

**RESOLUTION PC NO. 2024-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING GENERAL PLAN AMENDMENT NO. 22-009 (PART NO. 3 OF GENERAL PLAN AMENDMENT CYCLE MO. 1 OF 2024), AMENDING EXHIBIT 15.8 OF GENERAL PLAN CHAPTER 15 (LAND USE, ZONING, AND URBAN DESIGN) TO CHANGE THE LAND USE DESIGNATION FROM COMMUNITY COMMERCIAL (C-C) TO LIGHT INDUSTRIAL (I-L) FOR APN: 0251-151-10 TOTALING APPROXIMATELY 0.9 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SLOVER AVENUE AND SOUTH SIDE OF BOYLE AVENUE, AND EAST OF CITRUS AVENUE, TENTATIVE PARCEL MAP NO. 22-029 (TPM NO. 20834) TO CONSOLIDATE TWENTY-ONE (21) PARCELS INTO ONE (1) PARCEL AND DESIGN REVIEW NO. 22-054 FOR THE DEVELOPMENT OF A 355,995 SQUARE FOOT INDUSTRIAL COMMERCE CENTER BUILDING ON APNs 0251-151-03 THROUGH -07, -09 AND -10, -14 THROUGH -16, -18 THROUGH -22, AND -39 THROUGH -44 TOTALING APPROXIMATELY 15.84 ACRES LOCATED NORTH OF SLOVER AVENUE, SOUTH OF BOYLE AVENUE, EAST OF CITRUS AVENUE AND WEST OF OLEANDER AVENUE, AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION**

**WHEREAS**, Assessor Parcel Numbers (“APNs”) 0251-151-03 through -07, -09 and -10, -14 through -16, -18 through -22, and -39 through -44 (“Project Site”) were annexed from San Bernardino County and incorporated into the City of Fontana on January 25, 1974, and September 19, 2006; and

**WHEREAS**, the most recent edition of the City of Fontana General Plan (“General Plan”) was adopted by the Fontana City Council (“City Council”) on November 13, 2018; and

**WHEREAS**, on August 29, 2022, the City of Fontana (“City”) received an application from MIG, Inc. (“Applicant”) for a General Plan Amendment (“GPA No. 22-009”) for APN 0251-151-10 to amend the General Plan land use designation as illustrated on Exhibit 15.8 of the General Plan from Community Commercial (C-C) to Light Industrial (I-L), for APN 0251-151-10 within the Project Site, Zoning District Map Amendment (“ZCA No. 22-009”) to amend the zoning designation for APN 0251-151-10 from Community Commercial (C-1) to Light Industrial (M-1), Development Agreement (AGR No. 23-096) to include the payment of a public benefit fee, Tentative Parcel Map (Tentative Parcel Map No. 22-029 (TPM No. 20834)) to consolidate twenty-one (21) parcels into one parcel, and Design Review (DRP No. 22-054) for the development of

a 355,995 square foot industrial commerce building with associated improvements at the Project Site (together referred to as Master Case Number 22-115 (“MCN 22-115”); and

**WHEREAS**, General Plan Amendment GPA No. 22-009 is considered a “Project” as defined by the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, pursuant to CEQA, the City prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”) and Mitigation Monitoring and Reporting Program (“MMRP”), which concluded that, with mitigation, no significant impacts would result from the project. The IS/MND was published for public comment from February 27, 2024 and concluded that, with mitigation, no significant impacts would result from the project. Therefore, the Mitigated Negative Declaration has been recommended for adoption; and

**WHEREAS**, GPA No. 22-009, ZCA No. 22-009, AGR No. 23-096, Tentative Parcel Map No. 22-029 (TPM No. 20834), DRP No. 22-054, and AGR No. 23-096 are supported by the goals and policies of the General Plan; and

**WHEREAS**, the Conditions of Approval are attached hereto as **Exhibit “B”** for Tentative Parcel Map 22-029 (TPM No. 20834) and **Exhibit “C”** for DRP No. 22-054; 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 Project Site were notified via public hearing notice mailer prior to the public hearing for the Fontana Planning Commission (“Planning Commission”); a notice of the public hearing was published in the *Fontana Herald* newspaper on February 23, 2024, and notice was posted at City Hall and the Project Site; and

**WHEREAS**, on March 19, 2024, the Planning Commission conducted a noticed public hearing on MCN 22-115 and received public testimony and evidence presented by the Applicant, City staff, and other interested parties on the project, specifically the IS/MND, MMRP and MCN No. 22-115 and recommended adoption of the IS/MND and MMRP and approval of MCN No. 22-115 with a vote of 4-0 to the City Council by Resolution No. 2024-019; 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 for the Fontana City Council (“City Council”); a notice of the public hearing was published in the *Fontana Herald* newspaper on March 29, 2024, and notice was posted at City Hall and the Project Site; and

**WHEREAS**, on April 9, 2024, the City Council conducted a noticed public hearing on the IS/MND, MMRP, and MCN No. 22-115 and received testimony from all parties

and documentation from the Planning Commission's public hearing on March 19, 2024; and

**WHEREAS**, based on the information presented and evidence received by the City Council at the public hearing held on April 9, 2024 for IS/MND, MMRP, and MCN No. 22-115, the City Council found that the amendments and project are in compliance with CEQA and in conformance with the goals and policies of the General Plan; and

**WHEREAS**, the amendment to the General Plan and Zoning District Map will contribute to a sustainable community where residents of the City could live and work as anticipated in the General Plan; and

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

**WHEREAS**, pursuant to Government Code Section 65358, on April 9, 2024 the City Council adopted one General Plan Amendment in the following three parts; Part No. 1 -GPA No. 20-015, Monte Vista Residential Project; Part No. 2 – GPA No. 23-001, Fontana Business Center 3; Part No. 3 – GPA No. 22-009, Citrus and Boyle Industrial Commerce Center; and

**NOW, THEREFORE**, the City Council RESOLVES as follows:

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

**Section 2.**    **CEQA.** The City Council has reviewed and considered the IS/MND, and MMRP, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The City Council finds that the IS/MND and MMRP contain a complete and accurate reporting of all the environmental impacts associated with the project. The City Council further finds that the IS/MND and MMRP has 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.

a. The City Council has reviewed and considered the information contained in the Final MND and the administrative record, including all written and oral evidence presented to it, and finds, based on its independent review and analysis: (i) that the Final MND was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The City Council finds that the Final MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment and analysis of the city. As well the City Council finds that no new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

b. The City Council has also reviewed and considered the MMRP for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and recommends that the City Council find that such MMRP is designed to ensure compliance with the mitigation measures during project implementation.

c. **Adoption of MND.** Pursuant to Public Resources Code section 21080, subdivision (c)(2), the City Council adopts the Final IS/MND prepared for the project.

d. **Approval of MMRP.** Pursuant to Public Resources Code section 21081.6, the City Council approves the MMRP which was prepared for the project and makes it a condition of project approval as attached hereto.

e. **Notice of Determination.** The City Council directs staff to file a Notice of Determination with the San Bernardino County Clerk and the Office of Planning and Research within five (5) working days of approval of the project.

**Section 3.** General Plan Amendment Findings. Based on the information herein, the City Council hereby makes the following findings for GPA No. 22-009 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

**Finding:**                      **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

**Findings of Fact:**        Changing the General Plan Land Use Designation of APN 0251-151-10 from C-C to I-L would allow for the construction of an industrial commerce center building totaling approximately 355,995 square feet. This development will assist with the growing the industrial commerce center demand in the City and the surrounding area. The construction and operations at the Project Site will provide employment opportunities for the local workforce and address demands related to products being transported into the area. Additionally, properties to the north and east also have a General Plan designation of Light Industrial.

This amendment would create consistency amongst the project parcels and would remove a commercial designation for a small area that has not developed commercially to date, nor would it be well positioned to do so in the future based on its size and location. The amendment would support General Plan Chapter 13, Goal No. 1, Action A: Establish a balance of industrial and manufacturing development along with services, especially in sectors with living wage jobs. The operations of the industrial commerce building will require employees for day-to-day operations, which will in turn provide jobs for local communities in the long term.

**Section 4.** **Tentative Parcel Map Findings.** Based on the information herein, the City Council hereby makes the following findings for Tentative Parcel Map No. 22-029 (TPM No. 20834) pursuant to Section 30-284 of the Fontana Zoning and Development code, and in accordance with Section No. 26 218(d) "Processing of application," of the Fontana Municipal Code:

**Finding No. 1:**       **That the proposed map is consistent with the city's general plan and any applicable specific plan.**

Findings of Fact:     With approval of General Plan Amendment 22-009, Tentative Parcel Map No. 22-029 (TPM No. 20834) is consistent with the General Plan Land Use Designation for all portions of the Project Site. The lot size with the consolidation will meet the lot standards of the FMC. The tentative parcel map consolidates twenty-one (21) existing parcels (APNs: 0251-151-03 through -07, -09 and -10, -14 through -16, -18 through -22, and -39 through -44) into one parcel for the construction of an industrial commerce building totaling approximately 355,995 square feet, which is permitted in the General Plan. The Project Site is not within a specific plan.

**Finding No. 2:**       **That the design or improvements of the proposed subdivision are consistent with the general plan and any applicable specific plan.**

Findings of Fact:     The site design for Tentative Parcel Map No. 22-029 (TPM No. 20834) is consistent with the General Plan. The lot size and street configuration conform to the requirements of the Land Use, Zoning, and Urban Design and Community Mobility and Circulation Elements of the General Plan, and Chapter No. 26 of the FMC and the Light Industrial development standards. The project includes all on-site and off-site improvements to meet all the General Plan goals and objectives; as well as all of the M-1 zoning requirements. Improvements consist of public sewer, public storm drain, streets, gutter, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. The Project Site is not within a specific plan.

**Finding No. 3:**       **The site is physically suitable for the type and density of development proposed.**

Findings of Fact:     The Project Site for the industrial commerce center is approximately 15.84 acres, which is adequate in size to accommodate the development. The existing topography is conducive for the project and development of the site did not require setback variances. The lot size is consistent with industrial developments to the south and west of the Project Site.

**Finding No. 4:**        **The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.**

Findings of Fact:     The design of Tentative Parcel Map No. 22-029 (TPM No. 20834) is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. The area surrounding the Project Site has been developed with gas station, industrial uses, high school, residential and warehouse uses.

An IS/ MND and MMRP was prepared for this project pursuant to CEQA and the 2019 Local Guidelines for Implementing CEQA. Based on the information in the IS, the project would not have a significant effect on the environment as a result of the project implementation and the MND, and MMRP. The use is anticipated based on the Land Use Designation and the Zoning and Development Code. The design of the map will not cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

**Finding No. 5:**        **The design of the subdivision or type of improvements will not cause serious public health problems.**

Findings of Fact:     The design of Tentative Parcel Map No. 22-029 (TPM No. 20834) will not cause public health problems. The development will comply with the Zoning and Development Code and General Plan. Improvements include connection to the public sewer, connection to the public storm drain, modification to the existing sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

**Finding No. 6:**        **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

Findings of Fact:     The design of Tentative Parcel Map No. 22-029 (TPM No. 20834) and public improvements will not conflict with access easements acquired by the public. Access to and from the Project Site would be provided from driveways on Slover Avenue and Boyle Avenue. The truck traffic will come in and out from the two (2) southwest driveways along Slover Avenue and vehicle traffic will use two separate entrances on the southeast accessed from Slover Avenue and on the northeast accessed from Boyle Avenue.

**Section 5.** Design Review Findings. Based on the information herein, the City Council hereby makes the following findings for a DRP No. 22-054 in accordance with Section 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 General Plan land use designation of I-L is intended for employee-intensive uses, including business parking, research and development, technology centers, corporate and support office uses, clean industry, supporting retail uses, truck and equipment sales and related services. The industrial commerce facility provides for a consistent blend of well-designed industrial development in the immediate vicinity. The Zone Change Amendment for APN 0251-151-10 incorporates the entire project area into the M-1 Zoning District. The industrial commerce facilities provide for a consistent blend of well-designed industrial development in the immediate vicinity because it provides consistency with the industrial uses in the vicinity of the Project Site.

**Finding No. 2:**        **This proposal meets or exceeds the criteria contained in Chapter 30 and will result in an appropriate, safe and desirable development promoting the public health, safety, and welfare of the community.**

Findings of Fact:     The site and architectural design for the 355,995 square foot industrial commerce center building has been designed with office space totaling approximately 7,000 square feet. A gate-secured truck court with 46 loading docks on the south side of the building and 13 loading docks on the west side of the building. The use of glazing, parapets, accent colors and painted banding will add structural and visual interest to the building. Additionally, variations to the building face and roof lines will be architecturally pleasing. Access to and from the Project Site would be provided from driveways on Slover Avenue (truck and passenger vehicles) and Boyle Avenue (passenger vehicles only). Landscaping would be ornamental in nature and includes trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers.

The project will result in the construction of an industrial commerce center building totaling approximately 355,995 square feet. All new improvements such as driveways, streets, sidewalks, drive aisles, and setbacks will comply with all applicable building, zoning, and fire codes and will promote the public health, safety, and welfare of the surrounding community.

**Finding No. 3:**      **The proposal is 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 industrial commerce center building has been designed with the use of glazing, parapets, canopies, accent colors and painted banding that will add structural and visual interest to the building. Additionally, variations to the building face and roof lines will be architecturally pleasing. Access to and from the Project Site would be provided from driveways on Slover Avenue and Boyle Avenue with passenger vehicle traffic utilizing separate entrances from commercial vehicles. Landscaping would be ornamental in nature and features trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcover. The building will be compatible with the industrial commerce centers to the south and west of the Project Site and will provide a quality, aesthetically pleasing development for 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 complies with the Zoning and Development Code standards and the newly adopted sustainability ordinance. The improvements include sewer and storm drain systems, site circulation, parking, landscaping, parks, lighting, driveways, sidewalks and decorative paving.

**Section 6.**    **General Plan Amendment Approval.** Based upon the findings in Section 3, the City Council hereby approves GPA No. 22-009 to change the General Plan Land Use Designation for APN: 0251-151-10 as illustrated on **Exhibit “A”** attached hereto and incorporated herein by reference as fully set forth herein and to modify Exhibit 15.8 (Land Use Map) of the General Plan to reflect the same.

**Section 7.**    **Tentative Parcel Map Approval.** Based on the findings in Section 4, the City Council hereby approves Tentative Parcel Map No. 22-029 (TPM No. 20834), subject to the Conditions of Approval attached here to as **Exhibit “B”** and incorporated by reference as fully set forth herein, to consolidate Twenty- one (21) parcels located on the north side of Slover Avenue, south of Boyle Avenue into one parcel.

**Section 8.**    **Design Review Approval.** Based on the findings in Section 5, the City Council hereby approves DRP No. 22-054 subject to the Conditions of Approval attached here to as **Exhibit “C”** and incorporated by reference as fully set forth herein..

**Section 9.**    **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 10. Certification.** The City Clerk of the City Council shall certify to the adoption of this Resolution.

**Section 11. Effective Date.** This Resolution shall take effect thirty (30) days after the adoption of the City Council Ordinance adopting Zoning District Map Amendment (ZCA) No. 22-009, City Council Ordinance adopting Development Agreement No. 23-096, whichever is adopted later, provided however, if either Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise do not go into effect for any reason, then this resolution shall be null and void and have no further force and effect.

**Section 12. 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** this 9<sup>th</sup> day of April 2024.

**READ AND APPROVED AS TO LEGAL FORM:**

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City Attorney

**ATTEST:**

I, Germaine Key, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting thereof, held on the 9<sup>th</sup> day of April 2024, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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City Clerk of the City of Fontana

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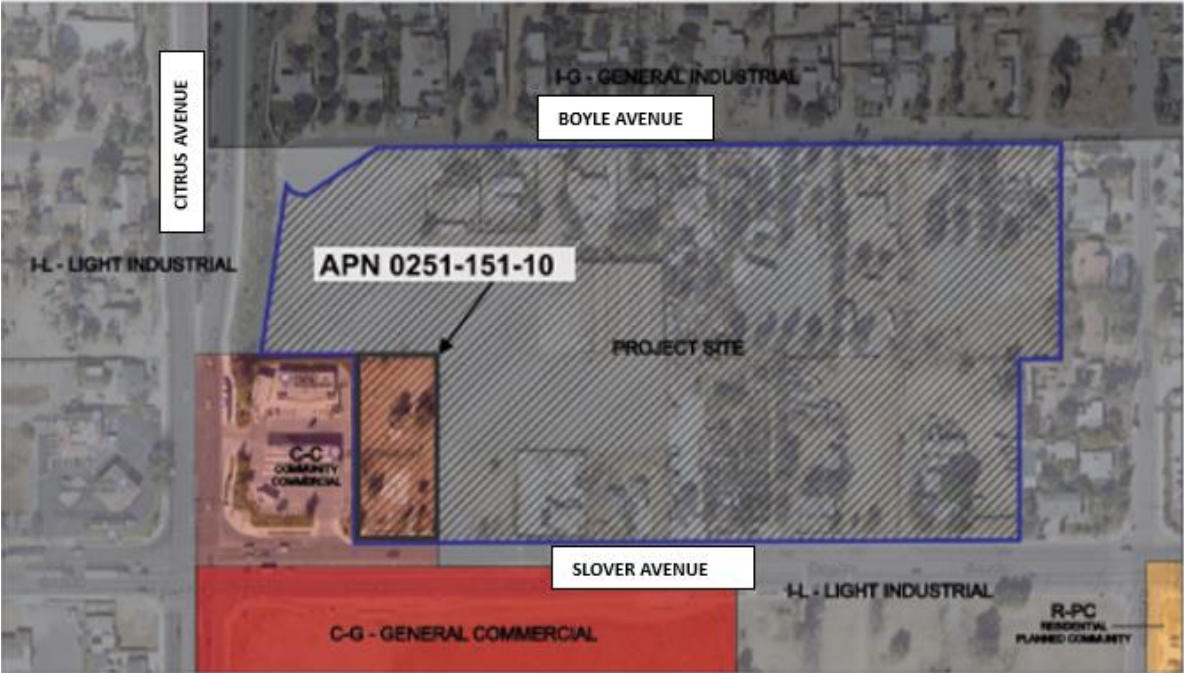
Mayor of the City of Fontana

**ATTEST:**

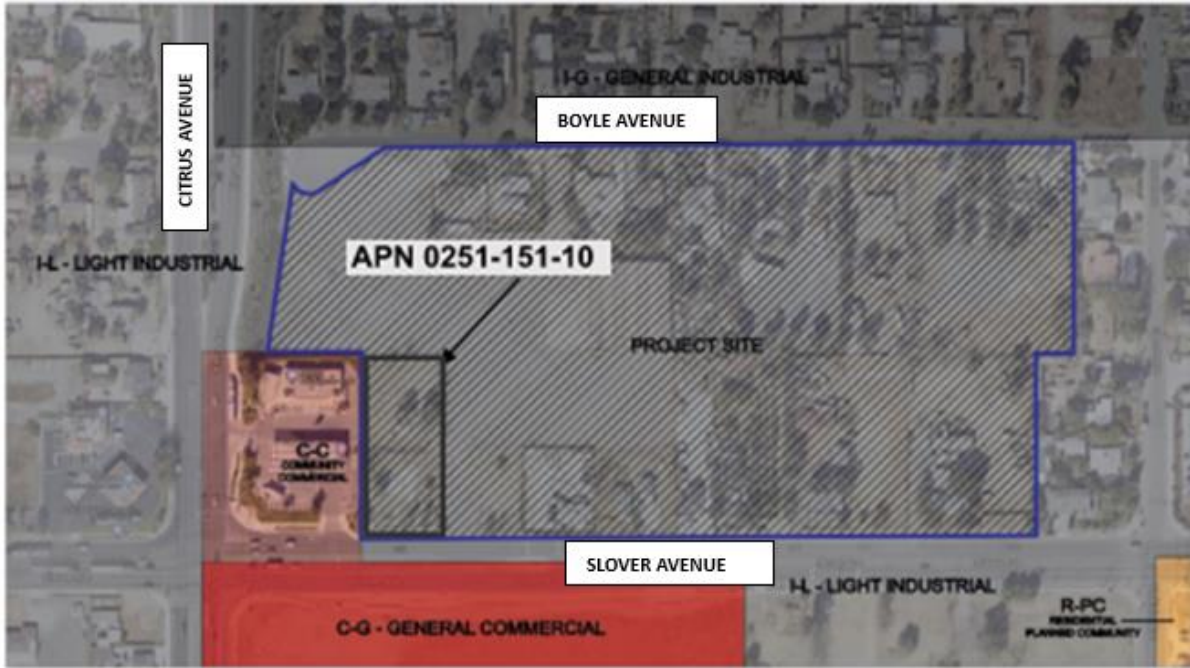
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City Clerk

**EXISTING GENERAL PLAN DESIGNATION  
COMMUNITY COMMERCIAL (C-C)**



**PROPOSED GENERAL PLAN DESIGNATION  
LIGHT INDUSTRIAL (I-L)**



**EXHIBIT “B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 22-115 March 19, 2024  
Tentative Parcel Map No. 22-029 (TPM No. 20834)

**LOCATION:** The project site includes property located on north side of Slover Avenue, south of Boyle Avenue, south of Interstate (I) 10 freeway, and west of Citrus Avenue and east of Oleander Avenue. Assessor Parcel Numbers (APNs: 0251-151-03 through -07, -09 and -10, -14 through -16, -18 through -22, and -39 through -44).

**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 requirements of the Fontana City's Municipal Code shall be complied with.
  - B. All Conditions of Approval imposed on this project have been fulfilled.
2. The applicant /developer/ property owner shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission and/or City Council concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. 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. 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.

3. Tentative Parcel Map No. 22-029 (TPM No. 20834) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development), and the Subdivision Map Act.
4. The applicant/developer shall underground all utilities, pursuant to Section 27-50 through 27-54 of the City of Fontana Municipal Code, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
5. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program (MMRP) as approved by the City Council.
6. 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.
7. Tentative Parcel Map No. 22-029 (TPM No. 20834) 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.
8. In the event that one or more of the Conditions of Approval for this project needs

to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 of the Municipal Code.

9. 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.
10. 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.

11. The applicant shall meet all requirements identified in the Industrial Commerce Centers Sustainability Standards (Ordinance No. 1891).
12. A copy of the Industrial Commerce Centers Sustainability Standards requirements shall be placed on the final grading plans and the final building plans.
13. The project shall comply with all applicable provisions, regulations, and development standards of the Fontana Municipal Code.
14. The applicant shall adhere to all landscape setback requirements as outlined in the Fontana Municipal Code.
15. The applicant shall meet all requirements of the Trip Reduction Measures in of the Zoning and Development Code (Section 30-962).

**BUILDING & SAFETY DEPARTMENT:**

16. The applicant shall have the parcel map recorded prior to the issuance of any building permits.
17. 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.

18. The applicant is required to obtain permits for the removal and/or demolition of structures.

**ENGINEERING DEPARTMENT:**

19. 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.
20. 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.
21. 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.
22. Of the three access points along Slover Ave, the westernmost project driveway shall be at least 400' east of the intersection of Slover Ave and Citrus Ave, as measured from the limit-line along westbound Slover Ave to the western edge of the driveway.



23. Of the three access points along Slover Ave, the central project driveway shall be separated by at least 250' from adjacent driveways, as measured from the closest edge of each driveway.
24. Left-turn ingress and/or egress at all access locations shall be subject to approval of the City Engineer and may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered.
25. Of the three access points along Slover Ave, the westernmost project driveway shall be designed, constructed, and signed to restrict ingress and egress to right-in and right-out movements only.
26. Of the three access points along Slover Ave, the central project driveway shall be designed, constructed, and signed to restrict ingress and egress to right-in, left-in, and right-out movements only.
27. Of the three access points along Slover Ave, the easternmost project driveway shall be designed, constructed, and signed to restrict ingress and egress to right-in and right-out movements only.
28. Of the three access points along Slover Ave, the easternmost project driveway shall be restricted to vehicular access only, until such time as the adjacent land use is no longer deemed a sensitive receptor, or until such time that the distance between the driveway and the sensitive receptor is sufficiently large per the relevant state and local regulations.
29. Intersection sight distance and stopping sight distance must be shown to meet the required AASHTO standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation.
30. The location of bicycle parking shall be depicted on the site plan. Bicycle parking shall comply with the Association of Pedestrian and Bicycle Professionals
31. All gated ingress locations shall provide a visual indication to drivers prior to entering the gated driveway whether the gate is closed or open. This may be excluded if sufficient turn-around space is provided for the design vehicle or if the gate is manned with personnel who would permit an errant driver to enter the gate to turn around and depart. At no time shall the project cause vehicles entering the site to need to reverse into a travel lane in the public right-of-way in order to depart or turn-around.
32. The applicant shall repair or replace any existing signal related equipment such as pull boxes and loop detectors that are damaged or impacted due to project-implemented improvements.
33. Maintain 33ft curb to curb width for westbound Slover Ave prior to right-turn pocket at Citrus Ave.

34. The applicant shall design and construct a modification to the existing raised planted median along Slover Ave to allow for a minimum of 240' of full-width queuing area for each of the westbound dual-left-turn lanes at Citrus Ave and to accommodate a 240' of full-width queueing area for an eastbound left-turn lane into the project site.

PRIOR TO ISSUANCE OF GRADING PERMIT

35. 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.
36. 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 MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

38. The Applicant shall record All map's, lot line adjustments, right-of-way dedications, right-of-way vacations, easements, reciprocal access agreement as required for the development.
39. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements generally along the project frontage for Slover Avenue and Boyle Avenue, 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.
40. The Applicant shall perform a pavement quality analysis by a qualified geotechnical engineer for the half-width (median curb to curb) of Slover Avenue and Boyle Avenue along the project frontage for the City to review and approve. The half-width (median curb to curb) of Slover Avenue and Boyle Avenue along the project frontage shall 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.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

41. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
42. 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.

43. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
44. The 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. 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.
47. 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.
48. 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.
49. Existing and proposed public catch basins in industrial areas shall be fitted with Bio Clean Connector Pipe Screen (CPS) trash screens in compliance with trash provisions of the water quality control plan for inland surface waters, enclosed bay and estuaries of California.

#### **END OF CONDITIONS**

**EXHIBIT “C”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 22-115  
Design Review (DRP) No. 22-054

**DATE:** March 19, 2024

**LOCATION:** The project site includes property located on north side of Slover Avenue, south of Boyle Avenue, south of Interstate (I) 10 freeway, and west of Citrus Avenue and east of Oleander Avenue. Assessor Parcel Numbers (APNs: 0251-151-03 through -07, -09 and -10, -14 through -16, -18 through -22, and -39 through -44).

**PLANNING DEPARTMENT:**

1. 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 Department inspection, has commenced within this period.
2. 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 requirements of the Fontana City's Municipal Code shall be complied with.
  - B. All Conditions of Approval imposed on this project have been fulfilled.
3. The applicant/developer/property owner 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 legal counsel. The applicant shall be responsible and reimburse 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.

Except as required under applicable State and Federal law, 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 project shall comply with all applicable provisions, regulations and development standards of the Fontana Zoning Code and Development Code, Fontana Municipal Code (FMC).
5. The applicant shall meet all requirements identified in the Industrial Commerce Centers Sustainability Standards (Ordinance No. 1891).
6. The applicant shall adhere to all landscape setback requirements as outlined in the Fontana Municipal Code.
7. The applicant/developer shall underground all utilities pursuant to Section 27-50 through 27-54 of the City of Fontana Municipal Code, which for the purpose of this conditions shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
8. 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) who 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.
9. 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.
- 10. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
  - 11. The applicant shall either (1) execute and record the Development Agreement (AGR23-0096) promptly upon the effective date of the ordinance by which the Development Agreement is adopted or (2) pay the amount \$49,722 to the City of Fontana within 25 days after the final approval of the entitlements as a public benefit fee in lieu of recordation of the Development Agreement.
  - 12. 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.
  - 13. The current development fees must be paid prior to issuance of building/construction permits.

14. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-30 of the Municipal Code.
15. 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.
16. 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.
17. 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.
18. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
19. The applicant/developer shall provide sufficient bicycle racks to accommodate 12 bicycle spaces.
20. The applicant/developer shall provide bicycle racks that include locks as well as electric plugs to charge electric bikes. The racks shall be located as close as possible to employee entrance(s).
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 an industrial 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 roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Director of Planning.
24. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.

25. The transformer shall be screened by a solid screen wall and mature, dense landscaping, and not visible from the public right-of-way.
26. 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.
27. Development fees and Planning Department final inspection fees must be paid prior to Certificate of Occupancy.
28. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
29. The applicant/developer/property owner shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Director of Planning and his/her designee.
30. In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.
31. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
32. Incorporate an anti-graffiti coating onto the exterior of all proposed block walls to discourage graffiti.
33. The applicant shall meet all requirements of the Trip Reduction Measures in of the Zoning Code (Article XIV, Transportation Demand Management and Trip Reduction Measures).
34. There shall be no refrigerated uses on site; unless a future tenant proposing to have such uses conducts an update of the California Environmental Quality Act (CEQA) document (i.e. Environmental Impact Report) and any applicable studies/memorandums to amend this Condition of Approval.
35. The applicant shall incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.
36. 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 weekends, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

37. Adhere to the Standard Building Security Specifications of the Fontana Police Department.
38. A copy of the Industrial Commerce Centers Sustainability Standards requirements shall be placed on the final grading plans and final building plans.

**Prior To Issuance of Grading Permit**

39. 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.

**BUILDING & SAFETY DEPARTMENT:**

40. 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
41. 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.
42. 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.
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 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. Notwithstanding the foregoing, an existing block wall is present on the western portion of the project site. Applicant shall use reasonable efforts to work with the adjacent property owner to obtain consent to either rebuild or renovate the existing wall. If adjacent property owner does not consent, applicant shall work with Planning Department to find an acceptable alternative, if an alternative is deemed necessary by the Planning Department.

45. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
46. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
47. 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 onsite drainage system shall, as a minimum, be designed to handle the runoff 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.
48. The applicant is required to obtain permits for the removal and/or demolition of structures.
49. 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**

50. 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
51. 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) intermixing in the event of an accident or spill.
52. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.
53. Please be aware that a 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.

**ENGINEERING DEPARTMENT:**

54. 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.

55. 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.
56. 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.
57. The applicant shall design and construct a modification to the existing raised planted median along Slover Ave to allow for a minimum of 240' of full-width queuing area for each of the westbound dual-left-turn lanes at Citrus Ave and to accommodate a 240' of full-width queueing area for an eastbound left-turn lane into the project site.
58. Of the three access points along Slover Ave, the central project driveway shall be separated by at least 250' from adjacent driveways, as measured from the closest edge of each driveway.
59. Of the three access points along Slover Ave, the westernmost project driveway shall be at least 400' east of the intersection of Slover Ave and Citrus Ave, as measured from the limit-line along westbound Slover Ave to the western edge of the driveway.
60. Left-turn ingress and/or egress at all access locations shall be subject to approval of the City Engineer and may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered.
61. Of the three access points along Slover Ave, the westernmost project driveway shall be designed, constructed, and signed to restrict ingress and egress to rightin and right-out movements only.
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65. Intersection sight distance and stopping sight distance must be shown to meet the required AASHTO standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation.

66. The location of bicycle parking shall be depicted on the site plan. Bicycle parking shall comply with the Association of Pedestrian and Bicycle Professionals
67. All gated ingress locations shall provide a visual indication to drivers prior to entering the gated driveway whether the gate is closed or open. This may be excluded if sufficient turn-around space is provided for the design vehicle or if the gate is manned with personnel who would permit an errant driver to enter the gate to turn around and depart. At no time shall the project cause vehicles entering the site to need to reverse into a travel lane in the public right-of-way in order to depart or turn-around.
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69. Maintain 33ft curb to curb width for westbound Slover Ave prior to right-turn pocket at Citrus Ave.

PRIOR TO ISSUANCE OF GRADING PERMIT

70. 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.
71. 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.

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

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74. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements generally along the project frontage for Slover Avenue and Boyle Avenue, 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.
75. The Applicant shall perform a pavement quality analysis by a qualified geotechnical engineer for the half-width (median curb to curb) of Slover Avenue and Boyle Avenue along the project frontage for the City to review and approve. The half-width (median curb to curb) of Slover Avenue and Boyle along the project frontage shall 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.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

76. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
77. 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.
78. 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.
79. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
80. The 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).
81. 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.
82. 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.
83. 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.

84. Existing and proposed public catch basins in industrial areas shall be fitted with BioClean™ Connector Pipe Screen (CPS) trash screens in compliance with trash provisions of the water quality control plan for inland surface waters, enclosed bay and estuaries of California.

**FIRE DEPARTMENT:**

85. *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.
86. *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.
87. *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.
88. *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.
89. *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: 4,000 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 355,995 Square Foot structure.
90. *Hydrant Marking:* Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.

91. *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, square footage details of the largest building, total square foot of ALL floors in a multifloored building, square foot size of entire site, and description of what is being constructed/occupancy type. 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.
92. *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.
93. *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.
94. *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.
95. *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.
96. *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.
97. *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 (1½) 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.



98. *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
99. *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
100. *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.
101. *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.
102. *Secondary Access*: The development shall have a minimum of two (2) points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCoFD Standard A-1
103. *San Bernardino County Fire Standards/Codes*: Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.

**END OF CONDITIONS OF APPROVAL**