

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

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

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

10 The Site has a General Plan designation of Specific Plan and a land use designation of
11 Commercial – Mixed Use (C-MU) within the Foothill Boulevard Specific Plan. According
12 to Table 3.2 (Development Standards) of the Foothill Boulevard Specific Plan all land use
13 districts allow for the development of up to 21 dwelling units on the project site. The applicant
14 is proposing to develop 21 dwelling units on the 1.67-acre Site. The Project will include of
15 the 21 apartment units as well as 5 accessory dwelling units and will consist of 8 two-story
16 buildings the associated paving, landscaping, lighting and drainage improvements on the
17 project site. As a result, the Project will facilitate the development of multi-family residential
18 project that is consistent with the underlying land use and zoning designations.

- 19 2. The site is physically suitable for the proposed development, and the proposed
20 development will be arranged, designed, constructed, and maintained so that it will
21 not be unreasonably detrimental or injurious to property, improvements, or the health,
22 safety or general welfare of the general public in the vicinity, or otherwise be
23 inharmonious with the city’s general plan and its objectives, zoning ordinances or any
24 applicable specific plan and its objectives; and

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

26 The Project is consistent with the Specific Plan General Plan land use designation and the
27 Foothill Boulevard Specific Plan. The Site is bound on the west by Cactus Avenue. To
28 the east and south of the project site is single family residential, and to the west, across
Cactus Avenue and San Bernardino County Flood Control channel is single family
residential and multi-family residential land uses. To the north of the project site are acres
of vacant land designated for C-MU. The proposed multi-family residential development
is compatible with all nearby land uses. Construction impacts will be limited through the
strict enforcement of the allowable construction hours listed in Section 9.50.070 of the
Rialto Municipal Code, as well as enforcement of regular watering of the Site to limit
airborne dust and other particulate matter. Operationally, the proposed multi-family
project will have less vehicle trips generated than a commercial mixed-use project under

1 the current C-MU designation would, which typically translates into reduced
2 environmental impacts with respect to air quality, noise, and traffic. The Project is not
3 likely to cause any public health problems. Additionally, the Addendum to the Foothill
4 Boulevard Specific Plan 2010 Mitigated Negative Declaration (Environmental Assessment
5 Review No. 2022-0037) prepared for the Project determined that the Project will not result
6 in any new or unavoidable significant environmental impacts that were not identified in the
7 previously adopted Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration.

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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, perimeter walls, and enhanced architectural features. To the north of the project site are acres of vacant land designated for C-MU. To the south and east is existing single family residential, and to the west, across Cactus Avenue and San Bernardino County Flood Control channel are single family residential and multi-family residential land uses. The nearby area is predominantly zoned for single family residential and medium density commercial mixed uses, and as a result, the project is consistent with the Foothill Boulevard Specific Plan and compatible the surrounding land uses and therefore not expected to negatively impact any uses with the successful implementation of measures such as landscape buffering, the installation of perimeter walls, and aesthetic building enhancements.

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

This finding is supported by the following facts:

The Project is consistent with the vision of the Foothill Boulevard Specific Plan and is a logical addition to the existing uses in the immediate area. The design of the Project will ensure a continuation of the public improvements and aesthetics present in the 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.

SECTION 3. An Addendum to the Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration (Environmental Assessment Review No. 2022-0037) has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA), and it has been determined that the proposed Project would result in no new significant impacts that were not analyzed in the Foothill Boulevard Specific Plan 2010 Mitigated Negative Declaration ("FBSP 2010 MND"), nor would the proposed Project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with proposed Project would either be the same or less than those described in the FBSP 2010 MND. In addition, there are no

1 substantial changes to the circumstances under which the proposed Project would be undertaken that
2 would result in new or more severe environmental impacts than previously addressed in the FBSP
3 2010 MND, nor has any new information regarding the potential for new or more severe significant
4 environmental impacts been identified. The City Council hereby adopts the Addendum to the Foothill
5 Boulevard Specific Plan 2010 Mitigated Negative Declaration (Environmental Assessment Review
6 No. 2022-0037) for the Project.

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

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

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

- 17 8. In accordance with the provisions of Government Code Section 66020(d)(1), the
18 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
19 subject to protest by the applicant at the time of approval or conditional approval of
20 the Project or within 90 days after the date of the imposition of the fees, dedications,
21 reservations, or exactions imposed on the Project.
- 22 9. The applicant shall complete and abide by all pre-construction mitigation measures
23 contained within the 2010 Foothill Boulevard Specific Plan Mitigation Monitoring and
24 Reporting Program (Environmental Assessment CRP/EAR No. 10-04) readopted with
25 the prepared Addendum (Environmental Assessment Review No. 2022-0037), prior to
26 the issuance of a grading permit.
- 27 10. The applicant shall complete and abide by all during-construction mitigation measures
28 contained within the Mitigation Monitoring and Reporting Program associated with
Environmental Assessment Review No. 2022-0037, prior to the issuance of a Certificate
of Occupancy.
11. The applicant shall annex the Site into Community Facilities District No. 2016-1 to
offset operational costs to the City’s General Fund associated with PPD No. 2022-0025,
prior to the issuance of any building permits.

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- 12. The applicant shall secure the services of a tribal cultural monitor to be present during all ground disturbance activities associated with the construction of this project. The tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation, and documentation of coordination between the applicant and the Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the Planning Division prior to the issuance of a grading permit.
- 13. The applicant shall install decorative lighting (carriage and/or recessed) adjacent to the front entry door and both sides of the garage door of each dwelling. The lighting shall be identified on the formal building plan check submittal prior to the issuance of building permits.
- 14. All on-site light standards, including the base, shall be a maximum of twenty (20) feet high, as measured from the finished surface. Lighting shall be shielded and/or directed toward the site so as not produce glare or “stray light” onto adjacent properties. All light standards shall be identified on the site plan and a note indicating the height restriction shall be included within the formal building plan check submittal prior to the issuance of building permits.
- 15. Except as shown within (Wall and Fence Plan) “Exhibit A” attached hereto, all new walls, including any retaining walls, shall be comprised of decorative masonry block. Decorative masonry block means tan-colored slumpstone block, tan-colored split-face block, or precision block with a stucco, plaster, or cultured stone finish. Pilasters shall be incorporated within all new walls visible from the public view. The pilasters shall be spaced a maximum of seventy (70) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum of six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan and Precise Grading Plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.
- 16. The applicant shall construct ADA accessible trash enclosure in compliance with Burrtec Design Guidelines. The trash enclosures shall provide room for one (1) commercial waste container and one (1) commercial recycling container. The exterior of each trash enclosure shall match the material and base color of the buildings as shown Sheet PL-7 (Trash Enclosure Elevations) within “Exhibit A” attached hereto. Additionally, each trash enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and chain-link are not acceptable materials to use as a part of the trash enclosure. The location of each trash enclosure shall be identified on the site plan within the formal building plan check prior to the issuance of building permits. An elevation detail for the trash enclosures shall be provided within formal building plan check submittal prior to the issuance of building permits.

- 1 17. The 26-foot-wide drive aisle serves as an emergency Fire Lane with approved fire truck
2 turn around at the far east end and is required to be maintained clear of all obstructions
3 at all times. The applicant shall install red curbing and “No Parking” signage along the
4 entire length of the Fire Lane including Fire turnaround areas to the satisfaction of the
5 Fire Department prior to the issuance of a Certificate of Occupancy. The red curbing
6 and “No Parking” signage shall be identified on the formal Building Permit submittal
7 prior to the issuance of a building permit.
- 8 18. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
9 the issuance of building permits. The submittal shall include three (3) sets of planting
10 and irrigation plans, a completed Landscape Plan Review application, and the applicable
11 review fee.
- 12 19. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
13 right-of-way parkway along Cactus Avenue. All trees within the public right-of-way
14 parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting.
15 Thereafter, the trees within the public right-of-way parking shall be permanently
16 irrigated and maintained, as required by the Public Works Department. The street tree
17 species along Cactus Drive shall be the *Tristania Conferta* “Brisbane Box” and/or the
18 *Platanus Acerifolia* “London Plane”. The street trees shall be identified on the formal
19 Landscape Plan submittal prior to the issuance of a landscape permit.
- 20 20. The applicant shall plant shrubs that surround all ground mounted equipment and utility
21 boxes, including transformers, fire-department connections, backflow devices, etc. for
22 the purpose of providing screening of said equipment and utility boxes. All equipment
23 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
24 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
25 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
26 and maintained into a continuous box-shape with a height of no less than three and one-
27 half (3.5) feet above the finished grade. The shrubs shall be identified on the formal
28 Landscape Plan submittal prior to the issuance of a landscape permit.
21. 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.

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

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

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- 2 37. The applicant shall provide pad elevation certification for all building pads, in
- 3 conformance with the approved Precise Grading Plan, to the Engineering Department
- 4 prior to construction of any building foundation.
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- 6 38. The public street improvements outlined in these Conditions of Approval are intended
- 7 to convey to the developer an accurate scope of required improvements, however, the
- 8 City Engineer reserves the right to require reasonable additional improvements as may
- 9 be determined in the course of the review and approval of street improvement plans
- 10 required by these conditions.
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- 12 39. The applicant shall construct asphalt concrete paving for streets in two separate lifts.
- 13 The final lift of asphalt concrete pavement shall be postponed until such time that on-
- 14 site construction activities are complete. Unless the City Engineer provide prior
- 15 authorization, paving of streets in one lift prior to completion of on-site construction is
- 16 not allowed. If City Engineer authorized, completion of asphalt concrete paving for
- 17 streets prior to completion of on-site construction activities, requires additional paving
- 18 requirements prior to acceptance of the street improvements, including, but not limited
- 19 to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry
- 20 seal, or other repairs.
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- 22 40. The applicant shall repair all street cuts for utilities in accordance with City Standard
- 23 SC-231 within 72 hours of completion of the utility work; and any interim trench repairs
- 24 shall consist of compacted backfill to the bottom of the pavement structural section
- 25 followed by placement of standard base course material in accordance with the Standard
- 26 Specifications for Public Work Construction (“Greenbook”). The base course material
- 27 shall be placed the full height of the structural section to be flush with the existing
- 28 pavement surface and provide a smooth pavement surface until permanent cap paving
- occurs using an acceptable surface course material.
41. In accordance with City Ordinance No. 1589, adopted to preserve newly paved streets,
- any and all street and/or trench cuts in newly paved streets will be subject to moratorium
- street repair standards as reference in Section 11.04.145 of the Rialto Municipal Code.
42. The applicant shall backfill and/or repair any and all utility trenches or other excavations
- within existing asphalt concrete pavement of off-site streets resulting from the proposed
- development, in accordance with City of Rialto Standard Drawings. The applicant shall
- be responsible for removing, grinding, paving and/or overlaying existing asphalt
- concrete pavement of off-site streets including pavement repairs in addition to pavement
- repairs made by utility companies for utilities installed for the benefit of the proposed
- development (i.e. West Valley Water District, Southern California Edison, Southern
- California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches,
- and other street cuts within existing asphalt concrete pavement of off-site streets
- 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.

1 The pavement condition of the existing off-site streets shall be returned to a condition
2 equal to or better than what existed prior to construction of the proposed development.

3 43. The applicant shall replace all damaged, destroyed, or modified pavement legends,
4 traffic control devices, signing, striping, and streetlights, associated with the proposed
5 development shall be replaced as required by the City Engineer prior to issuance of a
6 Certificate of Occupancy.

7 44. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or
8 curbs along the entire project frontage, in accordance with the General Plan and the City
9 of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of
10 a Certificate of Occupancy.

11 45. The applicant shall provide construction signage, lighting and barricading shall be
12 provided during all phases of construction as required by City Standards or as directed
13 by the City Engineer. As a minimum, all construction signing, lighting and barricading
14 shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California
15 Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time
16 of construction.

17 46. Upon approval of any improvement plan by the City Engineer, the applicant shall
18 provide the improvement plan to the City in digital format, consisting of a DWG
19 (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF
20 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be
21 submitted to the City may be authorized, upon prior approval by the City Engineer.

22 47. The applicant shall construct 4-inch conduit within the parkway area along the entire
23 project frontages of Cactus Avenue for future use.

24 48. The applicant shall dedicate additional right-of-way along the entire frontage of Cactus
25 Avenue, as necessary, to provide the ultimate half-width of 60 feet, as required by the
26 City Engineer.

27 49. The applicant shall construct one (1) new thirty-two (32) foot wide commercial
28 driveway approach on Cactus Avenue, in accordance with City of Rialto Standard
Drawings, 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.

50. Prior to issuance of Certificate of Occupancy, the applicant shall submit to the City
Traffic Engineer verification that sight distance requirements are met at the project
access driveway with Cactus Avenue. Verification shall be in the form of field
photographs showing adequate sight distance with a cover memo describing the
required sight distance based on 85th percentile speed consistent with City requirements
and subject to the satisfaction of the City Engineer.

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51. The applicant shall construct a curb ramp meeting current California State Accessibility standards at both the northeast and southeast corners of the intersection of Cactus Avenue and the driveway connected directly to Cactus Avenue, in accordance with the City of Rialto Standard Drawings. The developer shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the easterly driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
 52. At the discretion of the City Engineer, the applicant shall remove existing pavement and construct new pavement with a minimum pavement section of 4 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Cactus Avenue in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index (“TI”) of 10. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Alternatively, depending on the existing street condition and geotechnical recommendations, a 2” grind and overlay, slurry seal, or other repair can be performed to preserve existing pavement improvements as approved by the City Engineer.
 53. The applicant shall install “No Stopping Anytime” R26A(S)(CA) signage adjacent to the driveway approach along the Cactus Avenue project frontage, as required by the City Engineer.
 54. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt concrete pavement over four (4) inches crushed aggregate base with a minimum subgrade of twenty-four (24) inches at 95% relative compaction, or equal. If an alternative pavement section is proposed,, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using “R” values from the project site and submitted to the City Engineer for approval.
 55. The applicant shall connect the project to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water Services.
 56. Domestic water service to the underlying property is provided by Rialto Water Services. The applicant shall be responsible for coordinating with Rialto Water Services and complying with all requirements for establishing domestic water service to the property. The design must include fire hydrants along Cactus Avenue.
 57. The applicant shall install a new domestic water line lateral connection to the main water line within Cactus Avenue, pursuant to the Rialto Water Services requirements. A water line plan shall be approved by Rialto Water Services prior to issuance of permit.

- 1 58. The applicant shall provide certification from Rialto Water Services that demonstrates
2 that all water and/or wastewater service accounts for the project are documented, prior
3 to the issuance of a Certificate of Occupancy or final inspection approval from the
4 Public Works Engineering Division.
- 5 59. The development of the site is subject to the requirements of the National Pollution
6 Discharge Elimination System (NPDES) Permit for the City of Rialto, under the Santa
7 Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036. Pursuant
8 to the NPDES Permit, the applicant shall ensure development of the site incorporates
9 post-construction Best Management Practices (“BMPs”) in accordance with the Model
10 Water Quality Management Plan (“WQMP”) approved for use for the Santa Ana River
11 Watershed. The applicant is advised that applicable Site Design BMPs will be required
12 to be incorporated into the final site design, pursuant to a site specific WQMP submitted
13 to the City Engineer for review and approval.
- 14 60. The applicant shall submit a Water Quality Management Plan for the parcel identifying
15 site-specific Best Management Practices (“BMPs”) in accordance with the Model Water
16 Quality Management Plan (“WQMP”) approved for use for the Santa Ana River
17 Watershed. The site specific WQMP shall be submitted to the City Engineer for review
18 and approval with the Grading Plan. A WQMP Maintenance Agreement shall be
19 required, obligating the property owner(s) to appropriate operation and maintenance
20 obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP
21 and Maintenance Agreement shall be approved prior to the issuance of any building
22 permit and shall be recorded at the San Bernardino County Recorder’s Office prior to
23 the issuance of a Certificate of Occupancy.
- 24 61. The applicant shall prepare a Notice of Intent (NOI) to comply with the California
25 General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as
26 modified September 2, 2009) is required via the California Regional Water Quality
27 Control Board online SMARTS system. A copy of the executed letter issuing a Waste
28 Discharge Identification (WDID) number shall be provided to the City Engineer prior
to issuance of a grading or building permit. The applicant’s contractor shall prepare and
maintain a Storm Water Pollution Prevention Plan (“SWPPP”) as required by the
General Construction Permit. All appropriate measures to prevent erosion and water
pollution during construction shall be implemented as required by the SWPPP.
62. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall
demonstrate that all structural BMP’s have been constructed and installed in
conformance with approved plans and specifications, and as identified in the approved
WQMP.
63. 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

1 increased stormwater runoff due to development of the site, and to determine required
2 stormwater runoff mitigation measures for the proposed development. Final retention
3 basin sizing and other stormwater runoff mitigation measures shall be determined upon
4 review and approval of the hydrology study by the City Engineer and may require
5 redesign or changes to site configuration or layout consistent with the findings of the
6 final hydrology study. The volume of increased stormwater runoff to retain on-site shall
7 be determined by comparing the existing “pre-developed” condition and proposed
8 “developed” condition, using the 100-year frequency storm.

64. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to
7 the adjacent public streets. Provisions for the interception of nuisance water from
8 entering adjacent public streets from the project site shall be provided through the use
9 of a minor storm drain system that collects and conveys nuisance water to landscape or
10 parkway areas, and in only a stormwater runoff condition, pass runoff directly to the
11 streets through parkway or under sidewalk drains. All on-site and off-site designs must
12 comply with NPDES stormwater regulations.

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

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

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

68. 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:

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

- 1 77. The applicant shall install any required temporary construction trailer on private
2 property. No trailers are allowed to be located within the public right-of-way. The
3 trailer shall be removed prior to the issuance of a Certificate of Occupancy.
- 4 78. The applicant shall design and construct accessible paths of travel from the building's
5 accessible entrances to the public right-of-way, accessible parking, and the trash
6 enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings,
7 walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning,
8 signage, gates, lifts and walking surface materials, as necessary. The accessible route(s)
9 of travel shall be the most practical direct route between accessible building entrances,
10 site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the
11 site, California Building Code, (CBC) Chapter 11, Sec. 11A and 11B.
- 12 79. Prior to issuance of a Building Permit all of the following must be in place on the Site:
13 a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent
14 street saying "If there is any dust or debris coming from this site please contact
15 (superintendent number here) or the AQMD if the problem is not being resolved" or
16 something similar to this.
- 17 80. The applicant shall provide temporary toilet facilities for the construction workers. The
18 toilet facilities shall always be maintained in a sanitary condition. The construction
19 toilet facilities of the non-sewer type shall conform to ANSI ZA.3.
- 20 81. The applicant shall underground all on site utilities to the new proposed structures, prior
21 to the issuance of a Certificate of Occupancy, unless prior approval has been obtained
22 by the utility company or the City.
- 23 82. Prior to issuance of Building Permits, site grading final and pad certifications shall be
24 submitted to the Building Division, which include elevation, orientation, and
25 compaction. The certifications are required to be signed by the engineer of record.
- 26 83. The applicant shall provide proof of payment to the Rialto Unified School District for
27 all required school fees, prior to the issuance of a building permit.
- 28 84. Site facilities such as parking open or covered, recreation facilities, and trash dumpster
areas, and common use areas shall be accessible per the California Building Code,
Chapter 11.
85. The applicant shall place a copy of the Conditions of Approval herein on within the
building plan check submittal set and include the PPD number on the right bottom
corner cover page in 20 point bold, prior to the issuance of a building permit.
86. The applicant shall ensure that a minimum of 65% of all construction and demo debris
shall be recycled using an approved City of Rialto recycling facility during construction.
Copies of receipts for recycling shall be provided to the City Inspector and a copy shall
be placed in the office of the construction site.

- 1
- 2 87. Prior to issuance of Building Permits, on site water service shall be installed and
- 3 approved by the responsible agency. On site fire hydrants shall be approved by the Fire
- 4 Department. No flammable materials will be allowed on the site until the fire hydrants
- 5 are established and approved.
- 6
- 7 88. The applicant shall comply with all applicable requirements of the California Fire Code
- 8 and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
- 9
- 10 89. The applicant shall install an engineered automatic sprinkler system in each residential
- 11 structure. Plans for such a system shall be submitted for review and approval by the
- 12 Fire Department prior to the issuance of any building permit.
- 13
- 14 90. The applicant shall install a water supply system capable of providing the required fire
- 15 flow for the proposed type of development as per requirements of the applicable
- 16 California Fire Code current edition. On site fire hydrants shall be installed by a C-16
- 17 licensed contractor as required prior to the construction phase of the development. Plans
- 18 for the on-site water system shall be approved by the Fire Department prior to issuance
- 19 of building permits. Provide 12 gage locator wire non-insulated, taped above fire
- 20 service main for all underground fire line.
- 21
- 22 91. Where access to or within a structure area is restricted because of secured openings and
- 23 immediate access is necessary for life saving or firefighting purposes, a Key Box is to
- 24 be installed in an accessible location(s) as approved by the Fire Department. The Key
- 25 Box shall be of a type approved by the Fire Department.
- 26
- 27 92. All streets and access roadways as approved on the final tract map shall be maintained
- 28 in such a manner as to provide access for emergency vehicles at all times during
- construction phase. All streets and/or access roadways shall be constructed and
- maintained as to provide a smooth driving surface of not less than twenty-six (26) feet
- of unobstructed width, capable of supporting the imposed load of Fire Department
- apparatus and/or emergency rescue equipment to within seventy five (75) feet of all
- structures. Failure by the developer and the persons responsible for the project site to
- comply with this provision or any of the other requirements outlined in Rialto Municipal
- Code and California Fire Code current edition, will be cause for the Fire Chief to require
- that all activity be discontinued pending compliance.
93. The applicant shall illuminate all walkways, passageways, and locations where
- pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of
- light during the hours of darkness. Lighting shall be designed/constructed in such a
- manner as to automatically turn on at dusk and turn off at dawn.
94. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas
- with a minimum of 1.5-foot candles (at surface level) of light during the hours of
- darkness. Lighting shall be designed/constructed in such a manner as to automatically
- turn on at dusk and turn off at dawn.

- 1
- 2 95. The applicant shall illuminate all common open space areas with a minimum of 1.5-foot
- 3 candles (at surface level) of light during the hours of darkness. Lighting shall be
- 4 designed/constructed in such a manner as to automatically turn on at dusk and turn off
- 5 at dawn.
- 6 96. The applicant shall design/construct all lighting fixtures and luminaries, including
- 7 supports, poles and brackets, in such a manner as to resist vandalism and/or destruction
- 8 by hand.
- 9 97. The applicant shall provide an illuminated address prominently placed on the front of
- 10 each dwelling unit, prior to the issuance of a Certificate of Occupancy.
- 11 98. The applicant shall install a Knox box immediately adjacent to all entrances of the
- 12 private residential neighborhood to facilitate the entry of safety personnel. The Knox
- 13 boxes shall be installed in such a manner as to be alarmed, resist vandalism, removal, or
- 14 destruction by hand, and be fully recessed into an adjacent block column or wall. The
- 15 Knox box shall be equipped with the appropriate keys, prior to the issuance of the first
- 16 certificate of occupancy. The Knox box placement shall be shown on the formal
- 17 building plan review submittal prior to the issuance of a building permit.
- 18 99. The applicant shall install cluster mailboxes in such a way that they are tamper and
- 19 vandalism resistant and shall be illuminated during times of darkness.
- 20 100. The applicant or General Contractor shall identify each contractor and subcontractor
- 21 hired to work at the job site on a Contractor Sublist form and return it to the Business
- 22 License Division with a Business License application and the Business License tax fee
- 23 based on the Contractors tax rate for each contractor.

24 SECTION 5. The Mayor shall sign the passage and adoption of this resolution and

25 thereupon the same shall take effect and be in force.

26 PASSED, APPROVED AND ADOPTED this 13th day of June, 2023.

27 _____

28 DEBORAH ROBERTSON, MAYOR

1 **ATTEST:**

2
3
4 _____
5 BARBARA MCGEE, CITY CLERK

6
7 **APPROVED AS TO FORM:**

8
9 _____
10 ERIC S. VAIL, CITY ATTORNEY

11
12 STATE OF CALIFORNIA)

13 COUNTY OF SAN BERNARDINO) ss

14 CITY OF RIALTO)

15 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
16 Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council
17 of the City of Rialto held on the _____ day of _____, 2023.

18 Upon motion of Councilmember _____, seconded by Councilmember
19 _____, the foregoing Resolution No. _____ was duly passed and adopted.

20 Vote on the motion:

21 AYES:

22 NOES:

23 ABSENT:

24 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
25 Rialto this _____ day of _____, 2023.

26
27 _____
28 BARBARA MCGEE, CITY CLERK

Exhibit A

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