

**RESOLUTION NO. 21-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING PRECISE PLAN OF DESIGN NO. 2021-0043 FOR THE DEVELOPMENT OF A 204-UNIT APARTMENT COMPLEX COMPRISED OF SEVEN THREE-STORY BUILDINGS WITH A MAXIMUM HEIGHT OF 40 FEET. THE PROJECT SITE CONSISTS OF 8.02± ACRES OF LAND (APNS: 0133-171-07, -08, -09, AND -31) LOCATED AT 534 E FOOTHILL BOULEVARD, WHICH IS APPROXIMATELY 200 FEET EAST OF ACACIA AVENUE WITHIN THE RESIDENTIAL-MIXED USE (R-MU) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC PLAN.

WHEREAS, the applicant, FH II, LLC (Frontier Enterprises, LLC, proposes to construct a 204-unit Apartment Complex comprised of seven three-story buildings with a maximum height of 40 feet. The proposed residential units would consist of one- to three-bedroom units, ranging between 702 square feet to 1,106 square feet, configured in four buildings that contain twenty-four (24) units and three buildings that contain thirty-six (36) units. The project includes construction of a 3,210-square foot leasing office and clubhouse building, with a recreational pool and barbeque area for residential use. The pool and barbeque area would include an in-ground pool and Jacuzzi, firepits and barbeque grill areas, shaded cabanas, and pool-side lounge areas. The project site consists of 8.02± acres of land (APNs: 0133-171-07, -08, -09, and -31) located at 534 E Foothill Boulevard, which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU) zone of the Foothill Boulevard Specific Plan; and

WHEREAS, the applicant, Frontier Enterprises, proposes a variance pursuant to Section 18.64.040 of the Rialto Municipal Code (RMC) to reduce the minimum required parking from 459 parking spaces to 367 parking spaces, as it relates to a proposal to develop a 204-unit apartment complex on 8.02± acres of land (APNs: 0133-174-07, -08, -09, and -31) located at 534 E Foothill Boulevard, which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU) land use district of the Foothill Boulevard Specific Plan.

WHEREAS, the Project will consist of buildings with wood-frame construction and a stucco finish, concrete tile roofing, wood trellises, covered canopies, and articulated building; and

1 WHEREAS, per Table 3.1 (Permitted Uses) of the Foothill Boulevard Specific Plan, the  
2 establishment of an, included in the Project, within the R-MU zone requires a precise plan of  
3 design, and the applicant has agreed to apply for a precise plan of design (“PPD No. 2021-  
4 0043”); and

5 WHEREAS, on December 8, 2021, the Planning Commission of the City of Rialto  
6 conducted a duly noticed public hearing, as required by law, on PPD No. 2021-0043, took  
7 testimony, at which time it received input from staff, the city attorney, and the applicant; heard  
8 public testimony; discussed the proposed PPD No. 2021-0043; and closed the public hearing;  
9 and

10 WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.  
11 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as  
12 follows:

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

15 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
16 the public hearing conducted with regard to PPD No. 2021-0043, including written staff reports,  
17 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
18 Planning Commission hereby determines that PPD No. 2021-0043 satisfies the requirements of the  
19 Table 3.1 (Permitted Uses) of the Foothill Boulevard Specific Plan pertaining to the findings  
20 which must be made precedent to granting a conditional development permit, which findings are as  
21 follows:

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

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

25 APNs: 0133-171-07, -08, -09, and -31, has a zoning designation of R-MU within the  
26 Foothill Specific Plan. In accordance with the Table 3.1 (Permitted Uses) of the Foothill  
27 Boulevard Specific Plan, the Project, as conditioned herein, will comply with the City  
28 ordinances regulations including those of the Residential-Mixed Use (R-MU) zone in the  
areas of the Site containing the R-MU zoning designations. The R-MU zones allow for  
the development and operations of a 204-unit Apartment Complex, as proposed by the

1 Project. Additionally, the Project meets all the required development standards of the R-  
2 MU zones including, but not limited to, required building setbacks, parking, landscaping,  
3 building height, floor area ratio, etc.

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

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

11 The project site is a relatively flat, asymmetrical-shaped piece of land comprised of four  
12 (4) parcels. The parcels are 8.02± gross acres with approximate dimensions of 689 feet  
13 (east-west) by 610 feet (north-south) at the widest extents. The property is undeveloped  
14 and covered by vegetation. To the north of the project site is approximately several  
15 single-family residences, and to the east is a 48-unit apartment complex and a used car  
16 dealership. To the south, across Foothill Boulevard, is the Acacia Plaza shopping center  
17 comprised of several structures totaling approximately 87,500 square feet in size, and to  
18 the west are several single-family residences and an auto repair facility. The zoning of  
19 the project site is Residential-Mixed Use (R-MU) within the Foothill Boulevard Specific  
20 Plan. The properties to the north are zoned an assortment of R-MU and Single-Family  
21 Residential (R-1C), and the properties to the east are zoned an assortment of R-MU and  
22 Multi-Family Residential (R-3). The properties to the south are zoned Commercial  
23 Pedestrian (C-P) within the Foothill Boulevard Specific Plan, and the properties to the  
24 west are zoned an assortment of R-MU and C-P. The proposed development pertaining  
25 to the land division is consistent with the R-MU zoning designation. The most sensitive  
26 uses near the project site are the single-family residences to the north and west of the  
27 project site. The project is not expected to negatively impact any uses since measures,  
28 such as landscape buffering, increased setbacks, and the installation of solid walls, will be  
implemented. As a result, the Project is not likely to cause any detrimental or injurious  
problems.

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. The Site contains 8.02 gross acres, is fairly  
level, and adjacent to a major public street, all of which will be able to accommodate the  
proposed use. The Project will have two (2) points of access along Foothill Boulevard.  
The westerly driveway will be limited to right-in/right-out access only, while the easterly

1 driveway will have full access through a median break. Each driveway will connect to a  
2 drive-aisle system that loops around the interior of the property and around all of the  
3 proposed buildings. Access to the driveways will be provided via new half-width street  
4 improvements along Foothill Boulevard. In addition, the building will have 367 parking  
5 spaces, which is 20 percent below the 459 required parking spaces required under Table  
3-4 (Parking Standards) of the Foothill Boulevard Specific Plan and Chapter 18.58 (Off-  
Street Parking) of the Rialto Municipal Code.

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

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

9 The Project is consistent with the R-MU zone of the Specific Plan land use designation and  
10 the R-MU zoning designation, and the logical addition to the existing higher density  
11 development immediately to the east of the Site. The design of the Project will ensure a  
12 continuation of the public improvements and aesthetics present in the surrounding area. The  
13 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.

14 SECTION 3. Frontier Enterprises is hereby granted PPD No. 2021-0043 to allow the  
15 development 204-unit Apartment Complex comprised of seven three-story buildings with a  
16 maximum height of 40 feet. The proposed residential units would consist of one- to three-bedroom  
17 units, ranging between 702 square feet to 1,106 square feet, configured in four buildings that contain  
18 twenty-four (24) units and three buildings that contain thirty-six (36) units. The project site consists  
19 of 8.02± acres of land (APNs: 0133-171-07, -08, -09, and -31) located at 534 E Foothill Boulevard,  
20 which is approximately 200 feet east of Acacia Avenue within the Residential-Mixed Use (R-MU)  
21 zone of the Foothill Boulevard Specific Plan. SECTION 4. An Initial Study (Environmental  
22 Assessment Review No. 2021-0045) has been prepared for the proposed project in accordance with  
23 the California Environmental Quality Act (CEQA) and it has been determined that any impacts will  
24 be reduced to a level of insignificance and a Mitigated Negative Declaration has been prepared in  
25 accordance with CEQA. The Planning Commission hereby adopts the Mitigated Negative  
26 Declaration and directs the Planning Division to file the necessary documentation with the Clerk of  
27 the Board of Supervisors for San Bernardino County.  
28

1           SECTION 5. PPD No. 2021-0043 is granted to Frontier Enterprises, in accordance with the  
2 plans and application on file with the Planning Division, subject to the following conditions:

- 3           1. The approval is granted allowing the development 204-unit Apartment Complex  
4           comprised of seven three-story buildings with a maximum height of 40 feet. The  
5           proposed residential units would consist of one- to three-bedroom units, ranging  
6           between 702 square feet to 1,106 square feet, configured in four buildings that contain  
7           twenty-four (24) units and three buildings that contain thirty-six (36) units. The project  
8           site consists of 8.02± acres of land (APNs: 0133-171-07, -08, -09, and -31) located at  
9           534 E Foothill Boulevard, located on the north side of Foothill Boulevard approximately  
10          200 feet east of Acacia Avenue, as shown on the plans submitted to the Planning  
11          Division on September 10, 2021, and as approved by the Planning Commission. If the  
12          Conditions of Approval specified herein are not satisfied or otherwise completed, the  
13          project shall be subject to revocation.
- 14          2. City inspectors shall have access to the site to reasonably inspect the site during  
15          normal working hours to assure compliance with these conditions and other codes.
- 16          3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
17          and/or any of its officials, officers, employees, agents, departments, agencies, and  
18          instrumentalities thereof (collectively, the “City Parties”), from any and all claims,  
19          demands, law suits, writs of mandamus, and other actions and proceedings (whether  
20          legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
21          dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
22          and other such procedures), (collectively “Actions”), brought against the City, and/or  
23          any of its officials, officers, employees, agents, departments, agencies, and  
24          instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
25          annul, the any action of, or any permit or approval issued by, the City and/or any of  
26          its officials, officers, employees, agents, departments, agencies, and instrumentalities  
27          thereof (including actions approved by the voters of the City), for or concerning the  
28          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 be  
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. 2021-0043.

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. In order to provide enhanced building design in accordance with Chapter 18.61 (Design Guidelines) of the Rialto Municipal Code, the applicant shall provide internal roof access only for the building. The internal roof access shall be identified within the formal building plan check submittal prior to the issuance of building permits.
6. The applicant shall construct one (1) ADA accessible trash enclosure on the project site. The trash enclosure shall provide room for one (1) commercial waste container and one (1) commercial recycling container. The exterior of each trash enclosure shall match the material and base color of the 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.
7. 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.
8. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
9. All signage on the building shall comply with Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code.
10. 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.
11. A six (6) foot high decorative block wall shall be constructed along the perimeter of the project site, as approved by the Planning Division.
12. All new walls, including any retaining walls, shall be comprised of decorative masonry block or decorative concrete. Decorative masonry block means tan slumpstone, tan split-face, or precision block with a stucco, plaster, or cultured stone finish. All decorative masonry walls and pilasters shall include a decorative masonry cap. Decorative concrete means painted concrete with patterns, reveals, and/or trim lines.

Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All walls and pilasters shall be identified on the site plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.

13. Any detention basin fencing shall consist of a combination of wrought-iron fencing and decorative masonry block pilasters. Decorative masonry block means tan slumpstone, tan split-face, or precision block with a stucco, plaster, or cultured stone finish. All pilasters shall have a width of at least a minimum of 24 inches by 24 inches. The pilasters shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the fencing. The fencing and pilasters shall be identified on the Precise Grading Plan prior to the issuance of a grading permit. The fencing and pilasters shall also be identified on the site plan within the formal building plan check submittal prior to the issuance of building permits, and an elevation detail for the fencing and pilasters shall be included within the formal building plan check submittal prior to the issuance of building permits.
14. Decorative pavement shall be provided at all vehicular access points to the site. Decorative pavement means decorative pavers and/or color stamped concrete. The location of the decorative pavement shall be identified on the Precise Grading Plan prior to the issuance of a grading permit, and it shall also be identified on the site plan within the formal building plan check submittal prior to the issuance of building permits. The type of decorative pavement shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
15. The exterior of all trash enclosures shall match the color and materials of the buildings on-site. Additionally, the trash enclosure shall contain solid steel doors and a trellis or solid cover. Corrugated metal and chain-link are not acceptable materials to use within the trash enclosure. An elevation detail for the trash enclosures shall be provided within formal building plan check submittal prior to the issuance of building permits.
16. All light standards, including the base, shall be a maximum twenty-five (25) feet high, as measured from the finished surface. Lighting shall be shielded and/or directed toward the site so as not to produce direct glare or "stray light" onto adjacent properties. All light standards shall be identified on the site plan and a note indicating the height restriction shall be included within the formal building plan check submittal prior to the issuance of building permits.
17. One (1) fifteen (15) gallon tree shall be provided every three (3) parking spaces. All parking lot tree species shall consist of evergreen broadleaf trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.

18. A minimum of one (1) twenty-four (24) inch box tree shall be installed every thirty (30) feet within the on-site landscape setbacks along Foothill Boulevard. All on-site tree species shall consist of evergreen broadleaf trees and/or palm trees. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
19. Parkway treatments shall be provided within the public right-of-way along the entire project frontage of Foothill Boulevard, in accordance with Exhibit 4.7 of the Foothill Boulevard Specific Plan. Twenty-four (24) inch box street trees and sixteen (16) square foot landscaped mesh screens shall be installed within a two and one-half (2 ½) foot wide parkway strip along Foothill Boulevard. The street trees and landscape mesh screens shall be separated by a maximum of twenty (20) feet on center. The street tree species for Foothill Boulevard is the "Muskogee Crape Myrtle". Permeable pavers and color stamped concrete shall be installed within the parkway strip. The parkway treatments shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
20. All land not covered by structures, walkways, parking areas, and driveways, unless otherwise specified, shall be planted with a substantial amount of trees, shrubs, and groundcover. Trees shall be spaced a minimum of thirty (30) feet on-center and shrubs and groundcover shall be spaced an average of three (3) feet on-center or less. 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 building permits.
21. All ground mounted equipment and utility boxes, including transformers, fire-department connections, backflow devices, etc. shall be surrounded by a minimum of two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-center, prior to the issuance of a Certificate of Occupancy.
22. All downspouts on all elevations of the building shall painted to match adjacent plaster color.
23. All wrought-iron fencing and sliding gates shall be painted black prior to the issuance of a Certificate of Occupancy.
24. All non-glass doors shall be painted to match the color of the adjacent wall prior to the issuance of a Certificate of Occupancy.
25. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
26. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of



1 approval. If the applicant fails to commence the project within one year of said  
2 effective date, this conditional development permit shall be null and void and any  
3 privileges granted hereunder shall terminate automatically. If the applicant or his or  
4 her successor in interest commence the project within one year of the effective date of  
5 approval, the privileges granted hereunder will continue inured to the property as long  
6 as the property is used for the purpose for which the conditional development permit  
7 was granted, and such use remains compatible with adjacent property uses.

8 27. Enter into a fee credit/reimbursement agreement for frontage improvements required  
9 of this Project.

10 28. A single master Off-site Construction Permit is required for any street, wet utility,  
11 landscape and irrigation, and traffic signal improvements within the public right-of-  
12 way. To expedite and facilitate improvements in the public right-of-way, the  
13 applicant is responsible for submitting a multi-phase master plan traffic control plan  
14 which includes all phases of construction in the public right-of-way i.e., sewer, water,  
15 overhead, underground, etc. prior to the issuance of an Off-site Construction Permit.  
16 Note, to simplify the permitting process, a single master Off-Site Construction Permit  
17 shall replace individual Encroachment Permits to be pulled by the developer's  
18 contactor.

19 29. Submit street improvement plans prepared by a registered California civil engineer to  
20 the Engineering Division for review. The street improvement plans shall be approved  
21 concurrently with any streetlight, landscape and irrigation, and traffic signal plans unless  
22 otherwise approved by the City Engineer. The plans shall be approved by the City  
23 Engineer prior to issuance of any building permits.

24 30. Submit traffic striping and signage plans prepared by a California registered civil  
25 engineer or traffic engineer, for review and approval by the City Engineer. All required  
26 traffic striping and signage improvements shall be completed concurrently with required  
27 street improvements, to the satisfaction of the City Engineer, and prior to issuance of a  
28 building permit. Approved traffic striping and signage plans must include required Class  
II thermoplastic Bicycle Facilities as referenced on the San Bernardino County Non-  
Motorized Transportation Plan – June 2018, Figure 5.36, Sheet 5-150.

31. GENERAL: Submit off-site landscaping and irrigation system improvement plans for  
review and approval concurrently with street improvement plan submittal to the Public  
Works Department. The median irrigation system, parkway irrigation system, and  
applicable Specific Plan required landscape easement irrigation system shall be  
separately metered from the on-site private irrigation to facilitate separate utility bill  
payment by the City after the required one-year maintenance period via the Landscape  
and Lighting Maintenance District No. 2. The off-site landscape and irrigation plans  
must show separate electrical and water meters to be annexed into LLMD2 via a City  
Council public hearing process. Use of an existing LLMD2 water meter and electrical  
pedestal is encouraged. The Landscape and Irrigation plans shall be approved  
concurrently with the Street Improvement plans, including the median portion,

1 applicable easement portion, and/or parkway portion, prior to issuance of a building  
2 permit. The landscaping architect must contact the City of Rialto Landscape Contract  
3 Specialist at (909) 820-2602 to ensure all landscape and irrigation guidelines are met  
4 prior to plan approval. Electrical and water irrigation meter pedestals must not be  
5 designed to be installed at or near street intersections or within a raised median to avoid  
6 burdensome traffic control set-up during ongoing maintenance. The off-site Landscape  
7 and Irrigation plans shall be designed in accordance with the Public Works Landscape  
8 Maintenance District Guidelines.

- 9  
10 32. All median, applicable landscape easement, and parkway landscaping shall be  
11 guaranteed for a period of one year from the date of acceptance by the City Engineer.  
12 Any landscaping that fails during the one-year landscape maintenance period shall be  
13 replaced with similar plant material to the satisfaction of the City Engineer and shall  
14 be subject to a subsequent one-year landscape maintenance period. The applicant  
15 must contact the City of Rialto Landscape Contract Specialist at (909) 820-2602 to  
16 confirm a full twelve (12) months' time of non-interrupted ongoing maintenance.
- 17  
18 33. All proposed trees within the public right-of-way and within 10 feet of the public  
19 sidewalk and/or curb shall have City approved deep root barriers installed, as required  
20 by the City Engineer.
- 21  
22 34. The applicant shall comply with all conditions of approval placed upon PPD No. 2021-  
23 0043.
- 24  
25 35. The applicant shall provide an illuminated address prominently placed on the front of  
26 each dwelling unit, prior to the issuance of a Certificate of Occupancy.
- 27  
28 36. The applicant shall illuminate all alleyways, driveways, and uncovered parking areas  
with a minimum of 1.5-foot candles (at surface level) of light during the hours of  
darkness. Lighting shall be designed/constructed in such a manner as to automatically  
turn on at dusk and turn off at dawn.
37. The applicant shall complete and abide by all mitigation measures contained within the  
Mitigation Monitoring and Reporting Program associated with Environmental  
Assessment Review No. 2021-0045 prior to issuance of any Certificate of Occupancy.
38. The applicant shall secure the services of a tribal cultural monitor to be present during  
all ground disturbance activities associated with the construction of this project. The  
tribal cultural monitor shall be approved by the Gabrieleño Band of Mission Indians-  
Kizh Nation, and documentation of coordination between the applicant and the  
Gabrieleño Band of Mission Indians-Kizh Nation on this matter shall be provided to the  
Planning Division prior to the issuance of a grading permit.
39. All improvements within the public right-of-way require a City of Rialto Encroachment  
Permit.

- 1 40. The applicant shall apply and complete the Special District Annexation for the public  
2 street lighting and the public landscape and irrigation, including applicable easement  
3 areas, parkway areas, and raised medians along the property frontage, as determined by  
4 the City Engineer, prior to the issuance of the Grading/On-site Construction Permit.
- 5 41. A City of Rialto Off-site Construction Permit is required for any improvements within  
6 the public right-of-way. In an effort to expedite and facilitate improvements in the public  
7 right-of-way, the applicant is responsible for submitting a multi-phase master plan traffic  
8 control plan which includes all phases of construction in the public right-of-way i.e.  
9 sewer, water, overhead, underground, etc. prior to the issuance of Off-Site Construction  
10 Permit/Encroachment Permit. Note, in an effort to simplify the permitting process, a  
11 single master Off-Site Construction Permit shall replace individual Encroachment  
12 Permits to be pulled by the applicant's contractor.
- 13 42. At the discretion of the City Engineer, the applicant shall apply for annexation of the  
14 underlying property into City of Rialto Landscape and Lighting Maintenance District  
15 No. 2 ("LLMD 2") or enter into a landscape maintenance agreement to be recorded on  
16 the property. An application fee of \$5,000 shall be paid at the time of application.  
17 Annexation into LLMD 2 is a condition of acceptance of any new median, parkway,  
18 and/or easement landscaping, or any new public street lighting improvements, to be  
19 maintained by the City of Rialto.
- 20 43. The applicant shall submit off-site landscaping and irrigation system improvement plans  
21 for review and approval at the time of first (1st) public improvement plan submittal to  
22 the Public Works Department. The parkway irrigation system shall be separately  
23 metered from the on-site private irrigation to be maintained for a period of one (1) year  
24 and annexed into a Special District. The off-site landscape and irrigation plans must  
25 show separate electrical and water meters to be annexed into the Landscape and  
26 Lighting Maintenance District No. 2 via a City Council Public Hearing, if required by  
27 the City Engineer. The landscape and irrigation plans shall be approved concurrently  
28 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.
44. 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.

- 1 45. If feasible and in conformance to the requirements of the approved Traffic Impact  
2 Analysis, construct a new traffic signal on Foothill Blvd at the proposed easterly  
3 entrance into the complex. The traffic signal will control traffic on Foothill Blvd, the  
4 new entrance, and the existing commercial on the south side of Foothill Blvd. The  
5 location will be designed as an intersection with standard curb returns and curb ramps  
6 for full pedestrian movements. Provide crosswalks where feasible. Dedicate additional  
7 right of way for curb returns and easements for traffic signal equipment as necessary.  
8 Coordinate with property owners for commercial properties on the south side of Foothill  
9 Blvd as necessary and to the extent feasible. The City shall not withhold any Certificate  
of Occupancies due to unforeseen delays as deemed by the City Manager, Community  
Development Director, and/or City Engineer experienced by the Applicant during  
construction of the Traffic Signal. The Applicant's fair share costs towards the traffic  
signal is 22.59%, applicable to condition #22 "Fee Credit/Reimbursement Agreement"  
which is subject to City Council approval at another date.
- 10 46. If the City Engineer determines that construction of the traffic signal described above is  
11 not feasible, construct a median opening to allow westbound traffic to enter the main  
12 driveway and east bound traffic to enter the exiting commercial driveway on the south  
13 side of Foothill opposite the main driveway. The main driveway shall be designed in  
conformance to City Standard Plan SC-214 with a five feet wide sidewalk, minimum.
- 14 47. FOOTHILL BLVD: Modify the striping to provide for the raised median and to the  
15 extent feasible, perpetuate three westbound lanes from Eucalyptus Ave to four hundred  
16 feet west of Acacia Ave. Modify traffic signal detector loops and/or video action  
cameras as necessary.
- 17 48. If feasible and in conformance to the requirements of the approved Traffic Impact  
18 Analysis, construct a new traffic signal on Foothill Blvd at the proposed easterly  
19 entrance into the complex. The traffic signal will control traffic on Foothill Blvd, the  
20 new entrance and the existing commercial on the south side of Foothill Blvd. The  
21 location will be designed as an intersection with standard curb returns and curb ramps  
22 for full pedestrian movements. Provide crosswalks where feasible. Dedicate additional  
right of way for curb returns and easements for traffic signal equipment as necessary.  
Coordinate with property owners for commercial properties on the south side of Foothill  
Blvd as necessary and to the extent feasible.
- 23 49. If the City Engineer determines that construction of the traffic signal described above is  
24 not feasible, construct a median opening to allow westbound traffic to enter the main  
25 driveway and east bound traffic to enter the exiting commercial driveway on the south  
26 side of Foothill opposite the main driveway. The main driveway shall be designed in  
conformance to City Standard Plan SC-214 with a five feet wide sidewalk, minimum.
- 27 50. FOOTHILL BLVD: Modify the striping to provide for the raised median and to the  
28 extent feasible, perpetuate three westbound lanes from Eucalyptus Ave to four hundred  
feet west of Acacia Ave. Modify traffic signal detector loops and/or video action  
cameras as necessary.

- 1
- 2 51. Install a 4-inch conduit within the parkway area along the entire frontage of the property
- 3 for future use.
- 4 52. Install Class II thermoplastic Bicycle Facilities as referenced in the San Bernardino
- 5 County Non-Motorized Transportation Plan – May 2014, Figure 5.41 along the entire
- 6 project frontage.
- 7 53. OMNITRANS: The developer shall be responsible for coordinating with Omnitrans
- 8 regarding the location of existing, proposed, and future bus stops along the property
- 9 frontage of all public streets. The developer shall design street and sidewalk
- 10 improvements in accordance with the latest Omnitrans bus stop guidelines and in
- 11 compliance with current accessibility standards pursuant to the Americans with
- 12 Disabilities Act (ADA) requirements. The developer shall design all bus stops to
- 13 accommodate the Omnitrans Premium Shelters. Prior to Certificate of Occupancy, the
- 14 developer shall submit to Public Works verification from Omnitrans acknowledging
- 15 concurrence with the existing, proposed, and future bus stop improvements in
- 16 conformance with the Premium Shelter design guidelines. Additionally, bus turnouts are
- 17 required to accommodate proposed bus stops in accordance with the City Standards and
- 18 as approved by the City Engineer.
- 19 54. FOOTHILL BLVD: If dedication of additional right-of-way as may be required to
- 20 provide a property line – corner cutback for a traffic signal design at the corner of the
- 21 Foothill Blvd and the main entrance. Nothing shall be constructed or planted in the
- 22 corner cut-off area which does or will exceed 30 inches in height required to maintain an
- 23 appropriate corner sight distance, as required by the City Engineer.
- 24 55. FOOTHILL BLVD: Construct an 8-inch curb and gutter along the entire frontage 48
- 25 feet north of centerline in accordance with City of Rialto Standard Drawings and the
- 26 General Plan or applicable Specific Plan.
- 27 56. FOOTHILL BLVD: Construct a commercial driveway approach in accordance with
- 28 City of Rialto Standard Drawing No. SC-214. The driveway approach shall be
- constructed so the top of “X” is at least 5 feet from the property line, or as otherwise
- approved by the City Engineer. Nothing shall be constructed or planted in the corner
- cut-off area which does or will exceed 30 inches in height required to maintain an
- appropriate corner sight distance. If necessary, additional right of way shall be dedicated
- on-site to construct a path of travel meeting ADA guidelines for the public.
57. FOOTHILL BLVD: Construct a new underground electrical system for public street
- lighting improvements. New marbelite street light poles with LED light fixtures shall be
- installed in accordance with City of Rialto Standard Drawings and as approved by the
- City Engineer. Provide 2” conduit and pull boxes along the opposite side of the street for
- continuation of the street light system for future built out.

- 1 58. Construct a 16-foot wide raised and landscaped median island along frontage of  
2 property, in accordance with City Standards and any applicable Specific Plan as  
3 approved by the City Engineer. The raised median shall extend from the easterly  
4 property line to Acacia Avenue intersection. The median nose width shall be constructed  
5 at 4 feet wide and shall have stamped concrete. The left turn pockets shall be designed in  
6 accordance with Section 405 of the current edition of the Caltrans Highway Design  
7 Manual, and/or as approved by the City Engineer.
- 8 59. Development of the site is subject to the requirements of the National Pollution  
9 Discharge Elimination System (NPDES) Permit for the City of Rialto, issued by the  
10 Santa Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036.  
11 Pursuant to the NPDES Permit, the developer shall ensure development of the site  
12 incorporates post-construction Best Management Practices (BMPs) in accordance with  
13 the Model Water Quality Management Plan (WQMP) approved for use for the Santa  
14 Ana River Watershed. The developer is advised that applicable Site Design BMPs will  
15 be required to be incorporated into the final site design, pursuant to a site specific  
16 WQMP submitted to the City Engineer for review and approval.
- 17 60. The minimum pavement section for all on-site pavements shall be 2 inches asphalt  
18 concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of  
19 24 inches at 95% relative compaction, or equal. If an alternative pavement section is  
20 proposed, the proposed pavement section shall be designed by a California registered  
21 Geotechnical Engineer using "R" values from the project site and submitted to the City  
22 Engineer for approval.
- 23 61. The developer shall connect to the City of Rialto sewer system and apply for a sewer  
24 connection account with Rialto Water services.
- 25 62. Submit sewer improvement plans prepared by a California registered civil engineer to  
26 the Engineering Division. The plans shall be approved by the City Engineer prior to  
27 issuance of any building permits.
- 28 63. Prior to issuance of a certificate of occupancy or final City approvals, provide  
certification from Rialto Water Services to demonstrate that all water and/or wastewater  
service accounts have been documented.
64. The developer is advised that domestic water service is provided by Rialto Water  
District. The developer shall be responsible for coordinating with water purveyor and  
complying with all requirements for establishing domestic water service to the property.
65. Submit a Precise Grading Plan prepared by a California registered civil engineer to the  
Engineering Division that conforms to requirements of the California Building Code for  
review and approval. The Precise Grading Plan shall be approved by the City Engineer  
prior to issuance of a building permit.
66. 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.

67. 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
68. 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.
69. 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.
70. 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.
71. 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.
72. 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.
73. 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 provides 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.

74. 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.
75. The applicant shall backfill and/or repair all utility trenches or other excavations within existing asphalt concrete pavement of off-site streets resulting from the proposed development, in accordance with City of Rialto Standard Drawings. The applicant shall 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. 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 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.
76. The applicant shall replace all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
77. 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.
78. The applicant shall provide construction signage, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed 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.



- 1 79. Upon approval of any improvement plan by the City Engineer, the applicant shall  
2 provide the improvement plan to the City in digital format, consisting of a DWG  
3 (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF  
4 (Adobe Acrobat) formats. Variation of the type and format of the digital data to be  
5 submitted to the City may be authorized, upon prior approval by the City Engineer.
- 6 80. The applicant shall dedicate additional right-of-way along the entire frontage of Foothill  
7 Boulevard, as necessary, to provide the ultimate half-width of 60 feet, as required by the  
8 City Engineer.
- 9 81. 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  
11 plans shall be approved by the City Engineer prior to the issuance of building permits.
- 12 82. 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 District, the water purveyor,  
15 prior to the issuance of building permits.
- 16 83. The applicant shall submit a Precise Grading/Paving Plan prepared by a California  
17 registered civil engineer to the Public Works Engineering Division for review and  
18 approval. The Grading Plan shall be approved by the City Engineer prior to the issuance  
19 of building permits.
- 20 84. The applicant shall submit a wet-signed and stamped Earthwork Cut and Fill  
21 Certification Letter prepared by a Civil Engineer registered in the State of California to  
22 the Public Works Engineering Division for review.
- 23 85. The applicant shall provide pad elevation certification for all building pads, in  
24 conformance with the approved Precise Grading Plan, to the Engineering Division prior  
25 to construction of any building foundation.
- 26 86. The applicant shall install underground all existing electrical distribution lines of sixteen  
27 thousand volts or less and overhead service drop conductors, and all telephone,  
28 television cable service, and similar service wires or lines, which are on-site, abutting,  
and/or transecting the site, in accordance with Chapter 15.32 of the Rialto Municipal  
Code. Utility undergrounding shall 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.

- 1 87. The minimum pavement section for all on-site pavements shall be two (2) inches asphalt  
2 concrete pavement over 4 inches crushed aggregate base with a minimum subgrade of  
3 24 inches at 95% relative compaction, or equal. If an alternative pavement section is  
4 proposed, the proposed pavement section shall be designed by a California registered  
5 Geotechnical Engineer using "R" values from the project site and submitted to the City  
6 Engineer for approval.
- 7 88. At the discretion of the City Engineer, the applicant shall remove existing pavement and  
8 construct new pavement with a minimum pavement section of 4 inches asphalt concrete  
9 pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches  
10 at 95% relative compaction, or equal, along the entire frontage of Foothill Boulevard in  
11 accordance with City of Rialto Standard Drawings. The pavement section shall be  
12 determined using a Traffic Index ("TI") of 6. The pavement section shall be designed  
13 by a California registered Geotechnical Engineer using "R" values from the project site  
14 and submitted to the City Engineer for approval. Pavement shall extend from clean  
15 sawcut edge of pavement at centerline of each street.
- 16 89. The applicant shall dedicate additional right-of-way along the entire frontage of Foothill  
17 Boulevard, as necessary, to provide the ultimate half-width of 44 feet, as required by the  
18 City Engineer.
- 19 90. The applicant shall construct one (1) new thirty (40) foot wide residential driveway  
20 approach connected to Foothill Boulevard, in accordance with City of Rialto Standard  
21 Drawings, or as otherwise approved by the City Engineer. Nothing shall be constructed  
22 or planted in the corner cut-off area which does exceed or will exceed 30 inches in  
23 height in order to maintain an appropriate corner sight distance, as required by the City  
24 Engineer.
- 25 91. The applicant shall construct a curb ramp meeting current California State Accessibility  
26 standards at the frontage of Foothill Boulevard and a new commercial driveways, in  
27 accordance with the City of Rialto Standard Drawings. The developer shall ensure that  
28 an appropriate path of travel, meeting ADA guidelines, is provided across the  
driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA  
guidelines, subject to the approval of the City Engineer. If necessary, additional  
pedestrian and sidewalk easements shall be provided on-site to construct a path of travel  
meeting ADA guidelines.
92. The applicant shall construct a 5-foot-wide sidewalk located adjacent to the curb along  
the entire project frontages of Foothill Boulevard, in accordance with City of Rialto  
Standard Drawings.
93. The applicant shall construct an 8-inch curb and gutter located 40 feet east of the  
centerline along the entire frontage of Foothill Boulevard, in accordance with City of  
Rialto Standard Drawings.

- 1 94. At the discretion of the City Engineer, the applicant shall remove existing pavement and  
2 construct new pavement with a minimum pavement section of 4 inches asphalt concrete  
3 pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches  
4 at 95% relative compaction, or equal, along the entire frontages of Foothill Boulevard in  
5 accordance with City of Rialto Standard Drawings. The pavement section shall be  
6 determined using a Traffic Index ("TI") of 6. The pavement section shall be designed  
7 by a California registered Geotechnical Engineer using "R" values from the project site  
8 and submitted to the City Engineer for approval. Pavement shall extend from clean  
9 sawcut edge of pavement at centerline of each street.
- 10 95. The applicant shall install "No Stopping Anytime" R26A(S)(CA) signage along the  
11 entire project frontage of Foothill Boulevard, as required by the City Engineer.
- 12 96. The applicant shall replace all damaged, destroyed, or modified pavement legends,  
13 traffic control devices, signing, striping, and streetlights, associated with the proposed  
14 Project shall be replaced as required by the City Engineer prior to issuance of a  
15 Certificate of Occupancy.
- 16 97. The applicant shall reconstruct any broken, chipped, or unsatisfactory sidewalks or curbs  
17 along the entire project frontage, in accordance with the General Plan and the City of  
18 Rialto Standard Drawings, as required by the City Engineer, prior to the issuance of a  
19 Certificate of Occupancy.
- 20 98. The applicant shall provide construction signage, lighting and barricading shall be  
21 provided during all phases of construction as required by City Standards or as directed  
22 by the City Engineer. As a minimum, all construction signing, lighting and barricading  
23 shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California  
24 Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time  
25 of construction.
- 26 99. The applicant shall connect the project to the City of Rialto sewer system and apply for a  
27 sewer connection account with Rialto Water Services.
- 28 100. Domestic water service to the underlying property is provided by Rialto Water District.  
The applicant shall be responsible for coordinating with Rialto Water District and  
complying with all requirements for establishing domestic water service to the  
property. The design must include fire hydrants along Foothill Boulevard.
101. The applicant shall install a new domestic water line lateral connection to the main  
water line within Foothill Boulevard, pursuant to the Rialto Water District requirements.  
A water line plan shall be approved by Rialto Water Services prior to the issuance of  
building permits.
102. The applicant shall provide certification from Rialto Water Services 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.

103. 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.

104. 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.

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

106. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing “as-built” information and returned to the Engineering 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.

107. 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).

- 1 108. FOOTHILL BLVD: Construct Americans with Disabilities Act (ADA) and  
2 California Building Code compliant sidewalk improvements 6.5 feet wide located  
3 behind curb along the entire frontage in accordance with the General Plan, any  
4 applicable Specific Plan and the City of Rialto Standard Drawings. Join the existing  
5 non-compliant sidewalk, if any, outside the project frontage. Place new fire hydrants,  
6 street lights and aboveground utility risers and cabinets behind the sidewalk.
- 7 109. FOOTHILL BLVD: Construct a commercial driveway approach in accordance with  
8 City of Rialto Standard Drawing No. SC-214. The driveway approach shall be  
9 constructed so the top of "X" is at least 5 feet from the property line, or as otherwise  
10 approved by the City Engineer. Nothing shall be constructed or planted in the corner  
11 cut-off area which does or will exceed 30 inches in height required to maintain an  
12 appropriate corner sight distance. If necessary, additional right of way shall be dedicated  
13 on-site to construct a path of travel meeting ADA guidelines for the public.
- 14 110. FOOTHILL BLVD: Construct a new underground electrical system for public street  
15 lighting improvements. New marbelite street light poles with LED light fixtures shall be  
16 installed in accordance with City of Rialto Standard Drawings and as approved by the  
17 City Engineer. Provide 2" conduit and pull boxes along the opposite side of the street for  
18 continuation of the street light system for future built out.
- 19 111. Construct a 16-foot wide raised and landscaped median island along frontage of  
20 property, in accordance with City Standards and any applicable Specific Plan as  
21 approved by the City Engineer. The raised median shall extend from the easterly  
22 property line to Acacia Avenue intersection. The median nose width shall be constructed  
23 at 4 feet wide and shall have stamped concrete. The left turn pockets shall be designed in  
24 accordance with Section 405 of the current edition of the Caltrans Highway Design  
25 Manual, and/or as approved by the City Engineer.
- 26 112. Development of the site is subject to the requirements of the National Pollution  
27 Discharge Elimination System (NPDES) Permit for the City of Rialto, issued by the  
28 Santa Ana Regional Water Quality Control Board, Board Order No. R8-2010-0036.  
Pursuant to the NPDES Permit, the developer 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 developer 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.
113. The minimum pavement section for all on-site pavements shall be 2 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.

- 1 114. The developer shall connect to the City of Rialto sewer system and apply for a sewer  
2 connection account with Rialto Water services.
- 3 115. Submit sewer improvement plans prepared by a California registered civil engineer  
4 to the Engineering Division. The plans shall be approved by the City Engineer prior to  
5 issuance of any building permits.
- 6 116. Prior to issuance of a certificate of occupancy or final City approvals, provide  
7 certification from Rialto Water Services to demonstrate that all water and/or wastewater  
8 service accounts have been documented
- 9 117. The developer is advised that domestic water service is provided by Rialto Water  
District. The developer shall be responsible for coordinating with water purveyor and  
10 complying with all requirements for establishing domestic water service to the property.
- 11 118. A Notice of Intent (NOI) to comply with the California General Construction  
12 Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2,  
13 2009) is required via the California Regional Water Quality Control Board online  
14 SMARTS system. A copy of the executed letter issuing a Waste Discharge  
15 Identification (WDID) number shall be provided to the City Engineer prior to issuance  
16 of a grading or building permit. The developer's contractor shall prepare and maintain a  
17 Storm Water Pollution Prevention Plan (SWPPP) as required by the General  
18 Construction Permit. All appropriate measures to prevent erosion and water pollution  
19 during construction shall be implemented as required by the SWPPP.
- 20 119. A Geotechnical/Soils Report prepared by a California registered Geotechnical  
21 Engineer shall be required for and incorporated as an integral part of the grading plan for  
22 the proposed development. A copy of the Geotechnical/Soils Report shall be submitted  
23 to the Engineering Division with the first submittal of the Precise Grading Plan.
- 24 120. All stormwater runoff passing through the site shall be accepted and conveyed  
25 across the property in a manner acceptable to the City Engineer. For all stormwater  
26 runoff falling on the site, on-site retention or other facilities approved by the City  
27 Engineer shall be required to contain the increased stormwater runoff generated by the  
28 development of the property. Provide a hydrology study to determine the volume of  
increased stormwater runoff due to development of the site, and to determine required  
stormwater runoff mitigation measures for the proposed development. Hydrology  
studies shall be prepared in accordance with the San Bernardino County Hydrology  
Manual and Rialto drainage criteria. Final retention 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.

- 1 121. Direct release of on-site nuisance water or stormwater runoff shall not be permitted  
2 to the adjacent public streets. Provisions for the interception of nuisance water from  
3 entering adjacent public streets from the project site shall be provided through the use of  
4 a minor storm drain system that collects and conveys nuisance water to landscape or  
parkway areas, and in only a stormwater runoff condition, pass runoff directly to the  
streets through parkway or under sidewalk drains.
- 5 122. Remove all graffiti within 24 hours pre-construction, during construction, and after a  
6 Certificate of Occupancy is issued.
- 7 123. Prior to commencing with any grading, the applicant shall implement the required  
8 erosion and dust control measures shall be in place. In addition, the following shall be  
9 included if not already identified:  
10 a. 6-foot-high tan colored perimeter screened fencing  
11 b. Contractor information signage including contact information along the street  
12 frontages of Foothill Boulevard.  
13 c. Post dust control signage with the following verbiage: "Project Name, WDID No.,  
14 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-  
15 SMOG/1-800-228-7664".
- 16 124. The applicant shall remove any graffiti within 24 hours, before, during, and post  
17 construction.
- 18 125. The applicant shall submit full architectural and structural plans with all mechanical,  
19 electrical, and plumbing plans, structural calculations, truss calculations (may be  
20 provided in a deferred submittal as determined by the Community Development  
21 Director) and layout, rough grading plans approved by Public Works Engineering,  
Water Quality Management Plan, Erosion Control Plan, Stormwater Pollution  
Prevention Plan, and Title 24 Energy Calculations to the Building Division for plan  
check and review, prior to the issuance of building permits.
- 22 126. The applicant shall provide a Scope of Work on the title page of the architectural  
23 plan set. The Scope of Work shall call out all work to be permitted (ex. Main structure,  
24 perimeter walls, trash enclosure, etc.).
- 25 127. The applicant shall design the structures in accordance with the 2019 California  
26 Building Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and  
27 the 2019 California Electrical Code, 2019 Residential Code and the 2019 California  
Green Buildings Standards adopted by the State of California.
- 28 128. The applicant shall design the structures to withstand ultimate wind speed of 130  
miles per hour, exposure C and seismic zone D.

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129. The applicant shall submit fire sprinkler, fire alarm systems, and fire hydrant plans to the Building Division for plan review concurrently with building plans and shall be approved prior to the issuance of a building permit but may be provided in a deferred submittal as determined by the Community Development Director.
130. The applicant shall obtain an Electrical Permit from the Building Division for any temporary electrical power required during construction. No temporary electrical power will be granted to a project unless one of the following items is in place and approved by the Building Division: (A) Installation of a construction trailer, or, (B) Security fencing around the area where the electrical power will be located.
131. 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.
132. 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.
133. 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. 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.
134. 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.
135. 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.
136. 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.



- 1 137. Prior to issuance of Building Permits, site grading final and pad certifications shall  
2 be submitted to the Building Division, which include elevation, orientation, and  
3 compaction. The certifications are required to be signed by the engineer of record.
- 4 138. The applicant shall provide proof of payment to the Rialto Unified School District  
5 for all required school fees, prior to the issuance of a building permit.
- 6 139. Site facilities such as parking open or covered, recreation facilities, and trash  
7 dumpster areas, and common use areas shall be accessible per the California Building  
8 Code, Chapter 11.
- 9 140. The applicant shall place a copy of the Conditions of Approval herein on within the  
10 building plan check submittal set and include the PPD number on the right bottom  
11 corner cover page in 20 point bold, prior to the issuance of a building permit.
- 12 141. The applicant shall ensure that a minimum of 65% of all construction and demo  
13 debris shall be recycled using an approved City of Rialto recycling facility during  
14 construction. Copies of receipts for recycling shall be provided to the City Inspector and  
15 a copy shall be placed in the office of the construction site.
- 16 142. The developer is responsible for requesting address assignment for any new  
17 building, irrigation water meter and electrical pedestal. Addresses for irrigation meters  
18 must be based upon approved civil plans. Addresses for electrical pedestals must be  
19 based upon approved SCE plans. The main building address shall be included on Precise  
20 Grading Plans and Building Plan set along with the PPD number. The electrical meter  
21 pedestal addresses (single or dual) shall be included in the public improvement plans.
- 22 143. Construct asphalt concrete paving for streets in two separate lifts. The final lift of  
23 asphalt concrete pavement shall be postponed until such time that on-site construction  
24 activities are complete, as may be determined by the City Engineer. Paving of streets in  
25 one lift prior to completion of on-site construction will not be allowed unless prior  
26 authorization has been obtained from the City Engineer. Completion of asphalt concrete  
27 paving for streets prior to completion of on-site construction activities, if authorized by  
28 the City Engineer, will require 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, as required by the City  
Engineer.
144. All street cuts for utilities shall be repaired 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.

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145. In accordance with City Ordinance No. 1589, adopted to preserve newly paved streets, all street and/or trench cuts in street newly paved or slurry will be subject to moratorium street repair standards as referenced in Section 11.04.145 of the Rialto Municipal Code. Contact the Public Works Department for a list of streets subject to the moratorium.
146. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Rialto Standard Drawings. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including pavement repairs in addition to pavement repairs made by utility companies for utilities 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 what existed prior to construction of the proposed development.
147. The applicant shall install a water supply system capable of providing the required fire flow for the proposed type of development as per requirements of the applicable California Fire Code current edition. On site fire hydrants shall be installed by a C-16 licensed contractor as required prior to the construction phase of the development. Plans for the on-site water system shall be approved by the Fire Department prior to issuance of building permits. Provide 12 gage locator wire non-insulated, taped above fire service main for all underground fire line.
148. The applicant shall install an engineered automatic sprinkler system in each residential structure. Plans for such a system shall be submitted for review and approval by the Fire Department prior to the issuance of any building permit (may be provided in a deferred submittal as determined by the Community Development Director.)
149. If the applicant fails to comply with any of the conditions of approval placed upon Precise Plan of Design No. 2021-0043 or any conditions placed upon the approval of the Precise Plan of Design required by Condition No. 3 above, the Planning Commission may initiate proceedings to revoke the conditional development permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code.
150. 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.

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151. 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.
  152. The applicant shall comply with all applicable requirements of the California Fire Code and Chapter 15.28 (Fire Code) of the Rialto Municipal Code.
  153. At the discretion of the Rialto Police Department, the applicant shall illuminate all walkways, passageways, and locations where pedestrians are likely to travel with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
  154. At the discretion of the Rialto Police Department, the applicant shall illuminate all alleyways, driveways, and uncovered parking areas with a minimum of 1.5-foot candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
  155. At the discretion of the Rialto Police Department, the applicant shall illuminate all loading dock areas, truck well areas, and delivery areas with a minimum of 1.5 foot-candles (at surface level) of light during the hours of darkness. Lighting shall be designed/constructed in such a manner as to automatically turn on at dusk and turn off at dawn.
  156. The applicant shall design/construct all lighting fixtures and luminaries, including supports, poles and brackets, in such a manner as to resist vandalism and/or destruction by hand.
  157. The applicant shall provide an illuminated channel letter address prominently placed on the building to be visible to the front of the location, prior to the issuance of a Certificate of Occupancy.
  158. At the discretion of the Rialto Police Department, the applicant shall install exterior security cameras at the location that cover the entire Site, prior to the issuance of a Certificate of Occupancy. The security cameras shall be accessible to the Rialto Police Department via FusionONE web application.
  159. The applicant shall install Knox boxes immediately adjacent to all vehicle gates as well as the main entrance of the building and at least one (1) rear entrance on the building to facilitate the entry of safety personnel. The Knox boxes shall be installed in such a manner as to be alarmed, resist vandalism, removal, or destruction by hand, and be fully recessed into the building. The Knox boxes shall be equipped with the appropriate keys, for each required location, prior to the first day of business. The

1 Knox-Box placement shall be shown on the formal building plan review submittal prior  
2 to the issuance of a building permit.

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

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

11 162. Prior to issuance of a Certificate of Occupancy, the applicant shall pay a business  
12 license tax based on the applicable tax rate pertaining to the proposed use.

13 SECTION 6. The Chairman of the Planning Commission shall sign the passage and  
14 adoption of this resolution and thereupon the same shall take effect and be in force.

15 PASSED, APPROVED AND ADOPTED this 8th day of December, 2021.

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17 FRANK GONZALEZ, CHAIR  
18 CITY OF RIALTO PLANNING COMMISSION  
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