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1 WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel
2 Map No. 2022-0005, also referred to as Tentative Parcel Map No. 20622, in accordance with the
3 Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the ten (10) parcels of
4 land within the Site into one (1) 5.97 net acre parcel of land ("TPM No. 20622"); and;

5 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
6 Development Permit No. 2022-0039 to facilitate the development and operation of a 131,625
7 square foot industrial warehouse building on the Site ("CDP No. 2022-0039"); and

8 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
9 Design No. 2022-0065 to facilitate the development of a 131,625 square foot industrial warehouse
10 building on the Site ("PPD No. 2022-0065"); and

11 WHEREAS, pursuant to the provisions of the California Environmental Quality Act,
12 Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines,
13 California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section
14 65962.5(f) (Hazardous Waste and Substances Statement), the City reviewed an Initial Study
15 (Environmental Assessment Review No. 2019-0082) prepared by Lilburn Corporation and
16 determined that there is no substantial evidence that the approval of the Project would result in a
17 significant adverse effect on the environment, provided appropriate mitigation measures are
18 imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof
19 was given in the manner required by law; and

20 WHEREAS, a Notice of Completion for the Mitigated Negative Declaration was
21 distributed to the State Clearinghouse on April 14, 2023 (SCH#: 2023040362); and

22 WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project
23 was published in the San Bernardino Sun newspaper, and mailed to all property owners within
24 1,000 feet of the Project Site, and a thirty (30) day public comment period was held from April 17,
25 2023 to May 16, 2023; and

26 WHEREAS, The Planning Division did not receive any comment letters during the thirty
27 (30) day public comment period; and
28

1 WHEREAS, the City mailed public hearing notices for the proposed Project to all property
2 owners within 1,000 feet of the project site, and published the public hearing notice in the San
3 Bernardino Sun newspaper as required by State law; and

4 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
5 a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, GPA
6 No. 2022-0002, SPA No. 2022-0003, TPM No. 20622, CDP No. 2022-0039, and PPD No. 2022-
7 0065, took testimony, at which time it received input from staff, the city attorney, and the
8 Applicant; heard public testimony; discussed the proposed Mitigated Negative Declaration, GPA
9 No. 2022-0002, SPA No. 2022-0003, TPM No. 20622, CDP No. 2022-0039, and PPD No. 2022-
10 0065; 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 finds all of the above recitals to be true
15 and correct.

16 SECTION 2: The Planning Commission has independently reviewed and considered the
17 proposed Initial Study and Mitigated Negative Declaration (Environmental Assessment Review
18 No. 2022-0067) attached hereto as Exhibit "B" and incorporated herein by this reference, the
19 public comments upon it, and other evidence, and finds that the Mitigated Negative Declaration
20 was prepared in the manner required by law, and there is no substantial evidence in the record to
21 support a fair argument that the Project would result in a significant adverse effect upon the
22 environment, provided appropriate mitigation measures are imposed as recommended below.

23 SECTION 3: The Initial Study (Environmental Assessment Review No. 2022-0067)
24 prepared for the project identified that the Site did not have suitable habitat for any threatened or
25 endangered species, and therefore the proposed Project will have no individual or cumulative
26 adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

27 SECTION 4: The attached proposed Initial Study and Mitigated Negative Declaration
28 finds that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry


1 resources, air quality, biological resources, greenhouse gas emissions, hazards and hazardous
2 materials, hydrology/water quality, land use/planning, mineral resources, noise,
3 population/housing, public services, recreation, traffic and transportation, and utilities and service
4 systems.

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

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

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

22 PASSED, APPROVED AND ADOPTED this 9th day of August, 2023.
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27 JERRY GUTIERREZ, CHAIR
28 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, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-56** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-56** was duly passed and adopted.

10
11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.

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22 Kimberly Dame
23 Administrative Analyst
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 2022-0002 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION OF APPROXIMATELY 5.97 ACRES OF LAND (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) LOCATED AT THE SOUTHEAST CORNER OF VALLEY BOULEVARD AND WILLOW AVENUE FROM GENERAL COMMERCIAL (GC) WITH A SPECIFIC PLAN OVERLAY TO BUSINESS PARK (BP) WITH A SPECIFIC PLAN OVERLAY.

WHEREAS, approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow Avenue, described in the legal description attached as Exhibit A (“Site”), is currently designated by the Land Use Element of the General Plan as General Commercial (GC) with a Specific Plan Overlay; and

WHEREAS, the applicant, Patriot Development Partners, LLC, proposes to change the general plan land use designation of the Site to Business Park (BP) with a Specific Plan Overlay (“Project”); and

WHEREAS, in conjunction herewith, the applicant has submitted Specific Plan Amendment No. 2022-0003 to change the specific plan zoning designation of the Site from a Freeway Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway Specific Plan (“SPA No. 2022-0003”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel Map No. 2022-0005, also referred to as Tentative Parcel Map No. 20622, in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the ten (10) parcels of land within the Site into one (1) 5.97 net acre parcel of land (“TPM No. 20622”); and); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2022-0039 to facilitate the development and operation of a 131,625 square foot industrial warehouse building on the Site (“CDP No. 2022-0039”); and

1 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
2 Design No. 2022-0065 to facilitate the development of a 131,625 square foot industrial warehouse
3 building on the Site (“PPD No. 2022-0065”); and

4 WHEREAS, pursuant to Government Code Sections 65350-65362, the Project requires the
5 approval of an amendment to the General Plan, and the applicant has agreed to apply for General
6 Plan Amendment No. 2022-0002 (“GPA No. 2022-0002”); and

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

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

12 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
13 a duly noticed public hearing, as required by law, on GPA No. 2022-0002, SPA No. 2022-0003,
14 TPM No. 20622, CDP No. 2022-0039, and PPD No. 2022-0065, took testimony, at which time it
15 received input from staff, the city attorney, and the applicant; heard public testimony; discussed
16 GPA No. 2022-0002, SPA No. 2022-0003, TPM No. 20622, CDP No. 2022-0039, and PPD No.
17 2022-0065; and closed the public hearing; and

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

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

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

23 SECTION 2. Based on substantial evidence presented to the Planning Commission during
24 the public hearing conducted with regard to GPA No. 2022-0002, including written staff reports,
25 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
26 Planning Commission hereby determines that GPA No. 2022-0002 satisfies the requirements of
27 Government Code Sections 65358 pertaining to the findings which must be made precedent to
28 amending a General Plan. The findings are as follows:

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

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

4 The Site is surrounded on the north and west by existing industrial developments and uses.
5 The Site is currently partially developed and occupied by tenants that utilize the Site for the
6 storage and maintenance of trucks, trailers, construction materials, etc. The Project will
7 change the general plan land use designation of the Site to Business Park (BP) with a Specific
8 Plan Overlay, which is the same designation as the properties to the northwest and west of the
9 Site.

10 The Project will facilitate the development of Class-A industrial warehouse building in
11 keeping with the character of the surrounding area. The new warehouse building will generate
12 approximately 85 to 105 jobs, and any member of the public seeking employment will be
13 provided additional employment opportunities. Furthermore, the development of a new
14 industrial warehouse building on the Site will contribute to an increase in revenues collected
15 in form of permit fees, development impact fees, sales tax, and property tax. In addition, the
16 Site is under-developed and in a blighted condition with no landscaping, no screening, and
17 little to no paving, and the general plan amendment will facilitate a development that will
18 greatly enhance the aesthetics of the Site and bring much needed infrastructure to the Site and
19 its street frontages.

20 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0067) has been
21 prepared for GPA No. 2022-0002 in accordance with the California Environmental Quality Act
22 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
23 that the project will not have an adverse impact on the environment, provided that mitigation measures
24 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
25 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
26 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
27 period held from April 17, 2023 to May 16, 2023. The Mitigated Negative Declaration was prepared
28 in accordance with CEQA. 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
GPA No. 2022-0002 to change the land use designation of the Site from General Commercial (GC)

1 with a Specific Plan Overlay to Business Park (BP) with a Specific Plan Overlay, in accordance with
2 the applications on file with the Planning Division, subject to the following conditions:

- 3
4 1. GPA No. 2022-0002 is approved changing the general plan land use designation of
5 approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10,
6 -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow
7 Avenue, and described in the legal description attached as Exhibit A, from General
Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with a Specific
Plan Overlay.
- 8 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
9 working hours to assure compliance with these conditions and other codes.
- 10 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
11 and/or any of its officials, officers, employees, agents, departments, agencies, and
12 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
13 demands, law suits, writs of mandamus, and other actions and proceedings (whether
14 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
15 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
16 and other such procedures), (collectively "Actions"), brought against the City, and/or
17 any of its officials, officers, employees, agents, departments, agencies, and
18 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
19 annul, the any action of, or any permit or approval issued by, the City and/or any of its
20 officials, officers, employees, agents, departments, agencies, and instrumentalities
21 thereof (including actions approved by the voters of the City), for or concerning the
22 Project (collectively, the "Entitlements"), whether such Actions are brought under the
23 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
24 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
25 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
26 or any decision of a court of competent jurisdiction. This condition to indemnify,
27 protect, defend, and hold the City harmless shall include, but not be limited to (i)
28 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. 2022-0002.

- 1 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
2 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
3 subject to protest by the applicant at the time of approval or conditional approval of the
4 Project or within 90 days after the date of the imposition of the fees, dedications,
5 reservations, or exactions imposed on the Project.
6
7 5. The applicant shall comply with all conditions of approval contained in SPA No. 2022-
8 0002, TPM No. 20622, CDP No. 2020-0039, and PPD No. 2022-0065, to the extent they
9 are not in conflict with any condition of approval herein.

10 SECTION 5. The Chairman of the Planning Commission shall sign as to 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 9th day of August, 2022.

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14 JERRY GUTIERREZ, CHAIR
15 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, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-57** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-57** was duly passed and adopted.

10
11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.

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22 Kimberly Dame
23 Administrative Analyst
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT NO. 2022-0003 TO CHANGE THE SPECIFIC PLAN ZONING DESIGNATION OF APPROXIMATELY 5.97 ACRES OF LAND (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) LOCATED AT THE SOUTHEAST CORNER OF VALLEY BOULEVARD AND WILLOW AVENUE FROM FREEWAY COMMERCIAL (F-C) WITHIN THE GATEWAY SPECIFIC PLAN TO INDUSTRIAL PARK (I-P) WITHIN THE GATEWAY SPECIFIC PLAN.

WHEREAS, approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow Avenue, described in the legal description attached as Exhibit A (“Site”), is within the boundary of the Gateway Specific Plan and is currently zoned Freeway Commercial (F-C); and

WHEREAS, the applicant, Patriot Development Partners, LLC, proposes to change the specific plan zoning designation of the Site from F-C to Industrial Park (I-P) within the Gateway Specific Plan (“Project”); and

WHEREAS, in conjunction herewith, the applicant has submitted General Plan Amendment No. 2022-0002 to change the general plan land use designation of the Site from General Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with a Specific Plan Overlay (“GPA No. 2022-0002”); and

WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel Map No. 2022-0005, also referred to as Tentative Parcel Map No. 20622, in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the ten (10) parcels of land within the Site into one (1) 5.97 net acre parcel of land (“TPM No. 20622”); and); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2022-0039 to facilitate the development and operation of a 131,625 square foot industrial warehouse building on the Site (“CDP No. 2022-0039”); and

1 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
2 Design No. 2022-0065 to facilitate the development of a 131,625 square foot industrial warehouse
3 building on the Site (“PPD No. 2022-0065”); and

4 WHEREAS, pursuant to Section 18.78.060 of the Rialto Municipal Code, the Project
5 requires the approval of an amendment to the Gateway Specific Plan, and the applicant has agreed
6 to apply for Specific Plan Amendment No. 2022-0003 (“SPA No. 2022-0003”); and

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

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

12 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
13 a duly noticed public hearing, as required by law, on SPA No. 2022-0003, GPA No. 2022-0002,
14 TPM No. 20622, CDP No. 2022-0039, and PPD No. 2022-0065, took testimony, at which time it
15 received input from staff, the city attorney, and the Applicant; heard public testimony; discussed
16 the proposed SPA No. 2022-0003, GPA No. 2022-0002, TPM No. 20622, CDP No. 2022-0039,
17 and PPD No. 2022-0065; and closed the public hearing; and

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

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

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

23 SECTION 2. Based on substantial evidence presented to the Planning Commission during
24 the public hearing conducted with regard to SPA No. 2022-0003, including written staff reports,
25 verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
26 Planning Commission hereby determines that SPA No. 2022-0003 satisfies the requirements of
27 Government Code Sections 65358 and 65453 and Section 18.78.060I of the Rialto Municipal Code
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1 pertaining to the findings which must be made precedent to amending a Specific Plan. The findings
2 are as follows:

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

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

6 The applicant proposes to change the specific plan zoning designation of the Site to Industrial
7 Park (I-P) within the Gateway Specific Plan. In conjunction with the Project, the applicant
8 proposes GPA No. 2022-0002 to change the general plan land use designation of the Site from
9 General Commercial with a Specific Plan Overlay to Business Park with a Specific Plan
10 Overlay. The proposed I-P zoning designation is consistent with the Business Park with a
11 Specific Plan Overlay land use designation, and both will serve to facilitate the Development.

12 Additionally, the Project is consistent with Goal 2-16 and Goal 2-22 of the Land Use Element
13 of the General Plan, which encourages improved architectural and design quality that is
14 sensitive to the needs of the visitor or resident. The change in the specific plan zoning
15 designation will facilitate a development of superior architectural quality. The Development
16 proposes to incorporate significant wall plane articulation and several other architectural
17 features including reveals, metal brow accents, and glazing. The development will also
18 include a solid concrete screen wall around the loading area to screen views and reduce noise
19 pollution from the Site.

20 Furthermore, the Project is consistent with Goal 3-1 of the Economic Development Element
21 of the General Plan, which encourages strengthening and diversification of the economic base
22 and employment opportunities, while maintaining a positive business climate. The change in
23 the Specific Plan land use designation of the Site from F-C to I-P will lead to the development
24 of an industrial building on land that has remained historically under-developed and without
25 any commercial uses under the current commercial zoning.

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

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

29 The Project will facilitate the development of a 131,625 square foot industrial warehouse
30 building, which will provide new jobs across various wage and education levels available to
31 all races, age groups, and ways of life.

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

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

1 The Project will facilitate the development of a high-quality warehouse building. The
2 proposed development is consistent with existing warehouse developments to the north and
3 west of the Site and other recent warehouse developments within the Gateway Specific
Plan area.

4 The immediate area is predominantly designated for and developed with industrial uses,
5 and as a result, there are no sensitive land uses adjacent to or across the street from the Site.
6 The project is not expected to negatively impact any uses since measures, such as landscape
buffering and the installation of solid screen walls.

- 7
8 4. That the proposed Specific Plan Amendment contributes to a balance of land uses that
will enable local residents to work and shop in the community in which they live; and

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

10 Limited development opportunities exist within the Gateway Specific Plan area. To the north
11 of the project site, across Valley Boulevard, is self-storage facility and an approximately
12 36,000 square foot industrial building, and to the east, across Alice Avenue, is a San
13 Bernardino County Flood Control flood channel. To the south is the same San Bernardino
14 County Flood Control flood channel and the I-10 Freeway, and to the west, across Willow
15 Avenue, is an approximately 24,000 square foot industrial building and a boat/jet ski
16 dealership. The Site has remained historically under-developed and without any commercial
17 uses with the Freeway Commercial (F-C) zoning designation. The likelihood that the Site
18 will develop into a commercial use is remote given the industrial character to the north,
northwest, and west of the Site. The most logical specific plan zoning designation to facilitate
the development of the Site is an industrial zone, such as the Industrial Park (I-P) zoning
designation. The I-P zoning designation will maintain consistency with the surrounding area
and provide job opportunities for those living in existing residential areas within the City.

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

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

22 Dudek, Inc. prepared an Initial Study (Environmental Assessment Review No. 2022-0065) in
23 accordance with the California Environmental Quality Act (CEQA). Based on the findings
24 and recommended mitigation with the Initial Study, staff determined that the project will not
25 have an adverse impact on the environment, provided that mitigation measures are
implemented, and a Mitigated Negative Declaration was prepared.

26 Additionally, the development, enabled by the Project, will meet or exceed all aesthetic design
27 guidelines required by the Chapter 18.112 (Indoor Storage Uses) of the Rialto Municipal Code
28 and City's Design Guidelines through the incorporation of landscaping, significant wall plane
articulation on the building, and several other architectural features including reveals, metal
brow accents, and glazing.

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

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

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

9 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0067) has been
10 prepared for GPA No. 2022-0002 in accordance with the California Environmental Quality Act
11 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
12 that the project will not have an adverse impact on the environment, provided that mitigation measures
13 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
14 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
15 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
16 period held from April 17, 2023 to May 16, 2023. The Mitigated Negative Declaration was prepared
17 in accordance with CEQA. The Planning Commission hereby recommends that the City Council
18 adopt the Mitigated Negative Declaration and direct the Planning Division to file the necessary
19 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

20 SECTION 4. The Planning Commission hereby recommends that the City Council approve
21 SPA No. 2022-0003 to change the specific plan zoning designation of the Site from Freeway
22 Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway
23 Specific Plan, in accordance with the applications on file with the Planning Division, subject to the
24 following conditions:

- 25
26 1. SPA No. 2022-0003 is approved changing the specific plan zoning designation of
27 approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10,
28 -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow
 Avenue, as described in the legal description attached as Exhibit A, from Freeway

Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway Specific Plan.

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 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 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 SPA No. 2022-0003.
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 SPA No. 2022-0003 will not be valid until such time that the City Council of the City of Rialto has approved General Plan Amendment No. 2022-0002, which was prepared in conjunction with the Project.

- 1 6. The applicant shall comply with all conditions of approval contained in GPA No. 2022-
2 0002, TPM No. 20622, CDP No. 2022-0039, and PPD No. 2022-0065, to the extent they
3 are not in conflict with any condition of approval herein.

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

6 PASSED, APPROVED AND ADOPTED this 9th day of August, 2023.

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

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-58** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-58** was duly passed and adopted.

10
11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.

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22 Kimberly Dame
23 Administrative Analyst
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1 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
2 Design No. 2022-0065 to facilitate the development of a 131,625 square foot industrial warehouse
3 building on the Site ("PPD No. 2022-0065"); and

4 WHEREAS, the Project within the I-P zone requires the approval of a tentative parcel map,
5 and the applicant has agreed to apply for a Tentative Parcel Map No. 2022-0005, also referred to
6 as Tentative Parcel Map No. 20622, ("TPM No. 20622"), in accordance with the Subdivision Map
7 Act (Government Code §§ 66410 et seq.); and

8 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
9 a duly noticed public hearing, as required by law, on TPM No. 20622, GPA No. 2022-0002, SPA
10 No. 2022-0003, CDP No. 2022-0039, and PPD No. 2022-0065 took testimony, at which time it
11 received input from staff, the city attorney, and the applicant; heard public testimony; discussed
12 the proposed TPM No. 20622, GPA No. 2022-0002, SPA No. 2022-0003, CDP No. 2022-0039,
13 and PPD No. 2022-0065; and closed the public hearing; and

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

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

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

19 SECTION 2. Based on substantial evidence presented to the Planning Commission during
20 the public hearing conducted with regard to TTM No. 20622, including written staff reports, verbal
21 testimony, project plans, other documents, and the conditions of approval stated herein, the Planning
22 Commission hereby determines that TTM No. 20622 satisfies the requirements of Government Code
23 Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the
24 findings which must be made precedent to granting a tentative map. The findings are as follows:

- 25 1. That the proposed tentative parcel map is consistent with the General Plan of the City
26 of Rialto and the Industrial Park (I-P) zone of the Gateway Specific Plan, as
27 applicable; and

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

1 GPA No. 2022-0002, prepared in conjunction with the Project, will change the land use
2 designation of the Site to Business Park (BP) with a Specific Plan Overlay. SPA No. 2022-
3 0003, prepared in conjunction with the Project, will change the specific plan zoning
4 designation of the Site to Industrial Park (I-P) within the Gateway Specific Plan. The Project
5 will consolidate the Site into one (1) 5.97 net-acre parcel of land to facilitate the development
6 of a 131,625 square foot industrial warehouse building. According to Chapter 18.35 (I-P
7 Industrial Park Zone) of the Rialto Municipal Code, the I-P zone does not require a minimum
lot size for a new parcel. The new parcel will facilitate the development of an industrial
warehouse building that is consistent with the Business Park with a Specific Plan Overlay
land use designation and the I-P zone.

- 8 2. That the design and improvements of the proposed tentative parcel map are consistent
9 with the Subdivision Ordinance, the General Plan of the City of Rialto, and the
Industrial Park (I-P) zone of the Gateway Specific Plan; and

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

11 The Project will comply with all technical standards required by the Subdivision Map Act,
12 the General Plan of the City of Rialto, and the I-P zone. According to Chapter 18.35 (I-P
13 Industrial Park Zone) of the Rialto Municipal Code, the I-P zone does not require a minimum
14 lot size for a new parcel. The new parcel will facilitate the development of an industrial
15 warehouse building that is consistent with the Business Park with a Specific Plan Overlay
land use designation and the I-P zone.

- 16 3. That the site is physically suitable for the type of proposed development; and

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

18 The Site is a relatively flat, expansive in size, and development of the land should be easily
19 accommodated. The applicant will be required to submit a grading plan and
20 geotechnical/soils report to the Engineering Services Department for review and approval
prior to issuance of any building permits.

- 21 4. That the site is physically suitable for the proposed density of the development; and

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

23 The Project will consolidate the Site into one (1) 5.97 net-acre parcel of land to facilitate the
24 development of a 131,625 square foot industrial warehouse building. Per Chapter 2
25 (Managing Our Land Supply) of the Rialto General Plan, the maximum allowable Floor Area
26 Ratio (FAR) for parcels within the Light Industrial land use designation is 100.0 percent. The
FAR proposed for the project is 50.1 percent, which is well within the allowable limit.

- 27 5. That the design of the land division is not likely to cause substantial environmental
28 damage or substantially injure fish, wildlife, or their habitat; and

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

2
3 The Site is under-developed, and the surface is heavily disturbed due to prior truck and
4 trailer movements and material storage throughout the Site. The Initial Study/Mitigated
5 Negative Declaration (Environmental Assessment Review No. 2022-0065) prepared for
6 the project identified that the Site did not have suitable habitat for any threatened or
 endangered species. Additionally, according to Exhibit 4.4.2 (Threatened and Endangered
 Species Habitat) of the Rialto General Plan Environmental Impact Report the Site does not
 have suitable habitat for any threatened or endangered species.

- 7
8 6. That the design of the land division is not likely to cause serious public health
 problems; and

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

10 The Project is consistent with the proposed Business Park with a Specific Plan Overlay
11 General Plan land use designation and the proposed Industrial Park (I-P) zone of the
12 Gateway Specific Plan. In conjunction with the Project, the Planning Commission and
13 City Council will consider Precise Plan of Design No. 2022-0065, in accordance with
14 Chapter 18.65 (Precise Plan of Design) of the Rialto Municipal Code, to ensure that the
 design of the Project meets the City's Design Guidelines and all required health and safety
 measures.

15 The Site is bound on the north by Valley Boulevard, on the east by Alice Avenue, and on
16 the west by Willow Avenue. To the north of the project site, across Valley Boulevard, is
17 self-storage facility and an approximately 36,000 square foot industrial building, and to the
18 east, across Alice Avenue, is a San Bernardino County Flood Control flood channel. To
19 the south is the same San Bernardino County Flood Control flood channel and the I-10
20 Freeway, and to the west, across Willow Avenue, is an approximately 24,000 square foot
21 industrial building and a boat/jet ski dealership. The proposed development pertaining to
22 the land consolidation is consistent with the proposed Industrial Park (I-P) zoning
23 designation. The project is not expected to negatively impact any uses with the successful
24 implementation of measures, such as landscape buffering and the installation of solid
 screen walls. Furthermore, construction impacts on the site will be limited through the
 strict enforcement of the allowable construction hours listed in Section 9.50.070 of the
 Rialto Municipal Code, as well as enforcement of regular watering of the site to limit
 airborne dust and other particulate matter. As a result, the Project is not likely to cause any
 public health problems.

- 25 7. That the design of the land division or proposed improvements will not conflict with
26 easements, acquired by the public at large, for access through or use of, property
 within the proposed land division.

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

1 Upon completion of the Final Map, the required street dedication and proposed easements
2 will be recorded and approved by the Engineering Services Department. Additionally, all
3 required site adjacent improvements will be reviewed and approved by the Engineering
4 Services Department and will be constructed prior to the issuance of the Certificate of
5 Occupancy.

6 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0067) has been
7 prepared for GPA No. 2022-0002 in accordance with the California Environmental Quality Act
8 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
9 that the project will not have an adverse impact on the environment, provided that mitigation measures
10 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
11 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
12 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
13 period held from April 17, 2023 to May 16, 2023. The Mitigated Negative Declaration was prepared
14 in accordance with CEQA. The Planning Commission hereby recommends that the City Council
15 adopt the Mitigated Negative Declaration and direct the Planning Division to file the necessary
16 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

17 SECTION 4. The Planning Commission hereby recommends that the City Council approve
18 TPM No. 20622 to allow the consolidation of ten (10) parcels of land (APNs: 0132-171-01, -02, -03,
19 -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and
20 Willow Avenue into one (1) 5.97 net-acre parcel of land, in accordance with the application on file
21 with the Planning Division, subject to the following conditions:

- 22 1. TPM No. 20622 is approved allowing the consolidation of ten (10) parcels of land (APNs:
23 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast
24 corner of Valley Boulevard and Willow Avenue into one (1) 5.97 net-acre parcel of land
25 for the purpose of developing a 131,625 square foot industrial warehouse building, as
26 shown on the tentative parcel map attached hereto as Exhibit B.
- 27 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
28 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

1 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
2 demands, law suits, writs of mandamus, and other actions and proceedings (whether
3 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
4 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
5 and other such procedures), (collectively “Actions”), brought against the City, and/or
6 any of its officials, officers, employees, agents, departments, agencies, and
7 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
8 annul, the any action of, or any permit or approval issued by, the City and/or any of its
9 officials, officers, employees, agents, departments, agencies, and instrumentalities
10 thereof (including actions approved by the voters of the City), for or concerning the
11 Project (collectively, the “Entitlements”), whether such Actions are brought under the
12 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
13 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
14 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
15 or any decision of a court of competent jurisdiction. This condition to indemnify,
16 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
17 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys’ fees
18 and other costs, liabilities and expenses incurred in connection with such proceeding
19 whether incurred by applicant, Property owner, or the City and/or other parties
20 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
21 “Damages”). Notwithstanding anything to the contrary contained herein, the Applicant
22 shall not be liable to the City Parties under this indemnity to the extent the Damages
23 incurred by any of the City Parties in such Action(s) are a result of the City Parties’
24 fraud, intentional misconduct or gross negligence in connection with issuing the
25 Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
26 and hold the City harmless as stated herein within five (5) days of approval of TPM
27 No. 20622.
28

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 Tentative Parcel Map No. 20622 will not be valid until such time that the
City Council of the City of Rialto has approved General Plan Amendment No. 2022-0002
and Specific Plan Amendment No. 2022-0003, which was prepared in conjunction with
the Project.
6. The applicant shall complete and abide by all mitigation measures contained within the
Mitigation Monitoring and Reporting Program associated with Environmental
Assessment Review No. 2022-0067 prior to issuance of any Certificate of Occupancy.
7. The applicant shall secure the services of a tribal cultural monitor to be present during all
ground disturbance activities associated with the construction of this project. The tribal
cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh

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

4 8. The applicant shall pay all applicable development impact fees in accordance with the
5 current City of Rialto fee ordinance, prior to the issuance of any building permit related
6 to the Project.

7 9. All conditions of approval for TPM No. 20622 shall be completed to the satisfaction of
8 the City Engineer prior to the issuance of a Certificate of Occupancy.

9 10. All improvements within the public right-of-way require a City of Rialto Encroachment
10 Permit.

11 11. A City of Rialto Off-site Construction Permit is required for any improvements within the
12 public right-of-way. In an effort to expedite and facilitate improvements in the public
13 right-of-way, the applicant is responsible for submitting a multi-phase master plan traffic
14 control plan which includes all phases of construction in the public right-of-way i.e. sewer,
15 water, overhead, underground, etc. prior to the issuance of Off-Site Construction
16 Permit/Encroachment Permit. Note, in an effort to simplify the permitting process, a
17 single master Off-Site Construction Permit shall replace individual Encroachment Permits
18 to be pulled by the applicant's contractor.

19 12. At the discretion of the City Engineer, the applicant shall apply for annexation of the
20 underlying property into City of Rialto Landscape and Lighting Maintenance District No.
21 2 ("LLMD 2") or enter into a landscape maintenance agreement to be recorded on the
22 property. An application fee of \$5,000 shall be paid at the time of application. Annexation
23 into LLMD 2 is a condition of acceptance of any new median, parkway, and/or easement
24 landscaping, or any new public street lighting improvements, to be maintained by the City
25 of Rialto. All final approved plans and documents required for the annexation shall be
26 submitted by the property owner prior to issuance of a building permit. The annexation
27 process shall be completed prior to recordation of any applicable Final Tract/Parcel Maps.
28 For developments with no Final Maps or if the Final Map does not create any new parcels,
the annexation process shall be completed prior to issuance of any certificate of
occupancy. Due to the required City Council Public Hearing action, the annexation
process takes months and as such the developer is advised to submit all plans and
documents required for Special District annexation as early-on in the in the plan review
and permitting process to avoid any delays with issuance of permit(s) and certificate(s) of
occupancy or approval of final map(s).

13. The applicant shall submit off-site landscaping and irrigation system improvement plans
for review and approval at the time of first (1st) public improvement plan submittal to the
Engineering Services Department. The parkway irrigation system shall be separately
metered from the on-site private irrigation to be maintained for a period of one (1) year
and annexed into a Special District. The off-site landscape and irrigation plans must show
separate electrical and water meters to be annexed into the Landscape and Lighting

Maintenance District No. 2 via a City Council Public Hearing. The landscape and irrigation plans shall be approved concurrently with the street improvement plans, including the median portion, prior to issuance of a building permit. The landscaping architect must contact the City of Rialto Landscape Contract Specialist at (909) 820-2602 to ensure all landscape and irrigation guidelines are met prior to plan approval. Electrical and water irrigation meter pedestals must not be designed to be installed at or near street intersections or within a raised median to avoid burdensome traffic control set-up during ongoing maintenance. The off-site Landscape and Irrigation plans shall be designed in accordance with the Maintenance and Facilities' Landscape Maintenance District Guidelines.

14. If the property is accepted into the LLMD, the applicant shall guarantee all new parkway landscaping irrigation for a period of one (1) year from the date of the City Engineer acceptance. Any landscaping that fails during the one year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period. The applicant must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to confirm a full twelve (12) months' time of non-interrupted ongoing maintenance.
15. The applicant shall install City Engineer approved deep root barriers, in accordance with the Engineering Services Department Landscape and Irrigation Guidelines, for all trees installed within ten (10) feet of the public sidewalk and/or curb.
16. All new street lights shall be installed on an independently metered, City-owned underground electrical system. The developer shall be responsible for applying with Southern California Edison ("SCE") for all appropriate service points and electrical meters. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2. 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.
17. If and where deficiencies in the existing system occur, the applicant shall construct a new underground electrical system for public street lighting improvements along the project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue, as determined necessary by the City Engineer. New marbelite streetlight poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings, as determined necessary by the City Engineer. Additionally, the applicant shall provide 2" conduit and pull boxes along the opposite side of the street for continuation of the streetlight system for future built out.
18. The applicant shall submit street 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 the approval of Parcel Map No. 20622.

19. The applicant shall submit street light 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 the approval of Parcel Map No. 20622.
20. 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 the approval of Parcel Map No. 20622.
21. The applicant shall submit traffic and signage improvement plans by a registered California civil engineer or traffic engineer to the Engineering Services Department for review. The traffic striping and signage plans must include required Class II thermoplastic Bicycle Facilities as referenced on the San Bernardino County Non-Motorized Transportation Plan – June 2018, Figure 5.36, Sheet 5-150. The plans shall be approved by the City Engineer prior to the approval of Parcel Map No. 20622.
22. The applicant shall submit copies of approved water improvement plans prepared by a registered California civil engineer to the Engineering Services Department for record purposes. The plans shall be approved by Rialto Water Services, the City's water purveyor, prior to the approval of Parcel Map No. 20622.
23. The applicant shall submit a Precise Grading/Paving Plan prepared by a California registered civil engineer to the Engineering Services Department for review and approval. The Grading Plan shall be approved by the City Engineer prior to approval of Parcel Map No. 20622 and prior to the issuance of any building permit.
24. The applicant shall submit a Geotechnical/Soils Report, prepared by a California registered Geotechnical Engineer, for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Services Department with the first submittal of the Precise Grading Plan.
25. The applicant shall submit civil engineering design plans, reports and/or documents, prepared by a registered/licensed civil engineer, for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The first submittal shall consist of, but is not limited to the following:
 - a. ROUGH GRADE W/ EROSION CONTROL PLAN as needed (prior to grading permit issuance)
 - b. PRECISE GRADE W/ EROSION CONTROL PLAN (prior to grading permit issuance)
 - c. PUBLIC IMPROVEMENT PLANS: Street Improvement, Signing and Striping, Sewer and Water, Street Light, Landscape and Irrigation. (off-site construction permit issuance)
 - d. FINAL DRAINAGE STUDY (prior to grading plan approval)
 - e. FINAL WQMP (prior to grading plan approval)

- 1 f. LEGAL DOCUMENTS: dedication along Valley Boulevard, Willow Avenue,
2 and Alice Avenue (e.g. (prior to building permit Issuance)
3 g. AS-BUILT/RECORD DRAWINGS for all plans (prior to occupancy release)

- 4 26. The applicant shall provide rough grade (pad elevation) certification, engineered-fill
5 certification, and compaction report for all building pads in conformance with the
6 approved rough or precise grading plan, to the Engineering Services Department prior to
7 construction of any building foundation or issuance of building permit.
- 8 27. The applicant shall provide precise/final grade certification prior to Certificate of
9 Occupancy approval.
- 10 28. The public and street improvements outlined in these conditions of approval are intended
11 to convey to the developer an accurate scope of required improvements, however, the City
12 Engineer reserves the right to require reasonable additional improvements as may be
13 determined in the course of the review and approval of street improvement plans required
14 by these conditions.
- 15 29. The applicant shall construct asphalt concrete paving for streets in two separate lifts. The
16 final lift of asphalt concrete pavement shall be postponed until such time that on-site
17 construction activities are complete. Unless the City Engineer provide prior authorization,
18 paving of streets in one lift prior to completion of on-site construction is not allowed. If
19 City Engineer authorized, completion of asphalt concrete paving for streets prior to
20 completion of on-site construction activities, requires additional paving requirements
21 prior to acceptance of the street improvements, including, but not limited to: removal and
22 replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs,
23 as required by the City Engineer.
- 24 30. The applicant shall repair all street cuts for utilities in accordance with City Standard SC-
25 231 within 72 hours of completion of the utility work; and any interim trench repairs shall
26 consist of compacted backfill to the bottom of the pavement structural section followed
27 by placement of standard base course material in accordance with the Standard
28 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.
31. 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.
32. The applicant shall backfill and/or repair any and all utility trenches or other excavations
within existing asphalt concrete pavement of off-site streets resulting from the proposed
development, in accordance with City of Rialto Standard Drawings. The applicant shall

1 be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete
2 pavement of off-site streets including pavement repairs in addition to pavement repairs
3 made by utility companies for utilities installed for the benefit of the proposed
4 development (i.e. West Valley Water District, Southern California Edison, Southern
5 California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches,
6 and other street cuts within existing asphalt concrete pavement of off-site streets resulting
7 from the proposed development may require complete grinding and asphalt concrete
8 overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement
9 condition of the existing off-site streets shall be returned to a condition equal to or better
10 than what existed prior to construction of the proposed development.

- 11 33. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing and
12 new electrical distribution lines of sixteen thousand volts or less and overhead service
13 drop conductors, and all telephone, television cable service, and similar service wires or
14 lines, which are on-site, abutting, and/or transecting, shall be installed underground.
15 Utility undergrounding shall extend to the nearest off-site power pole; no new power poles
16 or guy wire poles shall be installed unless otherwise approved by the City Engineer. A
17 letter from the owners of the affected utilities shall be submitted to the City Engineer prior
18 to approval of the Grading Plan, informing the City that they have been notified of the
19 City's utility undergrounding requirement and their intent to commence design of utility
20 undergrounding plans. When available, the utility undergrounding plan shall be submitted
21 to the City Engineer identifying all above ground facilities in the area of the project to be
22 undergrounded.
- 23 34. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic
24 control devices, signing, striping, and streetlights, associated with the proposed
25 development prior to the issuance of a Certificate of Occupancy.
- 26 35. The applicant shall provide construction signage, lighting and barricading during all
27 phases of construction as required by City Standards or as directed by the City Engineer.
28 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.
36. 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 (Adobe Acrobat)
formats. Variation of the type and format of the digital data to be submitted to the City
may be authorized, upon prior approval by the City Engineer.
37. The applicant shall construct 4-inch conduit within the parkway area along the entire
project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue for future use.
38. The applicant shall dedicate and/or vacate additional right-of-way along the entire
frontage of Valley Boulevard, as necessary, to provide the ultimate half-width of 60 feet,
as required by the City Engineer.

- 1 39. The applicant shall dedicate and/or vacate additional right-of-way along the entire
2 frontage of Willow Avenue, as necessary, to provide the ultimate half-width of 32 feet, as
3 required by the City Engineer.
- 4 40. The applicant shall dedicate and/or vacate additional right-of-way along the entire
5 frontage of Alice Avenue, as necessary, to provide the ultimate half-width of 32 feet, as
6 required by the City Engineer.
- 7 41. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Valley
8 Boulevard 48 feet south of centerline, in accordance with City of Rialto Standard
9 Drawings and the General Plan or applicable Specific Plan, prior to the issuance of a
10 Certificate of Occupancy.
- 11 42. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Willow
12 Avenue 20 feet east of centerline, in accordance with City of Rialto Standard Drawings
13 and the General Plan or applicable Specific Plan, prior to the issuance of a Certificate of
14 Occupancy.
- 15 43. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Alice
16 Avenue 20 feet west of centerline, in accordance with City of Rialto Standard Drawings
17 and the General Plan or applicable Specific Plan, prior to the issuance of a Certificate of
18 Occupancy.
- 19 44. The applicant shall construct a 5.5-foot-wide sidewalk located adjacent to the curb along
20 the along the entire project frontages of Valley Boulevard, Willow Avenue, and Alice
21 Avenue, in accordance with City of Rialto Standard Drawings and in compliance with the
22 Americans with Disabilities Act (ADA) and the California Building Code (CBC), prior to
23 the issuance of a Certificate of Occupancy.
- 24 45. The applicant shall replace any existing non-compliant, damaged, or unsatisfactory
25 sidewalk along the project frontage to the satisfaction of the City Engineer, prior to the
26 issuance of a Certificate of Occupancy.
- 27 46. The applicant shall dedicate additional right-of-way as may be required to provide a
28 property line corner cutback at the southeast corner of the intersection of Valley Boulevard
and Willow Avenue, in accordance with City Standard SC-235, as required by the City
Engineer.
47. The applicant shall dedicate additional right-of-way as may be required to provide
property line corner cutbacks at the northeast and southeast corners of the intersection of
Willow Avenue and the proposed driveway connected to Willow Avenue, in accordance
with City Standard SC-235, as required by the City Engineer.
48. The applicant shall dedicate additional right-of-way as may be required to provide
property line corner cutbacks at the northwest and southwest corners of the intersection

of Alice Avenue and the proposed driveway connected to Alice Avenue, in accordance with City Standard SC-235, as required by the City Engineer.

49. The applicant shall construct a new forty (40) foot wide commercial driveway approach on the south end of the Willow Avenue frontage, in accordance with City of Rialto Standard Drawing No. SC-214, or as otherwise approved by the City Engineer. Nothing shall be constructed or planted in the corner cut-off area which does exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer. If necessary, additional right of way shall be dedicated on-site to construct a path of travel meeting ADA guidelines for the public.
50. The applicant shall construct a new forty (40) foot wide commercial driveway approach on the south end of the Alice Avenue frontage, in accordance with City of Rialto Standard Drawing No. SC-214, or as otherwise approved by the City Engineer. Nothing shall be constructed or planted in the corner cut-off area which does exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer. If necessary, additional right of way shall be dedicated on-site to construct a path of travel meeting ADA guidelines for the public.
51. The applicant shall construct a curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Valley Boulevard and Willow Avenue, in accordance with the City of Rialto Standard Drawings, prior to the issuance of a Certificate of Occupancy. The applicant shall provide a fully detailed curb return, ramp, and sidewalk approach design of a scale of one-inch equals ten-feet or larger with the street improvement plan submittal.
52. The applicant shall construct a curb ramp meeting current California State Accessibility standards at both the northeast and southeast corners of the intersection of Willow Avenue and the proposed driveway connected to Willow Avenue, in accordance with the City of Rialto Standard Drawings. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
53. The applicant shall construct a curb ramp meeting current California State Accessibility standards at both the northwest and southwest corners of the intersection of Alice Avenue and the proposed driveway connected to Alice Avenue, in accordance with the City of Rialto Standard Drawings. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
54. The applicant shall construct a 2" X 4" Redwood Header, located at 12 feet east of Alice Avenue centerline along the entire frontage as required by the City Engineer, in

accordance with City of Rialto Standard Drawings. Alternatively, an additional 2 feet of pavement may be placed in-lieu of the redwood header at the discretion of the City Engineer.

55. The applicant shall construct a 16-foot wide raised and landscaped median island along Valley Boulevard frontage of property, in accordance with City Standards and any applicable Specific Plan as approved by the City Engineer. The median nose width shall be constructed at 3 feet wide and shall have stamped concrete. The left turn pockets shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, and/or as approved by the City Engineer. Alternatively, median in-lieu fees may be required at the discretion of the City Engineer.
56. At the discretion of the City Engineer, the applicant shall perform a 2-inch grind and overlay of the existing pavement of the south half of Valley Boulevard along the entire project frontage plus the #1 westbound lane and any left-turn lanes, prior to the issuance of a Certificate of Occupancy.
57. At the discretion of the City Engineer, the applicant shall remove existing pavement and construct new pavement for the easterly half street width along the project frontage of Willow Avenue and perform a 2-inch grind and overlay for the westerly half street width along the project frontage of Willow Avenue. The easterly minimum pavement section shall be 4 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire half-width street frontage in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 10. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
58. At the discretion of the City Engineer, the applicant shall remove existing pavement and construct new pavement for half street width plus 12 feet along the entire project frontage of Alice Avenue. The minimum pavement section shall be 4 inches asphalt concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire half-width street frontage in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 10. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
59. Prior to placement of aggregate base and asphalt concrete, submit a Dirt (sub-grade) Grade certification and a Rock Grade certification for line and grade, respectively.
60. The applicant shall install Class II thermoplastic Bicycle Facilities, as referenced in the San Bernardino County Non-Motorized Transportation Plan – May 2014, Figure 5.41, along the entire project frontage of Valley Boulevard, prior to the issuance of a Certificate of Occupancy.

- 1 61. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage along the entire
2 project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue, as required by
the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 3 62. The applicant shall be responsible for coordinating with Omnitrans regarding the location
4 of existing, proposed, and future bus stops along the property frontage of all public streets.
5 The developer shall design street and sidewalk improvements in accordance with the latest
6 Omnitrans bus stop guidelines and in compliance with current accessibility standards
7 pursuant to the Americans with Disabilities Act (ADA) requirements. The developer shall
8 design all bus stops to accommodate the Omnitrans Premium Shelters. Prior to Certificate
9 of Occupancy, the developer shall submit to Engineering Services Department
verification from Omnitrans acknowledging concurrence with the existing, proposed, and
future bus stop improvements in conformance with the Premium Shelter design
guidelines. Additionally, bus turnouts are required to accommodate proposed bus stops in
accordance with the City Standards and as approved by the City Engineer.
- 10 63. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt
11 concrete pavement over four (4) inches crushed aggregate base with a minimum subgrade
12 of twenty-four (24) inches at 95% relative compaction, or equal. If an alternative
13 pavement section is proposed,, the proposed pavement section shall be designed by a
California registered Geotechnical Engineer using "R" values from the project site and
submitted to the City Engineer for approval.
- 14 64. The applicant shall connect the project to the City of Rialto sewer system and apply for a
15 sewer connection account with Rialto Water Services.
- 16 65. Domestic water service to the underlying property is provided by Rialto Water Services.
17 The applicant shall be responsible for coordinating with Rialto Water Services and
18 complying with all requirements for establishing domestic water service to the property.
19 The design must include fire hydrants along Valley Boulevard, Willow Avenue, and Alice
Avenue.
- 20 66. The applicant shall install a new domestic water line lateral connection to the main water
21 line within either Valley Boulevard or Willow Avenue, pursuant to the Rialto Water
22 Services requirements. A water line plan shall be approved by Rialto Water Services prior
to approval of Parcel Map No. 20622.
- 23 67. The applicant shall provide certification from Rialto Water Services that demonstrates
24 that all water and/or wastewater service accounts for the project are documented, prior to
25 the issuance of a Certificate of Occupancy or final inspection approval from the
Engineering Services Department.
- 26 68. The development of the site is subject to the requirements of the National Pollution
27 Discharge Elimination System (NPDES) Permit for the City of Rialto, under the Santa
28 Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant to
the NPDES Permit, the applicant shall ensure development of the site incorporates post-

1 construction Best Management Practices (“BMPs”) in accordance with the Model Water
2 Quality Management Plan (“WQMP”) approved for use for the Santa Ana River
3 Watershed. The applicant is advised that applicable Site Design BMPs will be required to
4 be incorporated into the final site design, pursuant to a site specific WQMP submitted to
5 the City Engineer for review and approval.

69. The applicant shall submit a Water Quality Management Plan identifying site-specific
7 Best Management Practices (“BMPs”) in accordance with the Model Water Quality
8 Management Plan (“WQMP”) approved for use for the Santa Ana River Watershed. The
9 site specific WQMP shall be submitted to the City Engineer for review and approval with
10 the Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the
11 property owner(s) to appropriate operation and maintenance obligations of on-site BMPs
12 constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement
13 shall be approved prior to the issuance of any building permit and shall be recorded at the
14 San Bernardino County Recorder’s Office prior to the issuance of a Certificate of
15 Occupancy.

70. The applicant shall prepare a Notice of Intent (NOI) to comply with the California General
11 Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified
12 September 2, 2009) is required via the California Regional Water Quality Control Board
13 online SMARTS system. A copy of the executed letter issuing a Waste Discharge
14 Identification (WDID) number shall be provided to the City Engineer prior to issuance of
15 a grading or building permit. The applicant’s contractor shall prepare and maintain a
16 Storm Water Pollution Prevention Plan (“SWPPP”) as required by the General
17 Construction Permit. All appropriate measures to prevent erosion and water pollution
18 during construction shall be implemented as required by the SWPPP.

71. All stormwater runoff passing through the site shall be accepted and conveyed across the
17 property in a manner acceptable to the City Engineer. For all stormwater runoff falling
18 on the site, on-site retention or other facilities approved by the City Engineer shall be
19 required to contain the increased stormwater runoff generated by the development of the
20 property. Provide a hydrology study to determine the volume of increased stormwater
21 runoff due to development of the site, and to determine required stormwater runoff
22 mitigation measures for the proposed development. Final retention basin sizing and other
23 stormwater runoff mitigation measures shall be determined upon review and approval of
24 the hydrology study by the City Engineer and may require redesign or changes to site
25 configuration or layout consistent with the findings of the final hydrology study. The
26 volume of increased stormwater runoff to retain on-site shall be determined by comparing
27 the existing “pre-developed” condition and proposed “developed” condition, using the
28 100-year frequency storm.

72. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to the
26 adjacent public streets. Provisions for the interception of nuisance water from entering
27 adjacent public streets from the project site shall be provided through the use of a minor
28 storm drain system that collects and conveys nuisance water to landscape or parkway
areas, and in only a stormwater runoff condition, pass runoff directly to the streets through

1 parkway or under sidewalk drains. All on-site and off-site designs must comply with
2 NPDES stormwater regulations.

3 73. Prior to the issuance of a certificate of occupancy or final City approvals, the applicant
4 shall demonstrate that all structural BMP's have been constructed and installed in
5 conformance with approved plans and specifications, and as identified in the approved
6 WQMP.

7 74. The applicant shall provide a WQMP BMP certification, prior to the issuance of a
8 Certificate of Occupancy.

9 75. Any utility trenches or other excavations within existing asphalt concrete pavement of off-
10 site streets required by the proposed development shall be backfilled and repaired in
11 accordance with City of Rialto Standard Drawings. The Applicant shall be responsible
12 for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of
13 off-site streets as required by and at the discretion of the City Engineer, including
14 additional pavement repairs to pavement repairs made by utility companies for utilities
15 installed for the benefit of the proposed development (i.e. Rialto Water Services, Southern
16 California Edison, Southern California Gas Company, Time Warner, Verizon, etc.).
17 Multiple excavations, trenches, and other street cuts within existing asphalt concrete
18 pavement of off-site streets required by the proposed development may require complete
19 grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of
20 the City Engineer. The pavement condition of the existing off-site streets shall be returned
21 to a condition equal to or better than existed prior to construction of the proposed
22 development.

23 76. The applicant shall pay the Project Fair Share Cost established by the approved traffic
24 impact study, and as recommended by the Transportation Commission on January 6,
25 2021, prior to the issuance of any building permits.

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

78. 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
frontage of Valley Boulevard.
- 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"

- 1 79. The applicant shall remove any graffiti within 24 hours, before, during, and post
2 construction.
- 3 80. The original improvement plans prepared for the proposed development and approved by
4 the City Engineer (if required) shall be documented with record drawing "as-built"
5 information and returned to the Engineering Division prior to issuance of a final certificate
6 of occupancy. Any modifications or changes to approved improvement plans shall be
7 submitted to the City Engineer for approval prior to construction.
- 8 81. The applicant shall submit a final parcel map (Parcel Map No. 20622), prepared by a
9 California registered Land Surveyor or qualified Civil Engineer, to the Engineering
10 Services Department for review and approval. A Title Report prepared for subdivision
11 guarantee for the subject property, the traverse closures for the existing parcels and all lots
12 created therefrom, and copies of record documents shall be submitted with Parcel Map
13 No. 20622 to the Engineering Services Department as part of the review of the Map.
14 Parcel Map No. 20622 shall be approved by the City Council prior to issuance of any
15 building permits. Prior to approval of the Parcel Map by the City Council, provide a
16 preliminary subdivision report from a title company and if applicable, provide evidence
17 that Section 66436 of the Subdivision Map Act regarding interfering with the rights of
18 easement holders has been addressed. Dedications to the public required by these
19 conditions of approval shall be made via the Parcel Map, unless otherwise approved by
20 the City Engineer.
- 21 82. In accordance with Government Code 66462, all required public improvements shall be
22 completed prior to the approval of a final map (Parcel Map No. 20622). Alternatively,
23 the applicant may enter into a Subdivision Improvement Agreement to secure the cost of
24 all required public improvements at the time of requesting the City Engineer's approval
25 of Parcel Map No. 20622. The applicant will be required to secure the Subdivision
26 Improvement Agreement pursuant to Government Code 66499 in amounts determined by
27 the City Engineer.
- 28 83. The applicant shall comply with all other applicable State and local ordinances.
84. The applicant shall comply with all conditions of approval contained in GPA No. 2022-
0002, SPA No. 2022-0003, CDP No. 2022-0039, and PPD No. 2022-0065 to the extent
they are not in conflict with any condition of approval herein.
85. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No.
20622 is granted for a period of twenty-four (24) months from the effective date of this
resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension
of time for TPM No. 20622 may be granted by the Planning Commission for a period
or periods not to exceed a total of thirty-six (36) months. The period or periods of
extension shall be in addition to the original twenty-four (24) months. An application
shall be filed with the Planning Division for each extension together with the required
fee prior to the expiration date of TPM No. 20622.

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

3 PASSED, APPROVED AND ADOPTED this 9th day of August, 2023.

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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)
4

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-59** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-59** was duly passed and adopted.
10

11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.
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21 

22 Kimberly Dame
23 Administrative Analyst
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RESOLUTION NO. 2023-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL DEVELOPMENT PERMIT NO. 2022-0039 ALLOWING THE DEVELOPMENT AND OPERATION OF A 131,625 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 5.97 OF LAND (APNS: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) LOCATED AT THE SOUTHEAST CORNER OF VALLEY BOULEVARD AND WILLOW AVENUE.

WHEREAS, the applicant, Patriot Development Partners, LLC, proposes to develop and operate a 131,625 square foot industrial warehouse building ("Project") on approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow Avenue ("Site"); and

WHEREAS, the Project will consist of 3,000 square feet of office space on the ground floor, 4,500 square feet of office space on the second floor, and 125,125 square feet of warehouse space with fourteen (14) dock-high loading doors, which will be located on the south side of the building; and

WHEREAS, Pursuant to Chapter 18.112 (Indoor Storage Uses) of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant agreed to apply for Conditional Development Permit No. 2022-0039 ("CDP No. 2022-0039"); and

WHEREAS, in conjunction herewith, the applicant has submitted General Plan Amendment No. 2022-0002 to change the general plan land use designation of the Site from General Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with a Specific Plan Overlay ("GPA No. 2022-0002"); and

WHEREAS, in conjunction herewith, the applicant has submitted Specific Plan Amendment No. 2022-0003 to change the specific plan zoning designation of the Site from a Freeway Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway Specific Plan ("SPA No. 2022-0003"); and

1 WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel
2 Map No. 2022-0005, also referred to as Tentative Parcel Map No. 20622, in accordance with the
3 Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the ten (10) parcels of
4 land within the Site into one (1) 5.97 net acre parcel of land (“TPM No. 20622”); and); and

5 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
6 Design No. 2022-0065 to facilitate the development of a 131,625 square foot industrial warehouse
7 building on the Site (“PPD No. 2022-0065”); and

8 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
9 a duly noticed public hearing, as required by law, on CDP No. 2022-0039, GPA No. 2022-0002,
10 SPA No. 2022-0003, and PPD No. 2022-0065, took testimony, at which time it received input
11 from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed
12 CDP No. 2022-0039, GPA No. 2022-0002, SPA No. 2022-0003, and PPD No. 2022-0065; and
13 closed the public hearing; and

14 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.
15 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as
16 follows:

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

19 SECTION 2. Based on substantial evidence presented to the Planning Commission during
20 the public hearing conducted with regard to CDP No. 2022-0039, including written staff reports,
21 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
22 Planning Commission hereby determines that CDP No. 2022-0039 satisfies the requirements of
23 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
24 precedent to granting a conditional development permit, which findings are as follows:

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

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

1 The Site is expansive in size, developed with several small structures, under-developed in
2 terms of physical improvements, and portion of the Site have been used for storage of
3 trucks, trailers, and various types of materials for many years. The Project will develop
4 the highest and best use for the Site, in accordance with the proposed Industrial Park (I-P)
5 zone of the Gateway Specific Plan. Additionally, the Project will provide employment
6 opportunities within the City and reduce blight by implementing a use on non-conforming,
7 semi-improved land.

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

This finding is supported by the following facts:

The development of an industrial warehouse building on the Site is consistent with the
proposed Industrial Park (I-P) zone, which conditionally permits the development and
operation of industrial warehouse buildings. To the north of the project site, across Valley
Boulevard, is self-storage facility and an approximately 36,000 square foot industrial
building, and to the east, across Alice Avenue, is a San Bernardino County Flood Control
flood channel. To the south is the same San Bernardino County Flood Control flood
channel and the I-10 Freeway, and to the west, across Willow Avenue, is an approximately
24,000 square foot industrial building and a boat/jet ski dealership. The proposed zoning
designation of the Site and the zoning designation of the properties to the west is I-P. The
Project is consistent with the proposed I-P zoning designation and the surrounding
developments. The nearby area is predominantly designated for and developed with
industrial uses, and as a result, there are no sensitive land uses adjacent to or across the
street from the project site. The project is not expected to negatively impact any uses with
the successful implementation of measures such as landscape buffering, the installation of
solid screen walls, and aesthetic building enhancements.

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

This finding is supported by the following facts:

The Site is approximately 5.97 acres in size, is fairly level, and adjacent to three (3) public
streets, which will be able to accommodate the proposed use. The Project will have two (3)
points of access – one (1) via Willow Avenue and one (1) via Alice Avenue. The driveway
on Willow Avenue will provide left-in/right-out for both trucks and passenger vehicles and
the driveway on Alice Avenue will provide right-in/left-out access for trucks and passenger
vehicles. In addition, the building will have 91 parking spaces, which exceeds the amount
required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code.

4. The site has adequate access to those utilities and other services required for the
proposed use; and

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

2 The Site will have adequate access to all utilities and services required through main water,
3 electric, sewer, and other utility lines that will be hooked up to the Site.

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

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

8 As previously stated, the proposed use is consistent with the proposed BP general plan land
9 use designation and proposed I-P zoning designation. The design of the Project includes a
10 solid concrete screen wall along the truck court such that none of the dock doors will be
11 visible from the public right-of-way, the building will have 91 parking spaces, and the
12 Project will have a Floor Area Ratio (FAR) of 50.1 percent, all of which comply with the
13 proposed BP general plan land use designation, the proposed I-P zone, the Gateway
14 Specific Plan, and the City's Design Guidelines. Additionally, forty (40) foot wide
15 landscaped setbacks will be provided along the entire frontages of Valley Boulevard,
16 Willow Avenue, and Alice Avenue. Landscaping will be abundantly incorporated into the
17 Site, as the landscape coverage for the project is 24.0 percent, which exceeds the minimum
18 required amount of 10.0 percent.

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

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

23 The Project's effects will be minimized through the implementation of the Conditions of
24 Approval contained herein, and through the implementation of Conditions of Approval
25 imposed by the City Council on the Precise Plan of Design, such as extensive landscaping,
26 solid screen walls, decorative paving, and enhanced architectural features. The
27 development of a high-quality industrial development will provide additional employment
28 opportunities for residents and visitors to the City. The Project will also serve to develop
a piece of land, which has remained non-conforming and under-developed. The Project is
consistent with the proposed I-P zoning designation and the surrounding land uses. The
nearby area is predominantly designated for and developed with industrial uses, and as a
result, there are no sensitive land uses adjacent to or across the street from the project site.
The project is not expected to negatively impact any uses with the successful
implementation of measures such as landscape buffering, the installation of solid screen
walls, and aesthetic building enhancements. Therefore, any potential adverse effects are
outweighed by the benefits conferred upon the community and neighborhood as a whole.

1 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0067) has been
2 prepared for GPA No. 2022-0002 in accordance with the California Environmental Quality Act
3 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
4 that the project will not have an adverse impact on the environment, provided that mitigation measures
5 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
6 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
7 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
8 period held from April 17, 2023 to May 16, 2023. The Mitigated Negative Declaration was prepared
9 in accordance with CEQA. The Planning Commission hereby recommends that the City Council
10 adopt the Mitigated Negative Declaration and direct the Planning Division to file the necessary
11 documentation with the Clerk of the Board of Supervisors for San Bernardino County.
12

13 SECTION 4. The Planning Commission hereby recommends that the City Council approve
14 CDP No. 2022-0039, in accordance with the plans and application on file with the Planning Division,
15 subject to the following conditions:

- 16 1. The approval is granted allowing the development and operation of a 131,625 square foot
17 industrial warehouse building on approximately 5.97 acres of land (APNs: 0132-171-01,
18 -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of
19 Valley Boulevard and Willow Avenue, as shown on the plans attached as Exhibit A and
as approved by the City Council. If the Conditions of Approval specified herein are not
satisfied or otherwise completed, the project shall be subject to revocation.
- 20 2. City inspectors shall have access to the site to reasonably inspect the site during normal
21 working hours to assure compliance with these conditions and other codes.
- 22 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
23 and/or any of its officials, officers, employees, agents, departments, agencies, and
24 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
demands, law suits, writs of mandamus, and other actions and proceedings (whether
25 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
dispute resolutions procedures (including, but not limited to arbitrations, mediations,
26 and other such procedures), (collectively "Actions"), brought against the City, and/or
any of its officials, officers, employees, agents, departments, agencies, and
27 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
28 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 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 CDP No. 2022-00039.

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. The tenants within the building shall always conduct operations consistent with the environmental analysis contained within the Environmental Impact Report (Environmental Assessment Review No. 2022-0067) adopted for the Project.
6. The property owner(s) and building tenants shall always abide by all operational mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with the Environmental Impact Report (Environmental Assessment Review No. 2020-0067) adopted for the Project.
7. The Project shall be limited to a maximum of 142 actual passenger car trips and 95 actual truck trips daily, in accordance with the Trip Generation Summary of the Focused Traffic Analysis prepared for the Project by Dudek, Inc. and dated April 26, 2023.
8. The applicant, landlord, and/or tenant(s) shall ensure that all inbound truck traffic that requires temporary queuing or staging do so on-site. Inbound truck traffic shall not queue or stage on any public street at any time. Activities on-site shall not operate in such a manner that would impact traffic lanes, cause back up (queuing or staging) of vehicles into the public-right-of-way, or create any unsafe conditions. Fire and Police access and passage around trucks queuing or staging on-site shall be feasible at all times and activities shall not block parking areas, access or passage for disabled persons or emergency response vehicles.

- 1 9. The applicant, landlord, and/or tenant(s) shall only park or store trucks and trailers within
2 designated truck/trailer parking spaces adjacent to the dock doors. No trucks or trailers
3 shall be parked or stored within any drive-aisles or passenger vehicle parking areas at any
4 time.
- 5 10. The landlord and/or tenant(s) shall not store any product, goods, materials, etc. outside of
6 the building at any time, except for trucks, trailers, and vehicles associated with the
7 operation(s) conducted within the building, without prior approval of a separate
8 Conditional Development Permit in accordance with Chapter 18.104 (Outdoor Storage
9 Uses) of the Rialto Municipal Code.
- 10 11. The privileges granted by the Planning Commission pursuant to approval of this
11 Conditional Development Permit are valid for one (1) year from the effective date of
12 approval. If the applicant fails to commence the project within one year of said
13 effective date, this conditional development permit shall be null and void and any
14 privileges granted hereunder shall terminate automatically. If the applicant or his or
15 her successor in interest commence the project within one year of the effective date of
16 approval, the privileges granted hereunder will continue inured to the property as long
17 as the property is used for the purpose for which the conditional development permit
18 was granted, and such use remains compatible with adjacent property uses.
- 19 12. Approval of CDP No. 2022-0039 will not become effective until the applicant has signed
20 a statement acknowledging awareness and acceptance of the required conditions of
21 approval contained herein.
- 22 13. In the event, that any operation on the Site is found to be objectionable or incompatible
23 with the character of the City and its environs due to excessive noise, excessive traffic,
24 loitering, criminal activity or other undesirable characteristics including, but not strictly
25 limited to, uses which are or have become offensive to neighboring property or the goals
26 and objectives of the proposed Industrial Park (I-P) zoning district of the Gateway Specific
27 Plan and the City's General Plan, the applicant shall address the issues within forty-eight
28 (48) hours of being notified by the City.
- 29 14. If the applicant fails to comply with any of the conditions of approval placed upon CDP
30 No. 2022-0039, GPA No. 2022-0002, SPA No. 2022-0003, TPM No. 20622, or PPD
31 No. 2022-0065, the Planning Commission may initiate proceedings to revoke the
32 conditional development permit in accordance with the provisions of Sections
33 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional
34 Development Permit No. 2022-0039 may be revoked, suspended, or modified in
35 accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the
36 Planning Commission if:
 - 37 a) The use for which such approval was granted has ceased to exist, been
38 subsequently modified, or has been suspended for six (6) months or more;
 - 39 b) Any of the express conditions or terms of such permit are violated;

- 1
- 2 c) The use for which such approval was granted becomes or is found to be
- 3 objectionable or incompatible with the character of the City and its environs
- 4 due to excessive noise, excessive traffic, loitering, criminal activity or other
- 5 undesirable characteristics including, but not strictly limited to uses which
- 6 are or have become offensive to neighboring property or the goals and
- 7 objectives of the Industrial Park (I-P) zoning district of the Gateway
- 8 Specific Plan, and the City's General Plan.

9 SECTION 5. The Chairman of the Planning Commission shall sign as to the passage and

10 adoption of this resolution and thereupon the same shall take effect and be in force.

11 PASSED, APPROVED AND ADOPTED this 9th day of August, 2023.

12 

13 JERRY GUTIERREZ, CHAIR

14 CITY OF RIALTO PLANNING COMMISSION

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

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-60** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-60** was duly passed and adopted.

10
11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.
19

20
21 

22 Kimberly Dame
23 Administrative Analyst
24
25
26
27
28

RESOLUTION NO. 2023-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE PRECISE PLAN OF DESIGN NO. 2022-0065 ALLOWING THE DEVELOPMENT OF A 131,625 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 5.97 ACRES OF LAND (APNS: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) LOCATED AT THE SOUTHEAST CORNER OF VALLEY BOULEVARD AND WILLOW AVENUE.

WHEREAS, the applicant, Patriot Development Partners, LLC, proposes to develop a 131,625 square foot industrial warehouse building ("Project") on approximately 5.97 acres of land (APN: 0132-171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow Avenue ("Site"); and

WHEREAS, the Project will consist of 3,000 square feet of office space on the ground floor, 4,500 square feet of office space on the second floor, and 124,625 square feet of warehouse space fourteen (14) dock-high loading doors, which will be located on the south side of the building, landscaping, screen walls, paving, lighting, and parking for 91 passenger vehicles; 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. 2022-0065 ("PPD No. 2022-0065"); and

WHEREAS, in conjunction herewith, the applicant has submitted General Plan Amendment No. 2022-0002 to change the general plan land use designation of the Site from General Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with a Specific Plan Overlay ("GPA No. 2022-0002"); and

WHEREAS, in conjunction herewith, the applicant has submitted Specific Plan Amendment No. 2022-0003 to change the specific plan zoning designation of the Site from a Freeway Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway Specific Plan ("SPA No. 2022-0003"); and

WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel Map No. 2022-0005, also referred to as Tentative Parcel Map No. 20622, in accordance with the

1 Subdivision Map Act (Government Code §§ 66410 et seq.), to consolidate the ten (10) parcels of
2 land within the Site into one (1) 5.97 net acre parcel of land (“TPM No. 20622”); and); and

3 WHEREAS, in conjunction with the Project, the applicant submitted Conditional
4 Development Permit No. 2022-0039 (“CDP No. 2022-0039”) to facilitate the development and
5 operation of a 131,625 square foot industrial warehouse building on the Site, and CDP No. 2022-
6 0039 is necessary to facilitate the Project; and

7 WHEREAS, on August 9, 2023, the Planning Commission of the City of Rialto conducted
8 a duly noticed public hearing, as required by law, on PPD No. 2022-0065, GPA No. 2022-0002,
9 SPA No. 2022-0003, TPM No. 20622, and CDP No. 2022-0039, took testimony, at which time it
10 received input from staff, the city attorney, and the applicant; heard public testimony; discussed
11 the proposed PPD No. 2022-0065, GPA No. 2022-0002, SPA No. 2022-0003, TPM No. 20622,
12 and CDP No. 2022-0039; and closed the public hearing; and

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

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

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

18 SECTION 2. Based on substantial evidence presented to the Planning Commission during
19 the public hearing conducted with regard to PPD No. 2022-0065, including written staff reports,
20 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
21 Planning Commission hereby determines that PPD No. 2022-0065 satisfies the requirements of
22 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
23 precedent to granting a Precise Plan of Design. The findings are as follows:

- 24
25 1. The proposed development is in compliance with all city ordinances and regulations,
26 unless in accordance with an approved variance; and

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

28 GPA No. 2022-0002, prepared in conjunction with the Project, will change the general plan
land use designation of the Site to Business Park (BP) with a Specific Plan Overlay. SPA No.

2022-0003, prepared in conjunction with the Project, will change the specific plan zoning designation of the Site to Industrial Park (I-P) within the Gateway Specific Plan. The Project, as conditioned herein, will comply with all City ordinances and regulations including those of the proposed I-P zoning district, the Gateway Specific Plan, and the City's Design Guidelines. The I-P zoning district allows for the development and operation of industrial warehouse buildings, as proposed by the Project. Additionally, the Project meets all of the required development standards of the proposed I-P zoning district including, but not limited to, required building setbacks, parking, landscaping, building height, floor area ratio, etc.

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

This finding is supported by the following facts:

The Site is relatively flat, approximately 5.97 acres in size, and bound by three (3) public streets. To the north of the project site, across Valley Boulevard, is self-storage facility and an approximately 36,000 square foot industrial building, and to the east, across Alice Avenue, is a San Bernardino County Flood Control flood channel. To the south is the same San Bernardino County Flood Control flood channel and the I-10 Freeway, and to the west, across Willow Avenue, is an approximately 24,000 square foot industrial building and a boat/jet ski dealership. The Project is consistent with the proposed I-P zoning district and the surrounding land uses. The nearby area is predominantly designated for and developed with industrial uses, and as a result, there are no sensitive land uses adjacent to or across the street from the project site. The project is not expected to negatively impact any uses with the successful implementation of measures such as landscape buffering, the installation of solid screen walls, and aesthetic building enhancements.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, such as extensive landscaping, concrete screen walls, decorative paving, and enhanced architectural features. To the north of the project site, across Valley Boulevard, is self-storage facility and an approximately 36,000 square foot industrial building, and to the east, across Alice Avenue, is a San Bernardino County Flood Control flood channel. To the south is the same San Bernardino County Flood Control flood channel and the I-10 Freeway, and to the west, across Willow Avenue, is an approximately 24,000 square foot industrial building and a boat/jet ski dealership. The Project is consistent with the proposed I-P zoning district and the surrounding land uses. The nearby area is predominantly

1 designated for and developed with industrial uses, and as a result, there are no sensitive land
2 uses adjacent to or across the street from the project site. The project is not expected to
3 negatively impact any uses with the successful implementation of measures such as landscape
buffering, the installation of solid screen walls, and aesthetic building enhancements.

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

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

7 The Project is consistent with the proposed Industrial Park (I-P) zoning district and is a logical
8 addition to the existing industrial buildings and developments to the north, northwest, and
9 west of the Site and throughout much of the Gateway Specific Plan area. The design of the
10 Project will ensure a continuation of the public improvements and aesthetics present in the
11 surrounding area. The City staff have reviewed the design of the Project to ensure compliance
with all health, safety, and design requirements to ensure the Project will enhance the
infrastructure and aesthetics of the local community.

12 SECTION 3. An Initial Study (Environmental Assessment Review No. 2022-0067) has been
13 prepared for GPA No. 2022-0002 in accordance with the California Environmental Quality Act
14 (CEQA). Based on the findings and recommended mitigation with the Initial Study, staff determined
15 that the project will not have an adverse impact on the environment, provided that mitigation measures
16 are implemented, and a Mitigated Negative Declaration was prepared. The local newspaper published
17 a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for the project, and the City
18 mailed the notice to all property owners within 1,000 feet of the project site for a public comment
19 period held from April 17, 2023 to May 16, 2023. The Mitigated Negative Declaration was prepared
20 in accordance with CEQA. The Planning Commission hereby recommends that the City Council
21 adopt the Mitigated Negative Declaration and direct the Planning Division to file the necessary
22 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

24 SECTION 4. The Planning Commission hereby recommends that the City Council approve
25 PPD No. 2022-0065, in conjunction with GPA No. 2022-0002, SPA No. 2022-0003, TPM No.
26 202622, and CDP No. 2022-0039, to allow the development of a 131,625 square foot industrial
27 warehouse building on approximately 5.97 acres of land (APNs: 0132-171-01, -02, -03, -04, -05, -08,
28 -09, -10, -13 & 0254-111-01) located at the southeast corner of Valley Boulevard and Willow Avenue,

1 in accordance with the plans and application on file with the Planning Division, subject to the
2 following Conditions of Approval:

- 3
4 1. The applicant is granted PPD No. 2022-0065 allowing the development of a 131,625
5 square foot industrial warehouse building and associated paving, landscaping, fencing,
6 lighting, and drainage improvements on approximately 5.97 acres of land (APNs: 0132-
7 171-01, -02, -03, -04, -05, -08, -09, -10, -13 & 0254-111-01) located at the southeast
8 corner of Valley Boulevard and Willow Avenue, subject to the Conditions of Approval
9 contained herein.
- 10 2. The approval of PPD No. 2022-0065 is granted for a one (1) year period from the date
11 of approval. Approval of PPD No. 2022-0065 will not become effective until the
12 applicant has signed a Statement of Acceptance acknowledging awareness and
13 acceptance of the required Conditions of Approval contained herein. Any request for
14 an extension shall be reviewed by the Community Development Director and shall be
15 based on the progress that has taken place toward the development of the project.
- 16 3. The development associated with PPD No. 2022-0065 shall conform to the site plan,
17 floor plan, exterior elevations, conceptual grading plan, and conceptual landscape plan
18 attached hereto as Exhibit A, except as may be required to be modified based on the
19 Conditions of Approval contained herein.
- 20 4. The development associated with PPD No. 2022-0065 shall comply with all Conditions
21 of Approval contained within GPA No. 2022-0002, SPA No. 2022-0003, TPM No.
22 20622, and CDP No. 2022-0039.
- 23 5. The development associated with PPD No. 2022-0065 shall comply with all applicable
24 sections of the Gateway Specific Plan, the Rialto Municipal Code, and all other
25 applicable State and local laws and ordinances.
- 26 6. City inspectors shall have access to the site to reasonably inspect the site during
27 normal working hours to assure compliance with these conditions and other codes.
- 28 7. 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

1 Project (collectively, the "Entitlements"), whether such Actions are brought under
2 the California Environmental Quality Act, the Planning and Zoning Law, the
3 Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the
4 California Public Records Act, or any other state, federal, or local statute, law,
5 ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This
6 condition to indemnify, protect, defend, and hold the City harmless shall include, but
7 not be limited to (i) damages, fees and/or costs awarded against the City, if any, and
8 (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in
9 connection with such proceeding whether incurred by applicant, Property owner, or
10 the City and/or other parties initiating or bringing such proceeding (collectively,
11 subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary
12 contained herein, the Applicant shall not be liable to the City Parties under this
13 indemnity to the extent the Damages incurred by any of the City Parties in such
14 Action(s) are a result of the City Parties' fraud, intentional misconduct or gross
15 negligence in connection with issuing the Entitlements. The applicant shall execute
16 an agreement to indemnify, protect, defend, and hold the City harmless as stated
17 herein within five (5) days of approval of PPD No. 2022-0065.

- 18 8. In accordance with the provisions of Government Code Section 66020(d)(1), the
19 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
20 subject to protest by the applicant at the time of approval or conditional approval of
21 the Project or within 90 days after the date of the imposition of the fees, dedications,
22 reservations, or exactions imposed on the Project.
- 23 9. Approval of PPD No. 2022-0065 will not be valid until such time that the City Council
24 has approved GPA No. 2022-0002, SPA No. 2022-0003, TPM No. 20622, and CDP
25 No. 2022-0039, which were prepared in conjunction with the Project.
- 26 10. The applicant shall complete and abide by all pre-construction mitigation measures
27 contained within the Mitigation Monitoring and Reporting Program associated with
28 Environmental Assessment Review No. 2022-0067, prior to the issuance of a grading
permit.
11. The applicant shall complete and abide by all during-construction mitigation measures
contained within the Mitigation Monitoring and Reporting Program associated with
Environmental Assessment Review No. 2022-0067, prior to the conducting of a final
inspection by the Building Division.
12. The applicant shall secure the services of a tribal cultural monitor to be present during
all ground disturbance activities associated with the construction of this project. The
tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
Kizh Nation, and documentation of coordination between the applicant and the
Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
Planning Division prior to the issuance of a grading permit.

- 1 13. The applicant shall install decorative pavement within each driveway connected to
2 Willow Avenue and Alice Avenue. The decorative pavement shall extend across the
3 entire width of each driveway and shall have a minimum depth of twenty-five (25) feet
4 as measured from the property lines along Willow Avenue and Alice Avenue.
5 Decorative pavement means decorative pavers and/or color concrete with patterns and
6 color variety. 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.
- 7 14. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
8 Guidelines) of the Rialto Municipal Code, the applicant shall route all drainage
9 downspouts through the interior of the building, except along wall planes facing the
10 truck court. The internal downspouts shall be identified within the formal building plan
check submittal prior to the issuance of building permits.
- 11 15. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
12 Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns,
13 at least three (3) feet in depth from the main wall plane, at all height variations on all
14 four (4) sides of the building. The parapet returns shall be demonstrated on the roof
plans within the formal building plan check submittal prior to the issuance of building
permits.
- 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 the building. The internal roof access shall be identified within the
formal building plan check submittal prior to the issuance of building permits.
- 18 17. All new walls, including any retaining walls, shall be comprised of decorative masonry
19 block or decorative concrete. Decorative masonry block means tan-colored slumpstone
20 block, tan-colored split-face block, or precision block with a stucco, plaster, or cultured
21 stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or
22 trim lines. Pilasters shall be incorporated within all new walls visible from the public
right-of-way. The pilasters shall be spaced a maximum of fifty (50) feet on-center and
23 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
24 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
25 elevation detail for the walls shall be included in the formal building plan check
submittal prior to the issuance of building permits.
- 26 18. Any new fencing installed on site shall be comprised of tubular steel. All fencing shall
27 be identified on the site plan, and an elevation detail for the fencing and pilasters shall
28 be included in the formal building plan check submittal prior to the issuance of building
permits.

- 1 19. The applicant shall construct at least one (1) ADA accessible trash enclosure on the
2 project site. The trash enclosure shall provide room for one (1) commercial waste
3 container and one (1) commercial recycling container. The exterior of each trash
4 enclosure shall match the material and base color of the building. Additionally, the trash
5 enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and
6 chain-link are not acceptable materials to use as a part of the trash enclosure. The
7 location of the trash enclosure shall be identified on the site plan within the formal
8 building plan check prior to the issuance of building permits. An elevation detail for the
9 trash enclosure shall be provided within formal building plan check submittal prior to
10 the issuance of building permits.
- 11 20. All light standards installed on site, shall have a maximum height of twenty-five (25)
12 feet, as measured from the finished surface, including the base. Lighting shall be
13 shielded and/or directed toward the site so as not to produce direct glare or "stray light"
14 onto adjacent properties. All light standards shall be identified on the site plan and a
15 note indicating the height restriction shall be included within the formal building plan
16 check submittal prior to the issuance of building permits.
- 17 21. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
18 the issuance of building permits. The submittal shall include three (3) sets of planting
19 and irrigation plans, a completed Landscape Plan Review application, and the applicable
20 review fee.
- 21 22. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
22 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter,
23 the parking lot trees shall be permanently irrigated and maintained. All parking lot tree
24 species shall consist of evergreen broadleaf trees. The trees shall be identified on the
25 formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 26 23. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
27 landscape setbacks along Valley Boulevard, Willow Avenue, and Alice Avenue. All
28 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.
- 24 24. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
25 right-of-way parkway along Valley Boulevard. All trees within the public right-of-way
26 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
27 Thereafter, the trees within the public right-of-way parking shall be permanently
28 irrigated and maintained, as required by the Public Works Department. The street tree
species along Valley Boulevard shall be the *Tristania Conferta* "Brisbane Box" and/or

the *Liriodendron Tulipifera* "Tulip Tree". The street 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 Willow 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 Willow Avenue shall be the *Geijera Parviflora* "Australian Willow" and/or the *Lagerstromia Indica* "Crape Myrtle". 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 Alice 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 Alice Avenue shall be the *Geijera Parviflora* "Australian Willow" and/or the *Lagerstromia Indica* "Crape Myrtle". The street trees shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
27. The applicant shall plant shrubs that surround all ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. for the purpose of providing screening of said equipment and utility boxes. All equipment and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial planting, and the shrubs shall be spaced no more than three (3) feet on-center. Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated and maintained into a continuous box-shape with a height of no less than three and one-half (3.5) feet above the finished grade. The shrubs shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
28. The applicant shall plant a substantial amount of trees, shrubs, and groundcover throughout all land on-site and off-site (adjacent to the project site) that is not covered by structures, walkways, parking areas, and driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise specified herein. At least fifty (50) percent of the trees shall consist of evergreen broadleaf trees, while the remaining percentage may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not acceptable materials to use within planter areas. All planter areas on-site shall be permanently irrigated and maintained. The planting and irrigation shall be identified on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

- 1 29. All planting and irrigation shall be installed on-site in accordance with the approved
2 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The
3 installation of the planting and irrigation shall be certified in writing by the landscape
4 architect responsible for preparing the landscape plans prior to the issuance of a
5 Certificate of Occupancy.
- 6 30. Any tubular steel fencing and/or sliding gates shall be painted black prior to the issuance
7 of a Certificate of Occupancy, unless specified otherwise herein.
- 8 31. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
9 issuance of a Certificate of Occupancy.
- 10 32. The applicant shall comply with all conditions of approval for PPD No. 2022-0065 to
11 the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 12 33. All improvements within the public right-of-way require a City of Rialto Encroachment
13 Permit.
- 14 34. The applicant shall pay all applicable development impact fees in accordance with the
15 current City of Rialto fee ordinance, prior to the issuance of any building permit related
16 to the Project.
- 17 35. A City of Rialto Off-site Construction Permit is required for any improvements within
18 the public right-of-way. In an effort to expedite and facilitate improvements in the public
19 right-of-way, the applicant is responsible for submitting a multi-phase master plan
20 traffic control plan which includes all phases of construction in the public right-of-way
21 i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site
22 Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting
23 process, a single master Off-Site Construction Permit shall replace individual
24 Encroachment Permits to be pulled by the applicant's contractor.
- 25 36. At the discretion of the City Engineer, the applicant shall apply for annexation of the
26 underlying property into City of Rialto Landscape and Lighting Maintenance District
27 No. 2 ("LLMD 2") or enter into a landscape maintenance agreement to be recorded on
28 the property. An application fee of \$5,000 shall be paid at the time of application.
Annexation into LLMD 2 is a condition of acceptance of any new median, parkway,
and/or easement landscaping, or any new public street lighting improvements, to be
maintained by the City of Rialto. All final approved plans and documents required for
the annexation shall be submitted by the property owner prior to issuance of a building
permit. The annexation process shall be completed prior to recordation of any
applicable Final Tract/Parcel Maps. For developments with no Final Maps or if the
Final Map does not create any new parcels, the annexation process shall be completed
prior to issuance of any certificate of occupancy. Due to the required City Council
Public Hearing action, the annexation process takes months and as such the developer
is advised to submit all plans and documents required for Special District annexation as

early-on in the in the plan review and permitting process to avoid any delays with issuance of permit(s) and certificate(s) of occupancy or approval of final map(s).

37. The applicant shall submit off-site landscaping and irrigation system improvement plans for review and approval at the time of first (1st) public improvement plan submittal to the Engineering Services Department. The parkway irrigation system shall be separately metered from the on-site private irrigation to be maintained for a period of one (1) year and annexed into a Special District. The off-site landscape and irrigation plans must show separate electrical and water meters to be annexed into the Landscape and Lighting Maintenance District No. 2 via a City Council Public Hearing. The landscape and irrigation plans shall be approved concurrently with the street improvement plans, including the median portion, prior to issuance of a building permit. The landscaping architect must contact the City of Rialto Landscape Contract Specialist at (909) 820-2602 to ensure all landscape and irrigation guidelines are met prior to plan approval. Electrical and water irrigation meter pedestals must not be designed to be installed at or near street intersections or within a raised median to avoid burdensome traffic control set-up during ongoing maintenance. The off-site Landscape and Irrigation plans shall be designed in accordance with the Maintenance and Facilities' Landscape Maintenance District Guidelines.
38. If the property is accepted into the LLMD, the applicant shall guarantee all new parkway landscaping irrigation for a period of one (1) year from the date of the City Engineer acceptance. Any landscaping that fails during the one year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period. The applicant must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to confirm a full twelve (12) months' time of non-interrupted ongoing maintenance.
39. The applicant shall install City Engineer approved deep root barriers, in accordance with the Engineering Services Department Landscape and Irrigation Guidelines, for all trees installed within ten (10) feet of the public sidewalk and/or curb.
40. All new street lights shall be installed on an independently metered, City-owned underground electrical system. The developer shall be responsible for applying with Southern California Edison ("SCE") for all appropriate service points and electrical meters. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2. 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.
41. If and where deficiencies in the existing system occur, the applicant shall construct a new underground electrical system for public street lighting improvements along the project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue, as determined necessary by the City Engineer. New marbelite streetlight poles with LED

1 light fixtures shall be installed in accordance with City of Rialto Standard Drawings, as
2 determined necessary by the City Engineer. Additionally, the applicant shall provide
3 2" conduit and pull boxes along the opposite side of the street for continuation of the
streetlight system for future built out.

4 42. The applicant shall submit street improvement plans by a registered California civil
5 engineer to the Engineering Services Department for review. The plans shall be
6 approved by the City Engineer prior to the approval of Parcel Map No. 20622 or prior
7 to the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

8 43. The applicant shall submit street light improvement plans by a registered California civil
9 engineer to the Engineering Services Department for review. The plans shall be
10 approved by the City Engineer prior to the approval of Parcel Map No. 20622 or prior
11 to the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

12 44. The applicant shall submit sewer improvement plans by a registered California civil
13 engineer to the Engineering Services Department for review. The plans shall be
14 approved by the City Engineer prior to the approval of Parcel Map No. 20622 or prior
to the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

15 45. The applicant shall submit traffic and signage improvement plans by a registered
16 California civil engineer or traffic engineer to the Engineering Services Department for
17 review. The traffic striping and signage plans must include required Class II
18 thermoplastic Bicycle Facilities as referenced on the San Bernardino County Non-
19 Motorized Transportation Plan – June 2018, Figure 5.36, Sheet 5-150. The plans shall
be approved by the City Engineer prior to the approval of Parcel Map No. 20622 or prior
to the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

20 46. The applicant shall submit copies of approved water improvement plans prepared by a
21 registered California civil engineer to the Engineering Services Department for record
22 purposes. The plans shall be approved by Rialto Water Services, the City's water
23 purveyor, prior to the approval of Parcel Map No. 20622 or prior to the issuance of
building permits in accordance with an approved Subdivision Improvement Agreement.

24 47. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
25 registered civil engineer to the Engineering Services Department for review and
26 approval. The Grading Plan shall be approved by the City Engineer prior to approval
of Parcel Map No. 20622 and prior to the issuance of any building permit.

27 48. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
28 registered Geotechnical Engineer, for and incorporated as an integral part of the grading
plan for the proposed development. A copy of the Geotechnical/Soils Report shall be

submitted to the Engineering Services Department with the first submittal of the Precise Grading Plan.

49. The applicant shall submit civil engineering design plans, reports and/or documents, prepared by a registered/licensed civil engineer, for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The first submittal shall consist of, but is not limited to the following:
 - a. ROUGH GRADE W/ EROSION CONTROL PLAN as needed (prior to grading permit issuance)
 - b. PRECISE GRADE W/ EROSION CONTROL PLAN (prior to grading permit issuance)
 - c. PUBLIC IMPROVEMENT PLANS: Street Improvement, Signing and Striping, Sewer and Water, Street Light, Landscape and Irrigation. (off-site construction permit issuance)
 - d. FINAL DRAINAGE STUDY (prior to grading plan approval)
 - e. FINAL WQMP (prior to grading plan approval)
 - f. LEGAL DOCUMENTS: dedication along Valley Boulevard, Willow Avenue, and Alice Avenue (e.g. (prior to building permit Issuance)
 - g. AS-BUILT/RECORD DRAWINGS for all plans (prior to occupancy release)
50. The applicant shall provide rough grade (pad elevation) certification, engineered-fill certification, and compaction report for all building pads in conformance with the approved rough or precise grading plan, to the Engineering Services Department prior to construction of any building foundation or issuance of building permit.
51. The applicant shall provide precise/final grade certification prior to Certificate of Occupancy approval.
52. The public and street improvements outlined in these conditions of approval are intended 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.
53. 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, as required by the City Engineer.

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54. 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.
55. 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.
56. The applicant shall backfill and/or repair any and all utility trenches or other excavations within existing asphalt concrete pavement of off-site streets resulting from the proposed development, in accordance with City of Rialto Standard Drawings. The applicant shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets including pavement repairs in addition to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. West Valley Water District, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets 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.
57. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing and new electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles or guy wire poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Grading Plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the City Engineer identifying all above ground facilities in the area of the project to be undergrounded.
58. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development prior to the issuance of a Certificate of Occupancy.

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59. The applicant shall provide construction signage, lighting and barricading 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.
 60. 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 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
 61. The applicant shall construct 4-inch conduit within the parkway area along the entire project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue for future use.
 62. The applicant shall dedicate and/or vacate additional right-of-way along the entire frontage of Valley Boulevard, as necessary, to provide the ultimate half-width of 60 feet, as required by the City Engineer.
 63. The applicant shall dedicate and/or vacate additional right-of-way along the entire frontage of Willow Avenue, as necessary, to provide the ultimate half-width of 32 feet, as required by the City Engineer.
 64. The applicant shall dedicate and/or vacate additional right-of-way along the entire frontage of Alice Avenue, as necessary, to provide the ultimate half-width of 32 feet, as required by the City Engineer.
 65. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Valley Boulevard 48 feet south of centerline, in accordance with City of Rialto Standard Drawings and the General Plan or applicable Specific Plan, prior to the issuance of a Certificate of Occupancy.
 66. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Willow Avenue 20 feet east of centerline, in accordance with City of Rialto Standard Drawings and the General Plan or applicable Specific Plan, prior to the issuance of a Certificate of Occupancy.
 67. The applicant shall construct an 8-inch curb and gutter along the entire frontage of Alice Avenue 20 feet west of centerline, in accordance with City of Rialto Standard Drawings and the General Plan or applicable Specific Plan, prior to the issuance of a Certificate of Occupancy.
 68. The applicant shall construct a 5.5-foot-wide sidewalk located adjacent to the curb along the along the entire project frontages of Valley Boulevard, Willow Avenue, and Alice

Avenue, in accordance with City of Rialto Standard Drawings and in compliance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC), prior to the issuance of a Certificate of Occupancy.

69. The applicant shall replace any existing non-compliant, damaged, or unsatisfactory sidewalk along the project frontage to the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
70. The applicant shall dedicate additional right-of-way as may be required to provide a property line corner cutback at the southeast corner of the intersection of Valley Boulevard and Willow Avenue, in accordance with City Standard SC-235, as required by the City Engineer.
71. The applicant shall dedicate additional right-of-way as may be required to provide property line corner cutbacks at the northeast and southeast corners of the intersection of Willow Avenue and the proposed driveway connected to Willow Avenue, in accordance with City Standard SC-235, as required by the City Engineer.
72. The applicant shall dedicate additional right-of-way as may be required to provide property line corner cutbacks at the northwest and southwest corners of the intersection of Alice Avenue and the proposed driveway connected to Alice Avenue, in accordance with City Standard SC-235, as required by the City Engineer.
73. The applicant shall construct a new forty (40) foot wide commercial driveway approach on the south end of the Willow Avenue frontage, in accordance with City of Rialto Standard Drawing No. SC-214, or as otherwise approved by the City Engineer. Nothing shall be constructed or planted in the corner cut-off area which does exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer. If necessary, additional right of way shall be dedicated on-site to construct a path of travel meeting ADA guidelines for the public.
74. The applicant shall construct a new forty (40) foot wide commercial driveway approach on the south end of the Alice Avenue frontage, in accordance with City of Rialto Standard Drawing No. SC-214, or as otherwise approved by the City Engineer. Nothing shall be constructed or planted in the corner cut-off area which does exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer. If necessary, additional right of way shall be dedicated on-site to construct a path of travel meeting ADA guidelines for the public.
75. The applicant shall construct a curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Valley Boulevard and Willow Avenue, in accordance with the City of Rialto Standard Drawings, prior to the issuance of a Certificate of Occupancy. The applicant shall provide a fully detailed curb return, ramp, and sidewalk approach design of a scale of one-inch equals ten-feet or larger with the street improvement plan submittal.

- 1 76. 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 Willow
3 Avenue and the proposed driveway connected to Willow Avenue, in accordance with
4 the City of Rialto Standard Drawings. The applicant shall ensure that an appropriate
5 path of travel, meeting ADA guidelines, is provided across the driveway, and shall
6 adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject
7 to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk
8 easements shall be provided on-site to construct a path of travel meeting ADA
9 guidelines.
- 10 77. The applicant shall construct a curb ramp meeting current California State Accessibility
11 standards at both the northwest and southwest corners of the intersection of Alice
12 Avenue and the proposed driveway connected to Alice Avenue, in accordance with the
13 City of Rialto Standard Drawings. The applicant shall ensure that an appropriate path
14 of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the
15 location of the access ramps, if necessary, to meet ADA guidelines, subject to the
16 approval of the City Engineer. If necessary, additional pedestrian and sidewalk
17 easements shall be provided on-site to construct a path of travel meeting ADA
18 guidelines.
- 19 78. The applicant shall construct a 2" X 4" Redwood Header, located at 12 feet east of Alice
20 Avenue centerline along the entire frontage as required by the City Engineer, in
21 accordance with City of Rialto Standard Drawings. Alternatively, an additional 2 feet
22 of pavement may be placed in-lieu of the redwood header at the discretion of the City
23 Engineer.
- 24 79. The applicant shall construct a 16-foot wide raised and landscaped median island along
25 Valley Boulevard frontage of property, in accordance with City Standards and any
26 applicable Specific Plan as approved by the City Engineer. The median nose width shall
27 be constructed at 3 feet wide and shall have stamped concrete. The left turn pockets
28 shall be designed in accordance with Section 405 of the current edition of the Caltrans
Highway Design Manual, and/or as approved by the City Engineer. Alternatively,
median in-lieu fees may be required at the discretion of the City Engineer.
80. At the discretion of the City Engineer, the applicant shall perform a 2-inch grind and
overlay of the existing pavement of the south half of Valley Boulevard along the entire
project frontage plus the #1 westbound lane and any left-turn lanes, prior to the issuance
of a Certificate of Occupancy.
81. At the discretion of the City Engineer, the applicant shall remove existing pavement and
construct new pavement for the easterly half street width along the project frontage of
Willow Avenue and perform a 2-inch grind and overlay for the westerly half street width
along the project frontage of Willow Avenue. The easterly minimum pavement section
shall be 4 inches asphalt concrete pavement over 6 inches crushed aggregate base with
a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire
half-width street frontage in accordance with City of Rialto Standard Drawings. The

1 pavement section shall be determined using a Traffic Index ("TI") of 10. The pavement
2 section shall be designed by a California registered Geotechnical Engineer using "R"
3 values from the project site and submitted to the City Engineer for approval.

- 4 82. At the discretion of the City Engineer, the applicant shall remove existing pavement and
5 construct new pavement for half street width plus 12 feet along the entire project
6 frontage of Alice Avenue. The minimum pavement section shall be 4 inches asphalt
7 concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of
8 24 inches at 95% relative compaction, or equal, along the entire half-width street
9 frontage in accordance with City of Rialto Standard Drawings. The pavement section
10 shall be determined using a Traffic Index ("TI") of 10. The pavement section shall be
11 designed by a California registered Geotechnical Engineer using "R" values from the
12 project site and submitted to the City Engineer for approval
- 13 83. The applicant shall install Class II thermoplastic Bicycle Facilities, as referenced in the
14 San Bernardino County Non-Motorized Transportation Plan – May 2014, Figure 5.41,
15 along the entire project frontage of Valley Boulevard, prior to the issuance of a
16 Certificate of Occupancy.
- 17 84. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage along the
18 entire project frontages of Valley Boulevard, Willow Avenue, and Alice Avenue, as
19 required by the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 20 85. The applicant shall be responsible for coordinating with Omnitrans regarding the
21 location of existing, proposed, and future bus stops along the property frontage of all
22 public streets. The developer shall design street and sidewalk improvements in
23 accordance with the latest Omnitrans bus stop guidelines and in compliance with current
24 accessibility standards pursuant to the Americans with Disabilities Act (ADA)
25 requirements. The developer shall design all bus stops to accommodate the Omnitrans
26 Premium Shelters. Prior to Certificate of Occupancy, the developer shall submit to
27 Engineering Services Department verification from Omnitrans acknowledging
28 concurrence with the existing, proposed, and future bus stop improvements in
conformance with the Premium Shelter design guidelines. Additionally, bus turnouts
are required to accommodate proposed bus stops in accordance with the City Standards
and as approved by the City Engineer.
86. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt
concrete pavement over four (4) inches crushed aggregate base with a minimum
subgrade of twenty-four (24) inches at 95% relative compaction, or equal. If an
alternative pavement section is proposed,, the proposed pavement section shall be
designed by a California registered Geotechnical Engineer using "R" values from the
project site and submitted to the City Engineer for approval.
87. The applicant shall connect the project to the City of Rialto sewer system and apply for
a sewer connection account with Rialto Water Services.

- 1 88. Domestic water service to the underlying property is provided by Rialto Water Services.
2 The applicant shall be responsible for coordinating with Rialto Water Services and
3 complying with all requirements for establishing domestic water service to the property.
4 The design must include fire hydrants along Valley Boulevard, Willow Avenue, and
5 Alice Avenue.
- 6 89. The applicant shall install a new domestic water line lateral connection to the main water
7 line within either Valley Boulevard or Willow Avenue, pursuant to the Rialto Water
8 Services requirements. A water line plan shall be approved by Rialto Water Services
9 prior to approval of Parcel Map No. 20622.
- 10 90. The applicant shall provide certification from Rialto Water Services that demonstrates
11 that all water and/or wastewater service accounts for the project are documented, prior
12 to the issuance of a Certificate of Occupancy or final inspection approval from the
13 Engineering Services Department.
- 14 91. The development of the site is subject to the requirements of the National Pollution
15 Discharge Elimination System (NPDES) Permit for the City of Rialto, under the Santa
16 Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant
17 to the NPDES Permit, the applicant shall ensure development of the site incorporates
18 post-construction Best Management Practices ("BMPs") in accordance with the Model
19 Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River
20 Watershed. The applicant is advised that applicable Site Design BMPs will be required
21 to be incorporated into the final site design, pursuant to a site specific WQMP submitted
22 to the City Engineer for review and approval.
- 23 92. The applicant shall submit a Water Quality Management Plan identifying site-specific
24 Best Management Practices ("BMPs") in accordance with the Model Water Quality
25 Management Plan ("WQMP") approved for use for the Santa Ana River Watershed.
26 The site specific WQMP shall be submitted to the City Engineer for review and approval
27 with the Grading Plan. A WQMP Maintenance Agreement shall be required, obligating
28 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 the issuance of any building permit and shall be
recorded at the San Bernardino County Recorder's Office prior to the issuance of a
Certificate of Occupancy.
93. 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.

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94. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be determined by comparing the existing “pre-developed” condition and proposed “developed” condition, using the 100-year frequency storm.
95. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to the adjacent public streets. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. All on-site and off-site designs must comply with NPDES stormwater regulations.
96. Prior to the 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.
97. The applicant shall provide a WQMP BMP certification, prior to the issuance of a Certificate of Occupancy.
98. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired 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 as required by and at the discretion of the City Engineer, including additional pavement repairs 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, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

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- 2 99. The applicant shall adhere to the City Council approved franchise agreements and
- 3 disposal requirements during all construction activities, in accordance with Section 8.08
- 4 (Refuse Collection of the City of Rialto Municipal Code).
- 5
- 6 100. Prior to commencing with any grading, the applicant shall implement the required
- 7 erosion and dust control measures shall be in place. In addition, the following shall be
- 8 included if not already identified:
- 9 a. 6 foot high tan colored perimeter screened fencing
- 10 b. Contractor information signage including contact information along the street
- 11 frontage of Valley Boulevard.
- 12 c. Post dust control signage with the following verbiage: "Project Name, WDID No.,
- 13 IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX)
- 14 XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-
- 15 CUT-SMOG/1-800-228-7664"
- 16
- 17 101. The applicant shall remove any graffiti within 24 hours, before, during, and post
- 18 construction.
- 19
- 20 102. The original improvement plans prepared for the proposed development and approved
- 21 by the City Engineer (if required) shall be documented with record drawing "as-built"
- 22 information and returned to the Engineering Division prior to issuance of a final
- 23 certificate of occupancy. Any modifications or changes to approved improvement plans
- 24 shall be submitted to the City Engineer for approval prior to construction.
- 25
- 26 103. The applicant shall submit full architectural and structural plans with all mechanical,
- 27 electrical, and plumbing plans, structural calculations, truss calculations and layout,
- 28 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.
104. 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.).
105. 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.
106. The applicant shall design the structures to withstand ultimate wind speed of 130 miles
- per hour, exposure C and seismic zone D.

- 1 107. The applicant shall submit fire sprinkler, fire alarm systems, and fire hydrant plans to
2 the Building Division for plan review concurrently with building plans and shall be
3 approved prior to the issuance of a building permit.
- 4 108. The applicant shall obtain an Electrical Permit from the Building Division for any
5 temporary electrical power required during construction. No temporary electrical power
6 will be granted to a project unless one of the following items is in place and approved
7 by the Building Division: (A) Installation of a construction trailer, or, (B) Security
8 fencing around the area where the electrical power will be located.
- 9 109. The applicant shall install temporary construction fencing and screening around the
10 perimeter of the project site. The fencing and screening shall be maintained at all times
11 during construction to protect pedestrians.
- 12 110. The applicant shall install any required temporary construction trailer on private
13 property. No trailers are allowed to be located within the public right-of-way. The
14 trailer shall be removed prior to the issuance of a Certificate of Occupancy.
- 15 111. The applicant shall design and construct accessible paths of travel from the building's
16 accessible entrances to the public right-of-way, accessible parking, and the trash
17 enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings,
18 walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning,
19 signage, gates, lifts and walking surface materials, as necessary. The accessible route(s)
20 of travel shall be the most practical direct route between accessible building entrances,
21 site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the
22 site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.
- 23 112. Prior to issuance of a Building Permit all of the following must be in place on the Site:
24 a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent
25 street saying "If there is any dust or debris coming from this site please contact
26 (superintendent number here) or the AQMD if the problem is not being resolved" or
27 something similar to this.
- 28 113. The applicant shall provide temporary toilet facilities for the construction workers. The
toilet facilities shall always be maintained in a sanitary condition. The construction
toilet facilities of the non-sewer type shall conform to ANSI Z4.3.
114. The applicant shall underground all on site utilities to the new proposed structures, prior
to the issuance of a Certificate of Occupancy, unless prior approval has been obtained
by the utility company or the City.
115. Prior to issuance of Building Permits, site grading final and pad certifications shall be
submitted to the Building Division, which include elevation, orientation, and
compaction. The certifications are required to be signed by the engineer of record.

116. The applicant shall provide proof of payment to the Colton Joint Unified School District for all required school fees, prior to the issuance of a building permit.
117. Site facilities such as parking open or covered, recreation facilities, and trash dumpster areas, and common use areas shall be accessible per the California Building Code, Chapter 11.
118. The applicant shall place a copy of the Conditions of Approval herein on within the building plan check submittal set and include the PPD number on the right bottom corner cover page in 20 point bold, prior to the issuance of a building permit.
119. The applicant shall ensure that a minimum of 65% of all construction and demo debris shall be recycled using an approved City of Rialto recycling facility during construction. Copies of receipts for recycling shall be provided to the City Inspector and a copy shall be placed in the office of the construction site.
120. Prior to allowing flammable materials on the site, on site water service and fire hydrants shall be installed and approved by the Fire Department.
121. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
122. The applicant shall illuminate all walkways, passageways, and locations where pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
123. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
124. The applicant shall illuminate all loading dock areas, truck well areas, and delivery areas with a minimum of 2.0 foot-candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
125. 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.
126. The applicant shall provide an illuminated channel letter address prominently placed on the 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.

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

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

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

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

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

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

29 SECTION 5. The Chairman of the Planning Commission shall sign as to the passage and
30 adoption of this resolution and thereupon the same shall take effect and be in force.

31 PASSED, APPROVED AND ADOPTED this 9th day of August, 2023.

32
33 
34 JERRY GUTIERREZ, CHAIR
35 CITY OF RIALTO PLANNING COMMISSION

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

5 I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. **2023-61** was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the 9th day of August 2023.

8 Upon motion of Commissioner Dale Estvander, second by Commissioner Artist Gilbert,
9 foregoing Resolution No. **2023-61** was duly passed and adopted.

10
11 Vote on the motion:

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

13 NOES: 0

14 ABSTENTION: 1 (Gonzalez)

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 9th day of August 2023.

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22 Kimberly Dame
23 Administrative Analyst
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