

RESOLUTION PC NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 22-053 TO CONSTRUCT AN INDUSTRIAL COMMERCE CENTER BUILDING CONSISTING OF APPROXIMATELY 118,000 SQUARE FEET, ON A PARCEL OF APPROXIMATELY 6-ACRES, PURSUANT TO AN ADDENDUM TO THE SOUTHWEST INDUSTRIAL PARK SPECIFIC PLAN AND PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) (SCH NO. 2009091089) LOCATED AT 11700 INDUSTRY AVENUE (APN: 0238-171-37)

WHEREAS, APN: 0238-171-37 was annexed from San Bernardino County into the City of Fontana on January 17, 1970; and

WHEREAS, the SWIP Specific Plan Update was approved and adopted by the City of Fontana (City) on June 12, 2012, pursuant to the certified FEIR; and

WHEREAS, 11700 Industry Avenue (APN: 0238-171-37) is located within the Jurupa South Industrial District of the Southwest Industrial Park Specific Plan ("SWIP"); and

WHEREAS, on August 24, 2022, the City of Fontana ("City") received a Design Review application from Shubin Nadal Realty Investors, for a site and architectural review of a industrial commerce center building at the location of 11700 Industry Avenue on an approximate six (6) adjusted gross acre site; and

WHEREAS, the project is to construct an industrial commerce center building totaling approximately 118,000 square feet; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Program Environmental Impact Report (FEIR) be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the SWIP Specific Plan Update and Annexation Area; and

WHEREAS, the City prepared and certified the Final Program EIR (FEIR) on June 12, 2012 for the SWIP Southwest Industrial Park Specific Plan Program Environmental Impact Report ("SWIP FEIR") (SCH No. 2009091089) and Mitigation, Monitoring and Reporting Program (MMRP), consisting of comments received during the 45-day public review and comment period on the Draft FEIR, written responses to those comments, and revisions and errata to the Draft FEIR. For the purposes of this Resolution, the "FEIR" shall refer to the Draft FEIR, as revised by the Final FEIR's errata section, together with the other sections of the Final FEIR; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required

to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, by way of preparation of an addendum for the project site, staff evaluated the project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana's 2019 Local Guidelines for Implementing CEQA by preparing an Initial Study and accompanying technical reports (Addendum); and

WHEREAS, based on that evaluation, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, pursuant to State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the FEIR; and

WHEREAS, the City of Fontana wishes to protect and preserve the quality of the life throughout the City, through effective land use and planning; and

WHEREAS, all notices required by statute and the City Municipal Code have been given as required; and

WHEREAS, the owners of property within 660 feet of the project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local *Fontana Herald* newspaper on October 19, 2023, posted at City Hall, and onsite at the project site; and

WHEREAS, on November 7, 2023, a duly noticed public hearing on Design Review No. 22-053 was held by the Planning Commission to consider testimony and evidence presented at the Public Hearing held with respect hereto; and

WHEREAS, the Planning Commission carefully considered all information, evidence and testimony pertaining to the project presented at its public hearing on November 7, 2023; and

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission has reviewed and considered the Southwest Industrial Park Specific Plan FEIR and Addendum, any oral or

written comments received, and the administrative record prior to making any decision on the Project. The Planning Commission finds that the Addendum and Southwest Industrial Park Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the Southwest Industrial Park Specific Plan FEIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that the Project necessitated only minor modifications to the Southwest Industrial Park Specific Plan FEIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Southwest Industrial Park Specific Plan FEIR is the appropriate document for each project.

The Planning Commission further finds that the preparation of a subsequent or supplemental EIR is not required for the Project because the Project:

- A. Will not result in substantial changes that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the Project are developed that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Southwest Industrial Park Specific Plan FEIR documents were certified showing any of the following:
 - (i) The Project would have one or more significant effects not discussed in the EIR;
 - (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
 - (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
 - (iv) That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Southwest Industrial Park Specific Plan FEIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the Projects have been addressed within the Southwest Industrial Park Specific Plan FEIR and the Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the Southwest Industrial Park Specific Plan FEIR. The Planning Commission finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Projects and reflects the independent judgment and analysis of the Planning Commission.

Section 5. Adoption of the Addendum to the Southwest Industrial Park Specific Plan FEIR. The Planning Commission hereby adopts the Addendum to the EIR for the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP FEIR) (SCH No. 2009091089) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. Design Review. The City of Fontana's, Planning Commission hereby makes the following findings for Design Review No. 22-053 in accordance with Section No. 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

Finding No. 1: The proposal is consistent with the General Plan, Zoning and Development Code, and any applicable Specific Plan.

Findings of Fact: The project is for the development of an industrial commerce center building totaling approximately 118,000 square feet on six (6) adjusted gross acres. Architectural features for the project include varying roof heights, window statements and aluminum framing. The site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code and SWIP. As required, the project has high quality architecture and appropriate screening comprised of screen walls and landscaping that will make for an appropriate and desirable development.

The project is consistent with Chapter 15 (Land Use, Zoning, and Urban Development) of the General Plan which allows for industrial commerce centers (warehousing) in the General Industrial (I-G) land use district. Furthermore, the building is designed in a manner that limits off-site impacts. For example, the dock area is located away from public view and there is sufficient stacking distance along all the driveways. Therefore, this industrial commerce center

project is consistent with the General Plan Land Use Designation and SWIP .

Finding No. 2: The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate, safe and desirable development promoting the public health, safety, and welfare of the community.

Findings of Fact: The project will result in the construction of a warehouse building totaling approximately 118,000 square feet. This facility will be built pursuant to all applicable building, zoning and fire codes, in addition to the Conditions of Approval attached hereto as Exhibit A and referenced herein. Architectural features such as glazing, aluminum frames, and a variety of colors will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements at max 43-feet will be architecturally pleasing and be consistent with the surrounding area. The project will include sidewalk and landscape improvements along Industry Avenue. Therefore, the project will promote the public health, safety and welfare of the occupants and the community.

Finding No. 3: The proposal, in its design and appearance, is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.

Findings of Fact: The project has been determined to be aesthetically and architecturally pleasing and compatible with the surrounding area. The project site is approximately six (6) adjusted gross acres and is physically suitable in size and shape to support the industrial commerce center building. Applicable building, zoning and fire codes will make for a safe, attractive, and well-designed project. The project will create visual interest with architectural features such as glazing, tower elements, and a variety of colors with variations to the building face and roof lines. The character of the surrounding neighborhood reflects industrial uses. The project is designed to be compatible with the surrounding uses while providing a development that has been designed with features (architectural relief, landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

Finding No. 4: The site improvements are appropriate and will result in a safe, well-designed facility.

Findings of Fact: The development will result in appropriate improvements, not only for the project site, but the surrounding area. Project features include sidewalks, drainage, grading, and perimeter and privacy

walls and fencing to provide a safe and well-designed neighborhood. The project has been reviewed by the City's Planning, Engineering, Building and Safety and Fontana Fire Prevention Departments for site circulation, access, and safety. The warehouse project meets and exceeds the standards of the Zoning and Development Code and SWIP, and will provide a safe design for public access.

Section 7. Approval. Based upon the findings in Section 6, and subject to the Conditions of Approval attached hereto as **Exhibit A** and incorporated herein by reference as through fully set forth herein, the Planning Commission hereby approves Design Review No. 22-053 .

Section 8. Resolution Regarding Custodian of Record. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

Section 9. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 11. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 7th day of November 2023.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Ralph Thrasher, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 7th day of November 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ralph Thrasher, Secretary

EXHIBIT “A”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 22-112 November 7, 2023
Design Review No. (DRP) No. 22-053

LOCATION: The project site is located on one (1) parcel and is located at 11700 Industry Avenue (APN: 0238-171-37).

PLANNING DEPARTMENT:

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy (C of O) or other document evidencing the City's final inspection and acceptance of the work.
 - b. All requirements of the Fontana Municipal Code shall be complied with.
 - c. All other Conditions of Approval imposed by this project have been fulfilled.
2. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval.
3. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana

shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain its own separate legal counsel to defend the interests of the City. The applicant shall be responsible for reimbursing the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

The City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

4. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
5. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
6. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
7. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
8. This project will comply with all applicable provisions, regulations, and development standards of the Southwest Industrial Park Specific Plan.
9. Eight (8) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.

10. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
11. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
12. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, car pool, or any other designated parking as required by law.
13. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.
14. All signs shall be reviewed under a separate Design Review Sign application.
15. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
16. Historic Archaeological Resources
 - a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an

institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

- c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

17. The construction contractor shall use the following source controls at all times:

- a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(b7) of the Municipal Code.
- b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- d. Have only necessary equipment onsite.
- e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
- f. Temporarily enclose localized and stationary noise sources.
- g. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

18. Up lighting shall be provided throughout the project site to complement the architectural detail of the building and the landscaped areas, except where the building is adjacent to residential properties.

19. All roof-mounted mechanical units shall be screened from view of adjacent streets by a parapet in height equal or greater to the installed unit, unless another method of visual screening is approved by the Director of Planning.

20. The applicant/developer shall comply with the mitigation measures identified in the CEQA Addendum Mitigation (SCH No. 2009091089) Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
21. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.
22. The applicant shall meet all requirements identified in the Industrial Commerce Sustainability Ordinance (Ordinance No. 1891).

PRIOR TO ISSUANCE OF BUILDING PERMIT

23. The current Development fees must be paid prior to issuance of building/construction permits.

BUILDING & SAFETY:

24. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code
 - G. California Fire Code
 - H. California Green Building Standards Code
25. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
26. The applicant shall comply with the requirements of the South Coast Air Quality Management District (909-396-2000). SCAQMD requirements shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
27. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
28. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot

line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

29. The applicant shall comply with the following grading requirements:

- A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
- B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
- C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
- D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
- E. No water course or natural drainage shall be obstructed.
- F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
- G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.

- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 3. All proposed drainage structures; and

4. Any proposed and/or required walls or fencing.
30. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
31. The applicant is required to obtain permits for the removal and/or demolition of structures.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

32. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
 - A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector
33. If hazardous substances are used and/or stored, the applicant shall provide a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

ENGINEERING DEPARTMENT:

34. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
35. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.
36. The Applicant shall obtain design, plan approval, and construction approval from all utility providers having jurisdiction over the on-site and off-site utilities.

PRIOR TO ISSUANCE OF GRADING PERMIT

37. Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
38. The applicant shall submit, and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage.
39. The applicant shall obtain approval from Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company for any improvements to be constructed within the Southern Pacific Railroad Company's easement.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

40. Applicant shall record all right-of-way dedications, easements, quitclaims as required for the development.
41. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.

PRIOR TO CERTIFICATE OF OCCUPANCY

42. Applicant/Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
43. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
44. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).

45. All sewers shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Contractor performing the video inspection must have a NASSCO PACP, LACP, and MACP certification. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff with an accompanying full report. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required. If a TCO (Temporary Certificate of Occupancy) is required a full video inspection will be required as well at that time.
46. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan (WQMP) and Storm Water Best Management Practice (BMP) Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

FONTANA FIRE PREVENTION DISTRICT:

47. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
48. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code Chapter 5 & SBCoFD Standard A-1.
49. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
50. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. SBCoFD Standard A-2.

51. **Water System Commercial.** Prior to map recordation or lot line adjustment, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code Chapter 5 & SBCoFD Standard W-2. The Fire Flow for this project shall be: 4000 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 118,000 Square Foot structure.
52. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
53. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5.
54. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code Chapter 5.
55. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1.
56. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, NFPA 72 & SBCoFD Standard F-5.
57. **Smoke Removal.** An automatic smoke removal system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall submit three (3) sets of detailed smoke removal system plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9.

58. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code Chapter 9.
59. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
60. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. California Fire Code Chapter 5 & SBCoFD Standard A-4
61. **Security Gates.** In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. California Fire Code Chapter 5 & SBCoFD Standard A-3
62. **Material Identification Placards.** The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. California Fire Code Chapter 50 & NFPA 704.
63. **High-Piled Storage.** The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division. California Fire Code Chapter 32 & SBCoFD Standard S-1.
64. **Secondary Access.** The development shall have a minimum of 2 point of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCoFD Standard A-1.
65. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is

maintained in conformance with Fire Department requirements. California Fire Code Chapter 6.

66. **San Bernardino County Fire Standards.** Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards and California Fire Code.

END OF CONDITIONS