

RESOLUTION NO. 2020-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 2020-0002 (TPM NO. 20204) TO ALLOW THE CONSOLIDATION OF SIX (6) PARCELS OF LAND (APNS: 0131-011-29, -30, -31, -32, -33, & -34) INTO ONE (1) 3.45 NET ACRE PARCEL OF LAND TO FACILITATE THE DEVELOPMENT OF A 36,500 SQUARE FOOT INDUSTRIAL STORAGE WAREHOUSE/DISTRIBUTION CENTER BUILDING AT THE NORTHEAST CORNER OF MERRILL AVENUE AND YUCCA AVENUE WITHIN THE LIGHT INDUSTRIAL (M-1) ZONE.

WHEREAS, the applicant, DP Yucca, LLC, proposes to consolidate six (6) parcels of land (APNs: 0131-011-29, -30, -31, -32, -33, & -34) located at the northeast corner of Merrill Avenue and Yucca Avenue within the Light Industrial (M-1) zone (collectively "Site") into one (1) 3.45 net-acre parcel of land ("Project"); and

WHEREAS, the Project will result in the creation of one (1) 3.45 net-acre parcel to facilitate the development of a 36,500 square foot industrial storage warehouse/distribution center building; and

WHEREAS, the Project within the Light Industrial (M-1) zone requires the approval of a tentative parcel map, and the Applicant has agreed to apply for a TPM No. 2020-0002, also referred to as Tentative Parcel Map No. 20204, ("TPM No. 20204"), in accordance with Government Code Sections 66473.5 and 66474; and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2020-0003 ("CDP No. 2020-0003") to facilitate the development and operation of a 36,500 square foot industrial storage warehouse/distribution center building on the Site; and

WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of Design No. 2020-0004 ("PPD No. 2020-0004") to facilitate the development of a 36,500 square foot industrial storage warehouse/distribution center building on the Site; and

1 WHEREAS, on September 30, 2020, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on TPM No. 20204, CDP No. 2020-
3 0003, and PPD No. 2020-0004, took testimony, at which time it received input from staff, the city
4 attorney, and the applicant; heard public testimony; discussed the proposed TPM No. 20204, CDP
5 No. 2020-0003, and PPD No. 2020-0004; and closed the public hearing; and

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

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

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

11 SECTION 2. Based on substantial evidence presented to the Planning Commission during
12 the public hearing conducted with regard to TPM No. 20204, including written staff reports, verbal
13 testimony, site plan, other documents, and the conditions of approval stated herein, the Planning
14 Commission hereby determines that TPM No. 20204 satisfies the requirements of Government Code
15 Sections 66473.5 and 66474 pertaining to the findings which must be made precedent to approving a
tentative map. The findings are as follows:

- 16 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City
17 of Rialto and the Employment (EMP) zone of the Renaissance Specific Plan; and

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

19 The Site has a General Plan land use designation of Light Industrial and a zoning designation
20 of Light Industrial (M-1). The Project will consolidate the Site into one (1) 3.45 net-acre
21 parcel of land to facilitate the development of a 36,500 square foot industrial storage
22 warehouse/distribution center building. According to Chapter 18.38 (M-1 Zone) of the Rialto
Municipal Code, the M-1 zone does not require a minimum lot size for a new parcel. The
new parcel will facilitate the development of an industrial storage warehouse/distribution
center building that is consistent with the Light Industrial land use designation and the M-1
zone.

- 23 2. That the design and improvements of the proposed tentative parcel map are consistent
24 with the Subdivision Ordinance, the General Plan of the City of Rialto, and the
Employment (EMP) zone of the Renaissance Specific Plan.

This finding is supported by the following facts:

1 The Project will comply with all technical standards required by the Subdivision Map Act,
2 the General Plan of the City of Rialto, and the M-1 zone. According to Chapter 18.38 (M-1
3 Zone) of the Rialto Municipal Code, the M-1 zone does not require a minimum lot size for
4 a new parcel. The new parcel will facilitate the development of an industrial storage
warehouse/distribution center building that is consistent with the Light Industrial land use
designation and the M-1 zone.

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

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

7 The Site is a relatively flat piece of land and development of the land should be easily
8 accommodated. The Applicant will be required to submit a grading plan and
geotechnical/soils report to the Public Works Department for review and approval prior to
issuance of any building permits.

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

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

11 The Project will consolidate the Site into one (1) 3.45 net-acre parcel of land to facilitate the
12 development of a 36,500 square foot industrial storage warehouse/distribution center
building. Per Chapter 2 (Managing Our Land Supply) of the Rialto General Plan, the
13 maximum allowable Floor Area Ratio (FAR) for parcels within the Light Industrial land use
designation is 100.0 percent. The FAR proposed for the project is 24.3 percent, which is well
14 within the allowable limit.

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

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

18 The Site vacant and the surface is heavily disturbed due to prior truck and trailer
movements and storage that occurred on site for long periods of time. Additionally,
19 according to Exhibit 4.4.2 (Threatened and Endangered Species Habitat) of the Rialto
General Plan Environmental Impact Report the Site does not have suitable habitat for any
threatened or endangered species.

20 6. That the design of the land division is not likely to cause serious public health
21 problems; and

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

23 The Project is consistent with the General Plan and the Light Industrial (M-1) zone. In
24 conjunction with the Project, the Planning Commission will consider Precise Plan of
Design No. 2020-0004 development-related conditions, in accordance with Chapter 18.65
(Precise Plan of Design) of the Rialto Municipal Code, to ensure that the design of the
Project meets the City's Design Guidelines.

To the north of the project site is an approximately 57,000 square foot industrial building occupied by Plant Prefab, a pre-fabricated home manufacturer, and to the east is both a San Bernardino County Flood Control Channel and a 258,857 square foot industrial warehouse building occupied by DeVilbiss HealthCare, a healthcare supply distributor. To the south, across Merrill Avenue, is a single-family residential subdivision built in 1981, and to the west, across Yucca Avenue, are four (4) small industrial buildings ranging in size from 6,000 square feet to 12,000 square that are occupied by various businesses. The proposed development pertaining to the land consolidation is consistent with the M-1 zoning designation. The project is not expected to negatively impact any uses with the successful implementation of measures, such as landscape buffering and the installation of solid screen walls. Furthermore, construction impacts on the site will be limited through the strict enforcement of the allowable construction hours listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular watering of the site to limit airborne dust and other particulate matter. As a result, the Project is not likely to cause any public health problems.

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

This finding is supported by the following facts:

Upon completion of the Final Map, the required street dedication and proposed easements will be recorded and approved by the Public Works Department. Additionally, all required site adjacent improvements will be reviewed and approved by the Public Works Department and will be constructed prior to the issuance of the Certificate of Occupancy.

SECTION 3. The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332, In-Fill Development Projects. The Planning Commission directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. The Planning Commission hereby approves TPM No. 20204 to allow the consolidation of six (6) parcels of land (APNs: 0131-011-29, -30, -31, -32, -33, & -34) located at the northeast corner of Merrill Avenue and Yucca Avenue within the Light Industrial (M-1) zone into one (1) 3.45 net-acre parcel of land, in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. TPM No. 20204 is approved allowing the consolidation of six (6) parcels of land (APNs: 0131-011-29, -30, -31, -32, -33, & -34) located at the northeast corner of Merrill Avenue and Yucca Avenue within the Light Industrial (M-1) zone into one (1)

1 3.45 net-acre parcel of land for the purpose of developing a 36,500 square foot
2 industrial storage warehouse/distribution center building, as shown on the tentative
3 map submitted to the Planning Division on March 31, 2020, and as approved by the
4 Planning Commission.

- 5 2. City inspectors shall have access to the Site to reasonably inspect the Site during normal
6 working hours to assure compliance with these conditions and other codes.
- 7 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
8 and/or any of its officials, officers, employees, agents, departments, agencies, and
9 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
10 demands, law suits, writs of mandamus, and other actions and proceedings (whether
11 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
12 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
13 and other such procedures), (collectively "Actions"), brought against the City, and/or
14 any of its officials, officers, employees, agents, departments, agencies, and
15 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
16 annul, the any action of, or any permit or approval issued by, the City and/or any of its
17 officials, officers, employees, agents, departments, agencies, and instrumentalities
18 thereof (including actions approved by the voters of the City), for or concerning the
19 Project (collectively, the "Entitlements"), whether such Actions are brought under the
20 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
21 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
22 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
23 or any decision of a court of competent jurisdiction. This condition to indemnify,
24 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 TPM
No. 20204.
4. In accordance with the provisions of Government Code Section 66020(d)(1), the
imposition of fees, dedications, reservations, or exactions for this Project, if any, are
subject to protest by the applicant at the time of approval or conditional approval of the
Project or within 90 days after the date of the imposition of the fees, dedications,
reservations, or exactions imposed on the Project.
5. The applicant shall pay all applicable development impact fees in accordance with the
current City of Rialto fee ordinance, prior to the issuance of any building permits
related to the Project.

6. All conditions of approval for TPM No. 20204 shall be completed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.
7. All improvements within the public right-of-way require a City of Rialto Encroachment Permit.
8. 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.
9. 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) 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.
10. 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.
11. 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.
12. All new streetlights shall be installed on an independently metered, City-owned underground electrical system. The developer shall be responsible for applying with Southern California Edison ("SCE") for all appropriate service points and electrical meters. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2.
13. The applicant shall submit street improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be

1 approved by the City Engineer prior to the approval of Parcel Map No. 20204 or prior to
2 the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

3 14. The applicant shall submit streetlight improvement plans by a registered California civil
4 engineer to the Public Works Engineering Division for review. The plans shall be
5 approved by the City Engineer prior to the approval of Parcel Map No. 20204 or prior to
the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

6 15. The applicant shall submit sewer improvement plans by a registered California civil
7 engineer to the Public Works Engineering Division for review. The plans shall be
8 approved by the City Engineer prior to the approval of Parcel Map No. 20204 or prior to
the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

9 16. The applicant shall submit traffic and signage improvement plans by a registered
10 California civil engineer to the Public Works Engineering Division for review. The plans
11 shall be approved by the City Engineer prior to the approval of Parcel Map No. 20204 or
prior to the issuance of building permits in accordance with an approved Subdivision
Improvement Agreement.

12 17. The applicant shall submit copies of approved water improvement plans prepared by a
13 registered California civil engineer to the Public Works Engineering Division for record
14 purposes. The plans shall be approved by Rialto Water Services, the water purveyor, prior
to the approval of Parcel Map No. 20204.

15 18. The applicant shall submit a Precise Grading/Paving Plan prepared by a California
16 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 approval of
Tract Map No. 20204 and prior to the issuance of any building permit.

17 19. The applicant shall submit a Geotechnical/Soils Report, prepared by a California
18 registered Geotechnical Engineer, for and incorporated as an integral part of the grading
19 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.

20 20. The applicant shall provide pad elevation certifications for all building pads in
21 conformance with the approved Precise Grading Plan, to the Engineering Division prior
to construction of any building foundation.

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

- 1 22. The applicant shall construct asphalt concrete paving for streets in two separate lifts. The
2 final lift of asphalt concrete pavement shall be postponed until such time that on-site
3 construction activities are complete. Unless the City Engineer provide prior authorization,
4 paving of streets in one lift prior to completion of on-site construction is not allowed. If
5 City Engineer authorized, completion of asphalt concrete paving for streets prior to
6 completion of on-site construction activities, requires additional paving requirements
7 prior to acceptance of the street improvements, including, but not limited to: removal and
8 replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs.
- 9 23. The applicant shall repair all street cuts for utilities in accordance with City Standard SC-
10 231 within 72 hours of completion of the utility work; and any interim trench repairs shall
11 consist of compacted backfill to the bottom of the pavement structural section followed
12 by placement of standard base course material in accordance with the Standard
13 Specifications for Public Work Construction ("Greenbook"). The base course material
14 shall be placed the full height of the structural section to be flush with the existing
15 pavement surface and provide a smooth pavement surface until permanent cap paving
16 occurs using an acceptable surface course material.
- 17 24. The applicant shall backfill and/or repair any and all utility trenches or other excavations
18 within existing asphalt concrete pavement of off-site streets resulting from the proposed
19 development, in accordance with City of Rialto Standard Drawings. The applicant shall
20 be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete
21 pavement of off-site streets including pavement repairs in addition to pavement repairs
22 made by utility companies for utilities installed for the benefit of the proposed
23 development (i.e. Fontana Water Company, Southern California Edison, Southern
24 California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches,
and other street cuts within existing asphalt concrete pavement of off-site streets resulting
from the proposed development may require complete grinding and asphalt concrete
overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement
condition of the existing off-site streets shall be returned to a condition equal to or better
than what existed prior to construction of the proposed development.
25. The applicant shall install underground all existing electrical distribution lines of sixteen
thousand volts or less and overhead service drop conductors, and all telephone, television
cable service, and similar service wires or lines, which are on-site, abutting, and/or
transecting the site, in accordance with Chapter 15.32 of the Rialto Municipal Code, along
the Merrill Avenue frontage to the centerline of Yucca Avenue prior to the issuance of a
Certificate of Occupancy or pay an in lieu fee fair share fee prior to the issuance of
building permits to cover the cost of future undergrounding by the City. Utility
undergrounding shall extend to the nearest off-site power pole. Unless City Engineer
approved, no new power poles shall be installed. A letter from the owners of the affected
utilities shall be submitted to the City Engineer prior to approval of the Precise
Grading/Paving Plan, informing the City that they have been notified of the City's utility
undergrounding requirement and their intent to commence design of utility
undergrounding plans. When available, the utility undergrounding plan shall be submitted
to the City Engineer identifying all above ground facilities in the area of the project to be
undergrounded.

26. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development prior to the issuance of a Certificate of Occupancy.
27. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or curbs along the entire project frontage, in accordance with the General Plan and the City of Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of a Certificate of Occupancy.
28. The applicant shall provide construction signage, lighting and barricading during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time of construction.
29. Upon approval of any improvement plan by the City Engineer, the applicant shall provide the improvement plan to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
30. The applicant shall construct 4-inch conduit within the parkway area along the entire project frontages of Merrill Avenue and Yucca Avenue for future use.
31. The applicant shall dedicate additional right-of-way along the entire frontage of Merrill Avenue, as necessary, to provide the ultimate half-width of 44 feet, as required by the City Engineer.
32. The applicant shall dedicate additional right-of-way along the entire frontage of Yucca Avenue, as necessary, to provide the ultimate half-width of 22.5 feet and a cul-de-sac at the north terminus, as required by the City Engineer.
33. The applicant shall dedicate a 7-foot-wide public utility easement along the entire project frontage of Yucca Avenue, as required by the City Engineer.
34. The applicant shall dedicate additional right-of-way as may be required to provide a property line corner cutback at the northeast corner of the intersection of Merrill Avenue and Yucca Avenue, in accordance with City Standard SC-235, as required by the City Engineer.
35. The applicant shall construct two (2) new commercial driveway approaches on Yucca Avenue, in accordance with City of Rialto Standard Drawings, or as otherwise approved by the City Engineer. The driveway approach shall be constructed so the top of "X" is 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 exceed or will exceed 30 inches in height in order to maintain an appropriate corner sight distance, as required by the City Engineer.

- 1 36. The applicant shall, as determined necessary by the City Engineer, construct a 5-foot-wide
2 Americans with Disabilities Act (ADA) compliant sidewalk behind the curb along the
entire project frontage of Merrill Avenue, in accordance with City of Rialto Standard
3 Drawings.
- 4 37. The applicant shall construct a 5-foot-wide Americans with Disabilities Act (ADA)
5 compliant sidewalk behind the curb along the entire project frontage of Yucca Avenue, in
6 accordance with City of Rialto Standard Drawings.
- 7 38. The applicant shall, as determined necessary by the City Engineer, construct a curb ramp
8 meeting current California State Accessibility standards at the northeast corner of the
9 intersection of Merrill Avenue and Yucca Avenue, in accordance with the City of Rialto
10 Standard Drawings.
- 11 39. The applicant shall construct a curb ramp meeting current California State Accessibility
12 standards along both sides of each commercial driveway approach. The applicant shall
13 ensure that an appropriate path of travel, meeting ADA guidelines, is provided across
14 each driveway, and shall adjust the location of the access ramps, if necessary, to meet
15 ADA guidelines, subject to the approval of the City Engineer. If necessary, additional
16 pedestrian and sidewalk easements shall be provided on-site to construct a path of travel
17 meeting ADA guidelines.
- 18 40. The applicant shall, as determined necessary by the City Engineer, construct a new
19 underground electrical system for public street lighting improvements along the project
20 frontages of Merrill Avenue and Yucca Avenue, as determined necessary by the City
21 Engineer. New marbelite streetlight poles with LED light fixtures shall be installed in
22 accordance with City of Rialto Standard Drawings.
- 23 41. The applicant shall, as determined necessary by the City Engineer, remove existing
24 pavement and construct new pavement with a minimum pavement section of 4 inches
asphalt concrete pavement over 6 inches crushed aggregate base with a minimum
subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontages of
Merrill Avenue and Yucca Avenue in accordance with City of Rialto Standard Drawings.
The pavement section shall be determined using a Traffic Index ("TI") of 6. The
pavement section shall be designed by a California registered Geotechnical Engineer
using "R" values from the project site and submitted to the City Engineer for approval.
Pavement shall extend from clean sawcut edge of pavement at centerline of each street.
42. 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.
43. 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.

- 1 44. The applicant shall submit a Water Quality Management Plan identifying site specific
2 Best Management Practices ("BMPs") in accordance with the Model Water Quality
3 Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The
4 site specific WQMP shall be submitted to the City Engineer for review and approval with
5 the Precise Grading Plan. A WQMP Maintenance Agreement shall be required, obligating
6 the property owner(s) to appropriate operation and maintenance obligations of on-site
7 BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance
8 Agreement shall be approved prior to issuance of a building permit, unless otherwise
9 allowed by the City Engineer. The development of the Site is subject to the requirements
10 of the National Pollution Discharge Elimination System (NPDES) Permit for the City of
11 Rialto, issued by the Santa Ana Regional Water Quality Control Board, Board Order No.
12 R8-2010-0036. Pursuant to the NPDES Permit, the Applicant shall ensure development
13 of the site incorporates post-construction Best Management Practices ("BMPs") in
14 accordance with the Model Water Quality Management Plan ("WQMP") approved for
15 use for the Santa Ana River Watershed. The Applicant is advised that applicable Site
16 Design BMPs will be required to be incorporated into the final site design, pursuant to a
17 site specific WQMP submitted to the City Engineer for review and approval.
- 18 45. The applicant shall connect the project to the City of Rialto sewer system and apply for a
19 sewer connection account with Rialto Water Services.
- 20 46. The applicant is advised that domestic water service is provided by Rialto Water Services.
21 The developer shall be responsible for coordinating with Rialto Water Services and
22 complying with all requirements for establishing domestic water service to the property.
- 23 47. The applicant shall provide certification from Rialto Water Services that demonstrates
24 that all water and/or wastewater service accounts for the project are documented, prior to
the issuance of a Certificate of Occupancy or final inspection approval from the Public
Works Engineering Division.
48. All 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.
49. 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.

- 1 50. Prior to issuance of a certificate of occupancy or final City approvals, the applicant shall
2 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.
- 3 51. All stormwater runoff passing through the Site shall be accepted and conveyed across the
4 property in a manner acceptable to the City Engineer. For all stormwater runoff falling
5 on the site, on-site detention or other facilities approved by the City Engineer shall be
6 required to contain the increased stormwater runoff generated by the development of the
7 property. Provide a hydrology study to determine the volume of increased stormwater
8 runoff due to development of the site, and to determine required stormwater runoff
9 mitigation measures for the proposed development. Final detention basin sizing and other
stormwater runoff mitigation measures shall be determined upon review and approval of
the hydrology study by the City Engineer and may require redesign or changes to site
configuration or layout consistent with the findings of the final hydrology study. The
volume of increased stormwater runoff to retain on-site shall be determined by comparing
the existing "pre-developed" condition and proposed "developed" condition, using the
100-year frequency storm.
- 10 52. Direct release of on-site nuisance water or storm-water runoff shall not be permitted to
11 the adjacent public streets. Provisions for the interception of nuisance water from entering
12 adjacent public streets from the Project Site shall be provided through the use of a minor
13 storm drain system that collects and conveys nuisance water to landscape or parkway
areas, and in only a storm-water runoff condition, pass runoff directly to the streets
through parkway or under sidewalk drains.
- 14 53. Any utility trenches or other excavations within existing asphalt concrete pavement of off-
15 site streets required by the proposed development shall be backfilled and repaired in
16 accordance with City of Rialto Standard Drawings. The Applicant shall be responsible
17 for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of
18 off-site streets as required by and at the discretion of the City Engineer, including
19 additional pavement repairs to pavement repairs made by utility companies for utilities
20 installed for the benefit of the proposed development (i.e. Fontana Water Company,
Southern California Edison, Southern California Gas Company, Time Warner, Verizon,
etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete
pavement of off-site streets required by the proposed development may require complete
grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of
the City Engineer. The pavement condition of the existing off-site streets shall be returned
to a condition equal to or better than existed prior to construction of the proposed
development.
- 21 54. The original improvement plans prepared for the proposed development and approved by
22 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 certificate
of occupancy. Any modifications or changes to approved improvement plans shall be
submitted to the City Engineer for approval prior to construction.
- 24 55. 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).

1
2 56. Prior to commencing with any grading, the applicant shall implement the required erosion
3 and dust control measures shall be in place. In addition, the following shall be included if
4 not already identified:

- 5 a. 6 foot high tan colored perimeter screened fencing
6 b. Contractor information signage including contact information along the street
7 frontage of Casmalia Street and Linden Avenue.
8 c. Post dust control signage with the following verbiage: "Project Name, WDID No.,
9 IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX)
10 XXX-XXX, If you do not receive a response, please call the AQMD at 1-800-
11 CUT-SMOG/1-800-228-7664"

12 57. The applicant shall remove all graffiti within 24 hours pre-construction, during
13 construction, and after a Certificate of Occupancy is issued.

14 58. The applicant shall submit a final parcel map (Parcel Map No. 20204), prepared by a
15 California registered Land Surveyor or qualified Civil Engineer, to the Public Works
16 Engineering Division for review and approval. A Title Report prepared for subdivision
17 guarantee for the subject property, the traverse closures for the existing parcel and all
18 lots created therefrom, and copies of record documents shall be submitted with Parcel
19 Map No. 20204 to the Public Works Engineering Division as part of the review of the
20 Map. Parcel Map No. 20204 shall be approved by the City Council prior to issuance
21 of any building permits.

22 59. In accordance with Government Code 66462, all required public improvements shall be
23 completed prior to the approval of a final map (Parcel Map No. 20204). Alternatively,
24 the applicant may enter into a Subdivision Improvement Agreement to secure the cost of
all required public improvements at the time of requesting the City Engineer's approval
of Parcel Map No. 20204. If a Subdivision Improvement Agreement is requested by the
applicant, a fee of \$2,000 shall be paid for preparation and processing of the Subdivision
Improvement Agreement. The applicant will be required to secure the Subdivision
Improvement Agreement pursuant to Government Code 66499 in amounts determined by
the City Engineer.

60. The applicant shall comply with all other applicable State and local ordinances.

61. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TPM No.
20204 is granted for a period of twenty-four (24) months from the effective date of this
resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension
of time for TPM No. 20204 may be granted by the Planning Commission for a period
or periods not to exceed a total of thirty-six (36) months. The period or periods of
extension shall be in addition to the original twenty-four (24) months. An application
shall be filed with the Planning Division for each extension together with the required
fee prior to the expiration date of TPM No. 20204.

SECTION 6. The Chair of the Planning Commission shall sign the passage and adoption of

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

1 PASSED, APPROVED AND ADOPTED this 30th day of September, 2020.

2
3 
4 JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

5 STATE OF CALIFORNIA)
6 COUNTY OF SAN BERNARDINO) ss
7 CITY OF RIALTO)

8
9 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
10 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 ____, 2020.

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

13 Vote on the motion:

14 AYES:

15 NOES:

16 ABSENT:

17 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
Rialto this ____th day of ____, 2020.

18
19
20
21 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
22
23
24

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. **2020-35** was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 30th day of September 2020.

8 Upon motion of Commissioner Jerry Gutierrez, second by Commissioner Dale Estvander
9 the foregoing Resolution No. **2020-35** was duly passed and adopted.
10

11 Vote on the motion:

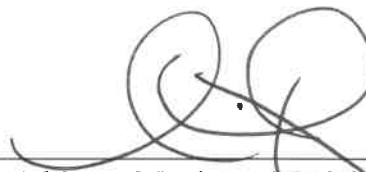
12 AYES: 7

13 NOES: 0

14 ABSENT: 0

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this 30th day of September 2020.

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Adrianna Martinez, Administrative Assistant