

RESOLUTION NO. PC 2026 - _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 21-0021, CONDITIONAL USE PERMIT NO. 21-0025 AND ADMINISTRATIVE SITE PLAN NO 21-0057 FOR THE DEVELOPMENT OF A 29,185 SQUARE FOOT TRUCK AND SALES FACILITY WITH IMPROVEMENTS AND AN ACCESSORY STRUCTURE ON APPROXIMATELY 1.9 GROSS ACRES LOCATED AT 14592 BOYLE AVENUE , IDENTIFIED AS ASSESSOR PARCEL NUMBERS 0236-051-13, -21, -29 AND -30 PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, Assessor Parcel Numbers (“APNs”) 0236-051-13, -21, -29 and -30 (“Project Site”) were annexed from San Bernardino County into the City of Fontana on August 16, 2006; and

WHEREAS, on December 16, 2021, the City of Fontana (“City”) received applications from Jose Carcelan (“Applicant”) for a Conditional Use Permit (“CUP No. 21-0021”) to establish a car sales use, a second Conditional Use Permit (“CUP No. 21-0025”) to authorize truck repairs, and an Administrative Site Plan (“ASP No. 21-0057”), for land use, site plan and architectural approval of a 29,185 square foot truck repair and sales facility (“Project”); and

WHEREAS, the Project Site has a General Plan Land Use designation of Light Industrial (I-L) and is located within Freeway Industrial/Commercial District (FID) of the Southwest Industrial Park (SWIP) Specific Plan which allows for such uses and developments; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt pursuant to Section No. 15332 (Class 32, Infill Development) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; and

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

WHEREAS, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing, and notice of the public hearing was published in the local *Fontana Herald News* newspaper on April 10, 2026, and simultaneously displayed at City Hall and at the Project Site; and

WHEREAS, on April 21, 2026, a duly noticed public hearing on CUP No. 21-0021, CUP No. 21-0025 and ASP No. 21-0057, was held by the City of Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City Staff, and other interested parties; and

WHEREAS, on April 21, 2026, the Planning Commission carefully considered all information, evidence and testimony presented at its public hearing on CUP No. 21-0021, CUP No. 21-0025 and ASP No. 21-0057; and

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

WHEREAS, Conditions of Approval are attached hereto as Exhibit “A” for CUP No. 21-0021, Exhibit “B” for CUP No. 21-0025 and Exhibit “C” for ASP No. 21-0057; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

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

Section 2. CEQA. Compliance with California Environmental Quality Act. The Planning Commission hereby determines that the Project is categorically exempt pursuant to Section No. 15332 (Infill Development) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act (CEQA). The Project site is considered In-Fill Development and meets the CEQA requirements of infill: (1) The Project is consistent with the I-L Light Industrial designation of the General Plan and the Southwest Industrial Park (SWIP) Specific Plan/Freeway Industrial/Commercial District (FID) designation; (2) The Project site is less than five (5) acres; (3) the Project site has been previously developed and is not within any known sensitive or threatened habitat area; (4) The Project will not have a significant effects related to traffic, noise, air quality, or water quality and is supported by technical studies provided by the applicant; and (5) There are adequate public utilities services for the development of the Project. The Planning Commission further determines that none of the exceptions in CEQA Guidelines section 15300.2 apply to the Project, and directs staff to file a Notice of Exemption.

Section 3. Conditional Use Permit Findings. The Planning Commission hereby makes the following findings for CUP No. 21-0021 in accordance with Section 30-150 “Findings for approval” for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. **That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.**

Findings of Fact: The Project Site's General Plan Land use designation for the site is Light Industrial (I-L) and is located within the Southwest Industrial Park Specific Plan/Freeway Industrial/Commercial District, both of which allow such development. The Zoning and Development Code permits truck sales subject to approval of a Conditional Use Permit. Upon approval of the required CUP, the Project will comply with the FMC.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 1.9-acres which can accommodate the proposed truck sales site and complies with setbacks, landscaping, lot coverage and parking requirements. There will be one main vehicle access point to the site from Boyle Avenue. The driveway will be designed to accommodate passenger vehicle traffic, tractor-trailer traffic and service vehicles as necessary. The site plan also depicts a display area for trucks and office space for transactions. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yards, setbacks, walls, landscaping requirements and applicable Specific Plan and Zoning and Development Code regulations.

Finding No. 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Findings of Fact: There will be no adverse effect to the public interest, health, safety, convenience, welfare, nor will be materially injurious to persons, property, or improvements in the vicinity or of the neighboring sites. The Project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety, and found to meet the requirements for all applicable building code, zoning and fire code standards.

Section 4. Conditional Use Permit Findings. The Planning Commission hereby makes the following findings for CUP No. 21-0025 in accordance with Section 30-150 "Findings for approval" for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.

Findings of Fact: The General Plan Land use designation for the site is Light Industrial (I-L) and is located within the Southwest Industrial Park Specific Plan/Freeway Industrial/Commercial District, both of which allow such development. The Zoning and Development Code permits truck tire repair use subject to approval of a Conditional Use Permit. Upon approval of the required CUP, the Project complies with the FMC.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 1.9-acres which can accommodate the proposed truck tire repair facility and complies with setbacks, landscaping, lot coverage and parking requirements. There will be one main vehicle access point to the site from Boyle Avenue. The driveway will be designed to accommodate passenger vehicle traffic, tractor-trailer traffic and service vehicles as necessary. The site plan also depicts a loading area and truck and trailer parking stalls to accommodate the vehicles that are being serviced on-site within the enclosed building. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yards, setbacks, walls, landscaping requirements and applicable Specific Plan and Zoning and Development Code regulations.

Finding No. 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Findings of Fact: There will be no adverse effect to the public interest, health, safety, convenience, welfare, nor will be materially injurious to persons, property, or improvements in the vicinity or of the neighboring sites as currently proposed. The Project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety, and found to meet

the requirements for all applicable building code, zoning and fire code standards.

Section 5. Administrative Site Plan- Major Findings. The Planning Commission hereby makes the following findings for ASP No. 21-0057 in accordance with Section 30-81 “Findings for approval” of the Fontana Zoning and Development Code:

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

Findings of Fact: The project consists of a request for Site Plan and Architectural Review for the construction of a 29,185-square-foot truck tire repair facility on an approximately 1.9-acre site. The proposed facility includes an office area and six (6) service bays. In addition, twenty (20) oversized vehicle parking stalls are proposed within the site to accommodate ancillary truck and trailer parking during vehicle servicing. The Project Site is designated Light Industrial (I-L) under the General Plan and within the Southwest Industrial Park (SWIP) Specific Plan / Freeway Industrial/Commercial District. The proposed use is permitted within this designation and zoning district subject to approval of a Conditional Use Permit, which the Applicant is also seeking. The Project has been designed to comply with all applicable zoning and development standards of the Zoning and Development Code.

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

Findings of Fact: The Project Site will incorporate site improvements which include new landscaping, parking, lighting, fencing, and a new trash enclosure. The Project Site is adequate in size, shape, topography, and accessibility to accommodate the proposed repair building. The Project has adequate parking, and based on these factors, the Project meets the criteria in the Administrative Site Plan section of the Zoning and Development Code. Furthermore, the Project has been reviewed by Planning, Building and Safety, Engineering, and Fire Departments. Additional improvements such as sidewalks, parkway landscaping, curb and gutter, and drainage and grading improvements, help to contribute to a safe, well-designed Project that promotes the public health, safety, and welfare of the community.

Finding No. 3. The proposal, in its design and appearance is aesthetically and architecturally pleasing resulting in a safe, well-

designed facility while enhancing the character of the surrounding neighborhood.

Findings of Fact: The Project Site will incorporate on-site improvements which include new landscaping, parking, lighting, fencing and a new trash enclosure. The Project improvements will create an aesthetically pleasing design to enhance the surrounding neighborhood. Compliance with the applicable building codes, zoning codes, fire codes and standards will ensure the Project is safe, attractive, and well-designed.

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

Findings of Fact: The Project includes appropriate site improvements consisting of new landscaping, parking areas, lighting, fencing, and a trash enclosure, all designed in compliance with the Zoning and Development Code. The site is adequate in size, configuration, and accessibility to accommodate the proposed improvements. The Project also includes required public improvements such as sidewalks, parkway landscaping, curb and gutter, and drainage and grading improvements to ensure safe vehicular and pedestrian circulation. The Project has been reviewed by the Planning, Building and Safety, Engineering, and Fire Departments, and all site improvements are designed to meet applicable codes and standards, resulting in a safe, functional, and well-designed facility.

Section 6. Approvals. Based upon the foregoing, the Planning Commission hereby approves CUP No. 21-0021 subject to the Conditions of Approval attached hereto as **Exhibit “A”**, CUP No. 21-0025 subject to the Conditions of Approval attached hereto as **Exhibit “B,”** and ASP No. 21-0057 subject to the Conditions of Approval attached hereto as **Exhibit “C,”** all exhibits are incorporated herein by this reference as though fully set forth herein.

Section 7. 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 8. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 10. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 21st day of April 2026.

City of Fontana

Joseph Armendarez, Chairperson

ATTEST:

I, Torrie Lozano, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 21st day of April 2026, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Torrie Lozano, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Conditional Use Permit No. 21-0021
Master Case No. 21-0128

DATE: April 21, 2026

LOCATION: The project site is located at 14592 Boyle Avenue (APNs: 0236-051-13, -21, -29 and -30).

PLANNING DEPARTMENT:

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. This Conditional Use Permit 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.
3. The Applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the Applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the Applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain 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.

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

4. After the fifteen (15) day appeal period, the Applicant shall remove the notice of Filing sign from the project site. The Applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
5. **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.

6. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Municipal Code.
7. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
8. All landscaping must be adequately maintained at all times. If the applicant/owner fail to maintain the landscape as originally approved, the owner/applicant shall be required to renovate the landscape to meet current landscape standards and water conservation ordinance.
9. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.
10. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
11. 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.
12. The permitted hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Sunday.
13. Conditional Use Permit No. 21-0021 shall comply with all applicable development standards of Chapter 30 (Zoning and Development) and the Southwest Industrial Park Specific Plan.
14. All sales trucks must be parked in a parking stall or placed in a display area and may not be parked or displayed in any drive aisle or fire lane.

EXHIBIT "B"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Conditional Use Permit No. 21-0025
Master Case No. 21-0128

DATE: April 21, 2026

LOCATION: The project site is located at 14592 Boyle Avenue (APNs: 0236-051-13, -21, -29 and -30).

PLANNING DEPARTMENT:

15. This approval shall become null and void two 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.
16. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
17. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
18. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
19. 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 California Environmental Quality Act (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.

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.

20. 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 the 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 Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
21. 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.
22. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.

23. All truck tire repair shall occur within the enclosed building.
24. There shall be no storage of trucks, trailers, or shipping containers on the premises, other than those trucks receiving service. There shall be no outdoor storage, including storage of equipment, tires or parts.
25. All being trucks being serviced must be parked in a parking stall and may not be parked on any drive aisle or fire lane.
26. There shall be no queuing of trucks or vehicles in the public right-of-way.
27. The permitted hours of operation for the facility shall be between the hours of 7:00 a.m. and 7:00 p.m., seven days a week.
28. Conditional Use Permit No. 21-0025 shall comply with all applicable development standards of Chapter 30 (Zoning and Development) and the Southwest Industrial Park Specific Plan.
29. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project site within 48 hours of appearance of such graffiti.
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. Applicant must provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
31. The applicant shall post a publicly visible sign at 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 the authority to receive complaints and immediately initiate corrective actions for dust, noise, and construction issues. 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.
32. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Community Development or his/her designee. The landscaping utilized on fencing shall be maintained in a manner to sufficiently screen the truck dock and truck parking areas.
33. All installed roof-mounted mechanical units shall be screened from view of adjacent streets by a parapet in height equal or greater to the installed unit, unless another method of visual screening is approved by the Director of Planning.

EXHIBIT "C"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. (MCN) 21-0128
Administrative Site Plan No. 21-0057

DATE: April 21, 2026

LOCATION: The project site is located at 14592 Boyle Avenue (APNs: 0236-051-13, -21, -29 and -30).

PLANNING DEPARTMENT:

34. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
35. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
36. All signs shall be reviewed under a separate Design Review Sign application.
37. This approval shall become null and void two 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.
38. 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.

39. This project will comply with all applicable provisions, regulations, and development standards of the City of Fontana Municipal Code and the Southwest Industrial Park Specific Plan.
40. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning.
41. 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 California Environmental Quality Act (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.

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.

42. 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 Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.

43. The Applicant shall obtain approval of a fencing plan and all applicable permits from the Planning Department and Building and Safety Department addressing all existing and proposed fencing and block walls.
44. 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 Division.
45. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
46. 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.
47. All roof-mounted equipment shall be screened from view of adjacent properties and public rights-of-way by a parapet in height equal to or exceeding the installed unit with colors and materials that complement the building architecture, as approved by the Director of Planning.
48. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
49. Upon discovery of any cultural tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural tribal 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 other parts of the project while evaluation takes place.

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.

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.

50. Grading and landscape plans shall match the approved architectural site plans of ASP21-0057.
51. The construction contractor will use the following source controls at all times:
 - A. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday.
 - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - D. Have only necessary equipment onsite.
 - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - ii. Temporarily enclose localized and stationary noise sources.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

52. All Development fees must be paid prior to Certificate of Occupancy.

PRIOR TO ISSUANCE OF GRADING PERMIT

53. All Conditions of Approval contained herein shall be incorporated into all applicable

final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

BUILDING AND SAFETY DEPARTMENT

54. 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

55. 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.

56. 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.

57. 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.

58. 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.

59. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or relocated in such a manner as to not cause any existing structure to become non conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

60. 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.
 - I. 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.
 - J. 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.
61. The applicant is required to obtain permits for the removal and/or demolition of structures.
62. In addition to approval from Building & Safety, the applicant is required to obtain approval from the California Regional Water Quality Control Board, Santa Ana Region for the private Sewage Disposal System.
63. 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

64. 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
65. 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.
66. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.

FIRE DEPARTMENT:

67. **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.
68. **Fire Access Road Width:** 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.
69. **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.
70. **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.

71. **Water System Commercial:** 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: 1,500 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 12,933 Square Foot structure.

72. **Hydrant Marking:** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
73. **Water Improvement Plan:** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type, square foot details of the largest building, total square foot of ALL floors in a multifloored building, square foot size of entire site, and description of what is being constructed/occupancy type. Once approved by Fire Department, applicant will provide stamped/approved W.I.P to water purveyor for their construction needs. ***ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE.*** California Fire Code Chapter 5.
74. **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.
75. **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.
76. **Fire Alarm, Manual or Automatic:** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. 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, SBCFD Standard F-5, & NFPA 72.

77. **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.
78. **Commercial Addressing:** Commercial, industrial, and multi-family developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
79. **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
80. **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
81. **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.
82. **San Bernardino County Fire Standards/Codes:** Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.

ENGINEERING DEPARTMENT:

83. The proposed on-site septic system must be reviewed and Approved by the Santa Ana Regional Water Quality Board. A copy of such approvals must be provided to the City at time of plan submittal. If approval for septic system cannot be obtained, then project will be required to extend and connect to sewer system.
84. 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.

85. 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

86. The Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template. Chamber sizing on water quality plan and drainage report shall be consistent.
87. The Applicant shall submit and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage.

PRIOR TO ISSUANCE OF ANY OTHER CONSTRUCTION PERMITS

88. The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
89. The Applicant shall record All map's, easements, dedications, lot line adjustments as required for the development.
90. 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, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. For a full list of traffic requirements, refer to the Traffic Division's conditions of approval. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

91. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
92. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
93. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.

94. The Surveyor of Record shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
95. The Surveyor of Record shall set survey monuments as required by the map and corner records must be recorded with the County. The Surveyor of Record shall notify the City in writing that monuments have been set in accordance with the recorded subdivision map and he/she has been paid in full for doing so.
96. 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.
97. 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.
98. 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 Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

ENGINEERING DEPARTMENT (TRAFFIC):

99. Project ingress and egress locations and restrictions shall be as follows, with additional or lesser restrictions being necessitated subject to changes in the site plan and approval of the City Engineer:
 - A. The Project may have a single ingress/egress point along Boyle Avenue which may allow for full access (i.e., left- and right-turning inbound and outbound) movements.
100. Left-turn ingress and/or egress at all access locations may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered, subject to approval of the City Engineer.
101. All gated ingress locations which do not provide adequate space within the Project site for the design vehicle to turn around shall be designed so that the gate position as either opened or closed is visible to drivers in the public Right-of-Way. At no time shall the design and gating of Project driveways require vehicles to reverse into a

travel lane in the public Right-of-Way in order to depart or turn around. This requirement may be excluded if the gate is manned at all times with personnel who may permit an errant driver to enter the site in order to turn around and depart.

102. Stopping sight distance must be shown to meet the required standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation. Sight distances shall comply with current AASHTO requirements.
103. The site plan shall identify the on-site vehicular traffic flow patterns and circulation, on-site signing and striping, and any restricted, reserved, or other pre-designated parking areas.
104. The location of bicycle parking shall be depicted on the site plan. The number of bicycle parking spaces shall be determined in compliance with the City of Fontana Zoning and Development Code. Bicycle parking shall comply with the Association of Pedestrian and Bicycle Professionals' (APBP) bicycle parking design guidance. In the event that the Fontana Zoning and Development Code and the APBP guidance differ, the Fontana Zoning and Development Code requirements shall prevail.
105. The site plan shall identify all pedestrian access ways and traffic crossings. Crossings shall be clearly marked, lighted, and identified throughout the interior of the project. Pedestrian walkways shall have sufficient pathway lighting.
106. The site plan shall identify the Americans With Disabilities Act (ADA) compliant path(s) of travel to/from the public right of way and from all ADA accessible parking spaces.
107. The Applicant shall pay the applicable Development Impact Fees prior to the issuance of any occupancy permits at the established rate pursuant to Government Code Section 66007.

END OF CONDITIONS