

RESOLUTION NO. PC 2025-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED CITRUS AND OLEANDER AVENUE AT SANTA ANA AVENUE PROJECT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2022110389) AND MITIGATION, MONITORING, REPORTING PROGRAM, AND APPROVING AN AMENDMENT TO A DESIGN REVIEW FOR THE CONSTRUCTION OF AN APPROXIMATELY 83,623 SQUARE FOOT INDUSTRIAL COMMERCE CENTER BUILDING WITH IMPROVEMENTS ON 4.6 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SANTA ANA AVENUE, EAST OF OLEANDER AVENUE, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 0255-021-17

WHEREAS, Assessor Parcel Number ("APN") 0255-021-17 ("Project Site") totaling approximately 4.6 acres, was annexed from San Bernardino County and incorporated into the City of Fontana on April 23, 1966; and

WHEREAS, on November 15, 2023, the City certified the Citrus and Oleander Avenue at Santa Ana Avenue Project Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2022110389) for a project that anticipated various types of industrial uses; and

WHEREAS, on June 26, 2025, the City of Fontana (City") received an application from HPA Inc., ("Applicant"), for a Design Review Amendment ("DRP No. 22-000062-R2"), for the site and architectural review of a new 83,632 square foot industrial warehouse building on a portion of the Citrus and Oleander Avenue at Santa Ana Avenue Project site ("Modified Project"); and

WHEREAS, the Project Site has a General Plan Land Use designation of General Industrial (I-G) and is located within the Southwest Industrial Park Specific Plan/Slover East Industrial District (SED), which allows for such projects; and

WHEREAS, pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines, an Addendum to the previously certified Citrus and Oleander Avenue at Santa Ana Avenue Project EIR (SCH No. 2022110389) has been prepared for this Proposed Modified Project. This Addendum determined that there are no new additional impacts beyond what was anticipated in the environmental document mentioned above; and

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibit "A"** for DRP No. 22-000062-R2 and incorporated herein by this reference; and

WHEREAS, all notices required by statute and the Fontana Municipal Code (FMC) have been given as required; and

WHEREAS, the owners of property within 660 feet of the Modified 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 Fontana Herald newspaper on October 11, 2025, and simultaneously displayed at City Hall and at the Project Site; and

WHEREAS, on October 21, 2025, a duly noticed public hearing on DRP No. 22-000062-R2 was held by the City of Fontana Planning Commission ("Planning Commission") to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and,

WHEREAS, the Planning Commission carefully considered all information pertaining to the Project, and all of the information, evidence and testimony presented at its public hearing on October 21, 2025; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

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

Section 2. Compliance with the California Environmental Quality Act. As the decision-making body for the Modified Project, the Planning Commission has reviewed and considered the Citrus and Oleander Plan EIR and Addendum and Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the Modified Project. The Planning Commission finds that the Addendum and Citrus and Oleander FEIR contain a complete and accurate reporting of all the environmental impacts associated with the Modified Project. The Planning Commission further finds that the Addendum has been completed in compliance with the State CEQA Guidelines and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that pursuant to State CEQA sections 15162 and 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR is the appropriate document for the Project.

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

- A. Will not result in substantial changes that would require major revisions of the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR 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 Modified Project are developed that would require major revisions of the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR 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 known with the exercise of reasonable diligence at the time the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR documents were certified showing any of the following:

- (i) The Modified 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 are 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 Citrus and Oleander Avenue at Santa Ana Avenue Project EIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the Modified Project have been addressed within the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR 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 that the Modified Project may result in any significant environmental impacts beyond those analyzed in the Citrus and Oleander Avenue at Santa Ana Avenue EIR. The Planning Commission finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Modified Project and reflects the independent judgement and analysis of the Planning Commission.

Section 5. Adoption of the Addendum to the Citrus and Oleander Avenue at Santa Ana Avenue Project EIR. The Planning Commission hereby adopts the Addendum to the EIR for the Citrus and Oleander Avenue at Santa Ana Avenue Project Environmental Impact Report (SCH No. 2022110389) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant to State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA. The Commission further directs staff to file a Notice of Determination with the County Clerk's Office and the Office of Land Use and Climate Innovation within five (5) working days of adoption of this Resolution.

Section 6. Design Review Amendment Findings. The Planning Commission hereby makes the following findings for DRP No. 22-000062-R2 in accordance with Section 30-129 "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 amendment is consistent with the Modified Project Site's General Industrial ("I-G") Land Use Designation, as the of General Plan explicitly allows for industrial projects within this designation.

Additionally, the Modified Project is located within the Slover East District of the Southwest Industrial Park ("SWIP") Specific Plan. The reduction in warehouse development and meets all zoning and development standards

set forth in the Fontana Municipal Code and the Southwest Industrial Park Specific Plan. The new design is consistent with the specific plan because it provides broken roof lines, modern design to the building, and modern color scheme which is consistent with the design guidelines identified in the SWIP specific plan.

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 amendment will result in the construction of a new 83,632 square foot industrial warehouse building with necessary site improvements. The new building, which includes improvements such as sidewalks, drainage, and grading, will provide a safe and well-designed project. Additionally, the development meets all requirements of the SWIP specific plan, including height, landscaping, design, parking, access, and safety requirements.

The site improvements have been reviewed by the City of Fontana Fire, Building and Safety, and Engineering Departments. During the review process, changes were made to the plans to ensure that the Project is well designed. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

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 Modified Project has been designed to enhance and complement the surrounding neighborhood. The architectural style for the Project is described as Modern.

Architectural relief utilized for the building consists of light warm white/grey color palette with a blue accent. The architectural style includes a concrete tilt-up building, with metal doors and canopies, glazed windows, aluminum storefront framing, variations to the building face, varied roof lines, steel accent panels and metal canopies and other features appropriate to the style that will make the Modified Project architecturally pleasing and consistent with the surrounding area.

The Modified Project will include off-site improvements such as sidewalks, curbs, gutters, and landscaping. The Modified Project has been reviewed by the Engineering, Building and Safety, and Fire Departments for safety. During the review process, changes were made to the plans to ensure that the Modified Project is well designed.

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

Findings of Fact: The Modified Project complies with the Zoning and Development Code. The

improvements include sidewalks, drainage, and grading, which will provide a safe and well-designed development in the neighborhood. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels. The Modified Project improvements has been reviewed by the Fire, Building and Safety, and Engineering Departments for circulation, access and safety and were determined to meet all applicable requirements and will result in a safe, well-designed project.

Section 7. Approval. Based on the foregoing, the Planning Commission hereby approves DRP No. 22-000062-R2 subject to the Conditions of Approval attached hereto as “**Exhibit A**” and incorporated herein by this reference as though fully set forth herein.

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 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.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 21st day of October 2025.

City of Fontana

Idilio Sanchez, Chair

ATTEST:

I, Joseph Armendarez, 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 21st day of October 2025, by the following vote, to-wit:

Resolution PC No. 2025-

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph Armendarez, Secretary

Exhibit "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 23-0100-R1
Design Review No. 22-000062-R2

DATE: October 21, 2025

LOCATION: The project site is located north of Santa Ana Avenue and east of Oleander Avenue, (APN: 0255-021-17)

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 all of the following have occurred:
 - A. All requirements of the Fontana Municipal Code shall be complied with.
 - B. 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 and 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 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, attorney's 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 or any other applicable City of Fontana Resolution approving DRP No. 22-000062-R2, together with the Conditions of Approval, shall be recorded against the subject property in the Office of the San Bernardino County Recorder promptly following final approval of DRP No. 22-000062-R2. This Design Review shall become null and void two (2) years from the date of approval, unless: (a) the project is subject to a fully executed and effective Development Agreement with the City, in which case, the vesting and expiration periods set forth in that agreement shall govern; or (b) in the absence of an executed Development Agreement, the appropriate permits have been obtained and construction has demonstrated by 1. The obtainment of all necessary building permits; 2. The commencement of physical construction of the primary building structure on the site; and 3 the successful completion of the first required inspection by the Building and Safety Division) has commenced.
5. The applicant/developer shall comply with the mitigation measures identified in the Mitigation (SCH No. 2022110389) Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
6. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these condition shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
7. Color combinations and color schemes for buildings approved under a Design Review application shall not be modified or changed without approval from the original approving body by an amendment/modification 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.
8. 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.
9. The applicant shall adhere to the city light standard of one foot candle minimum of light for all entrances, exits, pedestrian walkways, parking lots and activity areas of the storage facility. Show all light fixtures on the site plan. The type of illumination shall be either florescent, metal halide or white L.E.D.'s., and the luminaries shall be vandal resistant. All luminaries shall remain lit from dusk until dawn. Applicant shall provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
10. The applicant shall post a publicly visible sign on the construction 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 resources 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.

11. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
12. Bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments pursuant to the Zoning and Development Code.
13. There shall be no refrigerated uses on site unless, a future tenant follows any applicable studies/memorandums to amend this Condition of Approval.
14. The applicant shall meet all requirements of the Trip Reduction Measures of the Zoning and Development Code (Section 30-962).
15. The applicant shall depict step outs in the landscaping areas as required pursuant to the Zoning and Development Code Section No. 30-670, on the Site and Landscaping plans prior to submittal of Building Department plan check.
16. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
17. Any foam treatment used for architecture treatments and/or projections located on the first floor shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
18. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours from notice.
19. The applicant shall depict step outs in the landscaping areas as required pursuant to the Zoning and Development Code Section No. 30-670, on the Site and Landscaping plans prior to submittal of Building Department plan check.
20. 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.
21. 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, carpool, or any other designated parking as required by law.
22. All signs shall be reviewed under a separate Design Review Sign application.
23. All landscaping shall be healthy and maintained in a reasonable manner as determined by

the Director of Planning or his/her designee.

24. The transformer shall be screened to the extent feasible on all sides by decorative screen wall not less than the height of the equipment being screened in conjunction with landscaping, subject to approval of the Director of Planning and his/her designee. The decorative screen wall shall be located between the street and the mechanical equipment not less than three-foot. The decorative screen wall shall be well incorporated into the design of the building. The other side of the equipment shall be screened with landscaping not less than ten-gallon shrubs or approved landscaping.
25. A Register of Professional Archaeologists (RPA)-qualified archeologist experienced with Native American artifact identification and approved by the City of Fontana shall be present to monitor the first two (2) days of site preparation/ grubbing; the first two (2) days of mass grading; and the first two (2) days of utility trenching. Such monitoring activities may be reduced or terminated depending on the findings and recommendations of the archeologist. In the event that prehistoric or historic cultural resources be uncovered during these activities, representatives of the tribal entity(s) whom consider the project site to be within their traditional use area shall be contacted and invited to the site to review the find, and monitoring shall be continued at the discretion of archeologist.
26. Historical 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 of 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, is 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 me 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.

27. All 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(b)(7) 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) The construction shall only have necessary equipment onsite.
 - e) The construction shall 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.
 - a. The construction contractor shall install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - b. The construction contractor shall temporarily enclose localized and stationary noise sources.
 - c. The construction contractor shall store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
 - f) The construction contractor shall temporarily enclose localized and stationary noise sources,
 - g) The construction contractor store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
28. 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.
29. 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.
30. 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.
31. The applicant shall meet all guidelines identified in the Industrial Commerce Sustainability Ordinance (Ordinance No. 1891).
32. The applicant shall install a minimum 10-foot wide landscape planter along the easterly side of the property (adjacent sensitive receptors), pursuant Fontana Municipal Code Section 9-71(a).
33. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

34. There shall be five (5) feet of landscaping and two (2) feet of decorative concrete for passengers to step out of vehicles, total of seven (7) feet, at end of automobile parking aisles.
35. On or about December 12, 2023, the City Council of the City adopted Ordinance No. 1935, thereby approving a certain Development Agreement (“Development Agreement”) by and between the Applicant or its related party, and the City. The Applicant agrees to the enforceability of the Development Agreement and agrees with the following Condition of Approval regarding the current design review application. On or before issuance by the City of the first permit for any development or construction on that certain real property located north of Santa Ana Avenue, east of Oleander Avenue and west of Cypress Avenue and known as APN 0255-021-17 (the “Property”), the Applicant shall pay to the City the sum of Three Million One Hundred Ninety-Two Thousand Six Hundred Twenty-Four Dollars (\$3,192,624) (“First installment of Public Benefit Fee”). Additionally, prior to the issuance by the City of the first Certificate of Occupancy for a building constructed within the Property, the Applicant shall remit payment to the City of an additional One Million Five Hundred Thousand Dollars (\$1,500,000) (“Second Installment of Public Benefit Fee”) to fund the City’s design and construction of an Action Sports Park, as otherwise described or provided for in Section 4.4 of the Development Agreement. In the event that either the First or the Second Installment of Public Benefit Fee is not timely received by the City when due, or if the Applicant fails to amend the Development Agreement and cause its recordation as described in the immediately following Condition of Approval, then this design review approval and any prior design review approvals by the City of prior design review applications for the Property shall be deemed automatically rescinded and of no further force or effect.
36. Notwithstanding anything to the contrary contained in the prior condition, the City understands it is the Applicant’s desire to amend the Development Agreement to share the burden of the Public Benefit Fee with the Additional Property, as described below. In order to effectuate such amendment, within Sixty (60) days following final approval by the City of the current design review application, the Applicant shall prepare and submit to the City, fully executed by the owner of legal or equitable interest in fee title to the Property and in a form and substance acceptable to the City for submission to the City Council for its approval and for recordation against the Property in the Office of the San Bernardino County Recorder, an amendment to the Development Agreement (as referenced in the immediately preceding Condition of Approval) which shall be recorded in said Office of Recorder within thirty (30) days after City Council approval. The amendment to the Development Agreement shall provide, among other provisions, for revision of Section 1.1.9 (“Existing Development Approvals”) to include the current design review approval, of Section 2.2 to the effect that the Applicant or party executing the amendment to the Development Agreement warrants and represents that it remains the legal or equitable owner of fee title to the Property, and of Section 4.3 to more specifically reflect the requirements of the immediately preceding Condition of Approval. The Applicant acknowledges and agrees that the City shall not be required to consider an amendment to the Development Agreement for the Property unless, concurrently, a Development Agreement amendment is processed, fully executed, approved by the City Council and recorded in said Office of Recorder for the additional properties subject to the Development Agreement, which are generally located north of Santa Ana Avenue, east of Citrus Avenue

and west of Oleander Avenue, more specifically described as APN 0255-011-25 through 0255-011-32, 0255-011-13, 0255-011-14, 0255-011-15, 0255-011-18, and 0255-011-19 (collectively, the "Additional Property"). Any amendment to the Development Agreement by the Applicant for the Property and the applicant for the Additional Property shall include, among other provisions, the requirement for cumulative payment to the City of a Public Benefit Fee of not less than \$4,300,000 with 50% due at building permit and 50% due at certificate of occupancy which will be split between a payment by the owner of the Property in the amount of \$881,678 and payment by the owner of the Additional Property in the amount of \$3,418,322 unless agreed otherwise between the owner of the Property and the owner of the Additional Party. In the event that both an amendment to the Development Agreement regarding the Property and an amendment to the Development Agreement regarding the Additional Property are not timely recorded as required pursuant to this and the immediately preceding Conditions of Approval, then this design review approval by the City shall be deemed automatically rescinded and of no further force or effect.

PRIOR TO ISSUANCE OF GRADING PERMIT

37. All Conditions of Approval and Mitigation, Monitoring, and Reporting Program (MMRP) 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 and grading plans prior to issuance of any building or grading permits.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

38. The current Development fees must be paid prior to issuance of building/construction permits.
39. The applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning.

POLICE DEPARTMENT

40. Install and maintain the Fontana Police Department's R.E.A.C.T. electronic gate system (in addition to the County's Knox Box system).

BUILDING & SAFETY: **General Conditions**

41. 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 Electrical Code
 - C. California Mechanical Code
 - D. California Plumbing Code
 - E. California Energy Code
 - F. California Fire Code
 - G. California Green Building Standards Code
 - H. City of Fontana Ordinance

- I. Disable access for the site and building must be in accordance to the State of CA and ADA regulations.
42. 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.
43. 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.
44. 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 to the lot line as possible. 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.
45. 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.
46. 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.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

47. 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
48. When the entitlement review is approved submit complete construction drawings including structural calculations to Building and Safety for plan review in accordance with the current edition of the CA Building and Fire Codes including all local ordinances and standards.
49. 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, maybe 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.
50. Please be aware that Construction Waste Management Plan (CWMP) will be required at time of plan check submittal. For more information regarding waste diversion, please contact Burrtec Waste at (909) 889-0911.
51. Project must comply with City of Fontana's warehouse sustainability ordinance. For more information related to Building & Safety, please visit our web page at <https://www.fontana.org/136/Building-Safety>

ENVIRONMENTAL CONTROL:

Prior to Certificate of Occupancy or Permit Approval:

52. All industrial facilities shall submit an Industrial Wastewater Discharge Permit application to Environmental Control. (FMC 23-218) To obtain or submit an application, please contact Sal Romero at 909-428-8809 or sromero@fontana.org.
53. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to Environmental Control. (FMC 23-218) To obtain or submit an application, please contact Sal Romero at 909-428-8809 or sromero@fontana.org.
54. Any facility maintained for the servicing, washing, cleaning or repair of vehicles, construction equipment, industrial transportation or power equipment. (FMC 23-218).

55. All restaurants or other food processing facilities. (FMC 23-218)
56. All facilities maintained for the processing, filtering, softening or conditioning of water. (FMC 23-218).
57. Any facility which has a projected wastewater discharge that exceeds 25,000 gallons of water per day, or which may be categorized as a Federal Categorical discharger, or which is requesting a permit to discharge to the Inland Empire Utilities Agency (IEUA) Non-Reclaimable Wastewater Line (NRW) shall submit a Uniform Industrial Wastewater Survey and Permit Application to IEUA and Environmental Control. (FMC 23-216) To obtain or submit an application, please contact Sal Romero at 909-428-8809 or sromero@fontanaca.gov

Prior to the Issuance of Construction Permits:

58. Any facility proposing the discharge of non-domestic wastewater to the sanitary sewer shall demonstrate in the plan check process, through the submittal of detailed plans showing pretreatment facilities and operating procedures, that the user will pretreat wastewater to a level required to comply with FMC 23-136 - Concentration Limitations and/or FMC 23-138 – Applicability of Federal Categorical Pretreatment Standards, and/or any other applicable standard as established. (FMC 23-186).
59. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
60. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
61. Any facility maintained for the washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment. The facility is required to have a designated covered area with all service bay doors protected by floor/trench drains connected to sand/oil separator to prevent the washout and/or discharge of liquids. (FMC 23-161).
62. Any facility maintained for the servicing of vehicles, construction equipment, industrial transportation or power equipment and has installed trench or floor drains in service bays is required to connect to a sand/oil separator. (FMC 23-161).
63. All restaurants or other food processing facilities (FMC 23-163). Conditional waivers for the grease interceptor requirement may be granted by the Public Works Manager in accordance with section 23-52 for those restaurants or food processing facilities determined not to have adverse effects on the Publicly Owned Treatment Works (POTW).
64. Any facility proposing the discharge of non-domestic wastewater to a septic system, holding tank, closed-loop system, or similar equipment, and is not connected to the sanitary sewer, is required to obtain written approval from the Santa Ana Regional Water Quality Control Board (SARWQCB).

65. Per the State Water Resources Control Board Resolution No. 2012-0032 all Onsite Wastewater Treatment Systems must be approved by the SARWQCB beginning May 13, 2018. A copy of the policy is available at: http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml.
66. Submit drawings to the SARWQCB for approval. Provide a copy of the SARWQCB approval letter and their approved plans to the City of Fontana.
67. For more information, or to submit your plans, please contact Susan Beeson at sbeeson@waterboards.ca.gov or 951-782-4902.

Storm Water

Upon Certificate of Occupancy or Permit Approval and during Occupancy:

68. All Commercial, Industrial, Institutional, and/or other facilities deemed to have the potential to discharge pollutants to the storm drain system shall implement source control and pollution prevention practices to prevent unauthorized, non-storm water discharges, at all times.
69. Vehicle, equipment and/or exterior washing activities are prohibited unless a wastewater recovery system is in place. All wastewater shall be recovered, stored and disposed of by proper and legal means through a waste disposal facility. Contractors hired for washing activities shall maintain a current City of Fontana Business License Tax Certificate to operate as a mobile washing business.
70. Facilities that conduct regular and routine washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment are required to have a designated wash rack area. (See Pretreatment Conditions above).

Prior to Business License and C of O approval:

71. All industrial / warehousing facilities are required to obtain coverage under the State Industrial General Permit and shall file with the State Board a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Industrial Activity.
72. Applicants shall be required to provide a copy of the Waste Discharger Identification Number (WDID) issued by the State Board as evidence of coverage under the Industrial General Permit to Sal Romero 909-428-8809 or sromero@fontana.org.
73. 40 CFR, CA-WQCB Order No 2014-0057-DWQ, CA-RWQCB Order No. R8-2010-0036, FMC 23-520, SB205)
74. For further information about the Industrial General Permit, please visit the following website: http://www.waterboards.ca.gov/water_issues/programs/stormwater/indusfaq.shtml

FIRE DEPARTMENT:

75. **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.

76. **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.
77. **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.
78. **Street Signs:** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
79. **Fire Lanes:** The applicant shall submit a site plan to the Fire Department for review and approval of 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.
80. **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: 3000 GPM for a four-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 83,632 Square Foot structure.

81. **Water Improvement Plan:** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type and largest building square footage. Once approved by Fire Department, applicant will provide stamped/approved W.I.P to water purveyor for their construction needs. ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE. California Fire Code Chapter 5.
82. **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.

83. **Fuel Modification Zones.** A Fire Protection Plan has been designed specifically for the subject project and approved by the Fire Department. All requirements of the Plan shall be adhered to, and any landscaping or construction within these areas shall be submitted to the Fire Department for review and approval in compliance with appropriate standards. California Fire Code Chapter 49.
84. **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.
85. **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.
86. **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.
87. **Commercial Addressing:** Commercial, industrial, and multi-family developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) 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
88. **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.
89. **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.
90. **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.
91. **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.

92. **Secondary Access:** The development shall have a minimum of two points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCoFD Standard A-1.

ENGINEERING DEPARTMENT:

93. 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. Onsite Sewer shall be privately maintained.
94. The Applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
95. 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.

PRIOR TO ISSUANCE OF GRADING PERMIT

96. The 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.
97. 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.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

98. The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
99. The Applicant shall record right-of-way dedications, easements as required for the development.
100. 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. For a full list of traffic requirements, refer to the Traffic Division's condition of approval. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.
101. The Applicant shall perform a pavement quality analysis by a qualified geotechnical engineer for Santa Ana Avenue and Banana Avenue for the City to review and approve. Depending on the results, Santa Ana Avenue and Banana Avenue along the project

frontage may need to be fully replaced to bring the pavement structural section into conformance with City standards. Any remedial action less than full replacement shall be justified by the pavement analysis and shall bring the pavement condition to a 20 year pavement life. Santa Ana Avenue must be suitable for heavy traffic loads (T.I.=10).

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

102. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
103. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
104. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
105. The Surveyor of Record 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.
106. 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.
107. All storm drains shall be video inspected by applicant/contractor. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. 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.
108. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practice transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

ENGINEERING (TRAFFIC)

109. The project shall utilize only the dock-doors that are feasible for truck ingress/egress without causing queuing within the public Right-of-Way.
110. Left-turn ingress and/or egress at all access locations may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered, subject to approval of the City Engineer.

111. Intersection sight distance and stopping sight distance must be shown to meet the required standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation.
112. The location of bicycle parking shall be depicted on the site plan. Bicycle parking shall comply with the Association of Pedestrian and Bicycle Professionals.

END OF CONDITIONS