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WHEREAS, the applicant, Paragon Commercial Group, proposes to redevelop the former Hometown Buffet site to replace the existing 10,000 square restaurant building with a 950 square foot drive-thru coffee shop building and a 5,137 square foot automated carwash building automated carwash facility (“Project”) located at 127 West Valley Boulevard within the Freeway Commercial (F-C) zone of the Rialto Gateway Specific Plan (“Site”); and

WHEREAS, in conjunction herewith, the applicant has submitted Conditional Development Permit No. 2021-0028 to establish a drive-through service in conjunction with the 950 square foot coffee shop building (“CDP No. 2021-0028”) located on the Site; and

WHEREAS, on October 13, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, PPD No. 2021-0029, CDP No. 2021-0028 and CDP No. 2021-0027, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed PPD No. 2021-0029, CDP No. 2021-0028 and CDP No. 2021-0027; and closed the public hearing; and

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

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

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

5 SECTION 2. Based on substantial evidence presented to the Planning Commission during
6 the public hearing conducted with regard to PPD No. 2021-0029, including written staff reports,
7 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
8 Planning Commission hereby determines that PPD No. 2021-0029 satisfies the requirements of
9 Section 18.65.020E of the Rialto Municipal Code pertaining to the findings which must be made
10 precedent to approving a Precise Plan of Design application. The findings are as follows:

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

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

14 The Project, as conditioned herein, will comply with all City ordinances and regulations,
15 including those within the Rialto Gateway Specific Plan. The Site has a General Plan land
16 use designation of General Commercial and a zoning designation of Freeway Commercial
17 (F-C) within the Rialto Gateway Specific Plan. Those designations allow for the
18 development of a drive-through coffee shop and automated carwash facility with approval
19 of a Precise Plan of Design and Conditional Development Permits, which have been filed
20 in conjunction with this project. Additionally, the Project meets all of the required
21 development standards of the F-C zone.

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

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

The zoning of the Site is Freeway Commercial (F-C) of the Rialto Gateway Specific Plan.
The project is consistent with the F-C zone, and the existing commercial uses surrounding
the project site. There are no sensitive uses nearby the Site. In addition, the project has
been reviewed by all of the Departments for compliance with all health, safety, and design
requirements to ensure the project will significantly enhance the infrastructure and
aesthetics of the local community.

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

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

5 The project will replace the existing abandoned restaurant building on the Site with
6 desirable improvements that will aesthetically enhance the appearance of the community.
7 Neighboring property uses consist of a commercial retail center and gas station which are
8 not expected to be negatively impacted by the proposed project. Features such as landscape
9 buffering and drive-through headlight screen fencing, property setbacks and on-site
 landscaping will serve to physically separate the uses, mitigate any potential impacts and
 ensure that there is no interference with neighboring property rights, or any endanger to
 the peace, health, safety or welfare of the general public.

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

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

13 A Notice of Exemption has been prepared for the proposed project pursuant to California
14 Environmental Quality Act (CEQA) and the proposed Project will not have negative impacts
15 with the successful implementation of the Conditions of Approval contained herein. The
16 project will replace the existing abandoned restaurant building on the Site with desirable
17 improvements that will aesthetically enhance the appearance of the community with
18 improvements including modern architecture, new lighting, water quality management
 facilities for storm water runoff, and revitalized landscaping. Therefore, any potential adverse
 effects are outweighed by the benefits conferred upon the community and neighborhood as a
 whole.

19 SECTION 3. Paragon Commercial Group is hereby granted PPD No. 2021-0029 to allow
20 the develop a 950 square foot drive-through coffee shop building and a 5,137 square foot
21 automated carwash facility with associate parking, lighting, and landscaping (“Project”) on 2.45
22 acres of land (APNs: 0132-131-08, -09 & -18) located at 127 West Valley Boulevard within the
23 Freeway Commercial (F-C) zone of the Rialto Gateway Specific Plan (“Site”).

24 SECTION 4. The project is categorically exempt from the requirements of the California
25 Environmental Quality Act (CEQA), pursuant to Section 15332, In-fill Development Projects. The
26 Planning Commission directs the Planning Division to file the necessary documentation with the
27 Clerk of the Board of Supervisors for San Bernardino County.
28

1 SECTION 5. PPD No. 2021-0029 is granted to Paragon Commercial Group, in accordance
2 with the plans and application on file with the Planning Division, subject to the following conditions:
3

- 4 1. The approval is granted allowing the development a 950 square foot drive-thru coffee
5 shop building and a 5,137 square foot automated carwash facility with associate
6 parking, lighting, and landscaping on 2.45 acres of land (APNs: 0132-131-08, -09 & -
7 18) located at 127 West Valley Boulevard within the Freeway Commercial (F-C) zone of
8 the Rialto Gateway Specific Plan, as shown on the plans resubmitted to the Planning
9 Division dated September 3, 2021 and as approved by the Planning Commission.
- 10 2. City inspectors shall have access to the site to reasonably inspect the site during normal
11 working hours to assure compliance with these conditions and other codes.
- 12 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
13 and/or any of its officials, officers, employees, agents, departments, agencies, and
14 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
15 demands, law suits, writs of mandamus, and other actions and proceedings (whether
16 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
17 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
18 and other such procedures), (collectively "Actions"), brought against the City, and/or
19 any of its officials, officers, employees, agents, departments, agencies, and
20 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
21 annul, the any action of, or any permit or approval issued by, the City and/or any of its
22 officials, officers, employees, agents, departments, agencies, and instrumentalities
23 thereof (including actions approved by the voters of the City), for or concerning the
24 Project (collectively, the "Entitlements"), whether such Actions are brought under the
25 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
26 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
27 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
28 or any decision of a court of competent jurisdiction. This condition to indemnify,
protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
and other costs, liabilities and expenses incurred in connection with such proceeding
whether incurred by applicant, Property owner, or the City and/or other parties
initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
"Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
shall not be liable to the City Parties under this indemnity to the extent the Damages
incurred by any of the City Parties in such Action(s) are a result of the City Parties'
fraud, intentional misconduct or gross negligence in connection with issuing the
Entitlements. The applicant shall execute an agreement to indemnify, protect, defend,
and hold the City harmless as stated herein within five (5) days of approval of PPD No.
2021-0029.
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

1 subject to protest by the applicant at the time of approval or conditional approval of the
2 Project or within 90 days after the date of the imposition of the fees, dedications,
3 reservations, or exactions imposed on the Project.

- 4 5. Prior to the issuance of building permit, the applicant shall submit a Lot Line Adjustment
5 application with the Planning Division to facilitate the merging of the 3 parcels to 2 parcels
6 in the proposed configuration for the project.
- 7 6. Prior to the issuance of a Certificate of Occupancy for the car wash building, the applicant
8 shall post signage visible from every vacuum station limiting vacuum time to 15 minutes.
- 9 7. The applicant shall submit a formal Landscape Plan for on-site landscaping to the
10 Planning Division prior to the issuance of building permits. The submittal shall include
11 three (3) sets of planting and irrigation plans, a completed Landscape Plan Review
12 application, and the applicable review fee.
- 13 8. The applicant shall plant a substantial amount of trees, shrubs, and groundcover
14 throughout all land on-site that is not covered by structures, walkways, parking areas, and
15 driveways. Trees shall be planted a minimum of thirty (30) feet on-center, and all shrubs
16 and groundcover shall be planted an average of three (3) feet on-center or less. All trees
17 shall be minimum of fifteen (15) gallons in size upon initial planting, unless otherwise
18 specified herein. At least fifty (50) percent of the trees shall consist of evergreen broadleaf
19 trees, while the remaining percentage may consist of broadleaf deciduous trees and/or
20 palm trees. All shrubs shall be a minimum of one (1) gallon in size, unless otherwise
21 specified herein. All planter areas shall receive a minimum two (2) inch thick layer of
22 brown bark, organic mulch, and/or decorative rock upon initial planting. Pea gravel and
23 decomposed granite are not acceptable materials to use within planter areas. All planter
24 areas on-site shall be permanently irrigated and maintained. The planting and irrigation
25 shall be identified on the formal Landscape Plan submittal prior to the issuance of a
26 landscape permit.
- 27 9. A minimum of one (1) twenty-four (24) inch box tree shall be installed every thirty (30)
28 linear feet within the perimeter landscape planters. All on-site 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. All landscaping shall be maintained
in good condition at all times.
10. 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.
11. All planting and irrigation shall be installed on-site in accordance with the approved
landscape plans and permit prior to the issuance of a Certificate of Occupancy. The
installation of the planting and irrigation shall be certified in writing by the landscape

- 1 architect responsible for preparing the landscape plans prior to the issuance of a Certificate
2 of Occupancy
- 3 12. Any wrought-iron fencing and/or sliding gates shall be painted black prior to the issuance
4 of a Certificate of Occupancy.
- 5 13. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
6 Municipal Code.
- 7 14. The developer shall reface the existing free-standing sign to replace the previous user's
8 advertisement with a city approved advertisement for the proposed site users. Continued
9 use of existing free-standing sign on city-owned property to the south shall be granted
10 until such a time the city chooses to modify or replace the free-standing sign, at which
11 time a new signage agreement will be considered for the project site user.
- 12 15. All light standards, including the base, shall have a maximum height of twenty-five (25)
13 feet, as measured from the finished surface. Lighting shall be shielded and/or directed
14 toward the site so as not to produce direct glare or "stray light" onto adjacent properties.
15 All light standards shall be identified on the site plan and a detail indicating the height
16 shall be included within the formal building plan check submittal prior to the issuance of
17 building permits.
- 18 16. Where access to or within a structure area is restricted because of secured openings and
19 immediate access is necessary for life saving or fire fighting purposes, a Key Box is to be
20 installed in an accessible location(s) and gates, as approved by the Fire Department. The
21 Key Box shall be of a type approved by the Fire Department.
- 22 17. The Developer or General Contractor shall identify each contractor and subcontractor
23 hired to work at the job site on the Contractor Sublist form and return it to the Business
24 License Division with a Business License application and the Business License tax fee
25 based on the Contractors tax rate for each contractor listed on the form.
- 26 18. Prior to issuance of a Certificate of Occupancy, a Business License tax shall be paid based
27 on the following tax rate: Distribution Centers.
- 28 19. 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.
20. 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.

21. 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 FususONE web application.
22. The applicant shall comply with all conditions of approval for PPD No. 2021-0029 to the satisfaction of the City Engineer, prior to the issuance of a Certificate of Occupancy.
23. 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 issuance of a building permit.
24. The applicant shall submit a Precise Grading/Paving Plan prepared by a California registered civil engineer to the Public Works Engineering Division for review and approval. The Grading Plan shall be approved by the City Engineer prior to the issuance of any building permit.
25. 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.
26. Prior to the issuance of Grading/On-site Construction Permit, the developer shall apply and complete the Special District Annexation for the public street lighting and the public landscape and irrigation into the Landscape and Lighting Maintenance District 2 (LLMD2), including applicable specific plan required landscape easement areas, parkway areas, and raised medians along the property frontage.
27. Any dry utility improvements within the public right-of-way require a City of Rialto Encroachment Permit.
28. A single master Off-site Construction Permit is required for any street, wet utility, landscape and irrigation, and traffic signal improvements along the project frontage within the public right-of-way. In an effort to expedite and facilitate improvements in the public right-of-way, the applicant is responsible for submitting a multi-phase master plan traffic control plan which includes all phases of construction along the project frontage in the public right-of-way i.e. sewer, water, overhead, underground, etc. prior to the issuance of Off-site Construction Permit. Note, in an effort to simplify the permitting process, a single master Off-Site Construction Permit shall replace individual Encroachment Permits to be pulled by the developer's contactor.
29. Submit California registered civil engineer prepared Street Improvement plans to the Engineering Division of Public Works for review and approval. The street improvement plans shall be approved concurrently with any streetlight, landscape and irrigation, and traffic signal plans unless otherwise approved by the City Engineer. The

1 Street Improvement plans shall be approved by the City Engineer prior to issuance of
2 any building permits.

3 30. Submit Traffic Striping/Signage plans prepared by a California registered Civil
4 Engineer for review and approval by the City Engineer, as may be required for frontage
5 improvements within the right-of-way. All required traffic striping and signage
6 improvements shall be completed concurrently with required street improvements, to
the satisfaction of the City Engineer and prior to issuance of a Building Permit. All
Traffic Striping Improvements shall be made in thermoplastic material.

7 31. The applicant shall submit off-site landscaping and irrigation system improvement plans
8 and a landscape maintenance agreement for the project frontage within the right-of-way
9 for review and approval at the time of first (1st) public improvement plan submittal to the
Public Works Department.

10 32. All applicable landscape easement and parkway landscaping shall be guaranteed for a
11 period of one year from the date of acceptance by the City Engineer. Any landscaping
12 that fails during the one year landscape maintenance period shall be replaced with
13 similar plant material to the satisfaction of the City Engineer, and shall be subject to a
subsequent one year landscape maintenance period.

14 33. All proposed trees within the public right-of-way and within 10 feet of the public
15 sidewalk and/or curb shall have City approved deep root barriers installed in
16 accordance with the Public Works Landscape and Irrigation Guidelines or as approved
by the City Engineer.

17 34. If required by the City's spacing requirements, all new street lights shall be installed on
18 an independently metered, City-owned underground electrical system. The developer
19 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.

20 35. The developer is responsible for requesting from the Public Works Department any
21 addresses needed for any building(s) and/or any electrical single/dual irrigation meter
22 pedestal(s). The main building address shall be included on Precise Grading Plans and
23 Building Plan set along with the PPD number. The electrical meter pedestal addresses
(single or dual) shall be included in the public improvement plans.

24 36. All street cuts for utilities shall be repaired in accordance with City Standard SC-231
25 within 72 hours of completion of the utility work; and any interim trench repairs shall
26 consist of compacted backfill to the bottom of the pavement structural section followed
27 by placement of standard base course material in accordance with the Standard
28 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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37. 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.
38. Any and all utility trenches or other excavations within existing asphalt concrete pavement of off-site streets resulting from 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 including pavement repairs in addition to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Rialto Water Services, Southern California Edison, Southern California Gas Company, Spectrum, 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.
39. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, 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, shall be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new poles utility poles shall be installed unless otherwise approved by the City Engineer. 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.
40. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced in accordance with the City Standard Drawings and as approved by the City Engineer prior to issuance of a Certificate of Occupancy.
41. Construction signing, lighting and barricading shall be provided during all phases of construction in accordance with City Standards and 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 42. Upon approval of any public improvement plan by the City Engineer, the improvement
2 plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD
3 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe
4 Acrobat) formats. Variation of the type and format of the digital data to be submitted
5 to the City may be authorized, upon prior approval by the City Engineer.
- 6 43. Construct 4-inch conduit within the landscape area along the entire project frontage
7 within the right-of-way for future use (i.e., fiber-optics, etc.).
- 8 44. Dedicate additional right-of-way along the entire frontage as may be required to
9 provide a property line at ultimate right-of-way of 60-feet from street centerline along
10 Riverside Avenue.
- 11 45. Provide a cost estimate for review and approval by the Public Works Direction and pay
12 an in-lieu fee equal to the estimate for the removal of existing and the construction of
13 any new street pavement with a minimum pavement section of 5 inches asphalt
14 concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of
15 24 inches at 95% relative compaction, or equal, along the entire half-width street
16 frontage in accordance with City of Rialto Standard Drawings. The estimate shall
17 assume a pavement section using a Traffic Index ("TI") of 10 and using "R" values
18 from the project site.
- 19 46. Replace any existing damaged sections of the curb and gutter with an 8-inch curb and
20 gutter along the entire frontage in accordance with City of Rialto Standard Drawings
21 and the General Plan or applicable Specific Plan.
- 22 47. Construct Americans with Disabilities Act (ADA) compliant sidewalk improvements
23 behind curb along the entire frontage in accordance with the General Plan, any Specific
24 Plan and the City of Rialto Standard Drawings.
- 25 48. Construct a commercial driveway approach in accordance with City of Rialto Standard
26 Drawings. The driveway approach shall be constructed so the top of "X" is 5 feet from
27 the property line, or as otherwise approved by the City Engineer. Nothing shall be
28 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.
49. Construct a curb ramp meeting current California State Accessibility standards along
both sides of the commercial driveway approach. The developer shall ensure that an
appropriate path of travel, meeting ADA guidelines, is provided across the driveway,
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.
50. Development of the site is subject to the requirements of the National Pollution
Discharge Elimination System (NPDES) Permit for the City of Rialto, under the 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.

51. 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.
52. The developer shall connect to the City of Rialto sewer system and apply for a sewer connection account with Rialto Water services.
53. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be City Engineer approved prior to issuance of any building permits.
54. 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.
55. The developer is advised that domestic water service is provided by Rialto Water Services. The developer shall be responsible for coordinating with Rialto Water Services and complying with all requirements for establishing domestic water service to the property.
56. 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).
57. The applicant’s contractors shall submit copies of recycling tickets demonstrating minimum compliance with construction waste management recycling requirements as well as chain of custody for all construction debris.
58. The applicant shall submit a Precise Grading Plan prepared by a California registered civil engineer for review and approval. The Precise Grading/Paving Plan shall be approved by the City Engineer prior to issuance of a building permit.
59. Prior to commencing with any grading, the applicant shall implement the required erosion and dust control measures shall be in place. In addition, the following shall be included if not already identified:

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

60. 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 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 the issuance of any building permit and shall be recorded at the San Bernardino County Recorder's Office prior to the issuance of a Certificate of Occupancy.

61. The applicant shall prepare a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The applicant's contractor shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.

62. A California registered Geotechnical Engineer prepared Geotechnical/Soils Report shall be required for and incorporated as an integral part of the grading/paving plan and WQMP for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of the Precise Grading/Paving Plan.

63. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study 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. 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.

64. 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.
65. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved Precise Grading Plan to the Engineering Division prior to construction of any building foundation.
66. 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.
67. The applicant shall remove any graffiti within 24 hours, before, during, and post construction.
68. In accordance with the City of Rialto Municipal Code Section 18.72.010, Provision D, inadequately maintained landscaping which is visible from the public street, or right-of-way and which, either alone or in combination with other conditions on the subject property tends to degrade the aesthetic quality of the immediate neighborhood is prohibited.
69. All provisions and requirements determined and approved at the City of Rialto Transportation Commission’s October 6, 2021 meeting are incorporated herein, referencing Transportation Commission Item 21-0705.
70. The applicant shall design the structure in accordance with the 2019 California Building Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and the 2019 California Electrical Code, 2019 Residential Code and the 2019 California Green Buildings Standards adopted by the State of California.
71. The applicant shall design all structures to withstand ultimate wind speed of 130 miles per hour, exposure C and seismic zone D.
72. As applicable, 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.

- 1 73. The applicant shall obtain an Electrical Permit from the Building Division for any
2 temporary electrical power required during construction. No temporary electrical power
3 will be granted to a project unless one of the following items is in place and approved by
4 the Building Division: (A) Installation of a construction trailer, or, (B) Security fencing
5 around the area where the electrical power will be located.
- 6 74. The applicant shall install any permitted temporary construction trailer on private
7 property. No trailers are allowed to be located within the public right-of-way.
- 8 75. The applicant shall design and construct accessible paths of travel from the building's
9 accessible entrances to the public right-of-way, accessible parking, and the trash
10 enclosure. Paths of travel shall incorporate (but not limited to) exterior stairs, landings,
11 walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warning,
12 signage, gates, lifts and walking surface materials, as necessary. The accessible route(s)
13 of travel shall be the most practical direct route between accessible building entrances,
14 site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the
15 site, California Building Code, (CBC) Chapter 11, Sec, 11A and 11B.
- 16 76. Prior to issuance of a Building Permit all of the following must be in place on the Site: a
17 portable toilet with hand wash station, all BMP's, fencing and signage on each adjacent
18 street saying "If there is any dust or debris coming from this site please contact
19 (superintendent number here) or the AQMD if the problem is not being resolved" or
20 something similar to this.
- 21 77. The applicant shall provide temporary toilet facilities for the construction workers. The
22 toilet facilities shall always be maintained in a sanitary condition. The construction toilet
23 facilities of the non-sewer type shall conform to ANSI ZA.3.
- 24 78. All on site utilities shall be underground to the new proposed structure, unless prior
25 approval has been obtained by the utility company or the City.
- 26 79. Prior to issuance of Building Permits, site grading final and pad certifications shall be
27 submitted to the Building Division, which include elevation, orientation, and compaction.
28 The certifications are required to be signed by the engineer of record.
80. The applicant shall provide proof of payment to the Rialto Unified School District for all
required school fees, prior to the issuance of a building permit.
81. 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.
82. 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
approval. If the applicant fails to commence the project within one year of said
effective date, this conditional development permit shall be null and void and any
privileges granted hereunder shall terminate automatically. If the applicant or his or

1 her successor in interest commence the project within one year of the effective date of
2 approval, the privileges granted hereunder will continue inured to the property as long
3 as the property is used for the purpose for which the conditional development permit
was granted, and such use remains compatible with adjacent property uses.

4 83. Approval of PPD No. 2021-0029 will not become effective until the applicant has signed
5 a statement acknowledging awareness and acceptance of the required conditions of
6 approval contained herein.

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

9 PASSED, APPROVED AND ADOPTED this 13th day of October, 2021.

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12 _____
13 FRANK GONZALEZ, CHAIR
14 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5

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

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

11 Vote on the motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
16 Rialto this ____th day of ____, 2021.
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20 _____
21 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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