, the City mailed public hearing notices for the proposed Project to all property
11 owners within 660 feet of the project site, and published the public hearing notice in the San
12 Bernardino Sun newspaper as required by State law; and

13 WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted
14 a duly noticed public hearing, as required by law, on the EAR No. 2022-0037, SPA No. 2022-
15 0001 and PPD No. 2022-0025, took testimony, at which time it received input from staff, the city
16 attorney, and the Applicant; heard public testimony; discussed the proposed EAR No. 2022-0037,
17 SPA No. 2022-0001 and PPD No. 2022-0025; and closed the public hearing; and

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

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

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

23 SECTION 2: The City of Rialto is the Lead Agency for the Project, as determined by
24 CEQA. Based on EAR No. 2022-0037 and the accompanying technical studies, it has been
25 determined that:

- 26
- 27 1. There are no substantial changes to the Project or the circumstances under which the
28 Project will be carried out that will require major revisions to the previously adopted MND.

1
2 2. The Project will not result in new significant environmental effects or substantial increases
3 in the severity of previously identified significant effects.
4

5 3. There is no new information substantial importance, which was known or could have been
6 known with the exercise of reasonable diligence at the time the previous MND was
7 adopted.
8

9 4. The Project will not have any significant effects that are not identified and discussed in the
10 previously adopted MND, and there are no newly feasible, or considerably different,
11 mitigation measures or alternatives which would substantially reduce one or more
12 significant effects of the Project which the applicant declines to adopt.
13

14 SECTION 3: The Planning Commission hereby adopts EAR No. 2022-0037, attached
15 hereto as Exhibit "A", prepared in accordance with CEQA for the Project.

16 SECTION 4: The Chairman of the Planning Commission shall sign the passage and
17 adoption of this resolution and thereupon the same shall take effect and be in force.

18 PASSED, APPROVED AND ADOPTED this 26th day of April 2023.
19

20 

21 JERRY GUTIERREZ, CHAIR
22 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-31** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 26th day of April, 2023.

8 Upon motion of Commissioner Frank Gonzalez, second by Commissioner Dale Estvander,
9 foregoing Resolution No. **2023-31** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

13 NOES: 0

14 ABSTENTION: 1 (Gilbert)

15 ABSENT: 0
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
18 Rialto this 26th day of April, 2023.

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Kimberly Dame
Administrative Analyst

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT NO. 2022-0001 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 1.67 ACRES OF LAND (APNS: 0130-013-02) LOCATED ON THE EAST SIDE OF CACTUS AVENUE APPROXIMATELY 360 FEET SOUTH OF FOOTHILL BOULEVARD FROM COMMERCIAL – MIXED USE (C-MU) WITHIN THE FOOTHILL BOULEVARD SPECIFIC PLAN TO RESIDENTIAL – HIGH DENSITY (R-HD) WITHIN THE FOOTHILL BOULEVARD SPECIFIC PLAN.

WHEREAS, approximately 1.67 gross acres of land (APNs: 0130-013-02) located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard, described in the legal description attached as Exhibit A (“Site”), is within the boundary of the Foothill Boulevard Specific Plan and is currently zoned Commercial – Mixed Use (C-MU); and

WHEREAS, the applicants, George Becerra and Fernando Acosta, propose to change the land use designation of the Site from C-MU to Residential – High Density (R-HD) within the Foothill Boulevard Specific Plan (“Project”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of Design No. 2022-0025 to develop a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of 8 two-story buildings and associated paving, landscaping, lighting and drainage improvements on the Site (“PPD No. 2022-0025”); and

WHEREAS, pursuant to Section 18.78.060 of the Rialto Municipal Code, the Project requires the approval of an amendment to the Foothill Boulevard Specific Plan, and the applicant has agreed to apply for Specific Plan Amendment No. 2022-0001 (“SPA No. 2022-0001”); and

WHEREAS, pursuant to Section 18.78.010 of the Rialto Municipal Code, the City Council is authorized to adopt and implement specific plans with the City; and

WHEREAS, pursuant to Section 18.78.060E and Section 18.78.060F of the Rialto Municipal Code, the Planning Commission shall hold a public hearing for a proposed amendment to an adopted specific plan and forward a recommendation to the City Council for action; and

WHEREAS, pursuant to Section 18.78.060E and Section 18.78.060F of the Rialto Municipal Code, the Planning Commission shall hold a public hearing for a proposed amendment to an adopted specific plan and forward a recommendation to the City Council for action; and

1 WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted
2 a duly noticed public hearing, as required by law, on SPA No. 2022-0001 and PPD No. 2022-0025,
3 took testimony, at which time it received input from staff, the city attorney, and the Applicant;
4 heard public testimony; discussed the proposed SPA No. 2022-0001 and PPD No. 2022-0025; and
5 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 Rialto
8 as follows:

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

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to SPA No. 2022-0001, including written staff reports,
13 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
14 Planning Commission hereby determines that SPA No. 2022-0001 satisfies the requirements of
15 Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code
16 pertaining to the findings which must be made precedent to amending a Specific Plan. The findings
17 are as follows:

- 18 1. That the proposed Specific Plan Amendment is consistent with the goals and policies
19 of the General Plan and its purposes, standards and land use guidelines; and

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

21 The Site has a General Plan designation of Specific Plan and a land use designation of
22 Commercial – Mixed Use (C-MU) within the Foothill Boulevard Specific Plan. The Project
23 will not affect the General Plan land use designation for the Site. The applicant proposes to
24 change the Specific Plan land use designation of the Site to Residential – High Density (R-
25 HD) within the Foothill Boulevard Specific Plan. The proposed R-HD land use designation
is consistent with the Specific Plan land use designation, and both will serve to facilitate the
Development.

26 Additionally, the Project is consistent with Goal 2-19 and Goal 2-21 of the Land Use Element
27 of the General Plan, which encourages neighborhood preservation, stabilization, and property
28 maintenance and ensure high-quality planned developments in Rialto. The change in the
Specific Plan land use designation will facilitate a development of superior architectural

1 quality. The Development proposes to incorporate significant wall plane articulation and
2 several other architectural features including varied rooflines and roof styles, concrete tile
3 roofing, stucco exterior finishes, stone, iron accents, and trim elements consistent with
4 contemporary architectural style.

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2. That the proposed Specific Plan Amendment will help achieve a balanced community of all races, age groups, income levels and ways of life; and

This finding is supported by the following facts:

The Project will facilitate the development of 21 multi-family units and 5 accessory dwelling units, which will provide new housing opportunities at varying sizes and price points available to all races, age groups, and ways of life.

3. That the proposed Specific Plan Amendment results in development of desirable character, which will be compatible with existing and proposed development in the surrounding neighborhood; and

This finding is supported by the following facts:

The Project will facilitate the development of a quality multi-family project. The proposed Development is consistent with the existing multi-family development across Cactus Avenue to the west of the Site and the proposed medium density residential land use would serve as an adequate buffer between the existing low density residential to the south and the remaining commercial – mixed use designated land to the north within the Foothill Boulevard Specific Plan area.

The land to the north of the Site is predominantly vacant for the nearest sensitive land uses are the existing single-family dwelling to the east and south of the Site. Although the existing land use designation allows for building heights up to 75 feet and a maximum Floor Area Ratio (FAR) up to 4.0, the proposed buildings are limited to no more than 26 feet (two-stories) in height and the proposed FAR is approximately 1.0 and therefore, the project is not expected to negatively impact any of the surrounding uses.

4. That the proposed Specific Plan Amendment contributes to a balance of land uses that will enable local residents to work and shop in the community in which they live; and

This finding is supported by the following facts:

The Site is bound by Cactus Avenue to the west and single-family residential neighborhoods to the east and south. The Site has remained historically vacant under the Commercial – Mixed Use (C-MU) land use designation. The likelihood that the project site will develop into a commercial – mixed use is unknown, but C-MU land use designation has not resulted in any development on the Site for 13 years. One of the market criteria that retailers look for when locating a new establishment is the number of residential rooftops in the vicinity. The proposal to change in land use designation to R-HD will accommodate the proposed

1 development and result in 26 new dwelling units in the immediate area. The proposed
2 development has a density of 12.6 units per acre which is permitted under the current land use
3 designation of C-MU which allows for the maximum density of 13 dwellings per acre.
4 However, the C-MU land use district requires at least 50 percent of the proposed development
5 to be commercial use. The R-HD land use designation for this property would be consistent
6 with the Specific Plan, will serve as a buffer between the single-family zoning and the C-MU
7 land use district and result in 26 new dwelling units to incentivize new retailer development
8 and job opportunities for the area.

- 6 5. That the proposed Specific Plan Amendment respects the environmental and aesthetic
7 assets of the community consistent with economic realities; and

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

9 The City reviewed the 2010 Foothill Boulevard Specific Plan Initial Study – Mitigated
10 Negative Declaration (Environmental Assessment CRP/EAR No. 10-04) prepared by Hogle-
11 Ireland Planning, Inc. and determined that the proposed Project would result in no new
12 significant impacts that were not analyzed in the May 2010 Foothill Boulevard Specific Plan
13 Initial Study – Mitigated Negative Declaration (“2010 FBSP MND”), nor would the proposed
14 Project cause a substantial increase in the severity of any previously identified environmental
15 impacts. The potential impacts associated with proposed Project would either be the same or
16 less than those described in the 2010 FBSP MND. In addition, there are no substantial changes
17 to the circumstances under which the proposed Project would be undertaken that would result
18 in new or more severe environmental impacts than previously addressed in the 2010 FBSP
19 MND, nor has any new information regarding the potential for new or more severe significant
20 environmental impacts been identified.

21 Additionally, the Development, enabled by the Project, will meet or exceed all aesthetic
22 design guidelines required by the Foothill Boulevard Specific Plan and City’s Design
23 Guidelines through the incorporation of landscaping, significant wall plane articulation on the
24 building, and several other building features varied rooflines and roof styles, concrete tile
25 roofing, stucco exterior finishes, stone, iron accents, and trim elements.

- 26 6. That the proposed Specific Plan Amendment incorporates, where feasible, active and
27 passive energy conservation measures.

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

The Development, enabled by the Project, is required to meet or exceed California Building
Code Title 24, Part 6 Energy Efficiency Standards. This will be achieved through the
implementation of features such as, but not limited to, energy efficient windows, energy
efficient heating and cooling systems, painting in light off-white colors to reflect heat away,
and installation of photovoltaic solar electric systems.

1 SECTION 3. An Addendum to the May 2010 Foothill Boulevard Specific Plan Mitigated
2 Negative Declaration (Environmental Assessment Review No. 2022-0037) has been prepared for the
3 Project in accordance with the California Environmental Quality Act (CEQA), and it has been
4 determined that the proposed Project would result in no new significant impacts that were not
5 analyzed in the May 2010 Foothill Boulevard Specific Plan Mitigated Negative Declaration (“2010
6 FBSP MND”), nor would the proposed Project cause a substantial increase in the severity of any
7 previously identified environmental impacts. The potential impacts associated with proposed Project
8 would either be the same or less than those described in the 2010 FBSP MND. In addition, there are
9 no substantial changes to the circumstances under which the proposed Project would be undertaken
10 that would result in new or more severe environmental impacts than previously addressed in the 2010
11 FBSP MND, nor has any new information regarding the potential for new or more severe significant
12 environmental impacts been identified. The Planning Commission hereby recommends that the City
13 Council approve the Addendum to the May 2010 Foothill Boulevard Specific Plan Mitigated
14 Negative Declaration for the Project.
15

16 SECTION 4. The Planning Commission hereby recommends that the City Council approve
17 SPA No. 2022-0001 to change the Specific Plan land use designation of the Site from Commercial –
18 Mixed Use (C-MU) within the Foothill Boulevard Specific Plan to Residential – High Density (R-
19 HD) within the Foothill Boulevard Specific Plan, in accordance with the applications on file with the
20 Planning Division, subject to the following conditions:
21

- 22 1. SPA No. 2022-0001 is approved changing the land use designation of a 1.67-acre parcel
23 of land (APN: 0130-013-02) located on the east side of Cactus Avenue approximately 360
24 feet south of Foothill Boulevard, and described in the legal description attached as Exhibit
25 A, from Commercial - Mixed Use (C-MU) to Residential – High Density (R-HD) within
the Foothill Boulevard Specific Plan. If the Conditions of Approval specified herein are
not satisfied or otherwise completed, the Project shall be subject to revocation.
- 26 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
27 working hours to assure compliance with these conditions and other codes.
28

- 1 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
2 and/or any of its officials, officers, employees, agents, departments, agencies, and
3 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
4 demands, law suits, writs of mandamus, and other actions and proceedings (whether
5 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
6 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
7 and other such procedures), (collectively "Actions"), brought against the City, and/or
8 any of its officials, officers, employees, agents, departments, agencies, and
9 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
10 annul, the any action of, or any permit or approval issued by, the City and/or any of its
11 officials, officers, employees, agents, departments, agencies, and instrumentalities
12 thereof (including actions approved by the voters of the City), for or concerning the
13 Project (collectively, the "Entitlements"), whether such Actions are brought under the
14 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
15 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
16 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
17 or any decision of a court of competent jurisdiction. This condition to indemnify,
18 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
19 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
20 and other costs, liabilities and expenses incurred in connection with such proceeding
21 whether incurred by applicant, Property owner, or the City and/or other parties
22 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
23 "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
24 shall not be liable to the City Parties under this indemnity to the extent the Damages
25 incurred by any of the City Parties in such Action(s) are a result of the City Parties'
26 fraud, intentional misconduct or gross negligence in connection with issuing the
27 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
28 and hold the City harmless as stated herein within five (5) days of approval of SPA No.
2022-0001.
- 19 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
20 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
21 subject to protest by the applicant at the time of approval or conditional approval of the
22 Project or within 90 days after the date of the imposition of the fees, dedications,
23 reservations, or exactions imposed on the Project.
- 24 5. The applicant shall comply with all conditions of approval contained in PPD No. 2022-
25 0025, to the extent they are not in conflict with any condition of approval herein.

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 26th day of April, 2023.



JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-32** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 26th day of April, 2023.

8 Upon motion of Commissioner Frank Gonzalez, second by Commissioner Dale Estvander,
9 foregoing Resolution No. **2023-32** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

13 NOES: 0

14 ABSTENTION: 1 (Gilbert)

15 ABSENT: 0
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
18 Rialto this 26th day of April, 2023.

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Kimberly Dame
Administrative Analyst

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WHEREAS, the applicants, George Becerra and Fernando Acosta, propose to develop a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of 8 two-story buildings and associated paving, landscaping, lighting and drainage improvements on approximately 1.67 gross acres of land (APNs: 0130-013-02) located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard (“Site”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Specific Plan Amendment No. 2022-0001 (“SPA No. 2022-0001”), pursuant to Section 18.78.060 of the Rialto Municipal Code; and

WHEREAS, on April 26, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on PPD No. 2022-0025 and SPA No. 2022-0001, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2022-0025 and SPA No. 2022-0001; and closed the public hearing; and

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

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

3 SECTION 2. Based on substantial evidence presented to the Planning Commission during
4 the public hearing conducted with regard to PPD No. 2022-0025, including written staff reports,
5 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
6 Planning Commission hereby determines that PPD No. 2022-0025 satisfies the requirements of
7 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
8 precedent to granting a Precise Plan of Design. The findings are as follows:

- 9
10 1. The proposed development is in compliance with all city ordinances and regulations,
 unless in accordance with an approved variance; and

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

12
13 The Site has a General Plan designation of Specific Plan and a land use designation of
14 Commercial – Mixed Use (C-MU) within the Foothill Boulevard Specific Plan. According
15 to Table 3.2 (Development Standards) of the Foothill Boulevard Specific Plan all land use
16 districts allow for the development of up to 21 dwelling units on the project site. The applicant
17 is proposing to develop 21 dwelling units on the 1.67-acre Site. The Project will include of
18 the 21 apartment units as well as 5 accessory dwelling units and will consist of 8 two-story
buildings 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.

- 19 2. The site is physically suitable for the proposed development, and the proposed
20 development will be arranged, designed, constructed, and maintained so that it will
21 not be unreasonably detrimental or injurious to property, improvements, or the health,
22 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

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

24 The Project is consistent with the Specific Plan General Plan land use designation and the
25 Foothill Boulevard Specific Plan. The Site is bound on the west by Cactus Avenue. To
26 the east and south of the project site is single family residential, and to the west, across
27 Cactus Avenue and San Bernardino County Flood Control channel is single family
28 residential and multi-family residential land uses. To the north of the project site are acres
of vacant land designated for C-MU. The proposed multi-family residential development
is compatible with all nearby land uses. Construction impacts will be limited through the
strict enforcement of the allowable construction hours listed in Section 9.50.070 of the

1 Rialto Municipal Code, as well as enforcement of regular watering of the Site to limit
2 airborne dust and other particulate matter. Operationally, the proposed multi-family
3 project will have less vehicle trips generated than a commercial mixed-use project under
4 the current C-MU designation would, which typically translates into reduced
5 environmental impacts with respect to air quality, noise, and traffic. The Project is not
6 likely to cause any public health problems. Additionally, the Addendum to the Foothill
7 Boulevard Specific Plan 2010 Mitigated Negative Declaration (Environmental Assessment
Review No. 2022-0037) prepared for the Project determined that the Project will not result
in any new or unavoidable significant environmental impacts that were not identified in the
previously adopted Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration.

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

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

11 The Project's effects will be minimized through the implementation of the Conditions of
12 Approval contained herein, such as extensive landscaping, perimeter walls, and enhanced
13 architectural features. To the north of the project site are acres of vacant land designated for
14 C-MU. To the south and east is existing single family residential, and to the west, across
15 Cactus Avenue and San Bernardino County Flood Control channel are single family
16 residential and multi-family residential land uses. The nearby area is predominantly zoned
17 for single family residential and medium density commercial mixed uses, and as a result, the
project is consistent with the Foothill Boulevard Specific Plan and compatible the surrounding
land uses and therefore not expected to negatively impact any uses with the successful
implementation of measures such as landscape buffering, the installation of perimeter walls,
and aesthetic building enhancements.

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

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

21 The Project is consistent with the vision of the Foothill Boulevard Specific Plan and is a
22 logical addition to the existing uses in the immediate area. The design of the Project will
23 ensure a continuation of the public improvements and aesthetics present in the surrounding
24 area. The City staff have reviewed the design of the Project to ensure compliance with all
25 health, safety, and design requirements to ensure the Project will enhance the infrastructure
and aesthetics of the local community.

26 SECTION 3. An Addendum to the Foothill Boulevard Specific Plan 2010 Mitigated
27 Negative Declaration (Environmental Assessment Review No. 2022-0037) has been prepared for the
28 Project in accordance with the California Environmental Quality Act (CEQA), and it has been
determined that the proposed Project would result in no new significant impacts that were not
analyzed in the Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration ("FBSP 2010

1 MND”), nor would the proposed Project cause a substantial increase in the severity of any previously
2 identified environmental impacts. The potential impacts associated with proposed Project would
3 either be the same or less than those described in the FBSP 2010 MND. In addition, there are no
4 substantial changes to the circumstances under which the proposed Project would be undertaken that
5 would result in new or more severe environmental impacts than previously addressed in the FBSP
6 2010 MND, nor has any new information regarding the potential for new or more severe significant
7 environmental impacts been identified. The Planning Commission hereby adopts the Addendum to
8 the Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration (Environmental
9 Assessment Review No. 2022-0037) for the Project.

10 SECTION 4. PPD No. 2022-0025 is granted to George Becerra/Fernando Acosta in
11 accordance with the plans and application on file with the Planning Division, subject to the following
12 Conditions of Approval:

- 13 1. The applicant is granted PPD No. 2022-0025 allowing the development of a 21-unit
14 apartment complex with 5 Accessory Dwelling Units consisting of 8 two-story
15 buildings and associated paving, landscaping, lighting and drainage improvements on a
16 1.67-acre parcel of land (APN: 0130-013-02) located on the east side of Cactus Avenue
17 approximately 360 feet south of Foothill Boulevard, subject to the Conditions of
18 Approval contained herein.
- 19 2. The approval of PPD No. 2022-0025 is granted for a one (1) year period from the date
20 of approval. Approval of PPD No. 2022-0025 will not become effective until the
21 applicant has signed a Statement of Acceptance acknowledging awareness and
22 acceptance of the required Conditions of Approval contained herein. Any request for
23 an extension shall be reviewed by the Community Development Director and shall be
24 based on the progress that has taken place toward the development of the project.
- 25 3. The development associated with PPD No. 2022-0025 shall conform to the site plan,
26 floor plan, exterior elevations, conceptual grading plan, conceptual landscape plan, Wall
27 and Fence plan, and wall details plan attached hereto as “Exhibit A”, except as may be
28 required to be modified based on the Conditions of Approval contained herein.
4. The development associated with PPD No. 2022-0025 shall comply with all Conditions
of Approval contained within SPA No. 2022-0001.
5. The development associated with PPD No. 2022-0025 shall comply with all applicable
sections of the Foothill Boulevard Specific Plan, the Rialto Municipal Code, and all
other applicable State and local laws and ordinances.
6. City inspectors shall have access to the site to reasonably inspect the site during
normal working hours to assure compliance with these conditions and other codes.

- 1 7. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
2 and/or any of its officials, officers, employees, agents, departments, agencies, and
3 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
4 demands, law suits, writs of mandamus, and other actions and proceedings (whether
5 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
6 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
7 and other such procedures), (collectively "Actions"), brought against the City, and/or
8 any of its officials, officers, employees, agents, departments, agencies, and
9 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
10 annul, the any action of, or any permit or approval issued by, the City and/or any of
11 its officials, officers, employees, agents, departments, agencies, and instrumentalities
12 thereof (including actions approved by the voters of the City), for or concerning the
13 Project (collectively, the "Entitlements"), whether such Actions are brought under
14 the California Environmental Quality Act, the Planning and Zoning Law, the
15 Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the
16 California Public Records Act, or any other state, federal, or local statute, law,
17 ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This
18 condition to indemnify, protect, defend, and hold the City harmless shall include, but
19 not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii)
20 cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in
21 connection with such proceeding whether incurred by applicant, Property owner, or
22 the City and/or other parties initiating or bringing such proceeding (collectively,
23 subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary
24 contained herein, the Applicant shall not be liable to the City Parties under this
25 indemnity to the extent the Damages incurred by any of the City Parties in such
26 Action(s) are a result of the City Parties' fraud, intentional misconduct or gross
27 negligence in connection with issuing the Entitlements. The applicant shall execute
28 an agreement to indemnify, protect, defend, and hold the City harmless as stated
 herein within five (5) days of approval of PPD No. 2022-0025.
8. 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.
9. The applicant shall complete and abide by all pre-construction mitigation measures
 contained within the 2010 Foothill Boulevard Specific Plan Mitigation Monitoring and
 Reporting Program (Environmental Assessment CRP/EAR No. 10-04) readopted with
 the prepared Addendum (Environmental Assessment Review No. 2022-0037), prior to
 the issuance of a grading permit.
10. The applicant shall complete and abide by all during-construction mitigation measures
 contained within the Mitigation Monitoring and Reporting Program associated with
 Environmental Assessment Review No. 2022-0037, prior to the issuance of a Certificate
 of Occupancy.

11. The applicant shall annex the Site into Community Facilities District No. 2016-1 to offset operational costs to the City's General Fund associated with PPD No. 2022-0025, prior to the issuance of any building permits.
12. 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-Kizh Nation, and documentation of coordination between the applicant and the Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the Planning Division prior to the issuance of a grading permit.
13. The applicant shall install decorative lighting (carriage and/or recessed) adjacent to the front entry door and both sides of the garage door of each dwelling. The lighting shall be identified on the formal building plan check submittal prior to the issuance of building permits.
14. All on-site light standards, including the base, shall be a maximum of twenty (20) feet high, as measured from the finished surface. Lighting shall be shielded and/or directed toward the site so as not produce glare or "stray light" onto adjacent properties. All light standards shall be identified on the site plan and a note indicating the height restriction shall be included within the formal building plan check submittal prior to the issuance of building permits.
15. Except as shown within (Wall and Fence Plan) "Exhibit A" attached hereto, all 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 visible from the public view. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum of six (6) inches above and 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 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.
16. The applicant shall construct ADA accessible trash enclosure in compliance with Burrtec Design Guidelines. The trash enclosures shall provide room for one (1) commercial waste container and one (1) commercial recycling container. The exterior of each trash enclosure shall match the material and base color of the buildings as shown Sheet PL-7 (Trash Enclosure Elevations) within "Exhibit A" attached hereto. 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

1 detail for the trash enclosures shall be provided within formal building plan check
2 submittal prior to the issuance of building permits.

- 3 17. The 26-foot-wide drive aisle serves as an emergency Fire Lane with approved fire truck
4 turn around at the far east end and is required to be maintained clear of all obstructions
5 at all times. The applicant shall install red curbing and "No Parking" signage along the
6 entire length of the Fire Lane including Fire turnaround areas to the satisfaction of the
7 Fire Department prior to the issuance of a Certificate of Occupancy. The red curbing
8 and "No Parking" signage shall be identified on the formal Building Permit submittal
9 prior to the issuance of a building permit.
- 10 18. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
11 the issuance of building permits. The submittal shall include three (3) sets of planting
12 and irrigation plans, a completed Landscape Plan Review application, and the applicable
13 review fee.
- 14 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
15 right-of-way parkway along Cactus Avenue. All trees within the public right-of-way
16 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
17 Thereafter, the trees within the public right-of-way parking shall be permanently
18 irrigated and maintained, as required by the Public Works Department. The street tree
19 species along Cactus Drive shall be the *Tristania Conferta* "Brisbane Box" and/or the
20 *Platanus Acerifolia* "London Plane". The street trees shall be identified on the formal
21 Landscape Plan submittal prior to the issuance of a landscape permit.
- 22 20. The applicant shall plant shrubs that surround all ground mounted equipment and utility
23 boxes, including transformers, fire-department connections, backflow devices, etc. for
24 the purpose of providing screening of said equipment and utility boxes. All equipment
25 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
26 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
27 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
28 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.
- 21 21. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
22 throughout all land on-site and off-site (adjacent to the project site) that is not covered
23 by structures, walkways, parking areas, and driveways. Trees shall be planted a
24 minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted
25 an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15)
26 gallons in size upon initial planting, unless otherwise specified herein. At least fifty (50)
27 percent of the trees shall consist of evergreen broadleaf trees, while the remaining
28 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

- 1 acceptable materials to use within planter areas. All planter areas on-site shall be
2 permanently irrigated and maintained. The planting and irrigation shall be identified on
3 the formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 4 22. All planting and irrigation shall be installed on-site in accordance with the approved
5 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The
6 installation of the planting and irrigation shall be certified in writing by the landscape
7 architect responsible for preparing the landscape plans prior to the issuance of a
8 Certificate of Occupancy.
- 9 23. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
10 of a Certificate of Occupancy, unless specified otherwise herein.
- 11 24. The applicant shall comply with all conditions of approval for PPD No. 2022-0035 to
12 the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 13 25. All improvements within the public right-of-way require a City of Rialto Encroachment
14 Permit.
- 15 26. The applicant shall pay all applicable development impact fees in accordance with the
16 current City of Rialto fee ordinance, including any applicable Transportation and Traffic
17 Fair Share Contribution fees, prior to the issuance of any building permit related to the
18 Project.
- 19 27. The applicant shall apply and complete the Special District Annexation for the public
20 street lighting and the public landscape and irrigation, including applicable easement
21 areas, parkway areas, and raised medians along the property frontage, as determined by
22 the City Engineer, prior to the issuance of the Grading/On-site Construction Permit.
- 23 28. A City of Rialto Off-site Construction Permit is required for any improvements within
24 the public right-of-way. In an effort to expedite and facilitate improvements in the public
25 right-of-way, the applicant is responsible for submitting a multi-phase master plan
26 traffic control plan which includes all phases of construction in the public right-of-way
27 i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site
28 Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting
process, a single master Off-Site Construction Permit shall replace individual
Encroachment Permits to be pulled by the applicant's contractor.
- 29 29. At the discretion of the City Engineer, the applicant shall apply for annexation of the
underlying property into City of Rialto Landscape and Lighting Maintenance District
No. 2 ("LLMD 2") or enter into a landscape maintenance agreement to be recorded on
the property. An application fee of \$5,000 shall be paid at the time of application.
Annexation into LLMD 2 is a condition of acceptance of any new median, parkway,
and/or easement landscaping, or any new public street lighting improvements, to be
maintained by the City of Rialto.

- 1 30. The applicant shall submit off-site landscaping and irrigation system improvement plans
2 for review and approval at the time of first (1st) public improvement plan submittal to
3 the Public Works Department. The parkway irrigation system shall be separately
4 metered from the on-site private irrigation to be maintained for a period of one (1) year
5 and annexed into a Special District. The off-site landscape and irrigation plans must
6 show separate electrical and water meters to be annexed into the Landscape and
7 Lighting Maintenance District No. 2 via a City Council Public Hearing. The landscape
8 and irrigation plans shall be approved concurrently with the street improvement plans,
9 including the median portion, prior to issuance of a building permit. The landscaping
10 architect must contact the City of Rialto Landscape Contract Specialist at (909) 772-
11 2635 to ensure all landscape and irrigation guidelines are met prior to plan approval.
12 Electrical and water irrigation meter pedestals must not be designed to be installed at or
13 near street intersections or within a raised median to avoid burdensome traffic control
14 set-up during ongoing maintenance.
- 15 31. If the property is accepted in the LLMD, the applicant shall guarantee all new parkway
16 and median landscaping irrigation for a period of one (1) year from the date of the City
17 Engineer acceptance. Any landscaping that fails during the one-year landscape
18 maintenance period shall be replaced with similar plant material to the satisfaction of
19 the City Engineer, and shall be subject to a subsequent one year landscape maintenance
20 period. The applicant must contact the City of Rialto Landscape Contract Specialist at
21 (909) 772-2635 to confirm a full twelve (12) months' time of non-interrupted ongoing
22 maintenance.
- 23 32. The applicant shall install City Engineer approved deep root barriers, in accordance with
24 the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten
25 (10) feet of the public sidewalk and/or curb.
- 26 33. All new streetlights shall be installed on an independently metered, City-owned
27 underground electrical system. The developer shall be responsible for applying with
28 Southern California Edison ("SCE") for all appropriate service points and electrical
meters. New meter pedestals shall be installed, and electrical service paid by the
developer, until such time as the underlying property is annexed into LLMD 2.
34. The applicant shall submit street improvement plans for streetlight, sewer, water, traffic
and signage improvements prepared by a registered California civil engineer to the
Engineering Department for review and approval by the City Engineer prior to the
issuance of permits.
35. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
registered civil engineer to the Engineering Department for review and approval. The
Grading Plan shall be approved by the City Engineer prior to the issuance of any
building permit.
36. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
registered Geotechnical Engineer, for and incorporated as an integral part of the grading

1 plan for the proposed development. A copy of the Geotechnical/Soils Report shall be
2 submitted to the Engineering Department with the first submittal of the Precise Grading
3 Plan.

- 4 37. The applicant shall provide pad elevation certification for all building pads, in
5 conformance with the approved Precise Grading Plan, to the Engineering Department
6 prior to construction of any building foundation.
- 7 38. The public street improvements outlined in these Conditions of Approval are intended
8 to convey to the developer an accurate scope of required improvements, however, the
9 City Engineer reserves the right to require reasonable additional improvements as may
10 be determined in the course of the review and approval of street improvement plans
11 required by these conditions.
- 12 39. The applicant shall construct asphalt concrete paving for streets in two separate lifts.
13 The final lift of asphalt concrete pavement shall be postponed until such time that on-
14 site construction activities are complete. Unless the City Engineer provide prior
15 authorization, paving of streets in one lift prior to completion of on-site construction is
16 not allowed. If City Engineer authorized, completion of asphalt concrete paving for
17 streets prior to completion of on-site construction activities, requires additional paving
18 requirements prior to acceptance of the street improvements, including, but not limited
19 to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry
20 seal, or other repairs.
- 21 40. The applicant shall repair all street cuts for utilities in accordance with City Standard
22 SC-231 within 72 hours of completion of the utility work; and any interim trench repairs
23 shall consist of compacted backfill to the bottom of the pavement structural section
24 followed by placement of standard base course material in accordance with the Standard
25 Specifications for Public Work Construction ("Greenbook"). The base course material
26 shall be placed the full height of the structural section to be flush with the existing
27 pavement surface and provide a smooth pavement surface until permanent cap paving
28 occurs using an acceptable surface course material.
41. 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.
42. 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
concrete pavement of off-site streets including pavement repairs in addition to pavement
repairs made by utility companies for utilities installed for the benefit of the proposed
development (i.e. West Valley Water District, Southern California Edison, Southern
California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches,
and other street cuts within existing asphalt concrete pavement of off-site streets

1 resulting from the proposed development may require complete grinding and asphalt
2 concrete overlay of the affected off-site streets, at the discretion of the City Engineer.
3 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.

- 4 43. The applicant shall replace all damaged, destroyed, or modified pavement legends,
5 traffic control devices, signing, striping, and streetlights, associated with the proposed
6 development shall be replaced as required by the City Engineer prior to issuance of a
Certificate of Occupancy.
- 7 44. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or
8 curbs along the entire project frontage, in accordance with the General Plan and the City
9 of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of
a Certificate of Occupancy.
- 10 45. The applicant shall provide construction signage, lighting and barricading shall be
11 provided during all phases of construction as required by City Standards or as directed
12 by the City Engineer. As a minimum, all construction signing, lighting and barricading
13 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
14 of construction.
- 15 46. Upon approval of any improvement plan by the City Engineer, the applicant shall
16 provide the improvement plan to the City in digital format, consisting of a DWG
17 (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.
- 18 47. The applicant shall construct 4-inch conduit within the parkway area along the entire
19 project frontages of Cactus Avenue for future use.
- 20 48. The applicant shall dedicate additional right-of-way along the entire frontage of Cactus
21 Avenue, as necessary, to provide the ultimate half-width of 60 feet, as required by the
City Engineer.
- 22 49. The applicant shall construct one (1) new thirty-two (32) foot wide commercial
23 driveway approach on Cactus Avenue, in accordance with City of Rialto Standard
24 Drawings, or as otherwise approved by the City Engineer. Nothing shall be constructed
25 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
26 Engineer.
- 27 50. Prior to issuance of Certificate of Occupancy, the applicant shall submit to the City
28 Traffic Engineer verification that sight distance requirements are met at the project
access driveway with Cactus Avenue. Verification shall be in the form of field
photographs showing adequate 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.

51. The applicant shall construct a curb ramp meeting current California State Accessibility standards at both the northeast and southeast corners of the intersection of Cactus Avenue and the driveway connected directly to Cactus Avenue, in accordance with the City of Rialto Standard Drawings. The developer shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the easterly driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
52. 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 Cactus Avenue 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.
53. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage adjacent to the driveway approach along the Cactus Avenue project frontage, as required by the City Engineer.
54. 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.
55. The applicant shall connect the project to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water Services.
56. 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 must include fire hydrants along Cactus Avenue.

- 1 57. The applicant shall install a new domestic water line lateral connection to the main water
2 line within Cactus Avenue, pursuant to the Rialto Water Services requirements. A water
3 line plan shall be approved by Rialto Water Services prior to issuance of permit.
- 4 58. The applicant shall provide certification from Rialto Water Services that demonstrates
5 that all water and/or wastewater service accounts for the project are documented, prior
6 to the issuance of a Certificate of Occupancy or final inspection approval from the
7 Public Works Engineering Division.
- 8 59. The development of the site is subject to the requirements of the National Pollution
9 Discharge Elimination System (NPDES) Permit for the City of Rialto, under the Santa
10 Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant
11 to the NPDES Permit, the applicant shall ensure development of the site incorporates
12 post-construction Best Management Practices ("BMPs") in accordance with the Model
13 Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River
14 Watershed. The applicant is advised that applicable Site Design BMPs will be required
15 to be incorporated into the final site design, pursuant to a site specific WQMP submitted
16 to the City Engineer for review and approval.
- 17 60. The applicant shall submit a Water Quality Management Plan for the parcel identifying
18 site-specific Best Management Practices ("BMPs") in accordance with the Model Water
19 Quality Management Plan ("WQMP") approved for use for the Santa Ana River
20 Watershed. The site specific WQMP shall be submitted to the City Engineer for review
21 and approval with the Grading Plan. A WQMP Maintenance Agreement shall be
22 required, obligating the property owner(s) to appropriate operation and maintenance
23 obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP
24 and Maintenance Agreement shall be approved prior to the issuance of any building
25 permit and shall be recorded at the San Bernardino County Recorder's Office prior to
26 the issuance of a Certificate of Occupancy.
- 27 61. The applicant shall prepare a Notice of Intent (NOI) to comply with the California
28 General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as
modified September 2, 2009) is required via the California Regional Water Quality
Control Board online SMARTS system. A copy of the executed letter issuing a Waste
Discharge Identification (WDID) number shall be provided to the City Engineer prior
to issuance of a grading or building permit. The applicant's contractor shall prepare and
maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the
General Construction Permit. All appropriate measures to prevent erosion and water
pollution during construction shall be implemented as required by the SWPPP.
62. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall
demonstrate that all structural BMP's have been constructed and installed in
conformance with approved plans and specifications, and as identified in the approved
WQMP.

- 1 63. All stormwater runoff passing through the site shall be accepted and conveyed across
2 the property in a manner acceptable to the City Engineer. For all stormwater runoff
3 falling on the site, on-site retention or other facilities approved by the City Engineer
4 shall be required to contain the increased stormwater runoff generated by the
5 development of the property. Provide a hydrology study to determine the volume of
6 increased stormwater runoff due to development of the site, and to determine required
7 stormwater runoff mitigation measures for the proposed development. Final retention
8 basin sizing and other stormwater runoff mitigation measures shall be determined upon
9 review and approval of the hydrology study by the City Engineer and may require
10 redesign or changes to site configuration or layout consistent with the findings of the
11 final hydrology study. The volume of increased stormwater runoff to retain on-site shall
12 be determined by comparing the existing "pre-developed" condition and proposed
13 "developed" condition, using the 100-year frequency storm.
- 14 64. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to
15 the adjacent public streets. Provisions for the interception of nuisance water from
16 entering adjacent public streets from the project site shall be provided through the use
17 of a minor storm drain system that collects and conveys nuisance water to landscape or
18 parkway areas, and in only a stormwater runoff condition, pass runoff directly to the
19 streets through parkway or under sidewalk drains. All on-site and off-site designs must
20 comply with NPDES stormwater regulations.
- 21 65. Any utility trenches or other excavations within existing asphalt concrete pavement of
22 off-site streets required by the proposed development shall be backfilled and repaired in
23 accordance with City of Rialto Standard Drawings. The Applicant shall be responsible
24 for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of
25 off-site streets as required by and at the discretion of the City Engineer, including
26 additional pavement repairs to pavement repairs made by utility companies for utilities
27 installed for the benefit of the proposed development (i.e. Rialto Water Services,
28 Southern California Edison, Southern California Gas Company, Spectrum, Verizon,
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.
66. The original improvement plans prepared for the proposed development and approved
by the City Engineer (if required) shall be documented with record drawing "as-built"
information and returned to the Engineering Division prior to issuance of a final
certificate of occupancy. Any modifications or changes to approved improvement plans
shall be submitted to the City Engineer for approval prior to construction.
67. The applicant shall adhere to the City Council approved franchise agreements and
disposal requirements during all construction activities, in accordance with Section 8.08
(Refuse Collection of the City of Rialto Municipal Code).

- 1
- 2 68. Prior to commencing with any grading, the applicant shall implement the required
- 3 erosion and dust control measures shall be in place. In addition, the following shall be
- 4 included if not already identified:
- 5 a. 6-foot-high tan colored perimeter screened fencing
- 6 b. Contractor information signage including contact information along the street
- 7 frontages of Cactus Avenue.
- 8 c. Post dust control signage with the following verbiage: "Project Name, WDID No.,
- 9 IF YOU SEE DUST COMING FROM THIS PROJECT CALL:, If you do not
- 10 receive a response, please call the AQMD at 1-800-CUT-SMOG/1-800-228-
- 11 7664"
- 12 69. The applicant shall remove any graffiti within 24 hours, before, during, and post
- 13 construction.
- 14 70. The applicant shall submit full architectural and structural plans with all mechanical,
- 15 electrical, and plumbing plans, structural calculations, truss calculations and layout,
- 16 rough grading plans approved by Public Works Engineering, Water Quality
- 17 Management Plan, Erosion Control Plan, Stormwater Pollution Prevention Plan, and
- 18 Title 24 Energy Calculations to the Building Division for plan check and review, prior
- 19 to the issuance of building permits.
- 20 71. The applicant shall provide a Scope of Work on the title page of the architectural plan
- 21 set. The Scope of Work shall call out all work to be permitted (ex. Main structure,
- 22 perimeter walls, trash enclosure, etc.).
- 23 72. The applicant shall design the structures in accordance with the 2022 California
- 24 Building Code, 2022 California Mechanical Code, 2022 California Plumbing Code, and
- 25 the 2022 California Electrical Code, 2022 Residential Code and the 2022 California
- 26 Green Buildings Standards adopted by the State of California.
- 27 73. The applicant shall design the structures to withstand ultimate wind speed of 130 miles
- 28 per hour, exposure C and seismic zone D.
74. 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.
75. 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.

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76. 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.
77. 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.
78. 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.
79. Prior to issuance of a Building Permit all of the following must be in place on the Site: a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent street saying "If there is any dust or debris coming from this site please contact (superintendent number here) or the AQMD if the problem is not being resolved" or something similar to this.
80. The applicant shall provide temporary toilet facilities for the construction workers. The toilet facilities shall always be maintained in a sanitary condition. The construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3.
81. The applicant shall underground all on site utilities to the new proposed structures, prior to the issuance of a Certificate of Occupancy, unless prior approval has been obtained by the utility company or the City.
82. Prior to issuance of Building Permits, site grading final and pad certifications shall be submitted to the Building Division, which include elevation, orientation, and compaction. The certifications are required to be signed by the engineer of record.
83. The applicant shall provide proof of payment to the Rialto Unified School District for all required school fees, prior to the issuance of a building permit.
84. Site facilities such as parking open or covered, recreation facilities, and trash dumpster areas, and common use areas shall be accessible per the California Building Code, Chapter 11.
85. The applicant shall place a copy of the Conditions of Approval herein on within the 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.

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86. 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.
87. 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.
88. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
89. 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.
90. 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.
91. 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.
92. 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.
93. 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.

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94. 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.
95. 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.
96. 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.
97. 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.
98. 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.
99. 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.
100. 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 26th day of April, 2023.



JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-33** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 26th day of April, 2023.

8 Upon motion of Commissioner Frank Gonzalez, second by Commissioner Dale Estvander,
9 foregoing Resolution No. **2023-33** was duly passed and adopted.

10
11 Vote on the motion:

12 AYES: 4 (Gutierrez, Peukert, Estvander, Gonzalez)

13 NOES: 0

14 ABSTENTION: 1 (Gilbert)

15 ABSENT: 0
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
18 Rialto this 26th day of April, 2023.

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Kimberly Dame
Administrative Analyst