

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING, PURSUANT TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE CITRUS/OLEANDER INDUSTRIAL COMMERCE CENTER (STATE CLEARINGHOUSE NO. 2022110389), GENERAL PLAN AMENDMENT NO. 23-004 (PART NO. 5 OF GENERAL PLAN AMENDMENT CYCLE NO. 4 OF 2023) AMENDING THE GENERAL PLAN EXHIBIT 15.8 TO MODIFY THE LAND USE DESIGNATION ON APPROXIMATELY 29.4 ADJUSTED GROSS ACRES (APNs: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, AND -32, AND 0255-021-17, -18, -22, -23, AND -24, INCLUDING A FIVE-ACRE PARCEL WHERE NO DEVELOPMENT IS CURRENTLY PROPOSED) FROM RESIDENTIAL PLANNED COMMUNITY (R-PC) AND MULTI-FAMILY MEDIUM/HIGH RESIDENTIAL (R-MFMH) TO GENERAL INDUSTRIAL (I-G); TENTATIVE PARCEL MAP NO. 22-009R1 (TPM NO. 20709) TO CONSOLIDATE SIX (6) PARCELS INTO ONE PARCEL TO DEVELOP THE PROJECT SITE FOR BUILDING NO. 1; TENTATIVE PARCEL MAP NO. 22-030R1 (TPM NO. 20708) TO CONSOLIDATE SIX (6) PARCELS INTO ONE PARCEL TO DEVELOP THE PROJECT SITE FOR BUILDING NO. 2; TENTATIVE PARCEL MAP NO. 22-031R1 (TPM NO. 20707) TO CONSOLIDATE FIVE (5) PARCELS INTO ONE TO DEVELOP THE PROJECT SITE FOR BUILDING NO. 3; DESIGN REVIEW NO. 22-029R1 FOR THE DESIGN OF BUILDING NO. 1; DESIGN REVIEW NO. 22-061R1 FOR THE DESIGN OF BUILDING NO. 2; AND DESIGN REVIEW NO. 22-062R1 FOR THE DESIGN OF BUILDING NO. 3 TOTALING APPROXIMATELY 532,104 SQUARE FEET AND ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS.**

**WHEREAS**, Assessor Parcel Numbers: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24 were annexed from San Bernardino County and incorporated into the City of Fontana on May 23, 1966 and September 19, 2006; and

**WHEREAS**, the most recent edition of the City of Fontana General Plan was adopted by the Fontana City Council ("City Council") on November 13, 2018 and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

**WHEREAS**, the original application was submitted on May 18, 2022, for a General Plan Amendment (GPA) No. 22-004, Zone Change Application (ZCA) No. 22-005, Specific Plan Amendment (SPA) No. 22-002, Development Agreement (DA) No. 23-005, Design Review (DRP) No. 22-029 (Building No. 1), Tentative Parcel Map (TPM) No. 20709 (TPM No. 22-009, Building No. 1), Design Review No. 22-061 (Building No. 2), Tentative Parcel Map (TPM) No. 20708 (TPM No. 22-030, Building No. 2), Design Review No. 22-062 (Building No. 3), Tentative Parcel Map (TPM) No. 20707 (TPM No. 22-031, Building No. 3). - a request for the site and architectural review for the construction of

three (3) industrial commerce center buildings having maximum sizes of 151,618 square feet (s.f), 196,336 s.f., and 192,895 s.f. (total of 504,849 s.f.); on three sites with a total project site of approximately 24.8 gross acres; and a Development Agreement No. 23-005 to include a review of the development agreement for a public benefit fee of \$2,145,608.25; and

**WHEREAS**, on June 20, 2023, the Fontana Planning Commission (“Planning Commission”) received public testimony and evidence presented by the Applicant, City staff and other interested parties at the Public Hearing held on the Citrus/Oleander Industrial Commerce Center project (State Clearinghouse No. 2022110389) and MCN No. 22-053 and recommended approval to the City Council by Resolution No. 2023-025; and

**WHEREAS**, on July 25, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and MCN No. 22-053 where City Council received evidence and testimony concerning the project and denied the project with a vote of 3-2; and

**WHEREAS**, Sections 30-39 (General Plan Amendment, Time limitations) and 30-74 (Specific Plan Amendment, Time limitations) of the Zoning and Development Code state that if an application is denied by either the Planning Commission or City Council, another application of the same nature and effecting the same property shall not be filed with a period of one year from the date of denial. However, the aforementioned section also provides that a hearing body denying the application may give permission for a new application to be filed if a change in circumstances or plans indicate that a new application is warranted; and

**WHEREAS**, On October 4, 2023, John Shardlow with Allen Matkins Leck Gamble Mallory & Natsis LLP, submitted a request on behalf of the Applicant for permission to file a new application based on revisions to the project; and

**WHEREAS**, on October 24, 2023, the City Council approved the Applicant’s request for reconsideration with a vote of 4-1; and

**WHEREAS**, on October 25, 2023, the Applicant submitted a request for a General Plan Amendment No. 23-004 (GPA No. 23-004) to change the land use designation from Residential Planned Community (R-PC) and Multi-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) on approximately 29.4 adjusted gross acres of a 18 parcels (APNs: 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24, including a five-acre parcel that excludes development) that is illustrated in the map attached hereto as **Exhibit “A”**; Specific Plan Amendment No. 23-004 (SPA No. 23-004) to expand the Southwest Industrial Park (SWIP) Specific Plan boundary to include the entire property and designate the property Slover East industrial District (SED) ; Zoning District Map Amendment No. 23-006 (ZCA No. 23-006) to rezone the property from Residential Planned Community (R-PC) and Multi-Family Medium/High Density Residential (R-4) to SWIP, Tentative Parcel Map No. 22-

009R1 (TPM No. 20709) to consolidate six (6) parcels located at the northeast corner of Citrus Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 1, Tentative Parcel Map No. 22-030R1 (TPM No. 20708) to consolidate six (6) parcels located at the northwest corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 2, Tentative Parcel Map No. 22-031R1 (TPM No. 20707) to consolidate five (5) parcels located at the northeast corner of Oleander Avenue and Santa Ana Avenue into one parcel to develop the project site for Building No. 3, Design Review No. 22-029 for the site and architecture review of Building No. 1, Design Review No. 22-061R1 for the site and architecture review of Building No. 2, Design Review No. 22-062R1 for the site and architecture review of Building 3 totaling approximately 532,104 square feet with associated landscaping and parking; and Development Agreement No. 23-085 to include a review of the development agreement for a public benefit fee of \$3,192,624.00 and the owner shall remit payment of an additional One Million Five Hundred Thousand Dollars (\$1,500,000.00) to fund the City's design and construction of an Action Sports Park. All the amendments together are known as Master Case No. 23-100 (MCN No. 23-100); and

**WHEREAS**, an amendment to the boundaries of the SWIP specific plan and zoning classifications would allow for the development of the industrial commerce buildings; and

**WHEREAS**, the subject property is to be developed below the assumed capacity as identified in the approved Housing Element, however there is still sufficient capacity in the city at the "extremely low/very low" income category to meet the Regional House Needs Assessment (RHNA) numbers; and

**WHEREAS**, to comply with California's Housing Crisis Act of 2019 (SB 330), the project will participate in the City of Fontana Municipal Code ("FMC") Chapter 30 Article XV "No Net Loss Density Bonus/Replacement Program." Pursuant to the FMC section 30-697, the Unit Bank cannot exceed 2,200 units. The Unit Bank is currently 1,280 units. These 507 units from this project will be added to the Unit Bank increasing the number of units in the Unit Bank to 1,787, which is less than the 2,200 units authorized by FMC. The units in the Unit Bank shall be available as density bonuses for other residential properties throughout the City. The program will enable, on a first come, first serve basis, density bonuses of up to 20% on other parcels until the 1,787 residential units are reclaimed within future planned residential projects; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) (State Clearing House No. 2022110389) was prepared for MCN No. 23-100 and certified to address issues of potential concern of the development. Based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared; and

**WHEREAS**, on November 14, 2023, the City Council held a duly noticed public hearing on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No.

2022110389) and MCN 23-100, received testimony and evidence concerning the project and found it to be in conformance with the goals and policies of the General Plan, found that the project provides a community that is balanced between residential, commercial and industrial that is developed to high standards, found that the project provides diverse economic and social opportunities for our citizens and those who wish to invest in the City of Fontana ("City"); and

**WHEREAS**, on November 1, 4, 2023, pursuant to Resolution No. 2023-\_\_\_\_\_ the City Council certified the Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) and adopted the Mitigated Monitoring and Reporting Program ("MMRP") for the revised project; and

**WHEREAS**, all the notices required by statute and the FMC have been given as required; and

**WHEREAS**, pursuant to Government Code Section 65358 on November 14, 2023 the City Council adopted one General Plan Amendment in the following five parts: Part No. 1 – GPA No. 22-001, Merrill Land Use Re designation; Part No. 2 – GPA No. 22-005, Banana North Apartments; Part No. 3–GPA No. 22-007, Poplar South Distribution Center Project Part No. 4– GPA No. 23-003, Arrow and Tokay Land Use Re designation; and Part No. 5 – GPA No. 23-004, Citrus/Oleander Industrial Commerce Center; and

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

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

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

**SECTION 2. CEQA.** Consistent with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), on Citrus/Oleander Industrial Commerce Center EIR (State Clearinghouse No. 2022110389) was prepared for development, including the General Plan Amendment and Tentative Vesting Map. The City Council has certified the Citrus/Oleander Industrial Commerce Center EIR and adopted the MMRP and, based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared.

**SECTION 3. General Plan Amendment Findings.** The City Council hereby makes the following findings for General Plan Amendment No. 23-004 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 the site from Residential Planned Community (R-PC) and Multi-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) would allow for the construction of three (3) industrial commerce center buildings totaling approximately 532,104 square feet. This development will assist with growing industrial commerce demand in the City and the surrounding area. Additionally, properties to the south and west have a General Plan designation of General Industrial.

**SECTION 4. Tentative Parcel Map No. 22-009R1 Findings.** The City Council hereby makes the following findings for Tentative Parcel Map No. 22-009R1 (TPM No.20709) in accordance with Section No. 26-218 "Processing of application," of the FMC:

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

Findings of Fact:        Tentative Parcel Map No. 22-009R1 (TPM No.20709) is consistent with the General Plan Land Use Designation for the project site, which is General Industrial (I-G). The lot size will meet the lot standards of the General Industrial zoning district. The tentative parcel map consolidates six (6) existing parcels (APNs: 0255-011-29 through -32 and 0255-011-18 and -19) into one parcel for the construction of a concrete tilt-up- industrial commerce buildings totaling -approximately 150,538 square feet. This is within the land use permitted in the General Plan. The project encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

**Finding No. 2:**            **That the design or improvements of the proposed tentative parcel map are consistent with the General Plan and any applicable Specific Plan.**

Findings of Fact:        The site design for Tentative Parcel Map No. 22-009R1 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 City of Fontana General Plan, Chapter No. 26 of the FMC, and the General 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 zoning requirements of the Southwest Industrial Specific Plan, Slover East Industrial District zone. 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 encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The overall project site of approximately 29.4 adjusted gross acres, 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; therefore, the site is suitable for this type of development. The lot size is consistent with surrounding industrial developments.

**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. 22-009R1 (TPM No.20709) 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 industrial, high school, adult school and warehouses uses.

An Environmental Impact Report (EIR) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA) and the 2019 Local Guidelines for Implementing CEQA. Based on the information in the EIR, the project does not represent significant effect on the environment as a result of project implementation. The mitigation measures establish within the EIR will reduce any significant impacts to the surrounding area. The use is anticipated based on the Land Use Designation and the Zoning and Development Code.

**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. 22-009R1 will not cause public health problems. The development complies with the Zoning and Development Code and General Plan. Improvements and includes connection to the public sewer, 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. 22-009R1 (TPM No.20709) and public improvements will not conflict with access easements acquired by the public. Access to and from the project site would be provided from two driveways, one on Citrus Avenue and one from Santa Ana Avenue. The truck traffic will come in and out from Santa Ana Avenue and vehicle traffic will use the entrances from Citrus Avenue and Santa Ana Avenue.

**SECTION 5. Design Review No. 22-029R1 Findings.** The City Council hereby makes the following findings for a Design Review No. 22-029R1 in accordance with Section 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The General Plan land use designation of General Industrial (I-G) 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 project encompasses a specific plan amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The project, is for the site and architectural design for a 150,538 square foot industrial commerce center building (Building No. 1). The industrial commerce facility has been designed with office totaling approximately 12,000 square feet. A gate-secured truck court with 17 loading docks are on the east side of Building No. 1. The use of glazing, parapets, canopies, 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 two driveways one from Citrus Avenue and one driveway on Santa Ana Avenue. Landscaping is ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers.

The project is an appropriate and desirable development for the area.

With the General Plan Amendment, Specific Plan Amendment and Zone District Map Amendment from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G), the project will meet or exceed the criteria contained in the Design Review section of the Fontana Zoning and Development Code and the SWIP Specific Plan.

The project will result in the construction of an industrial commerce center building totaling approximately 150,538 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 standards, and therefore, shall 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 facility 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 two driveways, one on Citrus Avenue and one from Santa Ana Avenue (truck only). The landscaping is ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. The building is compatible with the industrial commerce centers to the south and west of the project site and will provide a quality, aesthetically please 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. Tentative Parcel Map No. 22-030R1 Findings.** The City Council hereby makes the following findings for Tentative Parcel Map No. 22-030R1 (TPM No. 20708) in accordance with Section No. 26-218(d) "Processing of application," of the FMC:

**Finding No. 1: That the proposed map is consistent with the City's General Plan and any applicable Specific Plan.**



Findings of Fact: Tentative Parcel Map No. 22-030R1 is consistent with the General Plan Land Use Designation for the project site, which is General Industrial (I-G). The lot size with the consolidation will meet the lot standards of the General Industrial zoning district. The tentative parcel map consolidates six (6) existing parcels (APNs: 0255-011-14, -13, and -25 through -28) into one parcel for the construction of a concrete tilt-up- industrial commerce buildings totaling approximately 188,104 square feet. This is within the land use permitted in the General Plan. The project encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

**Finding No. 2: That the design or improvements of the proposed tentative parcel map are consistent with the General Plan and any applicable Specific Plan.**

Findings of Fact: The site design for Tentative Parcel Map No. 23-030R1 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 City of Fontana General Plan, Chapter No. 26 of the FMC and the General 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 zoning requirements of the Southwest Industrial Specific Plan, Slover East Industrial District zone. 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 encompasses a specific plan amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The overall project site of approximately 29.4 adjusted gross acres, and 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; therefore, the site is suitable for this type of development. The lot size is consistent with surrounding industrial developments.

**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. 22-030R1 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 of industrial, high school, adult school, and warehouses uses.

An Environmental Impact Report (EIR) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA) and the 2019 Local Guidelines for Implementing CEQA. Based on the information in the EIR, the project does not represent significant effect on the environment as a result of project implementation. The mitigation measures establish within the EIR will reduce any significant impacts to the surrounding area. The use is anticipated based on the Land Use Designation and the Zoning and Development Code.

**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. 22-030R1 will not cause public health problems. The development complies 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. 22-030R1, and public improvements, will not conflict with access easements acquired by the public. Access to and from the project site would be provided from two driveways, one on Oleander Avenue and one from Santa Ana Avenue. The truck traffic will come in and out from Santa Ana Avenue and vehicle traffic will use the entrances from Oleander Avenue and Santa Ana Avenue.

**SECTION 7. Design Review No. 22-061R1 Findings.** The City Council hereby makes the following findings for a Design Review No. 22-061R1 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 applicable Specific Plan.**

Findings of Fact: The General Plan land use designation of General Industrial (I-G) 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 project encompasses a specific plan amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The project, is for the site and architectural design for the 188,104 square foot industrial commerce center building (Building No. 2). The industrial commerce facility has been designed with an office totaling approximately 16,000 square feet. A gate-secured truck court with 22 loading docks are on the west side of Building No. 2. The use of glazing, parapets, canopies, 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 two driveways, one from Oleander Avenue and one driveway on Santa Ana Avenue. The landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers.

The project will be an appropriate and desirable development for the area. With the General Plan Amendment, Specific Plan Amendment and Zone District Map Amendment from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G), the project will meet or exceed the criteria contained in the Design Review section of the Fontana Zoning and Development Code and the SWIP specific plan.

The project will result in the construction of an industrial commerce center building totaling approximately 188,104 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 standards, and therefore, shall 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 facility has been designed with the use of

glazing, parapets, canopies, 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 two driveways one from Oleander Avenue and one from Santa Ana Avenue (truck only). The landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. The building will be compatible with the industrial commerce centers to the south and west of the project site and will provide quality, and 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 8. Tentative Parcel Map No. 22-031R1 Findings.** The City Council hereby makes the following findings for Tentative Parcel Map No. 22-031R1 (TPM No.20707) in accordance with Section No. 26-218 "Processing of application," of the FMC:

**Finding No. 1: That the proposed map is consistent with the city's General Plan and any applicable Specific Plan.**

Findings of Fact: Tentative Parcel Map No. 22-031R1 is consistent with the General Plan Land Use Designation for the project site, which is General Industrial (I-G). The lot size will meet the lot standards of the General Industrial zoning district. The tentative parcel map consolidates five (5) existing parcels (APNs: 0255-021-17 and -18, 0255-021-22 through -24) into one parcel for the construction of a concrete tilt-up-industrial commerce buildings totaling approximately 193,462 square feet. This is within the land use permitted in the General Plan. The project encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

**Finding No. 2: That the design or improvements of the proposed tentative parcel map are consistent with the General Plan and any applicable Specific Plan.**

Findings of Fact: The site design for Tentative Parcel Map No. 22-031R1 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 City of Fontana General Plan, Chapter No. 26 of the FMC and the General 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 Zoning requirements of the Southwest Industrial Specific Plan, Slover East Industrial District zone. 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 encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The overall project site of approximately 29.4 adjusted gross acres, is adequate in size to accommodate the development referenced herein. The existing topography is conducive for the project and development of the site did not require setback variances; therefore, the site is suitable for this type of development. The lot size is consistent with surrounding industrial developments.

**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. 22-031R1 is not likely to cause substantial environmental damage or substantially and unavoidably injury to fish or wildlife or their habitat. The area surrounding the project site has been developed with of industrial, high school, adult school, and warehouses uses.

An Environmental Impact Report (EIR) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA) and the 2019 Local Guidelines for Implementing CEQA. Based on the information in the EIR, the project does not represent significant effect on the environment as a result of project implementation. The mitigation measures establish within the EIR will reduce any significant impacts to the surrounding area. The proposed use is anticipated based on the Land Use Designation and the Zoning and Development Code.

**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. 22-031R1 will not cause public health problems. The development complies 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. 22-031R1, and public improvements, will not conflict with access easements acquired by the public. Access to and from the project site would be provided from two driveways, one on Oleander Avenue and one from Santa Ana Avenue. The truck traffic will come in and out from Santa Ana Avenue and vehicle traffic will use the entrances from Oleander Avenue and Santa Ana Avenue.

**SECTION 9. Design Review No. 22-062R1 Findings.** The City Council hereby makes the following findings for a Design Review No. 22-062R1 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 applicable Specific Plan.**

Findings of Fact: The General Plan land use designation of General Industrial (I-G) 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 project encompasses a Specific Plan Amendment to incorporate into the Southwest Industrial Park Specific Plan, Slover East Industrial District.

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

Findings of Fact: The project, is a for the site and architectural design for the 193,462 square foot industrial commerce center building (Building No. 3). The industrial commerce facility has been designed with office totaling approximately 16,000 square feet. A gate-secured truck court with 23 loading docks are on the south side of Building No. 3. The use of glazing, parapets, canopies, 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 two driveways one from Oleander Avenue and one driveway on Santa Ana Avenue. The landscaping would be ornamental in nature and would features trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers.

The project will be an appropriate and desirable development for the area. The General Plan Amendment, Specific Plan Amendment and Zone District Map Amendment from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G), the project will meet or exceed the criteria contained in the Design Review section of the Fontana Zoning and Development Code and the SWIP Specific Plan.

The project will result in the construction of an industrial commerce center building totaling approximately 193,462 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 standards, and therefore, shall 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 while resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.**

Findings of Fact:      The industrial commerce facility has been designed with the use of glazing, parapets, canopies, 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 two driveways, one from Oleander Avenue and one from Santa Ana Avenue (truck only). The landscaping would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. 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 10. General Plan Amendment Approval.** Based on the findings in Section 3, the City Council hereby approves GPA No. 23-004 to change the land use designation from Residential Planned Community (R-PC) and Multi-Family Medium/High Density Residential (R-MFMH) to General Industrial (I-G) on approximately 29.4 adjusted gross acres of a 18 parcels (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24, as shown as **Exhibit “A”** attached hereto and incorporated herein by reference as fully set forth herein.

**SECTION 11. Tentative Parcel Map Approvals.** Based on the findings in Section 4, 6 and 8 the City Council hereby approves Tentative Parcel Map No. 22-009R1 (TPM No. 20709) to consolidate six (6) parcels into one parcel to develop Building No. 1, Tentative Parcel Map No. 22-030R1 (TPM No. 20708) to consolidate six (6) parcels into one parcel to develop Building No. 2, and Tentative Parcel Map No. 22-031R1 (TPM No. 20707) to consolidate five (5) parcels into one for the development of Building No. 3 subject to the Conditions of Approval, that are attached hereto as **Exhibit “B, D, AND F”** and incorporated herein by reference as though fully set forth herein.

**SECTION 12. Design Review Approvals.** Based on the findings in Section 5, 7 and 9, the City Council hereby approves Design Review No. 22-029R1, Design Review No. 22-061R1, Design Review No. 22-062R1 subject to the Conditions of Approval, which are attached hereto as **Exhibit “C, E, AND G”** and incorporated herein by reference as though fully set forth herein.

**SECTION 13. Effective Date** This Resolution shall take effect thirty (30) days after the adoption of the City Council Ordinance adopting ZCA No. 23-006, City Council Ordinance adopting SPA 23-004, and the City Council Ordinance approving Development Agreement No. 23-085 whichever is adopted later, provided however, if either of those Ordinances are 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 14. 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 15. Certification.** The City Clerk of the City Council shall certify to the adoption of this Resolution.

**SECTION 16. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.



**APPROVED AND ADOPTED** this 14<sup>th</sup> day of November 2023.

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

\_\_\_\_\_  
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 14<sup>th</sup> day of November 2023, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
City Clerk of the City of Fontana

\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

\_\_\_\_\_  
City Clerk

**EXHIBIT “A”**

**EXISTING AND PROPOSED GENERAL PLAN LAND USE DESIGNATION -  
RESIDENTIAL PLANNED COMMUNITY (R-PC) AND MULTI-FAMILY MEDIUM/HIGH  
DENSITY RESIDENTIAL (R-MFMH) TO GENERAL INDUSTRIAL (I-G)**



## EXHIBIT “B”



**CITY OF FONTANA**  
**CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100  
Tentative Parcel Map No. 22-009R1 (TPM No. 20709)  
Building No. 1

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 shall defend, indemnify, 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. 22-009R1 (TPM No. 20709) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Southwest Industrial Park Specific, Chapter 30 (Zoning and Development), and the Subdivision Map Act.
4. The applicant/developer shall underground all utilities, 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 Final Environmental Impact Report (FEIR), and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
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. 22-009R1 (TPM No. 20709) 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. 30-23 of the FMC.
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. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
11. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
12. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
13. All provisions of Development Agreement No. 23-085 shall be adhered to.

**ENGINEERING DEPARTMENT:**

**PRIOR TO MAP RECORDATION:**

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

**BUILDING & SAFETY DEPARTMENT:**

15. The Parcel Map shall record prior to the issuance of any permits.

**END OF CONDITIONS**

**EXHIBIT “C”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100  
Design Review (DRP) No. 22-029R1  
Building No. 1

**DATE:** November 14, 2023

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 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 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.

3. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Zoning and Development Code and the Southwest Industrial Park Specific Plan.
4. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
5. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
6. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
7. 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.
8. 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.
9. The construction contractor shall use the following source controls at all times:
- D. Construction shall be limited to 7:00 am to 6:00 pm on weekday, 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 No. 18-63(7) of the Municipal Code. 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.
  - E. 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.
  - F. Have only necessary equipment onsite.
  - G. 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:
  - H. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - I. Temporarily enclose localized and stationary noise sources.
  - J. Store and maintain equipment, building materials, and waste materials as far



as practical from as many sensitive receivers as practical.

10. 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.
11. 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.
12. The current development fees must be paid prior to issuance of building/construction permits.
13. 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 and Sections No. 30-31 of the Municipal Code.
14. 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.
15. 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.
16. 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.
17. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
18. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
19. 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.
20. All signs shall be reviewed under a separate Design Review Sign application.

21. 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.
22. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
23. The transformer shall be screened by a solid screen wall and mature, dense landscaping, and not visible from the public right-of-way.
24. 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.
25. There shall be no refrigerated uses on site; unless, a future tenant follows any applicable studies/memorandums to amend this Condition of Approval.
26. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
27. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
28. 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.
29. 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.
30. 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.
31. Incorporate an anti-graffiti coating onto the exterior of all proposed block walls to discourage graffiti.
32. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.
33. Adhere to the Standard Building Security Specifications of the Fontana Police Department.
34. A minimum of 45-foot landscape setback shall be provided on the northerly property line of each property and a 10-foot landscape setback shall be provided on the easterly property line of Building No. 3.

35. All requirements of Municipal Code Chapter 9, Article V.-Industrial Commerce Centers Sustainability Standards shall be incorporated into grading and construction plans prior to any permit issuance.
36. All provisions of Development Agreement No. 23-085 shall be adhered to.
37. All trucks, passenger vehicle, and emergency vehicles drive aisles shall be clearly labeled on all plans. Truck traffic is prohibited adjacent to a sensitive receptor.
38. A minimum 10-foot-high screen wall shall be provided for areas adjacent to sensitive receptors.
39. The truck turning plan must be approved by the Engineering Department/City Engineer prior to the issuance of any permit.
40. The applicant shall relocate the northerly gate on Site No. 2 to the westerly side of Building No. 2, to the satisfaction of Director of Planning prior to the issuance of any permits.
41. Provide a line-of-sight exhibit demonstrating that the loading docks and trailers are screened from public right-of-way.
42. The Applicant shall install two rows of trees (minimum 36" box trees) in staggered arrangement on the northerly setback area for all three sites, to the satisfaction of the City's landscape planner and Director of Planning.
43. The Applicant shall provided decorative landscaping with uplighting at the corners of all three project sites, to the satisfaction of the Director of Planning.
44. All truck gates into loading dock/truck court areas shall be positioned to ensure a minimum of 140 feet of total available stacking depth inside the property line.
45. The truck ingress/egress driveway on Santa Ana Avenue in front of Building No. 3 must be located further west to an acceptable distance from the adjacent sensitive receptors to the satisfaction of the Director of Planning and the City Engineer.
46. The Applicant shall provide evergreen trees, such as: Australian Willow, Camphor tree, Southern magnolia, and coast live oak to create a screening that shall be incorporated into the Landscaping Plans as part of the Plan Check submittal to be reviewed and approved by the Planning Department. The landscape designer must work with the Senior Landscape Planner during plan check to ensure the proper tree selection and screening is to the satisfaction of the city prior to the approval of the plans.

#### **Prior To Issuance of Grading Permit**

47. 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.

#### **ENGINEERING LAND DEVELOPMENT:**

48. 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.
49. 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.
50. 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**

51. The Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
52. 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**

53. 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**

54. The Applicant shall record all parcel as required for the development.
55. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.
56. The Applicant shall implement the recommendations presented in the project's Traffic Impact Analysis prepared by Urban Crossroads dated May 11, 2023. Recommendations include but are not limited to restriping public roads, such as increasing the length of the Citrus Ave at Santa Ana Ave southbound left turn lane to two hundred feet. A signing and striping plan shall be submitted to the Engineering Department for review and approval by the City Engineer.

#### **PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

57. The Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
58. 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.

59. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
60. 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).
61. All sewer 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.
62. 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.
63. 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 (BMT) Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**BUILDING & SAFETY:**

64. 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
65. 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.
66. 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.

67. 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.
68. 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.
69. The applicant shall have the parcel map recorded prior to the issuance of any building permits.
70. 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.
71. The applicant is required to obtain permits for the removal and/or demolition of structures.
72. 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**

73. 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
74. 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.
75. The applicant shall combine the existing parcels into one parcel, 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.

**ENVIRONMENTAL CONTROL:**

Prior to Certificate of Occupancy or Permit Approval

76. All industrial facilities shall submit an Industrial Wastewater Discharge Permit Application to the Public Works Department, Environmental Control. (FMC 23-218)
77. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to the Public Works Department, Environmental Control. (FMC 23-218)
78. Any facility maintained for the servicing, washing, cleaning or repair of vehicles, construction equipment, industrial transportation or power equipment. (FMC 23-218)
79. All restaurants or other food processing facilities. (FMC 23-218)
80. All facilities maintained for the processing, filtering, softening or conditioning of water. (FMC 23-218)
81. 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 the Public Works Department, Environmental Control. (FMC 23-216)

Prior to the Issuance of Construction Permits:

82. 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)
83. 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.
84. 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)
85. 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)



86. 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).

### **Storm Water**

#### **Upon Certificate of Occupancy or Permit Approval and during Occupancy:**

87. 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.
88. 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.
89. 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:**

90. 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.
91. 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@fontanaca.gov](mailto:sromero@fontanaca.gov).

### **SAN BERNARDINO COUNTY FIRE DEPARTMENT:**

92. **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.

93. **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.
94. **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.
95. **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.
96. **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.
97. **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 (2) hour duration at 20 psi residual operating pressure. Fire Flow is based on: BLDG1: 150,538; BLDG2: 188,104; BLDG 3: 193,462 Square Foot structure.
98. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
99. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5.

100. **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.
101. **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.
102. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required or 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.
103. **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.
104. **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.
105. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
106. **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
107. **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

108. **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.
109. **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.
110. **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

**END OF CONDITIONS**

**EXHIBIT “D”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100 November 14, 2023  
Tentative Parcel Map No. 20708 (TPM No. 22-030R1)  
Building No. 2

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 shall defend, indemnify, 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. 20708 (TPM No. 22-030R1) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Southwest Industrial Park Specific Plan, Chapter 30 (Zoning and Development), and the Subdivision Map Act.
4. The applicant/developer shall underground all utilities, 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 Final Environmental Impact Report (FEIR), and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
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. 20708 (TPM No. 22-030R1) 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. 30-23 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. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
11. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
12. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
13. All provisions of Development Agreement No. 23-085 shall be adhered to.

**ENGINEERING DEPARTMENT:**

**PRIOR TO MAP RECORDATION:**

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

**BUILDING & SAFETY DIVISION:**

15. The Parcel Map shall record prior to the issuance of any permits.

**END OF CONDITIONS**

**EXHIBIT “E”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100  
Design Review (DRP) No. 22-061R1  
Building No. 2

**DATE:** November 14, 2023

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 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 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.

3. This project shall comply with all applicable provisions, regulations and development standards of the Southwest Industrial Park Specific Plan and the Fontana Zoning and Development Code.
4. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
5. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
6. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
7. A copy of the Industrial Sustainability Ordinance requirements shall be incorporated on the final grading plans and final building plans.
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) 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.
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. 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 weekday, 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 No. 18-63(7) of the Municipal Code. 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.
  - B. 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.
  - C. Have only necessary equipment onsite.
  - D. 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. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise

receivers.

B. Temporarily enclose localized and stationary noise sources.

C. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

11. 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.
12. 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.
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 and Sections No. 30-31 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. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
20. 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.

21. All signs shall be reviewed under a separate Design Review Sign application.
22. 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.
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 by a solid screen wall and mature, dense landscaping, and not visible from the public right-of-way.
25. 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.
26. There shall be no refrigerated uses on site; unless, a future tenant follows any applicable studies/memorandums to amend this Condition of Approval.
27. Development fees and Planning Department final inspection fee 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. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.
34. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

35. A minimum of 45-foot landscape setback shall be provided on the northerly property line of each property and a 10-foot landscape setback shall be provided on the easterly property line of Building No. 3.
36. All requirements of Municipal Code Chapter 9, Article V.-Industrial Commerce Centers Sustainability Standards shall be incorporated into grading and construction plans prior to any permit issuance.
37. All provisions of Development Agreement No. 23-085 shall be adhered to.
38. All trucks, passenger vehicle, and emergency vehicles drive aisles shall be clearly labeled on all plans. Truck traffic is prohibited adjacent to a sensitive receptor.
39. A minimum 10-foot-high screen wall shall be provided for areas adjacent to sensitive receptors.
40. The truck turning plan must be approved by the Engineering Department/City Engineer prior to the issuance of any permit.
41. The applicant shall relocate the northerly gate on Site No. 2 to the westerly side of Building No. 2, to the satisfaction of Director of Planning prior to the issuance of any permits.
42. Provide a line-of-sight exhibit demonstrating that the loading docks and trailers are screened from public right-of-way.
43. The Applicant shall install two rows of trees (minimum 36" box trees) in staggered arrangement on the northerly setback area for all three sites, to the satisfaction of the City's landscape planner and Director of Planning.
44. The Applicant shall provided decorative landscaping with uplighting at the corners of all three project sites, to the satisfaction of the Director of Planning.
45. All truck gates into loading dock/truck court areas shall be positioned to ensure a minimum of 140 feet of total available stacking depth inside the property line.
46. The truck ingress/egress driveway on Santa Ana Avenue in front of Building No. 3 must be located further west to an acceptable distance from the adjacent sensitive receptors to the satisfaction of the Director of Planning and the City Engineer.
47. The Applicant shall provide evergreen trees, such as: Australian Willow, Camphor tree, Southern magnolia, and coast live oak to create a screening that shall be incorporated into the Landscaping Plans as part of the Plan Check submittal to be reviewed and approved by the Planning Department. The landscape designer must work with the Senior Landscape Planner during plan check to ensure the proper tree selection and screening is to the satisfaction of the city prior to the approval of the plans.

#### **Prior To Issuance of Grading Permit**

48. 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.

**ENGINEERING LAND DEVELOPMENT:**

49. 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.
50. 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.
51. 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**

52. The Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
53. 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**

54. 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**

55. The Applicant shall record parcel map as required for the development.
56. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.
57. The Applicant shall implement the recommendations presented in the project's Traffic Impact Analysis prepared by Urban Crossroads dated May 11, 2023. Recommendations include but are not limited to restriping public roads. A signing and striping plan shall be submitted to the Engineering Department for review and approval by the City Engineer.

**PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

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

59. 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.
60. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
61. 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).
62. 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.
63. 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.
64. 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 BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**BUILDING & SAFETY:**

65. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
  - I. California Building Code
  - J. California Residential Code
  - K. California Electrical Code
  - L. California Mechanical Code
  - M. California Plumbing Code
  - N. California Energy Code
  - O. California Fire Code
  - P. California Green Building Standards Code
66. 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.

67. 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.
68. 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.
69. 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.
70. The applicant shall have the parcel map recorded prior to the issuance of any building permits.
71. 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:
  5. 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
  6. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
  7. All proposed drainage structures; and
  8. Any proposed and/or required walls or fencing.

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

73. 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**

74. 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:

- F. Precise grading plans shall be approved
- G. Rough grading completed
- H. Compaction certification
- I. Pad elevation certification
- J. Rough grade inspection signed off by a City Building Inspector

75. If hazardous substances are used and/or stored, the applicant shall provide a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

76. The applicant shall combine the existing parcels into one parcel, 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.

**ENVIRONMENTAL CONTROL:**

Prior to Certificate of Occupancy or Permit Approval

77. All industrial facilities shall submit an Industrial Wastewater Discharge Permit Application to the Public Works Department, Environmental Control. (FMC 23-218)
78. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to the Public Works Department, Environmental Control. (FMC 23-218)
79. Any facility maintained for the servicing, washing, cleaning or repair of vehicles, construction equipment, industrial transportation or power equipment. (FMC 23-218)
80. All restaurants or other food processing facilities. (FMC 23-218)
81. All facilities maintained for the processing, filtering, softening or conditioning of water. (FMC 23-218)
82. 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 the Public Works Department, Environmental Control. (FMC 23-216)

Prior to the Issuance of Construction Permits:

83. 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)
84. 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.
85. 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)

86. 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)
87. 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).

### **Storm Water**

#### **Upon Certificate of Occupancy or Permit Approval and during Occupancy:**

88. 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.
89. 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.
90. 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:**

91. 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.
92. 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@fontanaca.gov](mailto:sromero@fontanaca.gov).

### **SAN BERNARDINO COUNTY FIRE DEPARTMENT:**

93. **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.

94. **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.
95. **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.
96. **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.
97. **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.
98. **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 (2) hour duration at 20 psi residual operating pressure. Fire Flow is based on: BLDG1: 150,538; BLDG2: 188,104; BLDG 3: 193,462 Square Foot structure.
99. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
100. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water

improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5.

101. **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.
102. **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.
103. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required or 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.
104. **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.
105. **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.
106. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
107. **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

108. **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
109. **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.
110. **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.
111. **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

**END OF CONDITIONS**

## EXHIBIT “F”



**CITY OF FONTANA**  
**CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100                      **DATE:** November 14, 2023  
Tentative Parcel Map No. 20707 (TPM No. 22-031R1)  
Building No. 3

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 shall defend, indemnify, 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. 20707 (TPM No. 22-031R1) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Southwest Industrial Park Specific Plan, Chapter 30 (Zoning and Development), and the Subdivision Map Act.
4. The applicant/developer shall underground all utilities, 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 Final Environmental Impact Report (FEIR), and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
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. 20707 (TPM No. 22-031R1) 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. 30-23 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. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
11. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
12. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
13. All provisions of Development Agreement No. 23-085 shall be adhered to.

**ENGINEERING DEPARTMENT:**

**PRIOR TO MAP RECORDATION:**

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

**BUILDING & SAFETY DIVISION:**

15. The Parcel Map shall record prior to the issuance of any permits.

**END OF CONDITIONS**

**EXHIBIT “G”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 23-100  
Design Review (DRP) No. 22-062R1  
Building No. 3

**DATE:** November 14, 2023

**LOCATION:** The project site is located north of Santa Ana Avenue, between Citrus Avenue and Oleander Avenue, and at the northeast corner of the Santa Ana Avenue and Oleander Avenue intersection, (APNs) 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24.

**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 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 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.

3. This project shall comply with all applicable provisions, regulations and development standards of the Southwest Industrial Park Specific Plan and Fontana Zoning and Development Code.
4. The project shall comply with all requirements of the Industrial Commerce Centers Sustainability Ordinance (Ordinance No. 1891).
5. A copy of the Industrial Commerce Centers Sustainability Ordinance requirements shall be placed on the final grading plans and the final building plans.
6. The Trip Reductions Measures as identified in Section 30-510 through 30-513 shall be adhered to.
7. A copy of the Industrial Sustainability Ordinance requirements shall be incorporated on the final grading plans and final building plans.
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) 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.
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. 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 weekday, 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 No. 18-63(7) of the Municipal Code. 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.
  - B. 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.
  - C. Have only necessary equipment onsite.
  - D. 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:
  - E. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.

F. Temporarily enclose localized and stationary noise sources.

G. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

11. 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.
12. 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.
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 and Sections No. 30-31 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. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
20. 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.

21. All signs shall be reviewed under a separate Design Review Sign application.
22. 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.
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 by a solid screen wall and mature, dense landscaping, and not visible from the public right-of-way.
25. 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.
26. There shall be no refrigerated uses on site; unless, a future tenant follows any applicable studies/memorandums to amend this Condition of Approval.
27. Development fees and Planning Department final inspection fee 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. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.
34. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

35. A minimum of 45-foot landscape setback shall be provided on the northerly property line of each property and a 10-foot landscape setback shall be provided on the easterly property line of Building No. 3.
36. All requirements of Municipal Code Chapter 9, Article V.-Industrial Commerce Centers Sustainability Standards shall be incorporated into grading and construction plans prior to any permit issuance.
37. All provisions of Development Agreement No. 23-085 shall be adhered to.
38. All trucks, passenger vehicle, and emergency vehicles drive aisles shall be clearly labeled on all plans. Truck traffic is prohibited adjacent to a sensitive receptor.
39. A minimum 10-foot-high screen wall shall be provided for areas adjacent to sensitive receptors.
40. The truck turning plan must be approved by the Engineering Department/City Engineer prior to the issuance of any permit.
41. The applicant shall relocate the northerly gate on Site No. 2 to the westerly side of Building No. 2, to the satisfaction of Director of Planning prior to the issuance of any permits.
42. Provide a line-of-sight exhibit demonstrating that the loading docks and trailers are screened from public right-of-way.
43. The Applicant shall install two rows of trees (minimum 36" box trees) in staggered arrangement on the northerly setback area for all three sites, to the satisfaction of the City's landscape planner and Director of Planning.
44. The Applicant shall provided decorative landscaping with uplighting at the corners of all three project sites, to the satisfaction of the Director of Planning.
45. All truck gates into loading dock/truck court areas shall be positioned to ensure a minimum of 140 feet of total available stacking depth inside the property line.
46. The truck ingress/egress driveway on Santa Ana Avenue in front of Building No. 3 must be located further west to an acceptable distance from the adjacent sensitive receptors to the satisfaction of the Director of Planning and the City Engineer.
47. The Applicant shall provide evergreen trees, such as: Australian Willow, Camphor tree, Southern magnolia, and coast live oak to create a screening that shall be incorporated into the Landscaping Plans as part of the Plan Check submittal to be reviewed and approved by the Planning Department. The landscape designer must work with the Senior Landscape Planner during plan check to ensure the proper tree selection and screening is to the satisfaction of the city prior to the approval of the plans.

#### **Prior To Issuance of Grading Permit**

48. 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.

**ENGINEERING LAND DEVELOPMENT:**

49. 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.
50. 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.
51. 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**

52. Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
53. 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**

54. 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**

55. The Applicant shall record a parcel map as required for the development.
56. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.
57. The Applicant shall implement the recommendations presented in the project's Traffic Impact Analysis prepared by Urban Crossroads dated May 11, 2023. Recommendations include but are not limited to restriping public roads. A signing and striping plan shall be submitted to the Engineering Department for review and approval by the City Engineer.

**PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

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



59. 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.
60. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
61. 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).
62. 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.
63. 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.
64. 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 BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**BUILDING & SAFETY:**

65. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
  - Q. California Building Code
  - R. California Residential Code
  - S. California Electrical Code
  - T. California Mechanical Code
  - U. California Plumbing Code
  - V. California Energy Code
  - W. California Fire Code
  - X. California Green Building Standards Code
66. 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.

67. 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.
68. 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.
69. 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.
70. The applicant shall have the parcel map recorded prior to the issuance of any building permits.
71. 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.

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

73. 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**

74. 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:

- K. Precise grading plans shall be approved
- L. Rough grading completed
- M. Compaction certification
- N. Pad elevation certification
- O. Rough grade inspection signed off by a City Building Inspector

75. If hazardous substances are used and/or stored, the applicant shall provide a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

76. The applicant shall combine the existing parcels into one parcel, 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.

**ENVIRONMENTAL CONTROL:**

**Prior to Certificate of Occupancy or Permit Approval**

77. All industrial facilities shall submit an Industrial Wastewater Discharge Permit Application to the Public Works Department, Environmental Control. (FMC 23-218)
78. All commercial facilities conducting activities listed below shall submit an Industrial Wastewater Discharge Permit application to the Public Works Department, Environmental Control. (FMC 23-218)
79. Any facility maintained for the servicing, washing, cleaning or repair of vehicles, construction equipment, industrial transportation or power equipment. (FMC 23-218)
80. All restaurants or other food processing facilities. (FMC 23-218)
81. All facilities maintained for the processing, filtering, softening or conditioning of water. (FMC 23-218)
82. 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 the Public Works Department, Environmental Control. (FMC 23-216)

**Prior to the Issuance of Construction Permits:**

83. 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)
84. 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.
85. 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)

86. 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)
87. 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).

### **Storm Water**

#### **Upon Certificate of Occupancy or Permit Approval and during Occupancy:**

88. 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.
89. 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.
90. 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:**

91. 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.
92. 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@fontanaca.gov](mailto:sromero@fontanaca.gov).

### **SAN BERNARDINO COUNTY FIRE DEPARTMENT:**

93. **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.

94. **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.
95. **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.
96. **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.
97. **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.
98. **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 (2) hour duration at 20 psi residual operating pressure. Fire Flow is based on: BLDG1: 150,538; BLDG2: 188,104; BLDG 3: 193,462 Square Foot structure.
99. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
100. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water

improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5.

101. **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.
102. **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.
103. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required or 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.
104. **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.
105. **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.
106. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
107. **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

108. **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
109. **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.
110. **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.
111. **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

**END OF CONDITIONS**