

1 WHEREAS, the applicant will construct the 224,566 square foot industrial warehouse
2 building on Planning Area 10 within the Pepper Avenue Specific Plan; and

3 WHEREAS, Pursuant to Chapter 18.65 (Precise Plan of Design) of the Rialto Municipal
4 Code, the Project requires a Precise Plan of Design, and the applicant has agreed to apply for Precise
5 Plan of Design No. 2022-0017 (“PPD No. 2022-0017”); and

6 WHEREAS, in conjunction with the Project, the applicant has submitted Tentative Parcel
7 Map No. 2023-0005, also referred to as Tentative Parcel Map No. 20602 (“TPM No. 20602”), in
8 accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.), to subdivide the
9 two (2) parcels of land within the Site into three (3) new parcels of land – Parcel 1 (1.18 acres),
10 Parcel 2 (1.46 acres), and Parcel 3 (11.65 acres); and

11 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
12 Development Permit No. 2022-0015 (“CDP No. 2022-0015”) to facilitate the development and
13 operation of a 224,566 square foot industrial warehouse building on the Site, and CDP No. 2022-
14 0015 is necessary to facilitate the Project; and

15 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
16 Development Permit No. 2023-0026 to allow the development and operation of a 3,915 square
17 foot restaurant building with drive-thru service on the Site (“CDP No. 2023-0026”); and

18 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
19 Development Permit No. 2023-0027 to allow the development and operation of a vehicle fuel station,
20 consisting of six (6) fuel dispensers and a 4,042 square foot overhead canopy, on the Site (“CDP No.
21 2023-0027”); and

22 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
23 Development Permit No. 2023-0028 to allow the development and operation of a 3,700 square
24 foot convenience market building on the Site (“CDP No. 2023-0028”); and

25 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
26 Development Permit No. 2023-0029 to allow the development of a 1,458 square foot automated
27 car wash building on the Site (“CDP No. 2023-0029”); and

1 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
2 Development Permit No. 2023-0031 to allow the sale of beer, wine, and distilled spirits for off-
3 site consumption from a proposed 3,700 square foot convenience market on the Site (“CDP No.
4 2023-0031”); and

5 WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted a
6 duly noticed public hearing, as required by law, on PPD No. 2022-0017, TPM No. 20602, CDP
7 No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-
8 0029, and CDP No. 2023-0031, took testimony, at which time it received input from staff, the city
9 attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2022-0017,
10 TPM No. 20602, CDP No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-
11 0028, CDP No. 2023-0029, and CDP No. 2023-0031; and closed the public hearing; and

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

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

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

17 SECTION 2. Based on substantial evidence presented to the Planning Commission during
18 the public hearing conducted with regard to the PPD No. 2022-0017, including written staff reports,
19 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
20 Planning Commission hereby determines that the PPD No. 2022-0017 satisfies the requirements of
21 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
22 precedent to granting a Precise Plan of Design. The findings are as follows:

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

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

26 The Site has a General Plan designation of Specific Plan with a Specific Plan Overlay and
27 a zoning designation of Pepper Avenue Specific Plan. Within the Pepper Avenue Specific
28 Plan, the portion of the Site within Planning Area 1 has land use designation of Community
 Commercial (CC) and the portion of the Site within Planning Area 10 has a land use
 designation of Light Industrial (LI). Those designations allow for the development and use

1 of industrial warehouse buildings, restaurants with drive-thru service, and vehicle fuel
2 stations, as proposed by the Project. The Project, as conditioned herein, will comply with
3 all City ordinances and regulations, including those required by the Pepper Avenue
4 Specific Plan and the City's Design Guidelines. Additionally, the Project meets all the
5 required development standards of the Pepper Avenue Specific Plan and Chapter 18.112
(Indoor Storage Facilities) of the Rialto Municipal Code including, but not limited to,
6 required building setbacks, parking, landscaping, building height, floor area ratio, etc.

7
8 2. The site is physically suitable for the proposed development, and the proposed
9 development will be arranged, designed, constructed, and maintained so that it will
10 not be unreasonably detrimental or injurious to property, improvements, or the health,
11 safety or general welfare of the general public in the vicinity, or otherwise be
12 inharmonious with the city's general plan and its objectives, zoning ordinances or any
13 applicable specific plan and its objectives; and

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

15 The Site is approximately 14.29 acres in size, bound by one (1) public street (Pepper
16 Avenue), and is within the Pepper Avenue Specific Plan. To the north of the project site
17 is the SR-210 Freeway, and to the east is approximately 8.02 acres of vacant land. To the
18 south is approximately 23.82 acres of vacant land entitled for the development of a 470,000
19 square foot industrial warehouse building, and to the west, across Pepper Avenue, is
20 approximately 3.83 acres of vacant land. There are no sensitive use adjacent to or across
21 the street from the Site. The project is not expected to negatively impact any uses with the
22 successful implementation of measures such as landscape buffering, the installation of
23 solid screen walls around the truck court, aesthetic building enhancements, and other traffic
24 related measures.

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

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

The Project's effects will be minimized through the implementation of the Conditions of
Approval contained herein, such as extensive landscaping, concrete screen walls, and
enhanced architectural features. To the north of the project site is the SR-210 Freeway, and
to the east is approximately 8.02 acres of vacant land. To the south is approximately 23.82
acres of vacant land entitled for the development of a 470,000 square foot industrial
warehouse building, and to the west, across Pepper Avenue, is approximately 3.83 acres of
vacant land. The Project is consistent with the Pepper Avenue Specific Plan and the planned
industrial and commercial land uses to the south and west of the Site. There are no sensitive
use adjacent to or across the street from the Site. The Project is not expected to negatively
impact any surrounding uses with the successful implementation of measures such as
landscape buffering, the installation of solid screen walls around the truck court, aesthetic
building enhancements, and other traffic related measures.

- 1
2 4. The proposed development will not substantially interfere with the orderly or planned
3 development of the City of Rialto.

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

5 The Project is consistent with the Pepper Avenue Specific Plan and is a logical addition to the
6 planned industrial development to the south of the Site. The design of the Project will ensure
7 a continuation of the public improvements and aesthetics present in the surrounding area. The
8 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.

9 SECTION 3. An Addendum to the Pepper Avenue Specific Plan Amendment and Industrial
10 Development Project Subsequent Environmental Impact Report (Environmental Assessment Review
11 No. 2023-0048) has been prepared for the Project in accordance with the California Environmental
12 Quality Act (CEQA), and it has been determined that the proposed Project would result in no new
13 significant impacts that were not analyzed in the Pepper Avenue Specific Plan Amendment and
14 Industrial Development Project Subsequent Environmental Impact Report (“SEIR”), nor would the
15 proposed Project cause a substantial increase in the severity of any previously identified
16 environmental impacts. The potential impacts associated with proposed Project would either be the
17 same or less than those described in the SEIR. In addition, there are no substantial changes to the
18 circumstances under which the proposed Project would be undertaken that would result in new or
19 more severe environmental impacts than previously addressed in the SEIR, nor has any new
20 information regarding the potential for new or more severe significant environmental impacts been
21 identified. The Planning Commission hereby adopts the Addendum to the Pepper Avenue Specific
22 Plan Amendment and Industrial Development Project Subsequent Environmental Impact Report
23 (Environmental Assessment Review No. 2023-0048) for the Project.

24
25 SECTION 4. PPD No. 2022-0017 is granted to Newcastle Rialto Associates, LLC in
26 accordance with the plans and application on file with the Planning Division, subject to the following
27 Conditions of Approval:
28

- 1 1. The applicant is granted PPD No. 2022-0017 allowing the development of a 224,566
2 square foot industrial warehouse building, a 3,915 square foot restaurant building with
3 drive-thru service, and a vehicle fuel station comprised of six (6) fuel dispensers, a 4,042
4 square foot overhead canopy, a 3,700 square foot convenience market, and a 1,458
5 square foot automated car wash, and associated paving, drainage, lighting, fencing, and
6 landscaping improvements on 14.29 acres of land (APN's: 0264-191-02 & -04) located
7 at the southeast corner of Pepper Avenue and the SR-210 Freeway within the Pepper
8 Avenue Specific Plan, subject to the Conditions of Approval contained herein.
- 9 2. The approval of PPD No. 2022-0017 is granted for a two (2) year period from the date
10 of approval. Approval of PPD No. 2022-0017 will not become effective until the
11 applicant has signed a Statement of Acceptance acknowledging awareness and
12 acceptance of the required Conditions of Approval contained herein. Any request for
13 an extension shall be reviewed by the Community Development Director and shall be
14 based on the progress that has taken place toward the development of the project.
- 15 3. The development associated with PPD No. 2022-0017 shall conform to the site plan,
16 floor plans, roof plans, elevations, conceptual grading plan, and preliminary landscape
17 plan attached hereto as Exhibit A, except as may be required to be modified based on
18 the Conditions of Approval contained herein.
- 19 4. The development associated with PPD No. 2022-0017 shall comply with all Conditions
20 of Approval contained within TPM No. 20602, CDP No. 2022-0015, CDP No. 2023-
21 0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-0029, and CDP No.
22 2023-0031.
- 23 5. The development associated with PPD No. 2022-0017 shall comply with all applicable
24 sections of the Pepper Avenue Specific Plan, the Rialto Municipal Code, and all other
25 applicable State and local laws and ordinances.
- 26 6. City inspectors shall have access to the site to reasonably inspect the site during
27 normal working hours to assure compliance with these conditions and other codes.
- 28 7. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
 and/or any of its officials, officers, employees, agents, departments, agencies, and
 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
 demands, law suits, writs of mandamus, and other actions and proceedings (whether
 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
 and other such procedures), (collectively "Actions"), brought against the City, and/or
 any of its officials, officers, employees, agents, departments, agencies, and
 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
 annul, the any action of, or any permit or approval issued by, the City and/or any of
 its officials, officers, employees, agents, departments, agencies, and instrumentalities
 thereof (including actions approved by the voters of the City), for or concerning the
 Project (collectively, the "Entitlements"), whether such Actions are brought under

1 the California Environmental Quality Act, the Planning and Zoning Law, the
2 Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the
3 California Public Records Act, or any other state, federal, or local statute, law,
4 ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This
5 condition to indemnify, protect, defend, and hold the City harmless shall include, but
6 not be limited to (i) damages, fees and/or costs awarded against the City, if any, and
7 (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in
8 connection with such proceeding whether incurred by applicant, Property owner, or
9 the City and/or other parties initiating or bringing such proceeding (collectively,
10 subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary
11 contained herein, the Applicant shall not be liable to the City Parties under this
12 indemnity to the extent the Damages incurred by any of the City Parties in such
13 Action(s) are a result of the City Parties' fraud, intentional misconduct or gross
14 negligence in connection with issuing the Entitlements. The applicant shall execute
15 an agreement to indemnify, protect, defend, and hold the City harmless as stated
16 herein within five (5) days of approval of PPD No. 2022-0017.

- 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. As volunteered by the applicant, the applicant shall make a payment in the sum of
23 \$1,000,000 to the City of Rialto, as a community benefit towards public safety and/or
24 public facility needs, prior to the issuance of a Certificate of Occupancy.
- 25 10. The construction of the commercial/retail and industrial components of the project shall
26 proceed concurrently with the expectation that construction will be completed and
27 occupancy permits issued for each respective component in or around the same time. In
28 the event that construction of the industrial portion of the project is completed and ready
for occupancy, but the commercial/retail component is not yet fully-constructed and/or
ready for occupancy *due to reasons or conditions beyond the direct control of Applicant*,
the City shall not withhold the issuance of certificate(s) of occupancy for the industrial
component so long as it determines that *substantially reasonable progress* has been
made by Applicant towards the construction and completion of the retail/commercial
portion of the project.
11. The applicant shall complete and abide by all pre-construction mitigation measures
contained within the Mitigation Monitoring and Reporting Program associated with
Environmental Assessment Review No. 2023-0048, prior to the issuance of a grading
permit.
12. The applicant shall complete and abide by all during-construction mitigation measures
contained within the Mitigation Monitoring and Reporting Program associated with

1 Environmental Assessment Review No. 2023-0048, prior to the conducting of a final
2 inspection by the Building Division.

- 3 13. The applicant shall secure the services of a tribal cultural monitor or monitors to be
4 present during all ground disturbance activities associated with the construction of the
5 project. The tribal cultural monitor or monitors shall be approved by the Gabrieleño
6 Band of Mission Indians-Kizh Nation, the Morongo Band of Mission Indians, and the
7 Yuhaaviatam of San Manuel Nation, and documentation between the applicant and the
8 Gabrieleño Band of Mission Indians-Kizh Nation, the Morongo Band of Mission
9 Indians, and the Yuhaaviatam of San Manuel Nation on this matter shall be provided to
10 the Planning Division prior to the issuance of a grading permit.
- 11 14. The applicant shall install decorative pavement within the driveway connected to Pepper
12 Avenue and Lilac Avenue. The decorative pavement shall extend across the entire
13 width of the driveway and shall have a minimum depth from the property line along
14 Pepper Avenue to the east end of the raised median in the driveway. Decorative
15 pavement means decorative pavers and/or color concrete with patterns and color variety.
16 The decorative pavement shall include a concrete border with a broom finish and a
17 minimum width of twelve (12) inches. The location of the decorative pavement shall
18 be identified on the Precise Grading Plan prior to the issuance of a grading permit.
19 Additionally, the location and type of decorative pavement shall be identified on the
20 formal Landscape Plan submittal, and other on-site improvement plans, prior to the
21 issuance of building permits.
- 22 15. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
23 Guidelines) of the Rialto Municipal Code, the applicant shall route all drainage
24 downspouts through the interior of each building. The internal downspouts shall be
25 identified within the formal building plan check submittal prior to the issuance of
26 building permits.
- 27 16. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
28 Guidelines) of the Rialto Municipal Code, the applicant shall construct parapet returns,
at least three (3) feet in depth from the most inward wall plane, at all height variations
on all four (4) sides of the industrial 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.
17. 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 five (5) feet in depth from the most inward wall plane, at all height variations on
all four (4) sides of each commercial/retail 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
18. 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

1 access only for each building. The internal roof access shall be identified within the
2 formal building plan check submittal prior to the issuance of building permits.

- 3 19. Any new walls, including any retaining walls, shall be comprised of decorative masonry
4 block or decorative concrete. Decorative masonry block means tan-colored slumpstone
5 block, tan-colored split-face block, or precision block with a stucco, plaster, or cultured
6 stone finish. Decorative concrete means painted concrete with patterns, reveals, and/or
7 trim lines. Pilasters shall be incorporated within all new walls visible from the public
8 right-of-way. The pilasters shall be spaced a maximum of seventy (70) feet on-center
9 and shall be placed at all corners and ends of the wall. All pilasters shall protrude a
10 minimum of six (6) inches above and to the side of the wall. All decorative masonry
11 walls and pilasters, including retaining walls, shall include a decorative masonry cap.
12 All walls and pilasters shall be identified on the site plan and Precise Grading Plan, and
13 an elevation detail for the walls shall be included in the formal building plan check
14 submittal prior to the issuance of building permits.
- 15 20. Any new fencing installed on site shall be comprised of tubular steel. All fencing shall
16 be identified on the site plan, and an elevation detail for the fencing shall be included in
17 the formal building plan check submittal prior to the issuance of building permits.
- 18 21. The applicant shall install solid or louvered metal gates at each entry of the truck court
19 for the purpose of screening trucks and trailers within the truck court, prior to the
20 issuance of a Certificate of Occupancy. The new gates shall have a height of at least
21 twelve (12) feet and the gates shall be painted black or a color matching the color of the
22 adjoining wall. The new gates shall be identified on the site plan, and an elevation detail
23 for the gate shall be included in the formal building plan check submittal prior to the
24 issuance of building permits.
- 25 22. The applicant shall construct at least one (1) ADA accessible trash enclosure on each
26 parcel of the Site. The trash enclosures shall provide room for one (1) commercial waste
27 container and one (1) commercial recycling container. The exterior of any trash
28 enclosure shall match the material and base color of the buildings on each parcel.
Additionally, any trash enclosures shall contain solid metal doors and a flat solid cover.
Corrugated metal and chain-link are not acceptable materials to use as a part of the trash
enclosure. The location of any trash enclosure shall be identified on the site plan within
the formal building plan check prior to the issuance of building permits. An elevation
detail for any trash enclosure shall be provided within formal building plan check
submittal prior to the issuance of building permits.
- 29 23. All light standards installed on site, shall have a maximum height of twenty-eight (28)
30 feet, as measured from the finished surface, including the base. Lighting shall be
31 shielded and/or directed toward the site so as not to produce direct glare or "stray light"
32 onto adjacent properties. All light standards shall be identified on the site plan and a
33 note indicating the height restriction shall be included within the formal building plan
34 check submittal prior to the issuance of building permits.

- 1 24. The applicant shall obtain all necessary approvals from the Hazardous Materials
2 Division of San Bernardino County Fire (HMD) for the installation of the underground
3 storage tanks (UST's) for the purpose of fuel storage on the Site, prior to the issuance
4 of a building permit for the overhead vehicle fuel station canopy. The UST's shall be
5 installed and permanently maintained to the standards and requirements of the HMD.
- 6 25. The exterior of any healy tank enclosure shall match the color and materials of the
7 buildings on-site. This includes a stucco finish a stone wainscot painted on all exterior
8 sides of the enclosure. Additionally, the healy tank enclosure shall contain solid metal
9 doors and a trellis or solid cover. Corrugated metal and chain-link are not acceptable
10 materials to use within the healy tank enclosure. An elevation detail for the healy tank
11 enclosure shall be provided within formal building plan check submittal prior to the
12 issuance of building permits.
- 13 26. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
14 the issuance of building permits. The submittal shall include three (3) sets of planting
15 and irrigation plans, a completed Landscape Plan Review application, and the applicable
16 review fee.
- 17 27. The applicant shall plant one (1) tree every three (3) parking spaces. All parking lot
18 trees shall be a minimum of fifteen (15) gallons in size, upon initial planting. Thereafter,
19 the parking lot trees shall be permanently irrigated and maintained. All parking lot tree
20 species shall consist of evergreen broadleaf trees. The trees shall be identified on the
21 formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 22 28. The applicant shall plant one (1) tree every thirty (30) feet on-center within the on-site
23 landscape setback along Pepper Avenue. All trees within the landscape setback shall
24 be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter,
25 the trees within the landscape setback shall be permanently irrigated and maintained by
26 the property owner. At least fifty (50) percent of the trees within the setback shall
27 consist of evergreen broadleaf trees, while the remaining percentage may consist of
28 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.
- 29 29. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public
30 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.
Thereafter, the trees within the public right-of-way parking shall be permanently
irrigated and maintained, as required by the Engineering Services Department. The
street tree species along Pepper Avenue shall be the Jacaranda Mimosifolia "Jacaranda"
and/or the Albizia Julibrissin "Mimosa/Silk Tree". The street trees shall be identified
on the formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 31 30. The applicant shall plant shrubs that surround all ground mounted equipment and utility
32 boxes, including transformers, fire-department connections, backflow devices, etc. for
33 the purpose of providing screening of said equipment and utility boxes. All equipment

1 and utility box screen shrubs shall be a minimum of five (5) gallons in size upon initial
2 planting, and the shrubs shall be spaced no more than three (3) feet on-center.
3 Thereafter, the equipment and utility box screen shrubs shall be permanently irrigated
4 and maintained into a continuous box-shape with a height of no less than three and one-
5 half (3.5) feet above the finished grade. The shrubs shall be identified on the formal
6 Landscape Plan submittal prior to the issuance of a landscape permit.

- 7
- 8 31. The applicant shall plant trees, shrubs, and groundcover throughout all land on-site and
9 off-site (adjacent to the project site) that is not covered by structures, walkways, parking
10 areas, and driveways, as approved by the Planning Division, unless specified otherwise
11 herein. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs
12 and groundcover shall be planted an average of three (3) feet on-center or less, or as
13 approved by the Planning Division. All trees shall be minimum of fifteen (15) gallons
14 in size upon initial planting, unless otherwise specified herein. At least fifty (50) percent
15 of the trees shall consist of evergreen broadleaf trees, while the remaining percentage
16 may consist of broadleaf deciduous trees and/or palm trees. All shrubs shall be a
17 minimum of one (1) gallon in size, unless otherwise specified herein. All planter areas
18 shall receive a minimum two (2) inch thick layer of brown bark, organic mulch, and/or
19 decorative rock upon initial planting. Pea gravel and decomposed granite are not
20 acceptable materials to use within planter areas. All planter areas on-site shall be
21 permanently irrigated and maintained. The planting and irrigation shall be identified on
22 the formal Landscape Plan submittal prior to the issuance of a landscape permit.
- 23 32. All planting and irrigation shall be installed on-site in accordance with the approved
24 landscape plans and permit prior to the issuance of a Certificate of Occupancy. The
25 installation of the planting and irrigation shall be certified in writing by the landscape
26 architect responsible for preparing the landscape plans prior to the issuance of a
27 Certificate of Occupancy.
- 28 33. 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.
34. All non-glass doors shall be painted to match the color of the adjacent wall prior to the
issuance of a Certificate of Occupancy.
35. The applicant shall submit a Sewer Analysis of the tributary area to the proposed Pepper
Avenue Lift Station (Lift Station) to be located on APN: 0264-201-30, unless one is
submitted by another developer within the Pepper Avenue Specific Plan area. 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.

- 1 36. Upon completion of the PDR, the applicant shall design the Lift Station in accordance
2 with City Standards and PDR requirements, unless the Lift Station is designed by
3 another developer within the Pepper Avenue Specific Plan area. Lift Station design
4 drawings shall be submitted to the Engineering Services Department and the Utilities
5 Manager for review and approval.
- 6 37. The applicant shall construct the Lift Station on APN: 0264-201-30, prior to issuance of
7 a Certificate of Occupancy, unless it is constructed by another developer within the
8 Pepper Avenue Specific Plan area. The applicant will need to employ a qualified
9 contractor to construct the Lift Station and a construction management team to oversee
10 the implementation of the Lift Station. The City will provide specialized inspection
11 services during the construction and implementation of the Lift Station. The applicant
12 will fund the specialized inspection services so that the City can conduct an independent
13 review of the construction and acceptance of the Lift Station. The applicant may enter
14 into a Reimbursement Agreement with the City of Rialto to recover fair-share costs
15 associated with the construction of the Lift Station from future developments within the
16 Pepper Avenue Specific Plan area and from future development of APN: 0264-201-30
17 at the time those future developments occur.
- 18 38. The applicant shall be solely responsible for all costs related to the PDR, design,
19 construction, construction management, and inspection of the Lift Station, unless paid
20 for by another developer within the Pepper Avenue Specific Plan area.
- 21 39. The applicant shall comply with all conditions of approval for PPD No. 2022-0017 to
22 the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
- 23 40. The applicant shall submit civil engineering design plans, reports and/or documents,
24 prepared by a registered/licensed civil engineer, for review and approval by the City
25 Engineer per the current submittal requirements, prior to the indicated threshold or as
26 required by the City Engineer. The first submittal shall consist of, but is not limited to the
27 following:
- 28 a. PARCEL MAP (recordation prior to building permit issuance)
b. ROUGH GRADE W/ EROSION CONTROL PLAN (optional, prior to grad
c. PRECISE GRADE W/ EROSION CONTROL PLAN (prior to grading permit
issuance)
d. PUBLIC IMPROVEMENT PLANS: Street Improvement, Signing and
Striping, Sewer and Water, Street Light, Landscape and Irrigation. (prior to Map
Approval or off-site construction permit issuance, whichever occurs first)
e. FINAL DRAINAGE STUDY (prior to grading plan approval)
f. FINAL WQMP (prior to grading plan approval)
g. LEGAL DOCUMENTS (e.g. EASEMENT(S), DEDICATION(S), LOT LINE
ADJUSTMENT, VACATION, etc.) (prior to Building Permit Issuance or
Occupancy Release) – *These items not required to be submitted if they are
included on the Parcel Map.*
g. AS-BUILT/RECORD DRAWINGS for all plans (prior to occupancy release)

- 1 41. Upon approval of any improvement plan by the City Engineer, the applicant shall
2 provide the improvement plan to the City in digital format, consisting of a DWG
3 (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF
4 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be
5 submitted to the City may be authorized, upon prior approval by the City Engineer.
- 6 42. The applicant shall repair all street cuts for utilities in accordance with City Standard
7 SC-231 within 72 hours of completion of the utility work; and any interim trench repairs
8 shall consist of compacted backfill to the bottom of the pavement structural section
9 followed by placement of standard base course material in accordance with the Standard
10 Specifications for Public Work Construction (“Greenbook”). The base course material
11 shall be placed the full height of the structural section to be flush with the existing
12 pavement surface and provide a smooth pavement surface until permanent cap paving
13 occurs using an acceptable surface course material.
- 14 43. A City of Rialto Off-site Construction Permit is required for any improvements within
15 the public right-of-way. In an effort to expedite and facilitate improvements in the public
16 right-of-way, the applicant is responsible for submitting a multi-phase master plan
17 traffic control plan which includes all phases of construction in the public right-of-way
18 i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site
19 Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting
20 process, a single master Off-Site Construction Permit shall replace individual
21 Encroachment Permits to be pulled by the applicant’s contractor.
- 22 44. The applicant shall apply for annexation of the underlying property into City of Rialto
23 Landscape and Lighting Maintenance District No. 2 (“LLMD 2”). An application fee
24 of \$5,000 shall be paid at the time of application. Annexation into LLMD 2 is a
25 condition of acceptance of any new median, landscape easement, and/or parkway
26 landscaping in the public right-of-way, or any new public street lighting improvements
27 conditioned on the project and to be maintained by the City of Rialto post construction.
28 The developer must apply and complete the LLMD2 annexation process prior to
issuance of a Certificate of Occupancy.
45. 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
metered from the on-site private irrigation to be maintained for a period of one (1) year
and annexed into a Special District. The off-site landscape and irrigation plans must
show separate electrical and water meters to be annexed into the Landscape and
Lighting Maintenance District No. 2 via a City Council Public Hearing. The landscape
and irrigation plans shall be approved concurrently with the street improvement plans,
including the median portion, prior to issuance of a building permit. The landscaping
architect must contact the City of Rialto Landscape Contract Specialist at (909) 820-
2602 to ensure all landscape and irrigation guidelines are met prior to plan approval.
Electrical and water irrigation meter pedestals must not be designed to be installed at or

1 near street intersections or within a raised median to avoid burdensome traffic control
2 set-up during ongoing maintenance.

- 3 46. If the property is accepted in the LLMD, the applicant shall guarantee all new parkway
4 landscaping irrigation for a period of one (1) year from the date of the City Engineer
5 acceptance. Any landscaping that fails during the one-year landscape maintenance
6 period shall be replaced with similar plant material to the satisfaction of the City
7 Engineer and shall be subject to a subsequent one-year landscape maintenance period.
8 The applicant must contact the City of Rialto Landscape Contract Specialist at (909)
9 820-2602 to confirm a full twelve (12) months' time of non-interrupted ongoing
10 maintenance.
- 11 47. The applicant shall install City Engineer approved deep root barriers, in accordance with
12 the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten
13 (10) feet of the public sidewalk and/or curb.
- 14 48. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing and
15 new electrical distribution lines of sixteen thousand volts or less and overhead service
16 drop conductors, and all telephone, television cable service, and similar service wires or
17 lines, which are on-site, abutting, and/or transecting, shall be installed underground.
18 Utility undergrounding shall extend to the nearest off-site power pole. This may require
19 undergrounding beyond the project limits to prevent any existing poles to remain or new
20 poles to be placed for guy wire purposes along the project frontage. New power poles
21 shall not be installed unless otherwise approved by the City Engineer. A letter from the
22 owners of the affected utilities shall be submitted to the City Engineer prior to approval
23 of the Grading Plan, informing the City that they have been notified of the City's utility
24 undergrounding requirement and their intent to commence design of utility
25 undergrounding plans. When available, the utility undergrounding plan shall be
26 submitted to the City Engineer identifying all above ground facilities in the area of the
27 project to be undergrounded.
- 28 49. 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.
Contact the Engineering Division for a list of streets subject to the moratorium.
50. The minimum pavement section for all on-site pavements shall be 2½ inches asphalt
concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of
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.
51. The applicant shall backfill and/or repair all utility trenches or other excavations within
existing asphalt concrete pavement of off-site streets resulting from the proposed
development, in accordance with City of Rialto Standard Drawings. The applicant shall

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

11 52. The applicant shall replace all damaged, destroyed, or modified pavement legends,
12 traffic control devices, signing, striping, and streetlights, associated with the proposed
13 development shall be replaced as required by the City Engineer prior to issuance of a
14 Certificate of Occupancy.

15 53. The applicant shall provide construction signage, lighting and barricading shall be
16 provided during all phases of construction as required by City Standards or as directed
17 by the City Engineer. As a minimum, all construction signing, lighting and barricading
18 shall be in accordance with Part 6 “Temporary Traffic Control” of the 2014 California
19 Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time
20 of construction.

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

26 55. The applicant shall be responsible for coordinating with Omnitrans regarding the
27 location of existing, proposed, and future bus stops along the property frontage of all
28 public streets. Contact Anna Jaiswal at Anna.Jaiswal@omnitrans.org or (909)-379-
7256; or busstops@omnitrans.org. The developer shall design street and sidewalk
improvements in accordance with the latest Omnitrans bus stop guidelines and in
compliance with current accessibility standards pursuant to the Americans with
Disabilities Act (ADA) requirements. The developer shall design all bus stops to
accommodate the Omnitrans Premium Shelters. Prior to Certificate of Occupancy, the
developer shall submit to the Engineering Services Department verification from
Omnitrans acknowledging concurrence with the existing, proposed, and future bus stop
improvements in conformance with the Premium Shelter design guidelines.
Additionally, if bus turnouts are required to accommodate proposed bus stops in
accordance with the City Standards and as approved by the City Engineer, the applicant
shall make necessary street dedication to the City to provide for bus turnout.

56. The applicant shall submit a Final Water Quality Management Plan identifying site
specific Best Management Practices (“BMPs”) in accordance with the Model Water

1 Quality Management Plan (“WQMP”) approved for use for the Santa Ana River
2 Watershed. The site specific WQMP shall be submitted to the City Engineer for review
3 and approval with the Precise Grading Plan. A WQMP Maintenance Agreement shall
4 be required, obligating the property owner(s) to appropriate operation and maintenance
5 obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP
6 and Maintenance Agreement shall be approved prior to issuance of a building permit,
7 unless otherwise allowed by the City Engineer. The development of the Site is subject
8 to the requirements of the National Pollution Discharge Elimination System (NPDES)
9 Permit for the City of Rialto, issued by the Santa Ana Regional Water Quality Control
10 Board, Board Order No. R8-2010-0036. Pursuant to the NPDES Permit, the Applicant
11 shall ensure development of the site incorporates post-construction Best Management
12 Practices (“BMPs”) in accordance with the Model Water Quality Management Plan
13 (“WQMP”) approved for use for the Santa Ana River Watershed. The Applicant is
14 advised that applicable Site Design BMPs will be required to be incorporated into the
15 final site design, pursuant to a site specific WQMP submitted to the City Engineer for
16 review and approval.

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

58. 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.

59. Prior to grading plan approval, a WQMP Maintenance Agreement shall be required,
obligating the property owner(s) to appropriate operation and maintenance obligations
of on-site BMPs constructed pursuant to the approved WQMP.

- 1 60. The applicant shall prepare a Notice of Intent (NOI) to comply with the California
2 General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as
3 modified September 2, 2009) is required via the California Regional Water Quality
4 Control Board online SMARTS system. A copy of the executed letter issuing a Waste
5 Discharge Identification (WDID) number shall be provided to the City Engineer prior
6 to issuance of a grading or building permit. The applicant's contractor shall prepare and
7 maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the
8 General Construction Permit. All appropriate measures to prevent erosion and water
9 pollution during construction shall be implemented as required by the SWPPP.
- 10 61. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
11 registered Geotechnical Engineer, for and incorporated as an integral part of the grading
12 plan for the proposed development. A copy of the Geotechnical/Soils Report shall be
13 submitted to the Engineering Services Department with the first submittal of the Precise
14 Grading Plan.
- 15 62. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
16 registered civil engineer to the Engineering Services Department for review and
17 approval. The Grading Plan shall be approved by the City Engineer prior to the issuance
18 of an off-site construction permit or building permits, whichever occurs first.
- 19 63. The applicant shall dedicate additional right-of-way on Pepper Avenue along the entire
20 frontage, as may be required, to provide a property line at ultimate right-of-way, in
21 accordance with the Pepper Avenue Specific plan.
- 22 64. The applicant shall submit street improvement plans by a registered California civil
23 engineer to the Engineering Services Department for review. The plans shall be
24 approved by the City Engineer prior to the issuance of an off-site construction permit or
25 building permits, whichever occurs first.
- 26 65. The applicant shall dedicate additional right-of-way, as may be necessary, across
27 driveway aprons to provide for ADA compliant public access, traffic signal equipment,
28 and signing & striping, prior to street improvement plan approval.
66. 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 an off-site construction permit or
building permits, whichever occurs first.
67. All public improvement plans must be submitted and approved by the City Engineer,
prior to the issuance of an encroachment permit or off-site construction permit.
68. Parcel Map No. 20602 (Tentative Parcel Map No. 2023-0005) shall be approved by the
City of Rialto and recorded with the San Bernardino County Recorder's Office, prior to
the issuance of any building permits.

- 1 69. The applicant shall pay all applicable development impact fee, in accordance with the
2 current City of Rialto fee ordinance, including Transportation and Fair Share
3 Contribution fees, prior to the issuance of a building permit.
- 4 70. Prior to the issuance of building permit, the applicant shall provide a 20.91% fair-share
5 contribution towards future improvements at Pepper Avenue and SR210 Westbound
6 ramps consistent with the Pepper Avenue Specific Plan and project specific traffic study
7 dated January 2, 2024 or as required by Caltrans necessary to achieve an acceptable
8 future level of service at the intersection. The applicant shall provide written
9 correspondence from Caltrans indicating their review proposed improvements and
10 concurrence with the fair-share amount and improvements intended to be provided
11 subject to the satisfaction of the City Traffic Engineer.
- 12 71. Prior to issuance of building permit, the developer shall pay Transportation
13 recommended Traffic Impact Analysis (TIA) Project Fair Share Contribution fees as
14 indicated on the April 3, 2024 Planning Commission meeting Staff Report and specified
15 in Table 8.1 of the TIA. The developer shall submit an updated cost estimate for
16 proposed improvements to the City of Rialto for approval within three months of paying
17 any applicable fees for final calculation of the fair-share payment. Such calculations
18 shall be reviewed and approved by the City of Rialto and shall be acceptable to the City
19 Traffic Engineer. The fair share percentages are as follow:

Fair Share Percentage for Traffic Mitigation Improvements	
Riverside Avenue/Easton Street – Participate in the signal modification to provide separate right turn overlap signal phasing for the existing westbound right-turn lane.	0.78% \$586.12 (2024 Estimate)
Pepper Avenue/Highland Avenue – Northbound Approach: Restripe through lane to shared through-right lane, in addition to the left turn lane and right turn lane. Eastbound Approach: Participate in the signal modification to provide separate right turn overlap signal phasing for the right turn lane.	12.96% \$16,198.70 (2024 Estimate)
Pepper Avenue/SR-210 WB Ramps – Northbound Approach: Modify traffic signal to provide north/south split phase, restripe first through lane to provide a left-through lane, in addition to the left turn lane and second through lane. Westbound Approach: Provide additional (second) left tur lane.	20.91% \$120,250.37 (2024 Estimate)
Pepper Avenue/SR-210 EB Ramps – Northbound Approach: Provide separate right turn lane. Eastbound Approach: Provide additional (second) right turn lane. Add SB right turn lane.	20.88% \$203,595.28 (2024 Estimate)
Pepper Avenue/Mariposa Drive – Participate in the construction of a traffic signal. Northbound Approach: Provide a separate left turn lane and second through lane, eliminating defacto right turn lane. Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane.	6.50% \$12,343.24 (2024 Estimate)

1	Pepper Avenue/Baseline Road – Southbound Approach: Provide separate right turn lane.	28.0% \$7,000.00 (2024 Estimate)
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3		
4	Pepper Avenue/Etiwanda Avenue – Participate in construction of a traffic signal.	2.00% \$1,803.59 (2024 Estimate)
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6		
7	Pepper Avenue/Foothill Boulevard – Participate in the signal modification to provide separate right turn overlap signal phasing for the existing eastbound right turn lane. Southbound Approach: Provide separate right turn lane. Westbound Approach: Provide additional (third) through lane.	1.34% \$1,369.39 (2024 Estimate)
8		
9	Pepper Avenue/Baseline Road - Restripe left turn lanes to provide the following queue storage: NBL: 160 ft. SBL: 200 ft. EBL: 260 ft.	9.98% \$2,495.00 (2024 Estimate)
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11		

- 12 72. The applicant shall submit sewer improvement plans for public sewer main(s) by a
13 registered California civil engineer to the Engineering Services Department for review.
14 The plans shall be approved by the City Engineer prior to the issuance of an off-site
15 construction permit or building permits, whichever occurs first.
- 16 73. The applicant shall submit traffic striping and signage improvement plans prepared by
17 a registered California civil engineer or registered California Traffic Engineer to the
18 Engineering Services Department for review. The plans shall be approved by the City
19 Engineer prior to the issuance of an off-site construction permit or building permits,
20 whichever occurs first. All required traffic striping and signage improvements shall be
21 completed concurrently with required street improvements, to the satisfaction of the
22 City Engineer, and prior to issuance of a building permit.
- 23 74. The applicant shall submit copies of approved water improvement plans prepared by a
24 registered California civil engineer to the Engineering Services Department for record
25 purposes. The plans shall be approved by West Valley Water District, the water
26 purveyor, prior to the issuance of an off-site construction permit or building permits,
27 whichever occurs first.
- 28 75. The applicant shall provide a rough grade (pad) certification, engineered-fill
certification, and compaction report for all building pads, in conformance with the
approved Precise Grading Plan, to the Engineering Division prior to trenching for
footings or construction of any building foundation for review and approval by the City
Engineer.
76. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall
demonstrate and submit a WQMP BMP certification that all structural BMP's have been

1 constructed and installed in conformance with approved plans and specifications, and
2 as identified in the approved WQMP.

- 3 77. The applicant shall install a new traffic signal at the intersection of Pepper Avenue and
4 the project driveway connected to Pepper Avenue, prior to the issuance of a Certificate
5 of Occupancy, unless the traffic signal is already installed by another developer in the
6 Pepper Avenue Specific Plan area.
- 7 78. Prior to occupancy approval, modify the striping on Pepper Avenue to accommodate
8 the new raised median southbound left-turn lane pocket with storage meeting the
9 requirements of the Traffic Engineer.
- 10 79. The applicant shall install “No Stopping Anytime” R26A(S)(CA) signage along the
11 entire project frontage of Pepper Avenue, as required by the City Engineer, prior to the
12 issuance of a Certificate of Occupancy.
- 13 80. Prior to occupancy approval, replace any existing non-compliant, damaged, or
14 unsatisfactory sidewalk along the project frontage of Pepper Avenue, to the satisfaction
15 of the City Engineer.
- 16 81. The applicant shall construct asphalt concrete paving for streets in two separate lifts.
17 The final lift of asphalt concrete pavement shall be postponed until such time that on-
18 site construction activities are complete. Unless the City Engineer provide prior
19 authorization, paving of streets in one lift prior to completion of on-site construction is
20 not allowed. If City Engineer authorized, completion of asphalt concrete paving for
21 streets prior to completion of on-site construction activities, requires additional paving
22 requirements prior to acceptance of the street improvements, including, but not limited
23 to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry
24 seal, or other repairs.
- 25 82. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or
26 curbs along the entire project frontage, in accordance with the Pepper Avenue Specific
27 Plan and the City of Rialto Standard Drawings, as required by the City Engineer, prior
28 to the issuance of a Certificate of Occupancy.
83. The applicant shall construct 4-inch conduit within the parkway area along the entire
project frontage of Pepper Avenue, prior to the issuance of a Certificate of Occupancy.
84. The applicant shall construct a commercial driveway approach in accordance with City
of Rialto Standard Drawing No. SC-214. The driveway approach shall be constructed
so the top of “X” is at least 5 feet from the property line, or as otherwise approved by
the City Engineer. Nothing shall be constructed or planted in the corner cut-off area
which does or will exceed 30 inches in height required to maintain an appropriate corner
sight distance. If necessary, additional right of way shall be dedicated on-site to
construct a path of travel meeting ADA guidelines.

- 1 85. The applicant shall construct a curb ramp that meets current California State
2 Accessibility standards at the northeast corner of the intersection of Pepper Avenue and
3 the project driveway connected to Pepper Avenue, in accordance with the City of Rialto
4 Standard Drawings, prior to the issuance of a Certificate of Occupancy. If necessary,
5 additional pedestrian and sidewalk easements shall be provided on-site to construct a
6 path of travel meeting ADA guidelines.
- 7 86. The applicant shall construct a variable width raised and landscaped median island in
8 Pepper Avenue per the Pepper Avenue Specific Plan along the entire frontage of the
9 Site, in accordance with City Standards and as approved by the City Engineer, prior to
10 the issuance of a Certificate of Occupancy. The median nose width shall be constructed
11 per Specific Plan layout and shall have stamped concrete. The left turn pockets shall be
12 designed in accordance with Section 405 of the current edition of the Caltrans Highway
13 Design Manual, and/or as approved by the City Engineer.
- 14 87. The applicant shall remove existing pavement and construct new pavement with a
15 minimum pavement section of 5 inches asphalt concrete pavement over 6 inches
16 crushed aggregate base with a minimum subgrade of 24 inches at 95% relative
17 compaction, or equal, along the entire half-width street frontage and #1 southbound lane
18 of Pepper Avenue, in accordance with City of Rialto Standard Drawings, prior to the
19 issuance of a Certificate of Occupancy. The pavement section shall be determined using
20 a Traffic Index ("TI") of 10 or provide evidence such as "as-built" or "record drawing"
21 plans that demonstrates the existing structural section is in accordance with the City's
22 minimum thickness requirements. The pavement section shall be designed by a
23 California registered Geotechnical Engineer using "R" values from the project site and
24 submitted to the City Engineer for approval. Alternatively, depending on the existing
25 street condition and as approved by the City Engineer, a street overlay, slurry seal, or
26 other repair can be performed to preserve existing pavement improvements
- 27 88. The applicant shall connect the project to the City of Rialto sewer system and apply for
28 a sewer connection account with Rialto Water Services.
89. The applicant is advised that domestic water service is provided by West Valley Water District. The developer shall be responsible for coordinating with West Valley Water District and complying with all requirements for establishing domestic water service to the property.
90. The applicant shall install a new domestic water line lateral connection to the main water line within Pepper Avenue, pursuant to West Valley Water District requirements. A water line plan shall be approved by West Valley Water District prior to the issuance of building permits.
91. The applicant shall provide certification from Rialto Water Services that demonstrates that all wastewater service accounts for the project are documented, prior to the issuance of a Certificate of Occupancy or final inspection approval from the Engineering Services Department.

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92. Any sewer mains constructed by the applicant, as necessary, are to become part of the public sewer system and shall be pressure tested and digitally video recorded by the City's wastewater system operator (Veolia) prior to acceptance of the sewer system for 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.
 93. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Services Department prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
 94. 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).
 95. Prior to commencing with any grading, the applicant shall implement the required erosion and dust control measures shall be in place. In addition, the following shall be included if not already identified:
 - a. 6-foot-high tan colored perimeter screened fencing
 - b. Contractor information signage including contact information along the street frontage of Pepper Avenue.
 - c. Post dust control signage with the following verbiage: "Project Name, WDID No., IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-CUT-SMOG/1-800-228-7664"
 96. The applicant shall remove any graffiti within 24 hours, before, during, and post construction. Methods used to remove or cover the graffiti such as new paint and sand blasting shall assure to completely match the building, wall, etc.
 97. The applicant shall submit full architectural and structural plans with all mechanical, electrical, and plumbing plans, structural calculations, truss calculations and layout, rough grading plans approved by Engineering Services Department, Water Quality Management Plan, Erosion Control Plan, Stormwater Pollution Prevention Plan, and Title 24 Energy Calculations to the Building Division for plan check and review, prior to the issuance of building permits.
 98. The applicant shall provide a Scope of Work on the title page of the architectural plan set. The Scope of Work shall call out all work to be permitted (ex. Main structure, perimeter walls, trash enclosure, etc.).

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- 2 99. The applicant shall design the structures in accordance with the 2022 California
- 3 Building Code, 2022 California Mechanical Code, 2022 California Plumbing Code, and
- 4 the 2022 California Electrical Code, 2022 Residential Code and the 2022 California
- 5 Green Buildings Standards adopted by the State of California.
- 6
- 7 100. The applicant shall design the structures to withstand ultimate wind speed of 130 miles
- 8 per hour, exposure C and seismic zone D.
- 9
- 10 101. The applicant shall obtain an Electrical Permit from the Building Division for any
- 11 temporary electrical power required during construction. No temporary electrical power
- 12 will be granted to a project unless one of the following items is in place and approved
- 13 by the Building Division: (A) Installation of a construction trailer, or, (B) Security
- 14 fencing around the area where the electrical power will be located.
- 15
- 16 102. The applicant shall install any required temporary construction trailer on private
- 17 property. No trailers are allowed to be located within the public right-of-way. The
- 18 trailer shall be removed prior to the issuance of a Certificate of Occupancy.
- 19
- 20 103. The applicant shall design and construct accessible paths of travel from the building's
- 21 accessible entrances to the public right-of-way, accessible parking, and the trash
- 22 enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings,
- 23 walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning,
- 24 signage, gates, lifts and walking surface materials, as necessary. The accessible route(s)
- 25 of travel shall be the most practical direct route between accessible building entrances,
- 26 site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the
- 27 site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.
- 28
104. Prior to issuance of a Building Permit all of the following must be in place on the Site:
- a portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent
- street saying "If there is any dust or debris coming from this site please contact
- (superintendent number here) or the AQMD if the problem is not being resolved" or
- something similar to this.
105. The applicant shall provide temporary toilet facilities for the construction workers. The
- toilet facilities shall always be maintained in a sanitary condition. The construction
- toilet facilities of the non-sewer type shall conform to ANSI ZA.3.
106. The applicant shall underground all on site utilities to the new proposed structures, prior
- to the issuance of a Certificate of Occupancy, unless prior approval has been obtained
- by the utility company or the City.
107. Prior to issuance of Building Permits, site grading final and pad certifications shall be
- submitted to the Building Division and Engineering Division, which include elevation,
- orientation, and compaction. The certifications are required to be signed by the engineer
- of record.

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- 2 108. The applicant shall provide proof of payment to the Rialto Unified School District for
- 3 all required school fees, prior to the issuance of a building permit.
- 4 109. Site facilities such as parking open or covered, recreation facilities, and trash dumpster
- 5 areas, and common use areas shall be accessible per the California Building Code,
- 6 Chapter 11.
- 7 110. The applicant shall place a copy of the Conditions of Approval herein on within the
- 8 building plan check submittal set and include the PPD number on the right bottom
- 9 corner cover page in 20 point bold, prior to the issuance of a building permit.
- 10 111. The applicant shall ensure that a minimum of 65% of all construction and demo debris
- 11 shall be recycled using an approved City of Rialto recycling facility during construction.
- 12 Copies of receipts for recycling shall be provided to the City Inspector and a copy shall
- 13 be placed in the office of the construction site.
- 14 112. Prior to issuance of Building Permits, on site water service shall be installed and
- 15 approved by the responsible agency. On site fire hydrants shall be approved by the Fire
- 16 Department. No flammable materials will be allowed on the site until the fire hydrants
- 17 are established and approved.
- 18 113. The applicant shall comply with all applicable requirements of the California Fire Code
- 19 and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
- 20 114. The applicant shall illuminate all walkways, passageways, and locations where
- 21 pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of
- 22 light during the hours of darkness. Lighting shall be designed/constructed in such a
- 23 manner as to automatically turn on at dusk and turn off at dawn.
- 24 115. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas
- 25 with a minimum of 1.5-foot candles (at surface level) of light during the hours of
- 26 darkness. Lighting shall be designed/constructed in such a manner as to automatically
- 27 turn on at dusk and turn off at dawn.
- 28 116. The applicant shall illuminate all loading dock areas, truck well areas, and delivery areas
- with a minimum of 2.0 foot-candles (at surface level) of light during the hours of
- darkness. Lighting shall be designed/constructed in such a manner as to automatically
- turn on at dusk and turn off at dawn.
117. The applicant shall design/construct all lighting fixtures and luminaries, including
- supports, poles and brackets, in such a manner as to resist vandalism and/or destruction
- by hand.
118. The applicant shall provide an illuminated channel letter address prominently placed on
- each building to be visible to the front of the location and if applicable, visible from the
- main street to which they are located (e.g. commercial building facing the interior of the

1 property would require two address signs if located adjacent to a roadway), prior to the
2 issuance of a Certificate of Occupancy.

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

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

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

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

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

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

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Kimberly Dame, Administrative Analyst of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ____th day of ____, 2024.

Upon motion of Planning Commissioner_____, seconded by Planning Commissioner ____, the foregoing Resolution No. ____ was duly passed and adopted.

Vote on the motion:
AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ____th day of ____, 2024.

KIMBERLY DAME, ADMINISTRATIVE ANALYST

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Exhibit "A"
Project Plans