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WHEREAS, the applicant, Howard Industrial Partners, LLC, proposes to develop and operate a 470,000 square foot industrial warehouse building (“Project”) on approximately 23.82 gross acres of land (APNs: 0264-201-29 & 0264-201-30) located on the east side of Pepper Avenue approximately 500 feet south of the SR-210 Freeway (“Site”); and

WHEREAS, the Project will consist of 5,000 square feet of office space on the ground floor, 5,000 square feet of office space on the second floor, and 460,000 square feet of warehouse space with sixty-two (62) dock-high loading doors, which will be located on the south side of the building; 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. 2020-0014 (“PPD No. 2020-0014”); and

WHEREAS, the Site has a zoning designation of Pepper Avenue Specific Plan and the Site's land use designation within the Pepper Avenue Specific Plan is Community Commercial (CC); and

WHEREAS, in conjunction with the Project, the applicant has submitted Specific Plan Amendment No. 2020-0002 (“SPA No. 2020-0002”) to amend the Pepper Avenue Specific Plan, and SPA No. 2020-0002 is necessary to facilitate the Project; and

WHEREAS, the SPA No. 2020-0002 proposes an amended version of the Pepper Avenue Specific Plan with the following components:

- Provision of a new “Light Industrial” land use designation that will allow warehouses and logistics centers as permitted uses; and
- Provision of development standards for the new “Light Industrial” land use designation; and
- Dividing of Planning Area 1 into two (2) Planning Areas: Planning Area 1, encompassing 2.63 acres, and Planning Area 10, encompassing 11.64 acres; and
- Amending the land use designations of Planning Areas 2, 3, and 10 from Community Commercial with a development maximum of 476,650 square feet to the new Light Industrial land use designation with a development maximum of 735,185 square feet, the residential overlay on Planning Area 3 will be preserved in place; and
- Various traffic circulation improvements, such as provisions of new access points and new medians; and
- Various textual and graphic amendments related to the changes listed above; and

WHEREAS, in conjunction with the Project, the applicant submitted Conditional Development Permit No. 2020-0008 (“CDP No. 2020-0008”) to facilitate the development and operation of a 470,000 square foot industrial warehouse building on the Site, and CDP No. 2020-0008 is necessary to facilitate the Project; and

WHEREAS, on March 8, 2023, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on PPD No. 2020-0014, SPA No. 2020-0002, and CDP No. 2020-0008, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2020-0014, SPA No. 2020-0002, and CDP No. 2020-0008; and closed the public hearing; and

WHEREAS, on March 8, 2023, the Planning Commission voted 4-0 (1 recusal & 2 vacancies) to recommend denial of PPD No. 2020-0014, SPA No. 2020-0002, and CDP No. 2020-0008 to the City Council; and

WHEREAS, on April 25, 2023, the City Council conducted a duly noticed public hearing, as required by law, on PPD No. 2020-0014, SPA No. 2020-0002, and CDP No. 2020-0008, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony, discussed PPD No. 2020-0014, SPA No. 2020-0002, and CDP No. 2020-0008; and closed the public hearing; and

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

2 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

3 **SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in the
4 recitals above of this Resolution are true and correct and incorporated herein.

5 **SECTION 2.** Based on substantial evidence presented to the City Council during the public
6 hearing conducted with regard to PPD No. 2020-0014, including written staff reports, verbal
7 testimony, site plans, other documents, and the conditions of approval stated herein, the City Council
8 hereby determines that PPD No. 2020-0014 satisfies the requirements of Section 18.65.020E of the
9 Rialto Municipal Code pertaining to the findings which must be made precedent to granting a Precise
10 Plan of Design. The findings are as follows:

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

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

14
15 SPA No. 2020-0001, prepared in conjunction with the Project, will amend the Pepper Avenue
16 Specific Plan to create a new “Light Industrial” land use designation for the Site. The Project,
17 as conditioned herein, will comply with all City ordinances and regulations including those
18 of the proposed “Light Industrial” land use district, the Pepper Avenue Specific Plan, and
19 the City’s Design Guidelines. The “Light Industrial” land use district allows for the
20 development and operation of industrial warehouse buildings, as proposed by the Project.
21 Additionally, the Project meets all the required development standards of the proposed “Light
22 Industrial” land use district including, but not limited to, required building setbacks, parking,
23 landscaping, building height, floor area ratio, etc.

- 24 2. The site is physically suitable for the proposed development, and the proposed
25 development will be arranged, designed, constructed, and maintained so that it will
26 not be unreasonably detrimental or injurious to property, improvements, or the health,
27 safety or general welfare of the general public in the vicinity, or otherwise be
28 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:

26 The Site is relatively flat, approximately 23.82 gross acres in size, and adjacent to one (1)
27 public street. To the north of the Site is approximately 14.35 acres of vacant land, and to
28 the east is approximately 8.02 acres of vacant land. To the south of the Site is water
reservoir and well site owned and operated by West Valley Water District, and to the west,
across Pepper Avenue, is approximately 42.3 acres of vacant land. The Project is consistent

1 with the proposed Light Industrial land use district. As a result of SPA No. 2020-0002, the
2 surrounding area will predominantly be designated for industrial uses, and as a result, there
3 are no sensitive land uses adjacent to or across the street from the project site. The project
4 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.

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

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

9 The Project's effects will be minimized through the implementation of the Conditions of
10 Approval contained herein, such as extensive landscaping, concrete screen walls, decorative
11 paving, and enhanced architectural features. To the north of the Site is approximately 14.35
12 acres of vacant land, and to the east is approximately 8.02 acres of vacant land. To the south
13 of the Site is water reservoir and well site owned and operated by West Valley Water District,
14 and to the west, across Pepper Avenue, is approximately 42.3 acres of vacant land. The
15 Project is consistent with the proposed Light Industrial land use district. As a result of SPA
16 No. 2020-0002, the surrounding area will predominantly be designated for 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.

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

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

20 The Project is consistent with the proposed Light Industrial (LI) land use district and is a
21 logical addition to the amended Pepper Avenue Specific Plan area. The design of the Project
22 will establish public improvements and aesthetics consistent with the amended Pepper
23 Avenue Specific Plan. 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.

24 SECTION 3. A Subsequent Environmental Impact Report (Environmental Assessment
25 Review No. 2020-0010) has been prepared for the proposed Project in accordance with the California
26 Environmental Quality Act (CEQA) and it has been determined that the Project will create
27 unavoidable significant impacts to air quality and greenhouse gas emissions. On April 25, 2023, the
28 City Council adopted the Final Subsequent Environmental Impact Report prepared for the Project.

1 SECTION 4. The City Council hereby approves PPD No. 2020-0014, in conjunction with
2 SPA No. 2020-0002 and CDP No. 2020-0008, to allow the development of a 470,000 square foot
3 industrial warehouse building on approximately 23.82 gross acres of land (APNs: 0264-201-29 &
4 0264-201-30) located on the east side of Pepper Avenue approximately 500 feet south of the SR-210
5 Freeway, in accordance with the plans and application on file with the Planning Division, subject to
6 the following Conditions of Approval:
7

- 8 1. The applicant is granted PPD No. 2020-0014 allowing the development of a 470,000
9 square foot industrial warehouse building and associated paving, landscaping, fencing,
10 lighting, and drainage improvements on approximately 23.82 gross acres of land (APNs:
11 0264-201-29 & 0264-201-30) located on the east side of Pepper Avenue approximately
12 500 feet south of the SR-210 Freeway, subject to the Conditions of Approval contained
13 herein.
14
- 15 2. The approval of PPD No. 2020-0014 is granted for a one (1) year period from the date
16 of approval. Approval of PPD No. 2020-0014 will not become effective until the
17 applicant has signed a Statement of Acceptance acknowledging awareness and
18 acceptance of the required Conditions of Approval contained herein. Any request for
19 an extension shall be reviewed by the Community Development Director and shall be
20 based on the progress that has taken place toward the development of the project.
21
- 22 3. The development associated with PPD No. 2020-0014 shall conform to the conceptual
23 site plan, conceptual floor plan, conceptual elevations, colored elevations, conceptual
24 grading plan, and conceptual landscape plan attached hereto as Exhibit A, except as may
25 be required to be modified based on the Conditions of Approval contained herein.
26
- 27 4. The development associated with PPD No. 2020-0014 shall comply with all Conditions
28 of Approval contained within SPA No. 2020-0002 and CDP No. 2020-0008.
5. The development associated with PPD No. 2020-0014 shall comply with all applicable
sections of the Pepper Avenue 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
legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
dispute resolutions procedures (including, but not limited to arbitrations, mediations,

1 and other such procedures), (collectively “Actions”), brought against the City, and/or
2 any of its officials, officers, employees, agents, departments, agencies, and
3 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
4 annul, the any action of, or any permit or approval issued by, the City and/or any of
5 its officials, officers, employees, agents, departments, agencies, and instrumentalities
6 thereof (including actions approved by the voters of the City), for or concerning the
7 Project (collectively, the “Entitlements”), whether such Actions are brought under
8 the California Environmental Quality Act, the Planning and Zoning Law, the
9 Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the
10 California Public Records Act, or any other state, federal, or local statute, law,
11 ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This
12 condition to indemnify, protect, defend, and hold the City harmless shall include, but
13 not be limited to (i) damages, fees and/or costs awarded against the City, if any, and
14 (ii) cost of suit, attorneys’ fees and other costs, liabilities and expenses incurred in
15 connection with such proceeding whether incurred by applicant, Property owner, or
16 the City and/or other parties initiating or bringing such proceeding (collectively,
17 subparts (i) and (ii) are the “Damages”). Notwithstanding anything to the contrary
18 contained herein, the Applicant shall not be liable to the City Parties under this
19 indemnity to the extent the Damages incurred by any of the City Parties in such
20 Action(s) are a result of the City Parties’ fraud, intentional misconduct or gross
21 negligence in connection with issuing the Entitlements. The applicant shall execute
22 an agreement to indemnify, protect, defend, and hold the City harmless as stated
23 herein within five (5) days of approval of PPD No. 2020-0014.

- 24 8. In accordance with the provisions of Government Code Section 66020(d)(1), the
25 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
26 subject to protest by the applicant at the time of approval or conditional approval of
27 the Project or within 90 days after the date of the imposition of the fees, dedications,
28 reservations, or exactions imposed on the Project.
- 29 9. Approval of PPD No. 2020-0014 will not be valid until such time that the City Council
30 has approved SPA No. 2020-0002 and CDP No. 2020-0008, which were prepared in
31 conjunction with the Project.
- 32 10. The applicant shall complete and abide by all pre-construction mitigation measures
33 contained within the Mitigation Monitoring and Reporting Program associated with
34 Environmental Assessment Review No. 2020-0010, prior to the issuance of a grading
35 permit.
- 36 11. The applicant shall complete and abide by all during-construction mitigation measures
37 contained within the Mitigation Monitoring and Reporting Program associated with
38 Environmental Assessment Review No. 2020-0010, prior to the conducting of a final
39 inspection by the Building Division.
- 40 12. The applicant shall secure the services of a tribal cultural monitor to be present during
41 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 pavement within each driveway connected to Pepper Avenue. The decorative pavement shall extend across the entire width of each driveway and shall have a minimum depth of forty-eight (48) feet as measured from the property line along Pepper Avenue. Decorative pavement means decorative pavers and/or color concrete with patterns and 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.
14. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall route all drainage downspouts through the interior of the building. The internal downspouts shall be identified within the formal building plan check submittal prior to the issuance of building permits.
15. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns, at least three (3) feet in depth from the main wall plane, at all height variations on all 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.
16. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall provide internal roof 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.
17. All new walls, including any retaining walls, shall be comprised of decorative masonry block or decorative concrete. Decorative masonry block means tan-colored slumpstone block, tan-colored split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or 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 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.

- 1 18. Any new fencing installed on site shall be comprised of tubular steel. All fencing shall
2 be identified on the site plan, and an elevation detail for the fencing and pilasters shall
3 be included in the formal building plan check submittal prior to the issuance of building
4 permits.
- 5 19. The applicant shall construct at least one (1) ADA accessible trash enclosure on the
6 project site. The trash enclosure shall provide room for one (1) commercial waste
7 container and one (1) commercial recycling container. The exterior of each trash
8 enclosure shall match the material and base color of the building. Additionally, the trash
9 enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and
10 chain-link are not acceptable materials to use as a part of the trash enclosure. The
11 location of the trash enclosure shall be identified on the site plan within the formal
12 building plan check prior to the issuance of building permits. An elevation detail for the
13 trash enclosure shall be provided within formal building plan check submittal prior to
14 the issuance of building permits.
- 15 20. All light standards installed on site, shall have a maximum height of twenty-five (25)
16 feet, as measured from the finished surface, including the base. Lighting shall be
17 shielded and/or directed toward the site so as not to produce direct glare or "stray light"
18 onto adjacent properties. All light standards shall be identified on the site plan and a
19 note indicating the height restriction shall be included within the formal building plan
20 check submittal prior to the issuance of building permits.
- 21 21. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
22 the issuance of building permits. The submittal shall include three (3) sets of planting
23 and irrigation plans, a completed Landscape Plan Review application, and the applicable
24 review fee.
- 25 22. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
26 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter,
27 the parking lot trees shall be permanently irrigated and maintained. All parking lot tree
28 species shall consist of evergreen broadleaf trees. The trees shall be identified on the
formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 23 23. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
24 landscape setback along Pepper Avenue. All trees within the landscape setback shall
25 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter,
26 the trees within the landscape setback shall be permanently irrigated and maintained by
27 the property owner. At least fifty (50) percent of the trees within the setback shall
28 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
right-of-way parkway along Pepper 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.

1 Thereafter, the trees within the public right-of-way parking shall be permanently
2 irrigated and maintained, as required by the Engineering Services Department. The
3 street tree species along Pepper Avenue shall be the Jacaranda Mimosifolia “Jacaranda”
4 and/or the Albizia Julibrissin “Mimosa/Silk Tree”. The street trees shall be identified
5 on the formal Landscape Plan submittal prior to the issuance of a landscape permit.

- 6 25. The applicant shall plant shrubs that surround all ground mounted equipment and utility
7 boxes, including transformers, fire-department connections, backflow devices, etc. for
8 the purpose of providing screening of said equipment and utility boxes. All equipment
9 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
10 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
11 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
12 and maintained into a continuous box-shape with a height of no less than three and one-
13 half (3.5) feet above the finished grade. The shrubs shall be identified on the formal
14 Landscape Plan submittal prior to the issuance of a landscape permit.
- 15 26. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
16 throughout all land on-site and off-site (adjacent to the project site) that is not covered
17 by structures, walkways, parking areas, and driveways. Trees shall be planted a
18 minimum of thirty (30) feet on-center, and all shrubs and groundcover shall be planted
19 an average of three (3) feet on-center or less. All trees shall be minimum of fifteen (15)
20 gallons in size upon initial planting, unless otherwise specified herein. At least fifty (50)
21 percent of the trees shall consist of evergreen broadleaf trees, while the remaining
22 percentage may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall
23 be a minimum of one (1) gallon in size, unless otherwise specified herein. All planter
24 areas shall receive a minimum two (2) inch thick layer of brown bark, organic mulch,
25 and/or decorative rock upon initial planting. Pea gravel and decomposed granite are not
26 acceptable materials to use within planter areas. All planter areas on-site shall be
27 permanently irrigated and maintained. The planting and irrigation shall be identified on
28 the formal Landscape Plan submittal prior to the issuance of a landscape permit.
27. 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.
28. 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.
29. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
issuance of a Certificate of Occupancy.
30. The applicant shall comply with all conditions of approval for PPD No. 2020-0014 to
the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.

31. All improvements within the public right-of-way require a City of Rialto Encroachment Permit.
32. The applicant shall pay all applicable development impact fees in accordance with the current City of Rialto fee ordinance, including any Transportation and Traffic Fair Share Contribution fees, prior to the issuance of any building permit related to the Project.
33. The applicant shall apply for 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.
34. 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 an 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.
35. 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. 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).
36. 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 median irrigation system and 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

1 the street improvement plans, prior to issuance of a building permit. The landscaping
2 architect must contact the City of Rialto Landscape Contract Specialist at (909) 820-
3 2602 to ensure all landscape and irrigation guidelines are met prior to plan approval.
4 Electrical and water irrigation meter pedestals must not be designed to be installed at or
near street intersections to avoid burdensome traffic control set-up during ongoing
maintenance.

- 5 37. If the property is accepted in the LLMD, the applicant shall guarantee all new median
6 and parkway landscaping for a period of one (1) year from the date of the City Engineer
7 acceptance. Any landscaping that fails during the one-year landscape maintenance
8 period shall be replaced with similar plant material to the satisfaction of the City
9 Engineer, and shall be subject to a subsequent one year landscape maintenance period.
10 The applicant must contact the City of Rialto Landscape Contract Specialist at (909)
11 820-2602 to confirm a full twelve (12) months' time of non-interrupted ongoing
12 maintenance.
- 13 38. The applicant shall install City Engineer approved deep root barriers, in accordance with
14 the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten
15 (10) feet of the public sidewalk and/or curb.
- 16 39. All new streetlights shall be installed on an independently metered, City-owned
17 underground electrical system. The developer shall provide documentary proof of
18 application with Southern California Edison ("SCE") for all appropriate service points
19 and electrical meters prior to the issuance of a Certificate of Occupancy. New meter
20 pedestals shall be installed, and electrical service paid by the developer, until the
21 landscape and irrigation is accepted after the one-year maintenance period and the
22 underlying property is annexed into LLMD 2.
- 23 40. The applicant shall install new marbelite streetlight poles (or street lights that match
24 existing) with LED light fixtures shall be installed in accordance with City of Rialto
25 Standard Drawings and as approved by the City Engineer in locations where they are
26 currently missing along Pepper Avenue.
- 27 41. The applicant shall submit street improvement plans by a registered California civil
28 engineer to the Engineering Services Department for review. The plans shall be
approved by the City Engineer prior to the issuance of building permits.
42. The applicant shall submit streetlight 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 issuance of building permits.
43. 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 issuance of building permits.

- 1 44. The applicant shall submit traffic striping and signage improvement plans prepared by
2 a registered California civil engineer, or traffic engineer, to the Engineering Services
3 Department for review. The plans shall be approved by the City Engineer prior to the
4 issuance of building permits. Approved traffic striping and signage plans must include
5 required Class II thermoplastic Bicycle Facilities as referenced in the Pepper Avenue
6 Specific Plan, Amended May 25, 2023.
- 7 45. The applicant shall submit copies of approved public water improvement plans prepared
8 by a registered California civil engineer to the Engineering Services Department for
9 record purposes. The plans shall be approved by West Valley Water District, the water
10 purveyor, prior to the issuance of building permits or Off-site Construction permit,
11 whichever occurs first. The public water improvements such as service lines shall be
12 shown, as reference, in the street improvement plans with the appropriate Trench Work
13 Standard No. SC-231.
- 14 46. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
15 registered civil engineer to the Engineering Services Department for review and
16 approval. The Grading Plan shall be approved by the City Engineer prior to the issuance
17 of building permits.
- 18 47. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
19 registered Geotechnical Engineer, for and incorporated as an integral part of the grading
20 plan for the proposed development. Infiltration testing shall be conducted and included
21 in the report or by separate report. A copy of the Geotechnical/Soils Report shall be
22 submitted to the Engineering Services Department with the first submittal of the Precise
23 Grading Plan.
- 24 48. The applicant shall include Earthwork Quantities on the precise grading plans prepared
25 by a Civil Engineer registered in the State of California.
- 26 49. Upon approval of any improvement plan by the City Engineer, the applicant shall
27 provide the improvement plan to the City in digital format, consisting of a DWG
28 (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.
50. The applicant shall provide pad (rough grade) elevation certification, engineered-fill
certification, and compaction report for all building pads and site, in conformance with
the approved Precise Grading Plan, to the Engineering Division prior to construction of
any building foundation.
51. The public 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.

- 1
- 2 52. In addition to payment of fair share fees and DIF, the applicant shall install a raised
- 3 median in Pepper Avenue along the project frontage, and install necessary curb, gutter
- 4 and sidewalk.
- 5
- 6 53. The applicant shall prepare plans to modify the striping on Pepper Avenue to match the
- 7 striping in the TIA dated January 17, 2022 providing for two travel lanes in each
- 8 direction, Class II bike lane and markings at raised median.
- 9
- 10 54. The applicant shall construct asphalt concrete paving for streets in two separate lifts.
- 11 The final lift of asphalt concrete pavement shall be postponed until such time that on-
- 12 site construction activities are complete, as may be determined by the City Engineer.
- 13 Paving of streets in one lift prior to completion of on-site construction will not be
- 14 allowed unless prior authorization has been obtained from the City Engineer.
- 15 Completion of asphalt concrete paving for streets prior to completion of on-site
- 16 construction activities, if authorized by the City Engineer, will require additional paving
- 17 requirements prior to acceptance of the street improvements, including, but not limited
- 18 to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry
- 19 seal, or other repairs, as required by the City Engineer.
- 20
- 21 55. The applicant shall, as determined necessary by the City Engineer, remove existing
- 22 pavement and construct new pavement with a minimum pavement section of 5 inches
- 23 asphalt concrete pavement over 6 inches crushed aggregate base with a minimum
- 24 subgrade of 24 inches at 95% relative compaction, or equal, along the entire half-width
- 25 frontage of Pepper Avenue in accordance with City of Rialto Standard Drawings. The
- 26 pavement section shall be determined using a Traffic Index ("TI") of 10. The pavement
- 27 section shall be designed by a California registered Geotechnical Engineer using "R"
- 28 values from the project site and submitted to the City Engineer for approval.
- Alternatively, depending on the existing street condition and as approved by the City Engineer, a street overlay, slurry seal, or other repair can be performed to preserve existing pavement improvements.
56. The applicant shall construct a 12-foot wide raised and landscaped median island along frontage of property, in accordance with City Standards and Amended Pepper Avenue Specific Plan as approved by the City Engineer. The median nose width shall be constructed at no less than 4-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.
57. 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.

58. 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.
59. 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, Spectrum, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets resulting from the proposed Project 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 Project.
60. The applicant shall install underground all existing 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 the site, in accordance with Chapter 15.32 of the Rialto Municipal Code. Utility undergrounding shall include guy wire poles and shall extend to the nearest off-site power pole. Unless City Engineer approved, no new power poles or guy wire poles shall be installed. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Precise Grading/Paving 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.
61. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed Project shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
62. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or curbs along the entire project frontage, in accordance with the General Plan and the City of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of a Certificate of Occupancy.
63. The applicant shall provide construction signage, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed

1 by the City Engineer. As a minimum, all construction signing, lighting and barricading
2 shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California
3 Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time
4 of construction.

5 64. The applicant shall construct 4-inch HDPE conduit, with #6 pull boxes at 400 feet
6 maximum spacing, within the parkway area along the entire project frontage of Pepper
7 Avenue for future use, prior to the issuance of a Certificate of Occupancy.

8 65. The applicant shall dedicate additional right-of-way along the entire frontage of Pepper
9 Avenue, as may be required to provide a property line at ultimate right-of-way and to
10 provide for turn lanes, in accordance with the Traffic Impact Analysis prepared for the
11 Project.

12 66. The applicant shall dedicate additional right-of-way as may be required to provide
13 property line corner cutbacks at the northeast and southeast corners of the intersections
14 of Pepper Avenue and the new driveways connected to Pepper Avenue, in accordance
15 with City Standard SC-235, as required by the City Engineer.

16 67. The applicant shall construct one (1) new fifty-eight (58) foot wide commercial
17 driveway approach, one (1) new twenty-six (26) foot wide commercial driveway
18 approach, and one (1) sixty (60) foot wide shared commercial driveway approach on
19 Pepper Avenue, as shown on the site plan included in Exhibit A, in accordance with
20 City of Rialto Standard Drawings, or as otherwise approved by the City Engineer.
21 Nothing shall be constructed or planted in the corner cut-off area which does exceed or
22 will exceed 30 inches in height in order to maintain an appropriate corner sight distance,
23 as required by the City Engineer. If necessary, additional right of way shall be dedicated
24 on-site to construct a path of travel meeting ADA guidelines for the public.

25 68. The applicant shall construct a curb ramp meeting current California State Accessibility
26 standards at both the northeast and southeast corners of the intersections of Pepper
27 Avenue and the new commercial driveways connected to Pepper Avenue, in accordance
28 with the City of Rialto Standard Drawings. The developer shall ensure that an
appropriate path of travel, meeting ADA guidelines, is provided across the driveways,
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.

69. The applicant shall, as determined necessary by the City Engineer, repair or replace any
non-compliant, damaged, or unsatisfactory sidewalk along the entire project frontage of
Pepper Avenue, in accordance with City of Rialto Standard Drawings.

70. The applicant shall, as determined necessary by the City Engineer repair or replace any
non-compliant, damaged, or unsatisfactory curb and gutter along the entire frontage of
Pepper Avenue, in accordance with City of Rialto Standard Drawings.

- 1
- 2 71. The applicant shall install “No Stopping Anytime” R26A(S)(CA) signage along the
- 3 entire project frontage of Pepper Avenue, as required by the City Engineer.
- 4
- 5 72. The applicant shall be responsible for coordinating with Omnitrans regarding the
- 6 location of existing, proposed, and future bus stops along the property frontage of all
- 7 public streets. Contact Anna Jaiswal at Anna.Jaiswal@onmitrans.org or (909)-379-
- 8 7256; or busstops@onmitrans.org. The developer shall design street and sidewalk
- 9 improvements in accordance with the latest Omnitrans bus stop guidelines and in
- 10 compliance with current accessibility standards pursuant to the Americans with
- 11 Disabilities Act (ADA) requirements. The developer shall design all bus stops to
- 12 accommodate the Omnitrans Premium Shelters. Prior to Certificate of Occupancy, the
- 13 developer shall submit to the Engineering Services Department verification from
- 14 Omnitrans acknowledging concurrence with the existing, proposed, and future bus stop
- 15 improvements in conformance with the Premium Shelter design guidelines.
- 16 Additionally, if bus turnouts are required to accommodate proposed bus stops in
- 17 accordance with the City Standards and as approved by the City Engineer, applicant
- 18 shall make necessary street dedication to the City to provide for bus turnout.
- 19
- 20 73. The minimum pavement section for all on-site pavements shall be 2½ inches asphalt
- 21 concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of
- 22 24 inches at 95% relative compaction, or equal. If an alternative pavement section is
- 23 proposed, the proposed pavement section shall be designed by a California registered
- 24 Geotechnical Engineer using "R" values from the project site and submitted to the City
- 25 Engineer for approval.
- 26
- 27 74. The applicant shall submit a Sewer Analysis of the tributary area to the proposed Pepper
- 28 Avenue Lift Station (Lift Station) to be located on APN: 0264-201-30. The Sewer
- Analysis shall be submitted to the Engineering Services Department for review prior to
- the issuance of any permits related to sewer improvements. The tributary area analyzed
- within the Sewer Analysis shall include all properties within the Pepper Avenue Specific
- Plan and APN: 0264-431-18. The Sewer Analysis can be a part of the Preliminary
- Design Report (PDR) for the proposed Lift Station. The Engineering Services
- Department and the Utilities Manager will review the PDR and provide comments and
- acceptance prior to proceeding to design.
75. Upon completion of the PDR, the applicant shall design the Lift Station in accordance
- with City Standards and PDR requirements. Lift Station design drawings shall be
- submitted to the Engineering Services Department and the Utilities Manager for review
- and approval.
76. The applicant shall construct the Lift Station on APN: 0264-201-30, prior to issuance of
- a Certificate of Occupancy. The applicant will need to employ a qualified contractor to
- construct the Lift Station and a construction management team to oversee the
- implementation of the Lift Station. The City will provide specialized inspection services
- during the construction and implementation of the Lift Station. The applicant will fund

1 the specialized inspection services so that the City can conduct an independent review
2 of the construction and acceptance of the Lift Station. The applicant may enter into a
3 Reimbursement Agreement with the City of Rialto to recover fair-share costs associated
4 with the construction of the Lift Station from future developments within the Pepper
Avenue Specific Plan area and from future development of APN: 0264-201-30 at the
time those future developments occur.

- 5 77. The applicant shall be solely responsible for all costs related to the PDR, design,
6 construction, construction management, and inspection of the Lift Station.
- 7 78. The applicant shall connect the project to the City of Rialto sewer system and apply for
8 a sewer connection account with Rialto Water Services.
- 9 79. Domestic water service to the underlying property is provided by West Valley Water
10 District. The applicant shall be responsible for coordinating with West Valley Water
11 District and complying with all requirements for establishing domestic water service to
the property. The design must include fire hydrants along Pepper Avenue.
- 12 80. The applicant shall provide certification from Rialto Water Services that demonstrates
13 that all water and/or wastewater service accounts for the project are documented, prior
14 to the issuance of a Certificate of Occupancy or final inspection approval from the
Engineering Services Department.
- 15 81. All sewer mains constructed by the applicant, as necessary, are to become part of the
16 public sewer system and shall be pressure tested and digitally video recorded by the
17 City's wastewater system operator (Veolia) prior to acceptance of the sewer system for
18 maintenance by the City. The developer shall be responsible for all costs associated with
testing and inspection services. Any defects of the sewer main shall be removed,
replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- 19 82. The applicant shall submit a Water Quality Management Plan identifying site specific
20 Best Management Practices ("BMPs") in accordance with the Model Water Quality
21 Management Plan ("WQMP") approved for use for the Santa Ana River Watershed.
22 The site specific WQMP shall be submitted to the City Engineer for review and approval
23 with the Precise Grading Plan. A WQMP Maintenance Agreement shall be required,
24 obligating the property owner(s) to appropriate operation and maintenance obligations
25 of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and
26 Maintenance Agreement shall be approved prior to issuance of a building permit, unless
27 otherwise allowed by the City Engineer. The development of the Site is subject to the
28 requirements of the National Pollution Discharge Elimination System (NPDES) Permit
for the City of Rialto, issued by the Santa Ana Regional Water Quality Control Board,
Board Order No. R8-2010-0036. Pursuant to the NPDES Permit, the Applicant shall
ensure development of the site incorporates post-construction Best Management
Practices ("BMPs") in accordance with the Model Water Quality Management Plan
("WQMP") approved for use for the Santa Ana River Watershed. The Applicant is
advised that applicable Site Design BMPs will be required to be incorporated into the

1 final site design, pursuant to a site specific WQMP submitted to the City Engineer for
2 review and approval.

- 3 83. The applicant shall prepare a Notice of Intent (NOI) to comply with the California
4 General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as
5 modified September 2, 2009) is required via the California Regional Water Quality
6 Control Board online SMARTS system. A copy of the executed letter issuing a Waste
7 Discharge Identification (WDID) number shall be provided to the City Engineer prior
8 to issuance of a grading or building permit. The applicant's contractor shall prepare and
9 maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the
10 General Construction Permit. All appropriate measures to prevent erosion and water
11 pollution during construction shall be implemented as required by the SWPPP.
- 12 84. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall
13 demonstrate that all structural BMP's have been constructed and installed in
14 conformance with approved plans and specifications, and as identified in the approved
15 WQMP.
- 16 85. All stormwater runoff passing through the site shall be accepted and conveyed across
17 the property in a manner acceptable to the City Engineer. For all stormwater runoff
18 falling on the site, on-site retention or other facilities approved by the City Engineer
19 shall be required to contain the increased stormwater runoff generated by the
20 development of the property. Provide a hydrology study, prepared by a Civil Engineer,
21 to determine the volume of increased stormwater runoff due to development of the site,
22 and to determine required stormwater runoff mitigation measures for the proposed
23 development. Final retention basin sizing and other stormwater runoff mitigation
24 measures shall be determined upon review and approval of the hydrology study by the
25 City Engineer and may require redesign or changes to site configuration or layout
26 consistent with the findings of the final hydrology study. The volume of increased
27 stormwater runoff to retain on-site shall be determined by comparing the existing "pre-
28 developed" condition and proposed "developed" condition, using the 100-year
frequency storm. All on-site and off-site designs must comply with Federal (NPDES),
State, Regional, and City stormwater regulations.
86. 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.
87. The applicant shall provide pad elevation certifications for all building pads to the
Engineering Services Department, prior to the construction of any building foundation.

- 1 88. The applicant shall pay the Project Fair Share Cost of \$156,430.50 established by the
2 Traffic Impact Analysis (dated January 17, 2022) prepared for the project, and as
3 recommended by the Transportation Commission on February 1, 2023, prior to the
4 issuance of any building permits.
- 5 89. The applicant shall fund \$375,000 towards the construction of a new Traffic Signal at
6 the intersection of Pepper Avenue and the northerly project driveway, in accordance
7 with the Community Benefit Agreement required by CDP No. 2020-0008.
- 8 90. The original improvement plans prepared for the proposed development and approved
9 by the City Engineer (if required) shall be documented with record drawing “as-built”
10 information and returned to the Engineering Division prior to issuance of a final
11 certificate of occupancy. Any modifications or changes to approved improvement plans
12 shall be submitted to the City Engineer for approval prior to construction.
- 13 91. The applicant shall adhere to the City Council approved franchise agreements and
14 disposal requirements during all construction activities, in accordance with Section 8.08
15 (Refuse Collection of the City of Rialto Municipal Code).
- 16 92. Prior to commencing with any grading, the applicant shall implement the required
17 erosion and dust control measures shall be in place. In addition, the following shall be
18 included if not already identified:
- 19 a. 6 foot high tan colored perimeter screened fencing
- 20 b. Contractor information signage including contact information along the street
21 frontage of Pepper Avenue.
- 22 c. Post dust control signage with the following verbiage: “Project Name, WDID No.,
23 IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX)
24 XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-
25 CUT-SMOG/1-800-228-7664”
- 26 93. The applicant shall remove any graffiti within 24 hours, before, during, and post
27 construction.
- 28 94. 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 package for grading shall consist of, but is not limited to: a) Precise
Grade with Erosion Control Plan (prior to grading and building permit issuance), b)
Final Drainage Study (prior to grading plan approval), c) Final WQMP (prior to grading
plan approval), d) Legal Documents (e.g. Easement(s), Dedication(s), Lot Line
Adjustment, Vacation, etc. prior to building permit issuance)

1 The first submittal package for public improvements plans shall consist of, but is not
2 limited to: a) Street, b) Signing & Striping, c) Storm Drain, d) Street Lights, e)
3 Landscape & Irrigation, f) RWS Sewer, g) WVWD Water, etc. (prior to encroachment
4 permit issuance)

5 As-built/Record Drawings for all plans shall be submitted and approved prior to
6 Occupancy Release.

- 7 95. The applicant shall apply for and receive all applicable permits from Caltrans prior to
8 conducting any work within Caltrans right of way. A copy of the Caltrans encroachment
9 permit with conditions shall be provided to the City of Rialto prior to construction.
- 10 96. 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 Engineering Services Department, 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 97. 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 98. 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 99. The applicant shall design the structures to withstand ultimate wind speed of 130 miles
24 per hour, exposure C and seismic zone D.
- 25 100. 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.
- 28 101. 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.
102. 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.

- 1 103. 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.
- 4 104. 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.
- 12 105. 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.
- 17 106. 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.
- 20 107. 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.
- 23 108. 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.
- 26 109. 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.
- 28 110. 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.
111. 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.
112. 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
2 113. Prior to allowing flammable materials on the site, on site water service and fire hydrants
3 shall be installed and approved by the Fire Department.
4
5 114. The applicant shall comply with all applicable requirements of the California Fire Code
6 and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
7
8 115. The applicant shall illuminate all walkways, passageways, and locations where
9 pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of
10 light during the hours of darkness. Lighting shall be designed/constructed in such a
11 manner as to automatically turn on at dusk and turn off at dawn.
12
13 116. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas
14 with a minimum of 1.5-foot candles (at surface level) of light during the hours of
15 darkness. Lighting shall be designed/constructed in such a manner as to automatically
16 turn on at dusk and turn off at dawn.
17
18 117. The applicant shall illuminate all loading dock areas, truck well areas, and delivery areas
19 with a minimum of 2.0 foot-candles (at surface level) of light during the hours of
20 darkness. Lighting shall be designed/constructed in such a manner as to automatically
21 turn on at dusk and turn off at dawn.
22
23 118. The applicant shall design/construct all lighting fixtures and luminaries, including
24 supports, poles and brackets, in such a manner as to resist vandalism and/or destruction
25 by hand.
26
27 119. The applicant shall provide an illuminated channel letter address prominently placed on
28 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.
120. At the discretion of the Rialto Police Department, the applicant shall install exterior
security cameras at the location that cover the entire Site, prior to the issuance of a
Certificate of Occupancy. The security cameras shall be accessible to the Rialto Police
Department via FusionONE web application.
121. The applicant shall install Knox boxes immediately adjacent to the main entrance of the
building and at least one (1) rear entrance on the building to facilitate the entry of safety
personnel. The Knox boxes shall be installed in such a manner as to be alarmed, resist
vandalism, removal, or destruction by hand, and be fully recessed into the building. The
Knox boxes shall be equipped with the appropriate keys, for each required location,
prior to the first day of business. The Knox-Box placement shall be shown on the formal
building plan review submittal prior to the issuance of a building permit.

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

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

12 124. The applicant or General Contractor shall identify each contractor and subcontractor
13 hired to work at the job site on a Contractor Sublist form and return it to the Business
14 License Division with a Business License application and the Business License tax fee
15 based on the Contractors tax rate for each contractor.

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

18 **SECTION 5.** The Mayor shall sign as to the passage and adoption of this resolution and
19 thereupon the same shall take effect and be in force.

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

21 _____
22 DEBORAH ROBERTSON, MAYOR
23
24
25
26
27
28

ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

ERIC S. VAIL, CITY ATTORNEY

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

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

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

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

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

16
17
18
19 _____
20 BARBARA MCGEE, CITY CLERK
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Exhibit “A”

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