

## RESOLUTION NO. 2024-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2020-0033) FOR A PROJECT CONSISTING OF A GENERAL PLAN AMENDMENT, A ZONE CHANGE, AND THE DEVELOPMENT OF ONE (1) 8,840 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING AND ONE (1) 9,966 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING, WITH ASSOCIATED PAVING, WALLS, LIGHTING, LANDSCAPING, AND DRAINAGE IMPROVEMENTS ON APPROXIMATELY 1.55 ACRES OF LAND (APN: 0132-021-18) LOCATED AT THE SOUTHEAST CORNER OF RANDALL AVENUE AND LILAC AVENUE.

WHEREAS, the applicant, Gevork Consulting Engineering, proposes to develop one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with associated paving, walls, lighting, landscaping, and drainage improvements (“Project”) on approximately 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue (“Site”); and

WHEREAS, in conjunction with the Project, the applicant has submitted General Plan Amendment No. 2019-0006 to change the land use designation of the Site, as described in the legal description attached as Exhibit A, from Residential 2 (0.1-2.0 du/acre) with an Animal Overlay to Community Commercial (“GPA No. 2019-0006”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Zone Change No. 2019-0004 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, from Agricultural (A-1) to Neighborhood Commercial (C-1) ("ZC No. 2019-0004"); and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2022-0019 (“PPD No. 2022-0019”) to facilitate the development of one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant

1 commercial building with associated paving, walls, lighting, landscaping, and drainage  
2 improvements on the Site; and

3 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,  
4 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,  
5 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section  
6 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study  
7 (Environmental Assessment Review No. 2022-0020) prepared by Lilburn Corporation, Inc. and  
8 determined that there is no substantial evidence that the approval of the Project would result in a  
9 significant adverse effect on the environment, provided appropriate mitigation measures are  
10 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof  
11 was given in the manner required by law; and

12 WHEREAS, a Notice of Completion for the Mitigated Negative Declaration was  
13 distributed to the State Clearinghouse on November 15, 2023 (SCH#: 2023110375); and

14 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project  
15 was published in the San Bernardino Sun newspaper, and mailed to all property owners within 660  
16 feet of the Project Site, and a thirty (30) day public comment period was held from November 15,  
17 2023 to December 14, 2023; and

18 WHEREAS, The Planning Division received two (2) comment letters during the thirty (30)  
19 day public comment period – one (1) comment letter from the Rialto Unified School District,  
20 which was submitted on November 27, 2023 and one (1) comment letter from the Department of  
21 Toxic Substances Control, which was submitted on December 14, 2023; and

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

25 WHEREAS, on February 7, 2024, the Planning Commission of the City of Rialto  
26 conducted a duly noticed public hearing, as required by law, on the Mitigated Negative  
27 Declaration, GPA No. 2019-0006, ZC No. 2019-0004, and PPD No. 2022-0019, took testimony,  
28 at which time it received input from staff, the city attorney, and the Applicant; heard public

1 testimony; discussed the proposed Mitigated Negative Declaration, GPA No. 2019-0006, ZC No.  
2 2019-0004, and PPD No. 2022-0019; and

3 WHEREAS, on February 7, 2024, the Planning Commission voted 5-0 (2 vacancies) to  
4 continue the public hearing for the Mitigated Negative Declaration, GPA No. 2019-0006, ZC No.  
5 2019-0004, and PPD No. 2022-0019 open to March 20, 2024; and

6 WHEREAS, on March 20, 2024, the Planning Commission of the City of Rialto continued  
7 the public hearing on the Mitigated Negative Declaration, GPA No. 2019-0006, ZC No. 2019-  
8 0004, and PPD No. 2022-0019, took testimony, at which time it received input from staff, the city  
9 attorney, and the Applicant; heard public testimony; discussed the proposed Mitigated Negative  
10 Declaration, GPA No. 2019-0006, ZC No. 2019-0004, and PPD No. 2022-0019; and closed the  
11 public hearing; and

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

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

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

17 SECTION 2: The Planning Commission has independently reviewed and considered the  
18 proposed Mitigated Negative Declaration (Environmental Assessment Review No. 2022-0020)  
19 attached hereto as Exhibit “A” and incorporated herein by this reference, the public comments  
20 upon it, and other evidence, and finds that the Mitigated Negative Declaration was prepared in the  
21 manner required by law, and there is no substantial evidence, provided appropriate mitigation  
22 measures are imposed, that the Project would result in a significant adverse effect upon the  
23 environment.

24 SECTION 3: The Initial Study (Environmental Assessment Review No. 2022-0020)  
25 prepared for the project identified that the Site did not have suitable habitat for any threatened or  
26 endangered species, and therefore the proposed Project will have no individual or cumulative  
27 adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

1        SECTION 4: The attached proposed Initial Study and Mitigated Negative Declaration,  
2 Exhibit "A" hereto, finds that there are no impacts or less than significant impacts to aesthetics,  
3 agriculture and forestry resources, air quality, energy, greenhouse gas emissions, hazards and  
4 hazardous materials, hydrology/water quality, land use/planning, mineral resources,  
5 population/housing, public services, recreation, traffic and transportation, utilities and service  
6 systems, wildfire, and mandatory findings of significance.

7        SECTION 5: With the imposition of mitigation measures that address potential impacts  
8 upon biological resources, cultural resources, geology/soils, noise, and tribal cultural resources, in  
9 the community, and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit "B"  
10 hereto, which is attached hereto and incorporated herein by this reference, the proposed Project's  
11 potential significant impacts will be reduced below a level of significance.

12        SECTION 6: For the foregoing reasons and based on the information and findings included  
13 in the Initial Study and Mitigated Negative Declaration, technical reports, Mitigation Monitoring  
14 and Reporting Program, Staff Report, public testimony, and all other documents and evidence in  
15 the administrative record of proceedings, the Planning Commission has determined that the  
16 Project, as conditioned and mitigated, will not have a significant adverse impact on the  
17 environment and also finds that the preparation of the Initial Study and Mitigated Negative  
18 Declaration attached hereto complies with CEQA. Therefore, the Planning Commission  
19 recommends that the City Council certify the Initial Study, Mitigated Negative Declaration, and  
20 Mitigation Monitoring and Reporting Program, making certain environmental findings to allow  
21 the Project.

22        SECTION 7: The Chairman of the Planning Commission shall sign the passage and  
23 adoption of this resolution and thereupon the same shall take effect and be in force.

24        PASSED, APPROVED AND ADOPTED this 20th day of March, 2024.

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28        JERRY GUTIERREZ, CHAIR  
                  CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. **2024-12** was duly passed and adopted at a regular meeting of the Planning  
7 Commission of the City of Rialto held on the 20<sup>th</sup> day of March 2024.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,  
9 foregoing Resolution No. **2024-12** was duly passed and adopted.

10  
11 Vote on the motion:

12 AYES: 5 (Gutierrez, Peukert, Estvander, Gilbert, Gonzalez)

13 NOES: 0

14 ABSTENTION: 0

15 ABSENT: 0

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17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
18 Rialto this 20<sup>th</sup> day of March 2024.



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21 Heidy Gonzalez  
22 Administrative Assistant  
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## **RESOLUTION NO. 2024-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2019-0006 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 1.55 ACRES OF LAND (APN: 0132-021-18) LOCATED AT THE SOUTHEAST CORNER OF RANDALL AVENUE AND LILAC AVENUE FROM RESIDENTIAL 2 WITH AN ANIMAL OVERLAY TO COMMUNITY COMMERCIAL.

WHEREAS, approximately 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue, described in the legal description attached as Exhibit A, (“Site”) is currently designated by the Land Use Element of the General Plan as Residential 2 with an Animal Overlay; and

WHEREAS, the applicant, Gevork Consulting Engineering, proposes to change the land use designation of the Site to Community Commercial (“Project”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Zone Change No. 2019-0004 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, from Agricultural (A-1) to Neighborhood Commercial (C-1) (“ZC No. 2019-0004”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Precise Plan of Design No. 2022-0019 (“PPD No. 2022-0019”) to facilitate the development of one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with associated paving, walls, lighting, landscaping, and drainage improvements on the Site, and the Project is necessary to facilitate PPD No. 2022-0019; and

WHEREAS, pursuant to Government Code Sections 65350-65362, the Project requires the approval of an amendment to the General Plan, and the applicant has agreed to apply for General Plan Amendment No. 2019-0004 (“GPA No. 2019-0004”); and

WHEREAS, pursuant to Government Code Sections 65350-65362, the City Council is authorized to amend the General Plan within the City; and

1        WHEREAS, pursuant to Government Code Sections 65350-65362, the Planning  
2 Commission shall hold a public hearing for a proposed amendment to the General Plan and forward  
3 a recommendation to the City Council for action; and

4        WHEREAS, on February 7, 2024, the Planning Commission of the City of Rialto  
5 conducted a duly noticed public hearing, as required by law, on GPA No. 2019-0006, ZC No.  
6 2019-0004, and PPD No. 2022-0019, took testimony, at which time it received input from staff,  
7 the city attorney, and the applicant; heard public testimony; discussed GPA No. 2019-0006, ZC  
8 No. 2019-0004, and PPD No. 2022-0019; and

9        WHEREAS, on February 7, 2024, the Planning Commission voted 5-0 (2 vacancies) to  
10 continue the public hearing for GPA No. 2019-0006, ZC No. 2019-0004, and PPD No. 2022-0019  
11 open to March 20, 2024; and

12       WHEREAS, on March 20, 2024, the Planning Commission of the City of Rialto continued  
13 the public hearing on the GPA No. 2019-0006, ZC No. 2019-0004, and PPD No. 2022-0019, took  
14 testimony, at which time it received input from staff, the city attorney, and the Applicant; heard  
15 public testimony; discussed the proposed GPA No. 2019-0006, ZC No. 2019-0004, and PPD No.  
16 2022-0019; and closed the public hearing; and

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

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

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

22       SECTION 2. Based on substantial evidence presented to the Planning Commission during  
23 the public hearing conducted with regard to GPA No. 2019-0006, including written staff reports,  
24 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the  
25 Planning Commission hereby determines that GPA No. 2019-0006 satisfies the requirements of  
26 Government Code Sections 65358 pertaining to the findings which must be made precedent to  
27 amending a General Plan. The findings are as follows:

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1. That the proposed General Plan Amendment is in the public interest.

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

3 To the north of the project site, across Randall Avenue, is approximately 0.34 acres of vacant  
4 land, and to the east of the project site is approximately 3.43 acres of vacant land and an  
5 existing single-family residence. To the south is an existing single-family residence, and to  
6 west, across Lilac Avenue, is the 75-unit Telacu Rio Alto senior apartment complex. The  
7 immediate area surrounding the project site is primarily comprised of residential uses, and the  
8 nearest commercial uses are approximately 0.50 miles from the project site. The Project will  
9 facilitate the development of two (2) multi-tenant buildings that will accommodate various  
10 commercial and office uses in an area that is currently underserved.

11 Any member of the public seeking to access to consumer goods and services will be provided  
12 an additional opportunity within a high-quality, well-maintained, new commercial  
13 development. Furthermore, the development and operation of two (2) new multi-tenant  
14 commercial buildings will contribute to an increase in revenues collected in form of permit  
15 fees, development impact fees, sales tax, and property tax. In addition, the Site primarily  
16 consists of vacant unimproved land and the general plan amendment and associated  
17 development will reduce or eliminate existing blight.

18 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2022-0020) has been  
19 prepared for GPA No. 2019-0006 in accordance with the California Environmental Quality Act  
20 (CEQA). Based on the findings within the Initial Study, staff determined that the project will not  
21 have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. The  
22 local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration  
23 for the project, and the City mailed the notice to all property owners within 660 feet of the project site  
24 for a public comment period held from November 15, 2023 to December 14, 2023. The Planning  
25 Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and  
26 direct the Planning Division to file the necessary documentation with the Clerk of the Board of  
27 Supervisors for San Bernardino County.

28 **SECTION 4.** The Planning Commission hereby recommends that the City Council approve  
29 GPA No. 2019-0006 to change the land use designation of the Site from Residential 2 with an Animal  
30 Overlay to Community Commercial, in accordance with the applications on file with the Planning  
31 Division, subject to the following conditions:

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1. GPA No. 2019-0006 is approved changing the land use designation of approximately 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue, and described in the legal description attached as Exhibit A, from Residential 2 with an Animal Overlay to Community Commercial. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the Project shall be subject to revocation.
2. 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.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the 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 GPA No. 2019-0006.
4. 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

1 Project or within 90 days after the date of the imposition of the fees, dedications,  
2 reservations, or exactions imposed on the Project.

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

5 PASSED, APPROVED AND ADOPTED this 20th day of March, 2024.



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7 JERRY GUTIERREZ, CHAIR  
8 CITY OF RIALTO PLANNING COMMISSION  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. **2024-13** was duly passed and adopted at a regular meeting of the Planning  
7 Commission of the City of Rialto held on the 20<sup>th</sup> day of March 2024.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,  
9 foregoing Resolution No. **2024-13** was duly passed and adopted.

10  
11 Vote on the motion:

12 AYES: 5 (Gutierrez, Peukert, Estvander, Gilbert, Gonzalez)

13 NOES: 0

14 ABSTENTION: 0

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 20<sup>th</sup> day of March 2024.

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Heidy Gonzalez  
22 Administrative Assistant  
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## **RESOLUTION NO. 2024-14**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE NO. 2019-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 1.55 ACRES OF LAND (APN: 0132-021-18) LOCATED AT THE SOUTHEAST CORNER OF RANDALL AVENUE AND LILAC AVENUE FROM AGRICULTURAL (A-1) TO NEIGHBORHOOD COMMERCIAL (C-1).

WHEREAS, approximately 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue, described in the legal description attached as Exhibit A, (“Site”) is currently zoned Agricultural (A-1); and

WHEREAS, the applicant, Gevork Consulting Engineering, proposes to change the zoning designation of the Site to Neighborhood Commercial (C-1) ("Project"); and

WHEREAS, in conjunction herewith, the applicant has also submitted General Plan Amendment No. 2019-0006 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, from Residential 2 with an Animal Overlay to Community Commercial (“GPA No. 2019-0006”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Precise Plan of Design No. 2022-0019 (“PPD No. 2022-0019”) to facilitate the development of one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with associated paving, walls, lighting, landscaping, and drainage improvements on the Site, and the Project is necessary to facilitate PPD No. 2022-0019; and

WHEREAS, pursuant to Section 18.06.030 of the Rialto Municipal Code, the Project requires the approval of a zone change, and the applicant has agreed to apply for Zone Change No. 2019-0004 (“ZC No. 2019-0004”); and

WHEREAS, pursuant to Section 18.06.030, the City Council is authorized to adopt a zone change within the City; and

1           WHEREAS, pursuant to Section 18.06.030(C) of the Rialto Municipal Code, the Planning  
2 Commission shall hold a public hearing for a proposed zone change and forward a  
3 recommendation to the City Council for action; and

4           WHEREAS, on February 7, 2024, the Planning Commission of the City of Rialto  
5 conducted a duly noticed public hearing, as required by law, on ZC No. 2019-0004, GPA No.  
6 2019-0006, and PPD No. 2022-0019, took testimony, at which time it received input from staff,  
7 the city attorney, and the applicant; heard public testimony; discussed ZC No. 2019-0004, GPA  
8 No. 2019-0006, and PPD No. 2022-0019; and

9           WHEREAS, on February 7, 2024, the Planning Commission voted 5-0 (2 vacancies) to  
10 continue the public hearing ZC No. 2019-0004, GPA No. 2019-0006, and PPD No. 2022-0019  
11 open to March 20, 2024; and

12          WHEREAS, on March 20, 2024, the Planning Commission of the City of Rialto continued  
13 the public hearing on the ZC No. 2019-0004, GPA No. 2019-0006, and PPD No. 2022-0019, took  
14 testimony, at which time it received input from staff, the city attorney, and the Applicant; heard  
15 public testimony; discussed the proposed ZC No. 2019-0004, GPA No. 2019-0006, and PPD No.  
16 2022-0019; and closed the public hearing; and

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

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

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

22           SECTION 2. Based on substantial evidence presented to the Planning Commission during  
23 the public hearing conducted with regard to ZC No. 2019-0004, including written staff reports, verbal  
24 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning  
25 Commission hereby determines that ZC No. 2019-0004 satisfies the requirements of Section  
26 18.06.030 of the Rialto Municipal Code pertaining to the findings which must be made precedent to  
27 adopting a zone change. The findings are as follows:

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1. That the proposed zone change is consistent with the General Plan of the City of  
Rialto; and

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

3  
4 In conjunction with the Project, the applicant proposes GPA No. 2019-0006 to change the  
5 land use designation of the Site from Residential 2 with an Animal Overlay to Community  
6 Commercial. The Community Commercial land use designation, combined with the C-1  
7 zone, will allow commercial developments on the Site. GPA No. 2019-0006, ZC No. 2019-  
8 0004, and PPD No. 2022-0019 are proposed to facilitate the development of one (1) 8,840  
9 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant  
10 commercial building. The zone change and the subsequent development are therefore  
11 consistent with the proposed General Plan land use designation, provided that GPA No. 2019-  
12 0006 is approved prior to the proposed zone change.

13 2. That the proposed zone change will not adversely affect the surrounding properties.

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

15 The Project will facilitate the development of two (2) multi-tenant commercial buildings that  
16 will accommodate various commercial and office uses in an area that is currently underserved.  
17 The proposed development, in conjunction with the Project, will include the installation of an  
18 eight (8) foot solid block wall along all interior (non-street frontage) property lines.  
19 Additionally, each structure will meet the minimum required building setbacks. These design  
20 features, as well as others, will serve to make the proposed development as benign as possible.

21 Additionally, mitigation measures, included in the Initial Study prepared for the Project  
22 (Environmental Assessment Review No. 2022-0020), will assist in mitigating any impacts  
23 related to Biological Resources, Cultural Resources, Geology and Soils, Noise, and Tribal  
24 Cultural Resources to a level of insignificance.

25 **SECTION 3.** An Initial Study (Environmental Assessment Review No. 2022-0020) has been  
26 prepared for GPA No. 2019-0006 in accordance with the California Environmental Quality Act  
27 (CEQA). Based on the findings within the Initial Study, staff determined that the project will not  
28 have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. The  
local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration  
for the project, and the City mailed the notice to all property owners within 660 feet of the project site  
for a public comment period held from November 15, 2023 to December 14, 2023. The Planning  
Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and

1 direct the Planning Division to file the necessary documentation with the Clerk of the Board of  
2 Supervisors for San Bernardino County.

3 SECTION 4. The Planning Commission hereby recommends that the City Council approve  
4 ZC No. 2019-0004 to change the zoning designation of the Site from Agricultural (A-1) to  
5 Neighborhood Commercial (C-1), in accordance with the application on file with the Planning  
6 Division, subject to the following conditions:

- 7
- 8 1. ZC No. 2019-0004 is approved changing the zoning designation of approximately 1.55  
9 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and  
10 Lilac Avenue, and described in the legal description attached as Exhibit A, from  
11 Agricultural (A-1) to Neighborhood Commercial (C-1). If the Conditions of Approval  
specified herein are not satisfied or otherwise completed, the Project shall be subject to  
revocation.
- 12 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal  
13 working hours to assure compliance with these conditions and other codes.
- 14 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
15 and/or any of its officials, officers, employees, agents, departments, agencies, and  
16 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
17 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
18 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
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 its  
23 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 the  
26 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision  
27 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public  
28 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

1 incurred by any of the City Parties in such Action(s) are a result of the City Parties'  
2 fraud, intentional misconduct or gross negligence in connection with issuing the  
3 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,  
4 and hold the City harmless as stated herein within five (5) days of approval of CA No.  
5 2019-0004.

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4. 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.
5. Approval of Zone Change No. 2019-0004 will not be valid until such time that the City Council of the City of Rialto has approved General Plan Amendment No. 2019-0006, which was prepared in conjunction with the Project.

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

12 PASSED, APPROVED AND ADOPTED this 20th day of March, 2024.

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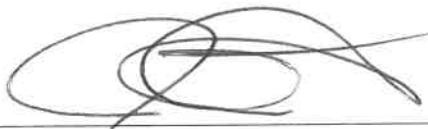
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JERRY GUTIERREZ, CHAIR  
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. **2024-14** was duly passed and adopted at a regular meeting of the Planning  
7 Commission of the City of Rialto held on the 20<sup>th</sup> day of March 2024.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,  
9 foregoing Resolution No. **2024-14** was duly passed and adopted.

10  
11 Vote on the motion:

12 AYES: 5 (Gutierrez, Peukert, Estvander, Gilbert, Gonzalez)

13 NOES: 0

14 ABSTENTION: 0

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 20<sup>th</sup> day of March 2024.

19  
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21

Heidy Gonzalez  
22 Administrative Assistant  
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28

## **RESOLUTION NO. 2024-15**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE PRECISE PLAN OF DESIGN NO. 2022-0019 ALLOWING THE DEVELOPMENT OF ONE (1) 8,840 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING AND ONE (1) 9,966 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH ASSOCIATED PAVING, WALLS, LIGHTING, LANDSCAPING, AND DRAINAGE IMPROVEMENTS ON APPROXIMATELY 1.55 ACRES OF LAND (APN: 0132-021-18) LOCATED AT THE SOUTHEAST CORNER OF RANDALL AVENUE AND LILAC AVENUE.

WHEREAS, the applicant, Gevork Consulting Services, proposes to develop one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with associated paving, walls, lighting, landscaping, and drainage improvements (“Project”) on approximately 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue (“Site”); and

WHEREAS, Pursuant to Section 18.65.010 of the Rialto Municipal Code, the Project requires a Precise Plan of Design, and the applicant has agreed to apply for Precise Plan of Design No. 2022-0019 (“PPD No. 2022-0019”); and

WHEREAS, in conjunction herewith, the applicant has also submitted General Plan Amendment No. 2019-0006 to change the general plan land use designation of the Site, as described in the legal description attached as Exhibit A, from Residential 2 with an Animal Overlay to Community Commercial (“GPA No. 2019-0006”); and

WHEREAS, in conjunction herewith, the applicant has also submitted Zone Change No. 2019-0004 to change the zoning designation of the Site, as described in the legal description attached as Exhibit A, from Agricultural (A-1) to Neighborhood Commercial (C-1) (“ZC No. 2019-0004”); and

WHEREAS, on February 7, 2024, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on PPD No. 2022-0019, GPA No. 2019-0006, and ZC No. 2019-0004, took testimony, at which time it received input from staff, the

1 city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2022-  
2 0019, GPA No. 2019-0006, and ZC No. 2019-0004; and

3 WHEREAS, on February 7, 2024, the Planning Commission voted 5-0 (2 vacancies) to  
4 continue the public hearing PPD No. 2022-0019, GPA No. 2019-0006, and ZC No. 2019-0004  
5 open to March 20, 2024; and

6 WHEREAS, on March 20, 2024, the Planning Commission of the City of Rialto continued  
7 the public hearing on the PPD No. 2022-0019, GPA No. 2019-0006, and ZC No. 2019-0004, took  
8 testimony, at which time it received input from staff, the city attorney, and the Applicant; heard  
9 public testimony; discussed the proposed PPD No. 2022-0019, GPA No. 2019-0006, and ZC No.  
10 2019-0004; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
17 the public hearing conducted with regard to PPD No. 2022-0019, including written staff reports,  
18 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
19 Planning Commission hereby determines that PPD No. 2022-0019 satisfies the requirements of  
20 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made  
21 precedent to granting a Precise Plan of Design. The findings are as follows:

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

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

25 GPA No. 2019-0006, prepared in conjunction with the Project, will change the land use  
26 designation of the Site to Community Commercial. ZC No. 2019-0004, prepared in  
27 conjunction with the Project, will change the zoning designation of the Site to Neighborhood  
28 Commercial (C-1). The Community Commercial and C-1 designations accommodate  
commercial land uses such as the Project. Additionally, the Project meets all of the required

1 development standards and design guidelines of the C-1 zone including, but not limited to,  
2 required building setbacks, building height, parking, landscaping, architectural enhancements,  
3 etc. Furthermore, the Project, as conditioned herein, will comply with all City ordinances and  
regulations.

4 2. The site is physically suitable for the proposed development, and the proposed  
5 development will be arranged, designed, constructed, and maintained so that it will  
6 not be unreasonably detrimental or injurious to property, improvements, or the health,  
7 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

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

9 The Site is relatively flat, "L"-shaped, 1.55 acres in size, and bound by two (2) public  
10 streets. To the north of the project site, across Randall Avenue, is approximately 0.34 acres  
11 of vacant land, and to the east of the project site is approximately 3.43 acres of vacant land  
12 and an existing single-family residence. To the south is an existing single-family residence,  
13 and to west, across Lilac Avenue, is the 75-unit Telacu Rio Alto senior apartment complex.  
14 The Project is consistent with the proposed C-1 zone. Additionally, the Initial  
15 Study/Mitigated Negative Declaration (Environmental Assessment Review No. 2022-  
0020) prepared for the project determined that the project will not result in any significant  
16 impacts to persons residing or working in the area.

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

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

21 The Project's effects will be minimized through the implementation of the Conditions of  
22 Approval contained herein, such as extensive landscaping, perimeter walls, and enhanced  
23 architectural features. The Site is surrounded on all sides by residential uses. The Project  
24 entails the development of two (2) multi-tenant commercial buildings with corresponding  
25 improvements on 1.55 acres of land. The project is consistent with the proposed C-1 zone  
and will accommodate commercial and office uses in an area that is currently underserved.  
As evidenced by the findings of the Initial Study/Mitigated Negative Declaration  
(Environmental Assessment Review No. 2022-0020) prepared for the Project, the Project will  
not result in any significant impacts to persons residing in the area. Additionally, the Project  
will incorporate adequate building setbacks, landscaping, and perimeter walls that will all  
serve as buffers to reduce impacts to a level of insignificance.

26 4. The proposed development will not substantially interfere with the orderly or planned  
27 development of the City of Rialto.

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

1  
2 The Project is consistent with the proposed Community Commercial land use designation and  
3 the proposed C-1 zoning designation, and residents and passersby with access to consumer  
4 goods and services in an area that is currently underserved. The design of the Project will  
5 ensure a continuation of the public improvements and aesthetics present in the surrounding  
6 area. The City staff have reviewed the design of the Project to ensure compliance with all  
7 health, safety, and design requirements to ensure the Project will enhance the infrastructure  
8 and aesthetics of the local community.

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SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0020) has been prepared for GPA No. 2019-0006 in accordance with the California Environmental Quality Act (CEQA). Based on the findings within the Initial Study, staff determined that the project will not have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. The local newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City mailed the notice to all property owners within 660 feet of the project site for a public comment period held from November 15, 2023, to December 14, 2023. The Planning Commission hereby recommends that the City Council adopt the Mitigated Negative Declaration and direct the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. The Planning Commission hereby recommends that the City Council approve PPD No. 2022-0019, in conjunction with GPA No. 2019-0006 and ZC No. 2019-0004, to allow the development of one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with corresponding improvements on 1.55 acres of land (APN: 0132-021-18) located at the southeast corner of Randall Avenue and Lilac Avenue, described in the legal description attached as Exhibit A, in accordance with the plans and application on file with the Planning Division, subject to the following Conditions of Approval:

1. The applicant is granted PPD No. 2022-0019 allowing the development of one (1) 8,840 square foot multi-tenant commercial building and one (1) 9,966 square foot multi-tenant commercial building with associated paving, walls, lighting, landscaping, and drainage improvements on 1.55 acres of land (APN: 0132-021-18) located at southeast corner of Randall Avenue and Lilac Avenue, subject to the Conditions of Approval contained herein.

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2. The approval of PPD No. 2022-0019 is granted for a one (1) year period from the date  
3 of approval. Approval of PPD No. 2022-0019 will not become effective until the  
4 applicant has signed a Statement of Acceptance acknowledging awareness and  
5 acceptance of the required Conditions of Approval contained herein. Any request for  
6 an extension shall be reviewed by the Community Development Director and shall be  
7 based on the progress that has taken place toward the development of the project.

8

3. The development associated with PPD No. 2022-0019 shall conform to the site plan,  
9 floor plans, exterior elevations, and landscape planting plan attached hereto as Exhibit  
10 A, except as may be required to be modified based on the Conditions of Approval  
11 contained herein.

12

4. The development associated with PPD No. 2022-0019 shall comply with all Conditions  
13 of Approval contained within GPA No. 2019-0006 and ZC No. 2019-0004.

14

5. The development associated with PPD No. 2022-0019 shall comply with all applicable  
15 sections of the Rialto Municipal Code, and all other applicable State and local laws and  
16 ordinances.

17

6. City inspectors shall have access to the site to reasonably inspect the site during  
18 normal working hours to assure compliance with these conditions and other codes.

19

7. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
20 and/or any of its officials, officers, employees, agents, departments, agencies, and  
21 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,  
22 demands, law suits, writs of mandamus, and other actions and proceedings (whether  
23 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
24 dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
25 and other such procedures), (collectively "Actions"), brought against the City, and/or  
26 any of its officials, officers, employees, agents, departments, agencies, and  
27 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
28 annul, the any action of, or any permit or approval issued by, the City and/or any of  
its officials, officers, employees, agents, departments, agencies, and instrumentalities  
thereof (including actions approved by the voters of the City), for or concerning the  
Project (collectively, the "Entitlements"), whether such Actions are brought under  
the California Environmental Quality Act, the Planning and Zoning Law, the  
Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the  
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 be 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

1 contained herein, the Applicant shall not be liable to the City Parties under this  
2 indemnity to the extent the Damages incurred by any of the City Parties in such  
3 Action(s) are a result of the City Parties' fraud, intentional misconduct or gross  
4 negligence in connection with issuing the Entitlements. The applicant shall execute  
5 an agreement to indemnify, protect, defend, and hold the City harmless as stated  
6 herein within five (5) days of approval of PPD No. 2022-0019.

8. In accordance with the provisions of Government Code Section 66020(d)(1), the  
9. imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
10. subject to protest by the applicant at the time of approval or conditional approval of  
11. the Project or within 90 days after the date of the imposition of the fees, dedications,  
12. reservations, or exactions imposed on the Project.
13. 9. Approval of PPD No. 2022-0019 will not be valid until such time that the City Council  
14. of the City of Rialto has approved GPA No. 2019-0006 and ZC No. 2019-0004, which  
15. were prepared in conjunction with the Project.
16. 10. The applicant shall complete and abide by all mitigation measures contained within the  
17. Mitigation Monitoring and Reporting Program associated with Environmental  
18. Assessment Review No. 2022-0020 prior to issuance of any Certificate of Occupancy.
19. 11. The applicant shall secure the services of a tribal cultural monitor to be present during  
20. all ground disturbance activities associated with the construction of this project. The  
21. tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-  
22. Kizh Nation, and documentation of coordination between the applicant and the  
23. Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the  
24. Planning Division prior to the issuance of a grading permit.
25. 12. The applicant shall install decorative pavement within each driveway connected to  
26. Randall Avenue and Lilac Avenue. The decorative pavement shall extend across the  
27. entire width of each driveway and shall extend from the property line to the nearest  
28. parking space. Decorative pavement means decorative pavers and/or color concrete  
with patterns and color variety. The decorative pavement shall include a concrete border  
with a broom finish and a minimum width of twelve (12) inches. The location of the  
decorative pavement shall be identified on the Precise Grading Plan prior to the issuance  
of a grading permit. Additionally, the location and type of decorative pavement shall  
be identified on the formal Landscape Plan submittal, and other on-site improvement  
plans, prior to the issuance of building permits.
13. 25. In order to provide enhanced building design in accordance with Chapter 18.61 (Design  
26. Guidelines) of the Rialto Municipal Code, the applicant shall install metal canopy  
eyebrows over each storefront on the east side of the north building and north side of  
the south building. The metal canopy eyebrows shall extend outward at least three (3)  
feet from the exterior edge of the storefront and shall extend across the entire width of  
the glass storefront. The metal canopy eyebrows shall be identified within the formal  
building plan check submittal prior to the issuance of building permits.

1

2 14. In order to provide enhanced building design in accordance with Chapter 18.61 (Design

3 Guidelines) of the Rialto Municipal Code, the applicant shall route all drainage

4 downspouts through the interior of each building. The internal downspouts shall be

5 identified within the formal building plan check submittal prior to the issuance of

6 building permits.

7

8 15. In order to provide enhanced building design in accordance with Chapter 18.61 (Design

9 Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns,

10 at least five (5) feet in depth from the most inward wall plane, at all height variations on

11 all four (4) sides of each building. The parapet returns shall be demonstrated on the roof

12 plans within the formal building plan check submittal prior to the issuance of building

13 permits.

14

15 16. In order to provide enhanced building design in accordance with Chapter 18.61 (Design

16 Guidelines) of the Rialto Municipal Code, the applicant shall provide internal roof

17 access only for each building. The internal roof access shall be identified within the

18 formal building plan check submittal prior to the issuance of building permits.

19

20 17. The applicant shall install a minimum six (6) foot high block wall along all interior

21 property lines, as approved by the Planning Division. The wall height shall measure at

22 least six (6) feet from the highest finished grade on either side of the wall.

23

24 18. Any new walls, including any retaining walls, shall be comprised of decorative masonry

25 block. Decorative masonry block means tan-colored slumped stone block, tan-colored

26 split-face block, or precision block with a stucco, plaster, or cultured stone finish.

27 Pilasters shall be incorporated within all new walls visible from the public right-of-way.

28 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.

29

30 19. Any new fencing installed on site shall be comprised of tubular steel. All fencing shall

31 be identified on the site plan, and an elevation detail for the fencing shall be included in

32 the formal building plan check submittal prior to the issuance of building permits.

33

34 20. The applicant shall construct at least one (1) ADA accessible trash enclosure on the

35 project site. The trash enclosure shall provide room for two (2) commercial waste

36 container and two (2) commercial recycling container. The exterior of any trash

37 enclosure shall match the material and base color of the buildings. Additionally, any

38 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 any trash enclosure shall be identified on the site plan within the formal

1 building plan check prior to the issuance of building permits. An elevation detail for  
2 any trash enclosure shall be provided within formal building plan check submittal prior  
3 to the issuance of building permits.

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21. 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.
22. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.
23. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter, the parking lot trees shall be permanently irrigated and maintained. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
24. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site landscape setbacks along Randall Avenue and Lilac Avenue. All trees within the landscape setback shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the landscape setback shall be permanently irrigated and maintained by the property owner. At least fifty (50) percent of the trees within the setback shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
25. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Randall Avenue. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parking shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Randall Avenue shall be the *Tristania Conferta* "Brisbane Box" and/or the *Quercus Virginianana* "Southern Live Oak". The street trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
26. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Lilac Avenue. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parking shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree

1 species along Lilac Avenue shall be the *Pistacia Chinensis* “Chinese Pistache” and/or  
2 the *Robinia Idahoensis* “Idaho Locust”. The street trees shall be identified on the  
formal Landscape Plan submittal prior to the issuance of a landscape permit.

3

4 27. The applicant shall plant shrubs that surround all ground mounted equipment and utility  
5 boxes, including transformers, fire-department connections, backflow devices, etc. for  
6 the purpose of providing screening of said equipment and utility boxes. All equipment  
7 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial  
8 planting, and the shrubs shall be spaced no more than three (3) feet on-center.  
9 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated  
10 and maintained into a continuous box-shape with a height of no less than three and one-  
11 half (3.5) feet above the finished grade. The shrubs shall be identified on the formal  
12 Landscape Plan submittal prior to the issuance of a landscape permit.

13

14 28. The applicant shall plant trees, shrubs, and groundcover throughout all land on-site and  
15 off-site (adjacent to the project site) that is not covered by structures, walkways, parking  
16 areas, and driveways, as approved by the Planning Division, unless specified otherwise  
17 herein. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs  
18 and groundcover shall be planted an average of three (3) feet on-center or less, or as  
19 approved by the Planning Division. All trees shall be minimum of fifteen (15) gallons  
20 in size upon initial planting, unless otherwise specified herein. At least fifty (50) percent  
21 of the trees shall consist of evergreen broadleaf trees, while the remaining percentage  
22 may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall be a  
23 minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas  
24 shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or  
25 decorative rock upon initial planting. Pea gravel and decomposed granite are not  
26 acceptable materials to use within planter areas. All planter areas on-site shall be  
27 permanently irrigated and maintained. The planting and irrigation shall be identified on  
28 the formal Landscape Plan submittal prior to the issuance of a landscape permit.

19

20 29. All planting and irrigation shall be installed on-site in accordance with the approved  
21 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The  
22 installation of the planting and irrigation shall be certified in writing by the landscape  
23 architect responsible for preparing the landscape plans prior to the issuance of a  
24 Certificate of Occupancy.

25

26 30. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance  
27 of a Certificate of Occupancy, unless specified otherwise herein.

28

31. All non-glass doors shall be painted to match the color of the adjacent wall prior to the  
issuance of a Certificate of Occupancy.

32. The applicant shall comply with all conditions of approval for PPD No. 2022-0019 to  
the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.

- 1       33. All improvements within the public right-of-way require a City of Rialto Encroachment  
2       Permit.
- 3       34. Prior to issuance of building permit or off-site construction permit, the applicant may be  
4       required to enter into a Public Improvement Agreement (PIA) with the City and furnish  
5       security (i.e. surety bonds, letter of credit, or cash) in amounts determined by the City  
6       Engineer.
- 7       35. Prior to issuance of a building permit, the developer shall pay all applicable  
8       development impact fees in accordance with the current City of Rialto fee ordinance  
9       including Transportation Fair Share Contribution fees.
- 10      36. Prior to issuance of a building permit, The Precise Grading Plan shall be approved by  
11       the City Engineer.
- 12      37. A City of Rialto Off-site Construction Permit is required for any improvements within  
13       the public right-of-way. In an effort to expedite and facilitate improvements in the public  
14       right-of-way, the applicant is responsible for submitting a multi-phase master plan  
15       traffic control plan which includes all phases of construction in the public right-of-way  
16       i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site  
17       Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting  
18       process, a single master Off-Site Construction Permit shall replace individual  
19       Encroachment Permits to be pulled by the applicant's contractor.
- 20      38. Access to the driveway connected to Randall Avenue shall be limited to right-in and  
21       right-out only. The applicant shall install signage at the Randall Avenue driveway  
22       indicating that left-turn movements are prohibited, prior to the issuance of a Certificate  
23       of Occupancy.
- 24      39. The applicant shall apply for annexation of the underlying property into City of Rialto  
25       Landscape and Lighting Maintenance District No. 2 ("LLMD 2") or enter into a  
26       landscape maintenance agreement to be recorded on the property. An application fee of  
27       \$5,000 shall be paid at the time of application. Annexation into LLMD 2 is a condition  
28       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. The  
      applicant must apply and complete the LLMD2 annexation process prior to any issuance  
      of Grading/On-site Construction Permits and prior to recordation of any applicable Final  
      Tract/Parcel Maps. Due to the required City Council Public Hearing action, the  
      annexation process takes months and as such the developer is advised to apply for  
      Special District annexation as early-on in the in the process to avoid any delays with  
      permit issuance.
- 29      40. The applicant shall submit off-site landscaping and irrigation system improvement plans  
30       for review and approval at the time of first (1st) public improvement plan submittal to  
31       the Engineering Services Department. The parkway irrigation system shall be  
32       separately metered from the on-site private irrigation to be maintained for a period of

1 one (1) year and annexed into a Special District. The off-site landscape and irrigation  
2 plans must show separate electrical and water meters to be annexed into the Landscape  
3 and Lighting Maintenance District No. 2 via a City Council Public Hearing, if required  
4 by the City Engineer. The landscape and irrigation plans shall be approved concurrently  
5 with the street improvement plans, including the median portion, prior to issuance of a  
6 building permit. The landscaping architect must contact the City of Rialto Landscape  
7 Contract Specialist at (909) 820-2602 to ensure all landscape and irrigation guidelines  
8 are met prior to plan approval. Electrical and water irrigation meter pedestals must not  
9 be designed to be installed at or near street intersections or within a raised median to  
10 avoid burdensome traffic control set-up during ongoing maintenance. The off-site  
11 Landscape and Irrigation plans shall be designed in accordance with the Public Works  
12 Landscape Maintenance District Guidelines.

- 14 41. If the property is accepted in the LLMD, the applicant shall guarantee all new parkway  
15 landscaping irrigation for a period of one (1) year from the date of the City Engineer  
16 acceptance. Any landscaping that fails during the one-year landscape maintenance  
17 period shall be replaced with similar plant material to the satisfaction of the City  
18 Engineer, and shall be subject to a subsequent one year landscape maintenance period.  
19 The applicant must contact the City of Rialto Landscape Contract Specialist at (909)  
20 820-2602 to confirm a full twelve (12) months' time of non-interrupted ongoing  
21 maintenance.
- 22 42. The applicant shall install City Engineer approved deep root barriers, in accordance with  
23 the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten  
24 (10) feet of the public sidewalk and/or curb.
- 25 43. All new streetlights shall be installed on an independently metered, City-owned  
26 underground electrical system. Using power from an existing LLMD 2 pedestal is  
27 encouraged over installing a new pedestal. The developer shall be responsible for  
28 applying with Southern California Edison (SCE) for all appropriate service points and  
electrical meters early in the design process to avoid delays in other key milestones.  
New meter pedestals shall be installed, and electrical service paid by the developer. The  
City shall not pay the charges for electrical service until the landscape and irrigation is  
accepted after the one-year maintenance period and the underlying property is annexed  
into LLMD 2.
44. The applicant shall submit street improvement plans by a registered California civil  
engineer to the Engineering Services Department for review. The street improvement  
plans shall be approved concurrently with any streetlight, landscape and irrigation, and  
traffic signal plans unless otherwise approved by the City Engineer. The plans shall be  
approved by the City Engineer prior to issuance of any building permits.
45. The applicant shall submit sewer improvement plans by a registered California civil  
engineer to the Engineering Services Department for review. The plans shall be  
approved by the City Engineer prior to issuance of any building permits.

1       46. The applicant shall submit traffic striping and signage plans prepared by a California  
2       registered civil engineer or traffic engineer, for review and approval by the City  
3       Engineer. All required traffic striping and signage improvements shall be completed  
4       concurrently with required street improvements, to the satisfaction of the City Engineer,  
5       and prior to issuance of a building permit. Approved traffic striping and signage plans  
6       must include required Class II thermoplastic Bicycle Facilities as referenced on the San  
7       Bernardino County Non-Motorized Transportation Plan – June 2018, Figure 5.36, Sheet  
8       5-150.

9       47. The applicant shall submit copies of approved water improvement plans prepared by a  
10       registered California civil engineer to the Engineering Services Department for record  
11       purposes. The plans shall be approved by Rialto Water Services, the water purveyor,  
12       prior to the issuance of any building permits.

13       48. The applicant shall submit a Precise Grading/Paving Plan prepared by a California  
14       registered civil engineer to the Engineering Services Department that conforms to  
15       requirements of the California Building Code for review and approval. The Precise  
16       Grading Plan shall be approved by the City Engineer prior to issuance of a building  
17       permit.

18       49. The applicant shall submit a Geotechnical/Soils Report, prepared by a California  
19       registered Geotechnical Engineer, for and incorporated as an integral part of the grading  
20       plan for the proposed development. The geotechnical report shall include a section on  
21       infiltration testing. A digital copy (PDF) of the Geotechnical/Soils Report shall be  
22       submitted to the Engineering Services Department with the first submittal of the precise  
23       grading plan.

24       50. The applicant shall provide pad elevation certification for all building pads, in  
25       conformance with the approved Precise Grading Plan, to the Engineering Services  
26       Department prior to construction of any building foundation.

27       51. The public street improvements outlined in these Conditions of Approval are intended  
28       to convey to the developer an accurate scope of required improvements, however, the  
      City Engineer reserves the right to require reasonable additional improvements as may  
      be determined in the course of the review and approval of street improvement plans  
      required by these conditions.

52. The applicant shall construct asphalt concrete paving for streets in two separate lifts.  
      The final lift of asphalt concrete pavement shall be postponed until such time that on-  
      site construction activities are complete. Unless the City Engineer provide prior  
      authorization, paving of streets in one lift prior to completion of on-site construction is  
      not allowed. If City Engineer authorized, completion of asphalt concrete paving for  
      streets prior to completion of on-site construction activities, requires additional paving  
      requirements prior to acceptance of the street improvements, including, but not limited  
      to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry  
      seal, or other repairs.

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53. The applicant shall repair all street cuts for utilities in accordance with City Standard SC-231 within 72 hours of completion of the utility work; and any interim trench repairs 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.
54. In accordance with City Ordinance No. 1589, adopted to preserve newly paved streets, all street and/or trench cuts in street newly paved or slurry will be subject to moratorium street repair standards as referenced in Section 11.04.145 of the Rialto Municipal Code. Contact the Engineering Services Department for a list of streets subject to the moratorium.
55. The applicant shall backfill and/or repair 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. Rialto Water Services, 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 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.
56. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
57. The applicant shall provide construction signage, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading 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 of construction.
58. Upon approval of any improvement plan by the City Engineer, the applicant shall provide the improvement plan to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF

1 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be  
2 submitted to the City may be authorized, upon prior approval by the City Engineer.

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4 59. The applicant shall construct 4-inch conduit within the parkway area along the entire  
5 project frontages of Randall Avenue and Lilac Avenue for future use.

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7 60. The applicant shall be responsible for coordinating with Omnitrans regarding the  
8 location of existing, proposed, and future bus stops along the property frontage of all  
9 public streets. The developer shall design street and sidewalk improvements in  
10 accordance with the latest Omnitrans bus stop guidelines and in compliance with current  
11 accessibility standards pursuant to the Americans with Disabilities Act (ADA)  
12 requirements. The applicant shall design all bus stops to accommodate the Omnitrans  
13 Premium Shelters. Prior to Certificate of Occupancy, the applicant shall submit to  
14 Engineering Services verification from Omnitrans acknowledging concurrence with the  
15 existing, proposed, and future bus stop improvements in conformance with the Premium  
16 Shelter design guidelines. Additionally, bus turnouts are required to accommodate  
17 proposed bus stops in accordance with the City Standards and as approved by the City  
18 Engineer.

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20 61. The applicant shall replace any existing non-compliant, damaged, or unsatisfactory  
21 public improvements such as, but not limited to sidewalk, curb & gutter, asphalt  
22 pavement along the project frontage to the satisfaction of the City Engineer.

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24 62. The applicant shall construct each commercial driveway approach in accordance with  
25 City of Rialto Standard Drawing No. SC-214. Each driveway approach shall be  
26 constructed so the top of "X" is at least 5 feet from the property line, or as otherwise  
27 approved by the City Engineer. Nothing shall be constructed or planted in the corner  
28 cut-off area which does or will exceed 30 inches in height required to maintain an  
appropriate corner sight distance. If necessary, additional right of way shall be dedicated  
on-site to construct a path of travel meeting ADA guidelines for the public.

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30 63. The applicant shall dedicate additional right-of-way as may be required to provide a  
31 property line corner cutback at the southeast corner of the intersection of Randall  
32 Avenue and Lilac Avenue, in accordance with City Standard SC-235, as required by the  
33 City Engineer.

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35 64. The applicant shall construct a curb ramp meeting current California State Accessibility  
36 standards at the southeast corner of the intersection of Randall Avenue and Lilac  
37 Avenue, in accordance with the City of Rialto Standard Drawings.

38

39 65. The applicant shall construct a curb ramp meeting current California State Accessibility  
40 standards at both the southeast and southwest corners of the intersection of Randall  
41 Avenue and the driveway connected to Randall Avenue, in accordance with the City of  
42 Rialto Standard Drawings.

43

1       66. The applicant shall construct a curb ramp meeting current California State Accessibility  
2       standards at both the northeast and southeast corners of the intersection of Lilac Avenue  
3       and the driveway connected to Lilac Avenue, in accordance with the City of Rialto  
4       Standard Drawings.

5       67. The applicant shall construct a new underground electrical system for public street  
6       lighting improvements along the project frontages of Randall Avenue and Lilac Avenue,  
7       as determined necessary by the City Engineer. New marbelite streetlight poles with  
8       LED light fixtures shall be installed in accordance with City of Rialto Standard  
9       Drawings and as approved by the City Engineer. Provide 2" conduit and pull boxes  
10      along the opposite side of the street for continuation of the street light system for future  
11      build out.

12      68. The applicant shall remove existing pavement and construct new pavement with a  
13      minimum pavement section of 4 inches asphalt concrete pavement over 6 inches  
14      crushed aggregate base with a minimum subgrade of 24 inches at 95% relative  
15      compaction, or equal, along the entire frontages of Randall Avenue and Lilac Avenue  
16      in accordance with City of Rialto Standard Drawings. The pavement sections shall be  
17      determined using a Traffic Index ("TI") of 10. The pavement sections shall be designed  
18      by a California registered Geotechnical Engineer using "R" values from the pavement  
19      core samples and submitted to the City Engineer for approval. Pavement shall extend  
20      from clean sawcut edge of pavement to centerline of each street. Alternatively,  
21      depending on the existing street condition and as approved by the City Engineer, a 2"  
22      grind and overlay, slurry seal, or other repair can be performed to preserve existing  
23      structural sections in accordance with current City Standards.

24      69. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt  
25      concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of  
26      24 inches at 95% relative compaction, or equal. If an alternative pavement section is  
27      proposed, the proposed pavement section shall be designed by a California registered  
28      Geotechnical Engineer using "R" values from the project site and submitted to the City  
Engineer for approval.

70. The applicant shall submit rough grade certification, engineered fill certification and  
compaction report pad elevation certifications for all building pads in conformance with  
the approved Precise Grading Plan, to the Engineering Services Department prior to  
construction of any building foundation and prior to the issuance of a building permit.

71. The applicant shall submit a Water Quality Management Plan identifying site specific  
Best Management Practices ("BMPs") in accordance with the Model Water Quality  
Management Plan ("WQMP") approved for use for the Santa Ana River Watershed.  
The site specific WQMP shall be submitted to the City Engineer for review and approval  
with the Precise Grading Plan. 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. The WQMP and  
Maintenance Agreement shall be approved prior to issuance of a building permit, unless

1 otherwise allowed by the City Engineer. The development of the Site is subject to the  
2 requirements of the National Pollution Discharge Elimination System (NPDES) Permit  
3 for the City of Rialto, issued by the Santa Ana Regional Water Quality Control Board,  
4 Board Order No. R8-2010-0036. Pursuant to the NPDES Permit, the Applicant shall  
5 ensure development of the site incorporates post-construction Best Management  
6 Practices (“BMPs”) in accordance with the Model Water Quality Management Plan  
7 (“WQMP”) approved for use for the Santa Ana River Watershed. The Applicant is  
8 advised that applicable Site Design BMPs will be required to be incorporated into the  
9 final site design, pursuant to a site specific WQMP submitted to the City Engineer for  
10 review and approval.

11

12 72. The applicant shall connect the project to the City of Rialto sewer system and apply for  
13 a sewer connection account with Rialto Water Services.

14 73. The applicant is advised that domestic water service is provided by Rialto Water  
15 Services. The developer shall be responsible for coordinating with Rialto Water  
16 Services and complying with all requirements for establishing domestic water service  
17 to the property.

18 74. The applicant shall provide certification from Rialto Water Services that demonstrates  
19 that all water and/or wastewater service accounts for the project are documented, prior  
20 to the issuance of a Certificate of Occupancy or final inspection approval from the  
21 Engineering Services Department.

22 75. All sewer mains constructed by the applicant, as necessary, are to become part of the  
23 public sewer system and shall be pressure tested and digitally video recorded by the  
24 City’s wastewater system operator (Veolia) prior to acceptance of the sewer system for  
25 maintenance by the City. The developer shall be responsible for all costs associated with  
26 testing and inspection services. Any defects of the sewer main shall be removed,  
27 replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

28 76. The applicant shall prepare a Notice of Intent (NOI) to comply with the California  
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.

77. 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           78. 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          79. 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          80. The original improvement plans prepared for the proposed development and approved  
22          by the City Engineer (if required) shall be documented with record drawing “as-built”  
23          information and returned to the Engineering Division prior to issuance of a final  
24          certificate of occupancy. Any modifications or changes to approved improvement plans  
25          shall be submitted to the City Engineer for approval prior to construction.

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

29          82. applicant shall submit civil engineering design plans, reports and/or documents,  
30          prepared by a registered/licensed civil engineer, for review and approval by the City  
31          Engineer per the current submittal requirements, prior to the indicated threshold or as  
32          required by the City Engineer. The first submittal shall consist of, but is not limited to  
33          the following:

34           a. PRECISE GRADE W/ EROSION CONTROL PLAN (prior to grading permit  
35           issuance)  
36           b. PUBLIC IMPROVEMENT PLANS: Street Improvement, Signing and  
37           Striping, Storm Drain, Sewer and Water, Landscape and Irrigation, etc. (prior to  
38           Map Approval or Encroachment Permit Issuance)  
39           c. FINAL DRAINAGE STUDY (prior to grading plan approval)  
40           d. FINAL WQMP (prior to grading plan approval)  
41           e. AS-BUILT/RECORD DRAWINGS for all plans (prior to occupancy release)

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83. Prior to commencing with any grading, the applicant shall implement the required erosion and dust control measures shall be in place. In addition, the following shall be included if not already identified:
  - a. 6-foot-high tan colored perimeter screened fencing
  - b. Contractor information signage including contact information along the street frontages of Randall Avenue and Lilac Avenue.
  - c. Post dust control signage with the following verbiage: "Project Name, WDID No., IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-CUT-SMOG/1-800-228-7664"
84. The applicant shall remove any graffiti within 24 hours, before, during, and post construction. Methods used to remove or cover the graffiti such as new paint and sand blasting shall assure to completely match the building, wall, etc.
85. The applicant shall install "No Stopping Any Time" R26A(S) (CA) signage along the project frontages of Randall Avenue and Lilac Avenue, prior to the issuance of a Certificate of Occupancy.
86. 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.
87. 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.).
88. 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.
89. The applicant shall design the structures to withstand ultimate wind speed of 130 miles per hour, exposure C and seismic zone D.
90. 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.

1       91. The applicant shall obtain an Electrical Permit from the Building Division for any  
2       temporary electrical power required during construction. No temporary electrical power  
3       will be granted to a project unless one of the following items is in place and approved  
4       by the Building Division: (A) Installation of a construction trailer, or, (B) Security  
5       fencing around the area where the electrical power will be located.

6       92. The applicant shall install temporary construction fencing and screening around the  
7       perimeter of the project site. The fencing and screening shall be maintained at all times  
8       during construction to protect pedestrians.

9       93. The applicant shall install any required temporary construction trailer on private  
10      property. No trailers are allowed to be located within the public right-of-way. The  
11      trailer shall be removed prior to the issuance of a Certificate of Occupancy.

12      94. The applicant shall design and construct accessible paths of travel from the building's  
13      accessible entrances to the public right-of-way, accessible parking, and the trash  
14      enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings,  
15      walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning,  
16      signage, gates, lifts and walking surface materials, as necessary. The accessible route(s)  
17      of travel shall be the most practical direct route between accessible building entrances,  
18      site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the  
19      site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.

20      95. Prior to issuance of a Building Permit all of the following must be in place on the Site:  
21      a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent  
22      street saying "If there is any dust or debris coming from this site please contact  
23      (superintendent number here) or the AQMD if the problem is not being resolved" or  
24      something similar to this.

25      96. The applicant shall provide temporary toilet facilities for the construction workers. The  
26      toilet facilities shall always be maintained in a sanitary condition. The construction  
27      toilet facilities of the non-sewer type shall conform to ANSI ZA.3.

28      97. The applicant shall underground all on site utilities to the new proposed structures, prior  
29      to the issuance of a Certificate of Occupancy, unless prior approval has been obtained  
30      by the utility company or the City.

31      98. Prior to issuance of Building Permits, site grading final and pad certifications shall be  
32      submitted to the Building Division and Engineering Division, which include elevation,  
33      orientation, and compaction. The certifications are required to be signed by the engineer  
34      of record.

35      99. The applicant shall provide proof of payment to the Rialto Unified School District for  
36      all required school fees, prior to the issuance of a building permit.

1 100. Site facilities such as parking open or covered, recreation facilities, and trash dumpster  
2 areas, and common use areas shall be accessible per the California Building Code,  
3 Chapter 11.

4 101. The applicant shall place a copy of the Conditions of Approval herein on within the  
5 building plan check submittal set and include the PPD number on the right bottom  
6 corner cover page in 20 point bold, prior to the issuance of a building permit.

7 102. The applicant shall ensure that a minimum of 65% of all construction and demo debris  
8 shall be recycled using an approved City of Rialto recycling facility during construction.  
9 Copies of receipts for recycling shall be provided to the City Inspector and a copy shall  
10 be placed in the office of the construction site.

11 103. Prior to issuance of Building Permits, on site water service shall be installed and  
12 approved by the responsible agency. On site fire hydrants shall be approved by the Fire  
13 Department. No flammable materials will be allowed on the site until the fire hydrants  
14 are established and approved.

15 104. The applicant shall comply with all applicable requirements of the California Fire Code  
16 and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.

17 105. The applicant shall illuminate all walkways, passageways, and locations where  
18 pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of  
19 light during the hours of darkness. Lighting shall be designed/constructed in such a  
20 manner as to automatically turn on at dusk and turn off at dawn.

21 106. The applicant shall illuminate all walkways, passageways, and locations where  
22 pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of  
23 light during the hours of darkness. Lighting shall be designed/constructed in such a  
24 manner as to automatically turn on at dusk and turn off at dawn.

25 107. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas  
26 with a minimum of 1.5-foot candles (at surface level) of light during the hours of  
27 darkness. Lighting shall be designed/constructed in such a manner as to automatically  
28 turn on at dusk and turn off at dawn.

108. 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.

109. The applicant shall provide an illuminated channel letter address prominently placed on  
each building to be visible to the front of the location and if applicable, visible from the  
main street to which they are located (e.g. commercial building facing the interior of the  
property would require two address signs if located adjacent to a roadway), prior to the  
issuance of a Certificate of Occupancy.

1 110. At the discretion of the Rialto Police Department, the applicant shall install exterior  
2 security cameras at the location that cover the entire Site, prior to the issuance of a  
3 Certificate of Occupancy. The security cameras shall be accessible to the Rialto Police  
4 Department via FusionONE web application.

5 111. The applicant shall install Knox boxes immediately adjacent to the main entrance of  
6 each building and at least one (1) rear entrance on each building to facilitate the entry of  
7 safety personnel. The Knox boxes shall be installed in such a manner as to be alarmed,  
8 resist vandalism, removal, or destruction by hand, and be fully recessed into the  
9 building. The Knox boxes shall be equipped with the appropriate keys, for each required  
10 location, prior to the first day of business. The Knox-Box placement shall be shown on  
11 the formal building plan review submittal prior to the issuance of a building permit.

12 112. The applicant shall prominently display the address on each building rooftop to be  
13 visible to aerial law enforcement or fire aircraft. Specifications to be followed for  
14 alphanumeric characters are as follows: Three (3) foot tall and six (6) inches thick  
15 alphanumeric characters. The alphanumeric characters shall be constructed in such a  
16 way that they are in stark contrast to the background to which they are attached (e.g.  
17 white numbers and letters on a black background), and resistant weathering that would  
18 cause a degradation of the contrast.

19 113. The applicant shall provide an audible burglar alarm within each building, prior to the  
20 issuance of a Certificate of Occupancy. The buildings shall be alarmed in such a way  
21 as to emit a continuous audible notification until reset by responsible personnel (e.g.  
22 alarmed exit device / crash bar).

23 114. The applicant or General Contractor shall identify each contractor and subcontractor  
24 hired to work at the job site on a Contractor Sublist form and return it to the Business  
25 License Division with a Business License application and the Business License tax fee  
26 based on the Contractors tax rate for each contractor.

27 115. Prior to issuance of a Certificate of Occupancy, the Lessor of the property shall pay a  
28 business license tax based on the Rental Income Property tax rate.

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

23 PASSED, APPROVED AND ADOPTED this 20th day of March, 2024.

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28   
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, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. **2024-15** was duly passed and adopted at a regular meeting of the Planning  
7 Commission of the City of Rialto held on the 20<sup>th</sup> day of March 2024.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,  
9 foregoing Resolution No. **2024-15** was duly passed and adopted.

10  
11 Vote on the motion:

12 AYES: 5 (Gutierrez, Peukert, Estvander, Gilbert, Gonzalez)

13 NOES: 0

14 ABSTENTION: 0

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 20<sup>th</sup> day of March 2024.

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Heidy Gonzalez  
Administrative Assistant

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