

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING PRECISE PLAN OF DESIGN NO. 2020-0043 ALLOWING THE DEVELOPMENT OF A CONCRETE BLOCK MANUFACTURING FACILITY ON 32.48 GROSS ACRES OF LAND (APNS: 0260-061-41, -42, & -67) LOCATED AT THE TERMINUS OF FORTUNA WAY APPROXIMATELY 525 FEET EAST OF INDUSTRIAL DRIVE WITHIN THE HEAVY INDUSTRIAL (H-IND) LAND USE DISTRICT OF THE AGUA MANSA SPECIFIC PLAN.

WHEREAS, the applicant, Angelus Block Co., Inc., proposes to develop a concrete block manufacturing facility ("Project") on 32.48 gross acres of land (APNs: 0260-061-41, -42, & -67) located at the terminus of Fortuna Way approximately 525 feet east of Industrial Drive within the Heavy Industrial (H-IND) land use district of the Agua Mansa Specific Plan ("Site"); and

WHEREAS, the Project will consist of the construction of a 135,581 square foot manufacturing plant building, a 10,018 square foot administration building, a 21,360 square foot mechanic shop/storage building, a 21,534 square foot metal canopy structure, sixty-nine (69) parking spaces, paving, landscaping, lighting, fencing, and drainage improvements on the Site; and

WHEREAS, pursuant to Table 8 (Permitted Uses) of the Agua Mansa Specific Plan, the operation of a concrete block manufacturing facility on the Site is a use permitted by right; 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. 2020-0011 ("PPD No. 2020-0011"); and

WHEREAS, on November 24, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on PPD No. 2020-0011, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2020-0011; and closed the public hearing; and

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

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

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

3 SECTION 2. Based on substantial evidence presented to the Planning Commission during
4 the public hearing conducted with regard to PPD No. 2020-0011, including written staff reports,
5 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
6 Planning Commission hereby determines that PPD No. 2020-0011 satisfies the requirements of
7 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
8 precedent to granting a Precise Plan of Design. The findings are as follows:

- 9
10 1. The proposed development is in compliance with all city ordinances and regulations,
11 unless in accordance with an approved variance; and

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

13 The Site has a General Plan land use designation of General Industrial with a Specific Plan
14 Overlay, and a zoning designation of Agua Mansa Specific Plan. Furthermore, the Site is
15 located within the H-IND land use district of the Agua Mansa Specific Plan. The Project,
16 as conditioned herein, will comply with all City ordinances and regulations including those
17 of the H-IND land use district, the Agua Mansa Specific Plan, and the City's Design
18 Guidelines. The H-IND land use district allows for the development and operation of
19 concrete block manufacturing facilities, as proposed by the Project. Additionally, the
20 Project meets all the required development standards of the H-IND zone including, but not
21 limited to, required building setbacks, parking, landscaping, building height, floor area
22 ratio, etc.

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

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

30 The Site is relatively flat, asymmetrical-shaped, 32.48 gross acres in size, and adjacent to
31 two (2) public streets – Fortuna Way and Singleton Drive. To the north of the project site
32 is an 83.72-acre active construction debris landfill operated by Agua Mansa Properties,
33 Inc., and to the east is the Agua Mansa Pioneer Cemetery and approximately 11.74 acres
34 of vacant land. To the south of the project site is an 11.34-acre concrete paver
35 manufacturing facility operated by Angelus Block Co, Inc., and to the west is an 11.07-
36 acre cement product manufacturing facility operated by E-Z Mix, Inc. and approximately

30.5 acres of vacant land designated as a habitat conservation area. The Project is consistent with the H-IND land use district and the surrounding land uses. The area surrounding the project site predominantly consists of lands developed with industrial uses and vacant lands designated for industrial uses, and therefore the project is not expected to negatively impact any uses. The project will be a benefit to the community and an improvement to the surrounding area.

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

This finding is supported by the following facts:

The Project's effects will be minimized through the implementation of the Conditions of Approval contained herein, such as extensive landscaping, concrete screen walls, decorative paving, and enhanced architectural features. To the north of the project site is an 83.72-acre active construction debris landfill operated by Agua Mansa Properties, Inc., and to the east is the Agua Mansa Pioneer Cemetery and approximately 11.74 acres of vacant land. To the south of the project site is an 11.34-acre concrete paver manufacturing facility operated by Angelus Block Co, Inc., and to the west is an 11.07-acre cement product manufacturing facility operated by E-Z Mix, Inc. and approximately 30.5 acres of vacant land designated as a habitat conservation area. The Project is consistent with the H-IND land use district and the surrounding land uses. The nearby area is predominantly zoned for and developed with industrial uses. The project is not expected to negatively impact any uses since measures, such as the installation of a solid screen wall and landscape buffering, will ensure that both noise and visual impacts remain at acceptable levels.

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

This finding is supported by the following facts:

The Project is consistent with the H-IND land use district of the Agua Mansa Specific Plan and is a logical addition to the existing industrial uses immediately to the south and west of the Site and throughout most of the Agua Mansa Specific Plan area. The design of the Project will ensure a continuation of the public improvements and aesthetics present in the surrounding area. The City staff have reviewed the design of the Project to ensure compliance with all health, safety, and design requirements to ensure the Project will enhance the infrastructure and aesthetics of the local community.

SECTION 3. Based on the findings and recommended mitigation within the Initial Study, staff determined that the project will not have an adverse impact on the environment, provided that mitigation measures are implemented, and a Mitigated Negative Declaration was prepared. The local

1 newspaper published a copy of the Notice of Intent to adopt the Mitigated Negative Declaration for
2 the project, and the City mailed the notice to all property owners within 300 feet of the project site for
3 a public comment period held from October 25, 2021 to November 13, 2021. The Mitigated Negative
4 Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). The
5 Planning Commission directs the Planning Division to file the necessary documentation with the
6 Clerk of the Board of Supervisors for San Bernardino County.

7
8 SECTION 4. The Planning Commission hereby approves PPD No. 2020-0011 to allow the
9 development of a concrete block manufacturing facility consisting of a 135,581 square foot
10 manufacturing plant building, a 10,018 square foot administration building, a 21,360 square foot
11 mechanic shop/storage building, a 21,534 square foot metal canopy structure, sixty-nine (69) parking
12 spaces, paving, landscaping, lighting, fencing, and drainage improvements on 32.48 gross acres of
13 land (APNs: 0260-061-41, -42, & -67) located at the terminus of Fortuna Way approximately 525
14 feet east of Industrial Drive within the Heavy Industrial (H-IND) land use district of the Agua Mansa
15 Specific Plan, in accordance with the plans and application on file with the Planning Division, subject
16 to the following Conditions of Approval:

- 17
- 18 1. PPD No. 2020-0011 is approved allowing the development of a 135,581 square foot
19 manufacturing plant building, a 10,018 square foot administration building, a 21,360
20 square foot mechanic shop/storage building, a 21,534 square foot metal canopy
21 structure, sixty-nine (69) parking spaces, paving, landscaping, lighting, fencing, and
22 drainage improvements on 32.48 gross acres of land (APNs: 0260-061-41, -42, & -67)
located at the terminus of Fortuna Way approximately 525 feet east of Industrial Drive,
subject to the Conditions of Approval contained herein.
 - 23 2. The approval of PPD No. 2020-0011 is granted for a one (1) year period from the date
24 of approval. Approval of PPD No. 2020-0011 will not become effective until the
25 applicant has signed a Statement of Acceptance acknowledging awareness and
26 acceptance of the required Conditions of Approval contained herein. Any request for
an extension shall be reviewed by the Community Development Director and shall be
based on the progress that has taken place toward the development of the project.
 - 27 3. The development associated with PPD No. 2020-0011 shall conform to the site plan,
28 floor plans, roof plans, exterior elevations, preliminary grading plan, preliminary utility
plan, and preliminary landscape plan attached hereto as Exhibit A, except as may be
required to be modified based on the Conditions of Approval contained herein.

4. The development associated with PPD No. 2020-0011 shall comply with all applicable sections of the Agua Mansa Specific Plan, the Rialto Municipal Code, and all other applicable State and local laws and ordinances.
5. 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.
6. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (collectively, the "City Parties"), from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project (collectively, the "Entitlements"), whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. This condition to indemnify, protect, defend, and hold the City harmless shall include, but not limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, Property owner, or the City and/or other parties initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant shall not be liable to the City Parties under this indemnity to the extent the Damages incurred by any of the City Parties in such Action(s) are a result of the City Parties' fraud, intentional misconduct or gross negligence in connection with issuing the Entitlements. The applicant shall execute an agreement to indemnify, protect, defend, and hold the City harmless as stated herein within five (5) days of approval of PPD No. 2020-0011.
7. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

- 1 8. The applicant shall complete and abide by all pre-construction mitigation measures
2 contained within the Mitigation Monitoring and Reporting Program associated with
3 Environmental Assessment Review No. 2020-0008, prior to the issuance of a grading
4 permit.
- 5 9. The applicant shall complete and abide by all during-construction mitigation measures
6 contained within the Mitigation Monitoring and Reporting Program associated with
7 Environmental Assessment Review No. 2020-0008, prior to the conducting of a final
8 inspection by the Building Division.
- 9 10. The operator(s) and/or tenant(s) on the Site and within the buildings shall always
10 conduct operations consistent with the environmental analysis contained within
11 Environmental Assessment Review No. 2020-0008.
- 12 11. The operator(s) and/or tenant(s) on the Site and within the buildings shall always abide
13 by all operational mitigation measures contained within the Mitigation Monitoring and
14 Reporting Program associated with Environmental Assessment Review No. 2020-0008.
- 15 12. The applicant shall secure the services of a tribal cultural monitor to be present during
16 all ground disturbance activities associated with the construction of this project. The
17 tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-
18 Kizh Nation, and documentation of coordination between the applicant and the
19 Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the
20 Planning Division prior to the issuance of a grading permit.
- 21 13. In order to provide enhanced building design in accordance with Chapter 18.61 (Design
22 Guidelines) of the Rialto Municipal Code, the applicant shall provide internal roof
23 access only for the building. The internal roof access shall be identified within the
24 formal building plan check submittal prior to the issuance of building permits.
- 25 14. The applicant shall construct at least one (1) ADA accessible trash enclosure on the
26 project site. The trash enclosure shall provide room for one (1) commercial waste
27 container and one (1) commercial recycling container. The exterior of each trash
28 enclosure shall match the material and base color of the building. Additionally, the trash
enclosure shall contain solid steel doors and a flat solid cover. Corrugated metal and
chain-link are not acceptable materials to use as a part of the trash enclosure. The
location of the trash enclosure shall be identified on the site plan within the formal
building plan check prior to the issuance of building permits. An elevation detail for the
trash enclosure shall be provided within formal building plan check submittal prior to
the issuance of building permits.
15. The applicant shall submit a formal Landscape Plan to the Planning Division prior to
the issuance of building permits. The submittal shall include three (3) sets of planting
and irrigation plans, a completed Landscape Plan Review application, and the applicable
review fee.

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

22. All signage on the building shall comply with Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code.
23. The applicant shall comply with all conditions of approval for PPD No. 2020-0011 to the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
24. All improvements within the public right-of-way require a City of Rialto Encroachment Permit.
25. 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.
26. The applicant shall contribute a fair-share payment in the amount of \$724,398 (less the credit identified below) towards roadway improvements as identified in the Traffic Impact Study prepared for the project by NV5, Inc. and as approved by the Transportation Commission on October 6, 2021, prior to the issuance of any building permit related to the Project.
27. The applicant shall enter into a fee credit agreement to credit Regional Transportation DIF fees against the fair-share payment as identified in the Traffic Impact Study.
28. The applicant shall apply and complete the Special District Annexation for the public street lighting and the public landscape and irrigation, including applicable easement areas, parkway areas, and raised medians along the property frontage, as determined by the City Engineer, prior to the issuance of the Grading/On-site Construction Permit.
29. A City of Rialto Off-site Construction Permit is required for any improvements within the public right-of-way. In an effort to expedite and facilitate improvements in the public right-of-way, the applicant is responsible for submitting a multi-phase master plan traffic control plan which includes all phases of construction in the public right-of-way i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-Site Construction Permit/Encroachment Permit. Note, in an effort to simplify the permitting process, a single master Off-Site Construction Permit shall replace individual Encroachment Permits to be pulled by the applicant's contractor.
30. 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).

31. At the discretion of the City Engineer, 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, prior to issuance of a building permit. The landscaping architect must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to ensure all landscape and irrigation guidelines are met prior to plan approval. Electrical and water irrigation meter pedestals must not be designed to be installed at or near street intersections or within a raised median to avoid burdensome traffic control set-up during ongoing maintenance.
32. If the property is accepted in the LLMD, the applicant shall guarantee all new parkway landscaping irrigation for a period of one (1) year from the date of the City Engineer acceptance. Any landscaping that fails during the one-year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one year landscape maintenance period. The applicant must contact the City of Rialto Landscape Contract Specialist at (909) 772-2635 to confirm a full twelve (12) months' time of non-interrupted ongoing maintenance.
33. The applicant shall install City Engineer approved deep root barriers, in accordance with the Public Works Landscape and Irrigation Guidelines, for all trees installed within ten (10) feet of the public sidewalk and/or curb.
34. All new streetlights shall be installed on an independently metered, City-owned underground electrical system. The developer shall provide documentary proof of application with Southern California Edison ("SCE") for all appropriate service points and electrical meters prior to the issuance of a Certificate of Occupancy. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2.
35. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Fortuna Way, as determined necessary by the City Engineer. New marbelite streetlight poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

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- 2 36. The applicant is responsible for requesting from the Public Works Department any
- 3 addresses needed for any building(s) and/or any electrical single/dual irrigation meter
- 4 pedestal(s). The main building address shall be included on Precise Grading Plans and
- 5 Building Plan set along with the PPD number. The electrical meter pedestal addresses
- 6 (single or dual) shall be included in the public improvement plans.
- 7
- 8 37. The applicant shall submit street improvement plans by a registered California civil
- 9 engineer to the Public Works Engineering Division for review. The plans shall be
- 10 approved by the City Engineer prior to the issuance of building permits.
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- 12 38. The applicant shall submit streetlight improvement plans by a registered California civil
- 13 engineer to the Public Works Engineering Division for review. The plans shall be
- 14 approved by the City Engineer prior to the issuance of building permits.
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- 16 39. The applicant shall submit sewer improvement plans by a registered California civil
- 17 engineer to the Public Works Engineering Division for review. The plans shall be
- 18 approved by the City Engineer prior to the issuance of building permits.
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- 20 40. The applicant shall submit traffic and signage improvement plans by a registered
- 21 California civil engineer to the Public Works Engineering Division for review. The
- 22 plans shall be approved by the City Engineer prior to the issuance of building permits.
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- 24 41. The applicant shall submit copies of approved water improvement plans prepared by a
- 25 registered California civil engineer to the Public Works Engineering Division for record
- 26 purposes. The plans shall be approved by West Valley Water District, the water
- 27 purveyor, prior to the issuance of building permits.
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42. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
- registered civil engineer to the Public Works Engineering Division for review and
- approval. The Grading Plan shall be approved by the City Engineer prior to the issuance
- of building permits.
43. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
- registered Geotechnical Engineer, for and incorporated as an integral part of the grading
- plan for the proposed development. A copy of the Geotechnical/Soils Report shall be
- submitted to the Public Works Engineering Division with the first submittal of the
- Precise Grading Plan.
44. The applicant shall submit a wet-signed and stamped Earthwork Cut and Fill
- Certification Letter prepared by a Civil Engineer registered in the State of California to
- the Public Works Engineering Division for review.
45. The applicant shall provide pad elevation certification for all building pads, in
- conformance with the approved Precise Grading Plan, to the Engineering Division prior
- to construction of any building foundation.

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46. 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.
 47. The applicant shall construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete. Unless the City Engineer provide prior authorization, paving of streets in one lift prior to completion of on-site construction is not allowed. If City Engineer authorized, completion of asphalt concrete paving for streets prior to completion of on-site construction activities, requires additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs.
 48. 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.
 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.
 50. The applicant shall backfill and/or repair any and all utility trenches or other excavations within existing asphalt concrete pavement of off-site streets resulting from the proposed development, in accordance with City of Rialto Standard Drawings. The applicant shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets including pavement repairs in addition to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. West Valley Water District, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets resulting from the proposed 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.
 51. The applicant shall install underground all existing electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone,

1 television cable service, and similar service wires or lines, which are on-site, abutting,
2 and/or transecting the site, in accordance with Chapter 15.32 of the Rialto Municipal
3 Code. Utility undergrounding shall extend to the nearest off-site power pole. Unless
4 City Engineer approved, no new power poles shall be installed. A letter from the owners
5 of the affected utilities shall be submitted to the City Engineer prior to approval of the
6 Precise Grading/Paving Plan, informing the City that they have been notified of the
7 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.

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

12 53. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or
13 curbs along the entire project frontage, in accordance with the General Plan and the City
14 of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of
15 a Certificate of Occupancy.

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

22 55. Upon approval of any improvement plan by the City Engineer, the applicant shall
23 provide the improvement plan to the City in digital format, consisting of a DWG
24 (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF
25 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be
26 submitted to the City may be authorized, upon prior approval by the City Engineer.

27 56. At the discretion of the City Engineer, the applicant shall construct 4-inch conduit within
28 the parkway area along the entire project frontages of Fortuna Way and Singleton Drive
for future use.

57. The applicant shall dedicate additional right-of-way along the entire frontages of
Fortuna Way and Singleton Drive, as necessary, to provide the ultimate half-width right-
of-way, as required by the City Engineer.

58. The applicant shall construct two (2) new twenty-six (26) foot wide commercial
driveway approaches connected to Fortuna Way, in accordance with City of Rialto
Standard Drawings, or as otherwise approved by the City Engineer. Nothing shall be
constructed or planted in the corner cut-off area which does exceed or will exceed 30

1 inches in height in order to maintain an appropriate corner sight distance, as required by
2 the City Engineer.

- 3 59. The applicant shall construct curb ramps meeting current California State Accessibility
4 standards on both sides of each driveway connected to Fortuna Way and Singleton
5 Drive, in accordance with the City of Rialto Standard Drawings. The developer shall
6 ensure that an appropriate path of travel, meeting ADA guidelines, is provided across
7 the driveways, and shall adjust the location of the access ramps, if necessary, to meet
8 ADA guidelines, subject to the approval of the City Engineer. If necessary, additional
9 pedestrian and sidewalk easements shall be provided on-site to construct a path of travel
10 meeting ADA guidelines.
- 11 60. At the discretion of the City Engineer, the applicant shall construct a 5-foot-wide
12 sidewalk located adjacent to the curb along the entire project frontages of Fortuna Way
13 and Singleton Drive, in accordance with City of Rialto Standard Drawings.
- 14 61. At the discretion of the City Engineer, the applicant shall remove existing pavement and
15 construct new pavement with a minimum pavement section of 4 inches asphalt concrete
16 pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches
17 at 95% relative compaction, or equal, along the entire frontages of Fortuna Way and
18 Singleton Drive in accordance with City of Rialto Standard Drawings. The pavement
19 section shall be determined using a Traffic Index ("TI") of 6. The pavement section
20 shall be designed by a California registered Geotechnical Engineer using "R" values
21 from the project site and submitted to the City Engineer for approval. Pavement shall
22 extend from clean sawcut edge of pavement at centerline of each street.
- 23 62. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt
24 concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of
25 24 inches at 95% relative compaction, or equal. If an alternative pavement section is
26 proposed, the proposed pavement section shall be designed by a California registered
27 Geotechnical Engineer using "R" values from the project site and submitted to the City
28 Engineer for approval.
63. The applicant shall connect the project to the City of Rialto sewer system and apply for
a sewer connection account with Rialto Water Services.
64. Domestic water service to the underlying property is provided by West Valley Water
District. The applicant shall be responsible for coordinating with West Valley Water
District and complying with all requirements for establishing domestic water service to
the property. The design must include fire hydrants along Fortuna Way and Singleton
Drive.
65. The applicant shall install a new domestic water line lateral connection to the main water
line within Fortuna Way, pursuant to the West Valley Water District requirements. A
water line plan shall be approved by West Valley Water District prior to the issuance of
building permits.

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66. The applicant shall provide certification from Rialto Water Services and West Valley Water District that demonstrates that all water and/or wastewater service accounts for the project are documented, prior to the issuance of a Certificate of Occupancy or final inspection approval from the Public Works Engineering Division.
67. The applicant shall submit a Water Quality Management Plan identifying site specific Best Management Practices (“BMPs”) in accordance with the Model Water Quality Management Plan (“WQMP”) approved for use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to the City Engineer for review and approval with the Precise Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to issuance of a building permit, unless otherwise allowed by the City Engineer. The development of the Site is subject to the 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 final site design, pursuant to a site specific WQMP submitted to the City Engineer for review and approval.
68. The applicant shall prepare a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The applicant’s contractor shall prepare and maintain a Storm Water Pollution Prevention Plan (“SWPPP”) as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.
69. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall demonstrate that all structural BMP’s have been constructed and installed in conformance with approved plans and specifications, and as identified in the approved WQMP.
70. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study, prepared by a Civil Engineer, to determine the volume of increased stormwater runoff due to development of the site,

1 and to determine required stormwater runoff mitigation measures for the proposed
2 development. Hydrology studies shall be prepared in accordance with the San
3 Bernardino County Hydrology Manual and Rialto drainage criteria. Final retention
4 basin sizing and other stormwater runoff mitigation measures shall be determined upon
5 review and approval of the hydrology study by the City Engineer and may require
6 redesign or changes to site configuration or layout consistent with the findings of the
7 final hydrology study. The volume of increased stormwater runoff to retain on-site shall
8 be determined by comparing the existing “pre-developed” condition and proposed
9 “developed” condition, using the 100-year frequency storm. All on-site and off-site
10 designs must comply with Federal (NPDES), State, Regional, and City stormwater
11 regulations.

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- 13 71. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to
14 the adjacent public streets. Provisions for the interception of nuisance water from
15 entering adjacent public streets from the project site shall be provided through the use
16 of a minor storm drain system that collects and conveys nuisance water to landscape or
17 parkway areas, and in only a stormwater runoff condition, pass runoff directly to the
18 streets through parkway or under sidewalk drains. All on-site and off-site designs must
19 comply with NPDES stormwater regulations.
- 20
- 21 72. The original improvement plans prepared for the proposed development and approved
22 by the City Engineer (if required) shall be documented with record drawing “as-built”
23 information and returned to the Engineering Division prior to issuance of a final
24 certificate of occupancy. Any modifications or changes to approved improvement plans
25 shall be submitted to the City Engineer for approval prior to construction.
- 26
- 27 73. The applicant shall adhere to the City Council approved franchise agreements and
28 disposal requirements during all construction activities, in accordance with Section 8.08
(Refuse Collection of the City of Rialto Municipal Code).
74. Prior to commencing with any grading, the applicant shall implement the required
erosion and dust control measures shall be in place. In addition, the following shall be
included if not already identified:
- a. 6 foot high tan colored perimeter screened fencing
 - b. Contractor information signage including contact information along the street
frontages of Fortuna Way and Singleton Drive.
 - 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”
75. The applicant shall remove any graffiti within 24 hours, before, during, and post
construction.

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- 2 76. The applicant shall submit full architectural and structural plans with all mechanical,
- 3 electrical, and plumbing plans, structural calculations, truss calculations and layout,
- 4 rough grading plans approved by Public Works Engineering, Water Quality
- 5 Management Plan, Erosion Control Plan, Stormwater Pollution Prevention Plan, and
- 6 Title 24 Energy Calculations to the Building Division for plan check and review, prior
- 7 to the issuance of building permits.
- 8
- 9 77. The applicant shall provide a Scope of Work on the title page of the architectural plan
- 10 set. The Scope of Work shall call out all work to be permitted (ex. Main structure,
- 11 perimeter walls, trash enclosure, etc.).
- 12
- 13 78. The applicant shall design the structures in accordance with the 2019 California
- 14 Building Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and
- 15 the 2019 California Electrical Code, 2019 Residential Code and the 2019 California
- 16 Green Buildings Standards adopted by the State of California.
- 17
- 18 79. The applicant shall design the structures to withstand ultimate wind speed of 130 miles
- 19 per hour, exposure C and seismic zone D.
- 20
- 21 80. The applicant shall submit fire sprinkler, fire alarm systems, and fire hydrant plans to
- 22 the Building Division for plan review concurrently with building plans and shall be
- 23 approved prior to the issuance of a building permit.
- 24
- 25 81. The applicant shall obtain an Electrical Permit from the Building Division for any
- 26 temporary electrical power required during construction. No temporary electrical power
- 27 will be granted to a project unless one of the following items is in place and approved
- 28 by the Building Division: (A) Installation of a construction trailer, or, (B) Security
- fencing around the area where the electrical power will be located.
82. 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.
83. The applicant shall install any required temporary construction trailer on private
- property. No trailers are allowed to be located within the public right-of-way. The
- trailer shall be removed prior to the issuance of a Certificate of Occupancy.
84. The applicant shall design and construct accessible paths of travel from the building's
- accessible entrances to the public right-of-way, accessible parking, and the trash
- enclosure(s). Paths of travel shall incorporate (but not limited to) exterior stairs,
- landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable
- warning, signage, gates, lifts and walking surface materials, as necessary. The
- accessible route(s) of travel shall be the most practical direct route between accessible
- building entrances, site facilities, accessible parking, public sidewalks, and the

accessible entrance(s) to the site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.

85. 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, temporary construction 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.
86. 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.
87. 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.
88. Prior to issuance of Building Permits, site grading final and pad certifications shall be submitted to the Building Division, which include elevation, orientation, and compaction. The certifications are required to be signed by the engineer of record.
89. The applicant shall provide proof of payment to the Colton Joint Unified School District for all required school fees, prior to the issuance of a building permit.
90. 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.
91. 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.
92. 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.
93. Prior to issuance of Building Permits, on site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved.
94. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.

- 1 95. At the discretion of the Rialto Police Department, the applicant shall illuminate all
2 walkways, passageways, and locations where pedestrians are likely to travel with a
3 minimum of 1.5-foot candles (at surface level) of light during the hours of darkness.
4 Lighting shall be designed/constructed in such a manner as to automatically turn on at
5 dusk and turn off at dawn.
- 6 96. At the discretion of the Rialto Police Department, the applicant shall illuminate all
7 alleyways, driveways, and uncovered parking areas with a minimum of 1.5-foot candles
8 (at surface level) of light during the hours of darkness. Lighting shall be
9 designed/constructed in such a manner as to automatically turn on at dusk and turn off
10 at dawn.
- 11 97. At the discretion of the Rialto Police Department, the applicant shall illuminate all
12 loading dock areas, truck well areas, and delivery areas with a minimum of 1.5 foot-
13 candles (at surface level) of light during the hours of darkness. Lighting shall be
14 designed/constructed in such a manner as to automatically turn on at dusk and turn off
15 at dawn.
- 16 98. The applicant shall design/construct all lighting fixtures and luminaries, including
17 supports, poles and brackets, in such a manner as to resist vandalism and/or destruction
18 by hand.
- 19 99. The applicant shall provide an illuminated channel letter address prominently placed on
20 the building to be visible to the front of the location, prior to the issuance of a Certificate
21 of Occupancy.
- 22 100. At the discretion of the Rialto Police Department, the applicant shall install exterior
23 security cameras at the location that cover the entire Site, prior to the issuance of a
24 Certificate of Occupancy. The security cameras shall be accessible to the Rialto Police
25 Department via FusionONE web application.
- 26 101. The applicant shall install Knox boxes immediately adjacent to all vehicle gates as well
27 as the main entrance of each building and at least one (1) rear entrance on each building
28 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.
102. The applicant shall prominently display the address on the rooftop of the manufacturing
plant building to be visible to aerial law enforcement or fire aircraft. Specifications to
be followed for alphanumeric characters are as follows: Three (3) foot tall and six (6)
inches thick alphanumeric characters. The alphanumeric characters shall be constructed
in such a way that they are in stark contrast to the background to which they are attached

(e.g. white numbers and letters on a black background), and resistant weathering that would cause a degradation of the contrast.

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

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

105. Prior to issuance of a Certificate of Occupancy, the applicant shall pay a business license tax based on the Manufacturer tax rate.

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

PASSED, APPROVED AND ADOPTED this 24th day of November, 2021.

FRANK GONZALEZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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

5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning
7 Commission of the City of Rialto held on the ____th day of ____, 2021.

8 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
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 ____th day of ____, 2021.

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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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Exhibit A

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