

RESOLUTION PC NO. 2026-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING, PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332, CONDITIONAL USE PERMIT NO. 21-000011 TO ALLOW A REGISTERED VEHICLE STORAGE USE, AND ADMINISTRATIVE SITE PLAN NO. 21-000032 FOR SITE AND ARCHITECTURAL APPROVAL FOR THE DEVELOPMENT OF A REGISTERED VEHICLE STORAGE SITE AND AN ASSOCIATED OFFICE OF APPROXIMATELY 5,000 SQUARE FEET ALONG WITH SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 10610 LIVE OAK AVENUE, IDENTIFIED AS ASSESSOR PARCEL NUMBER 0236-141-01.

WHEREAS, 10610 Live Oak Avenue, also identified as Assessor Parcel Number (“APN”) 0236-141-01 (“Project Site”) was annexed from San Bernardino County into the City of Fontana on June 19, 1964; and

WHEREAS, on June 9, 2021, the City of Fontana (“City”) received an application from Vess Vassilev (“Applicant”) for Conditional Use Permit No. 21-000011 and Administrative Site Plan No. 21-000032 for a registered vehicle storage site and an associated office of approximately 5,000 square feet along with site improvements; and

WHEREAS, on June 12, 2012, the Southwest Industrial Park Specific Plan (“SWIP”) update was approved and adopted by the City pursuant to the certified Southwest Industrial Park Specific Plan Final Environmental Impact Report; and

WHEREAS, the Project Site has a General Plan Land Use designation of General Industrial (I-G), and is within the SWIP Slover Central Manufacturing District (“SCD”), which allows for such projects with an approved Conditional Use Permit; and

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

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

WHEREAS, the Conditions of Approval are attached hereto as **Exhibit “A”** for Conditional Use Permit (CUP) No. 21-000011 and **Exhibit “B”** for Administrative Site Plan (ASP) No. 21-000032; and

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

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the *Herald* newspaper on July 24, 2026, and simultaneously displayed at City Hall and at the Project site; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the Project, including the staff report, findings, and all the information, evidence and testimony presented at its public hearing on August 4, 2026; 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.** The Planning Commission hereby determines that the project is categorically exempt pursuant to Section No. 15332, (In-fill Development) of the California Environmental Quality Act and Section 3.22 (Categorical Exemption) of the 2019 Local CEQA Guidelines for Implementing the California Environmental Quality Act (CEQA). This project site meets the CEQA requirements of In-Fill as follows: (1) The project is consistent with the General Industrial (I-G) General Plan land use designation and the Southwest Industrial Park Specific Plan and associated Slover Central Manufacturing District (SCD) regulations; (2) The project site is less than five (5) acres at approximately 2.2 acres; (3) The project site is not within any known sensitive or threatened habitat area; (4) The project site will not have any significant effect related to traffic, noise, air quality, or water quality; 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. The Planning Commission further directs Staff to file a Notice of Exemption pursuant to this Finding.

Section 3. **Conditional Use Permit Findings:** The Planning Commission hereby makes the following findings for CUP No. 21-000011 in accordance with Section 30-150 "Findings for approval" of the Fontana Zoning and Development Code.

Finding No. 1. **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.**

Finding of Fact: The project site is within the Southwest Industrial Park Specific Plan, Slover Central Manufacturing District, which allows for the proposed

Registered Vehicle Storage use with a conditional use permit. The proposed use is consistent with the specific plan land use district and development is subject to all other applicable provisions of the Zoning and Development Code and Municipal Code. The project is consistent with the General Plan designation for the Project Site which is General Industrial (I-G), which allows for registered vehicle storage, trucking, manufacturing uses and other types of industrial uses.

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

Finding of Fact: The project site is vacant except for a metal building which will be removed. The project has been designed to be consistent with the development standards of the applicable specific plan land use district and as conditioned herein. The project plans have been reviewed by the Planning Department, the Building Department and the Engineering Department, and the conditions of approval will ensure compliance with the city code and regulations.

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

Finding of Fact: The site will be built pursuant to all applicable building and fire code standards, including appropriate access, and has added Conditions of Approval as referenced herein. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare or materially injury to people, property, improvements in the vicinity of the project location.

Section 4. Administrative Site Plan Findings. The Planning Commission hereby makes the following findings for Administrative Site Plan No. 21-000032 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 and Development Code, and any applicable Specific Plan or area plan.

Finding of Fact: The project is for site and architectural approval for the development of a registered vehicle storage site and an associated office of approximately 5,000 square feet along with site improvements on a parcel of approximately 2.2 gross acres.

The project is consistent with the General Plan designation for the Project Site which is General Industrial (I-G). The project site is within the Southwest Industrial Park Specific Plan, Slover Central Manufacturing District, in which the proposed use is allowed with a conditional use permit

The FMC requires approval of an Administrative Site Plan application to ensure consistency with the adopted standards. Therefore, with the approval of the Administrative Site Plan along with the conditions of approval, and the Conditional Use Permit, the use is consistent with the General Plan, Specific Plan and any applicable Zoning and Development Code standards.

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.

Finding of Fact: The project meets the criteria of the section, and the development will result in appropriate business in the industrial area, with improvements that will provide public health and safety for 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.

Finding of Fact: The professionally designed project will be a facility that will be complimentary to the surrounding neighborhood. The project will also construct associated site improvements including landscaping, parking, and lighting, and off-site improvements to Live Oak Avenue. A six (6) foot high block wall will be constructed adjacent to the church site for visual buffering.

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

Finding of Fact: The development complies with the requirements in the Southwest Industrial Park Specific Plan, Slover Central Manufacturing District. Improvements including sidewalks, fencing, drainage, and grading, which will provide a safe and well-designed neighborhood.

The Project Site improvements have been reviewed by the Fire, Building and Safety, and Engineering Departments. During the project review process, changes were made to the plans to ensure that the Project is a well-designed project. Lighting has been

included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

Section 5. Approvals. Based on the foregoing, the Planning Commission hereby approves Conditional Use Permit No. 21-000011 subject to the Conditions of Approval attached hereto as **Exhibit “A”** and incorporated herein by this reference, and hereby approves ASP No. 21-000032 subject to the Conditions of Approval attached hereto as **Exhibit “B”** and incorporated herein by this reference

Section 6. 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 7. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 8. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 9. 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 4th day of August, 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 4th day of August 2026, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Torrie Lozano, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-000060
Conditional Use Permit (CUP) No. 21-000011

August 4, 2026

LOCATION: The project site is located at 10601 Live Oak Avenue (APN: 0236-141-01).

PLANNING DEPARTMENT:

General Conditions:

1. The rights and privileges granted by the City for this project shall not become effective and the Applicant shall not commence the authorized use, until both of the following have occurred:
 - A. All improvements, construction, alteration and other work set forth in this project have been completed and accepted by the City of Fontana ("City"), as evidenced by the issuance of a Certificate of Occupancy or other documentation confirming the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval for this project have been fulfilled.
2. This Conditional Use Permit shall become null and void two (2) years from the date of approval, unless: (i) all required permits have been obtained; (ii) construction of the primary building, as identified in the approved plans, has commenced; and (iii) and the first inspection by the Building and Safety Department for the primary building has been completed and the construction has been approved by the Building Inspector, all within such two-year period. "Construction" shall be deemed to have commenced only upon the initiation of work on the primary building on the site and the successful completion of the first inspection by the Building and Safety Department within the specified period. For a conditional use permit for which no other entitlements or permits are required, actual use of the subject site for the use that is authorized by the conditional use permit has commenced within such time period.

3. The Applicant shall defend, indemnify, protect and hold harmless the City or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City 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 shall promptly notify the Applicant of any claim, action, or proceeding and the City 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 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 for a refund shall be submitted to the Planning Department.
5. This project shall be developed and operated in compliance with all applicable provisions, regulations and development standards of the Fontana Municipal Code.
6. The project shall be constructed using graffiti resistant materials. The property owner shall, at all times, maintain an adequate supply of paint, matching the project finishes, and shall remove any graffiti at the project site within 48 hours of its appearance.
7. Landscaping must be properly maintained at all times. If the Applicant/property owner fails to maintain the landscaping as shown on the approved landscape plans, the owner/Applicant shall promptly restore the landscaping to comply with current landscaping standards and water conservation ordinances.

8. The hours of operation shall be between 7:00am and 7:00pm Monday through Sunday.

Registered Vehicle Storage:

9. The entire site (excluding landscaped areas) shall be surfaced with asphalt and/or concrete. The surface shall be always maintained in good condition.
10. Block walls shall completely screen storage areas from the public rights of way and shall be placed outside of a required landscape setback area.
11. All vehicles stored on the premises shall have a valid vehicle registration from the State of California or other applicable government entity and shall be kept in an operable condition at all times.
12. Vehicles stored on the premises shall not in themselves be used as storage containers to store materials. With prior 72 hour written notice to the property and/or business owner, all stored vehicles shall be made available for inspection for the purpose of enforcing this provision.
13. The number of registered vehicles stored on the site shall not exceed twenty-eight (28) as shown on the approved site plan. All registered vehicles shall be stored in a marked stall. Drive aisles and fire lanes shall not be used for storage purposes.
14. There shall be no queueing of trucks or vehicles in the public right-of-way.
15. Any and all types of retail sales and/or lodging and habitation uses are prohibited on the premises. This includes but is not limited to hotels, motels, inns, convenience stores, alcohol sales, fuel sales and/or repair facilities.

Project Specific:

16. The applicant shall install a new six (6) foot high block wall along the north property line adjacent to the church site. This wall shall be depicted, approved and constructed prior to the issuance of the Certificate of Occupancy.

EXHIBIT "B"



CITY OF FONTANA CONDITIONS OF APPROVAL

PROJECT: Master Case No. (MCN) 21-060
Administrative Site Plan (ASP) No. 21-000032

August 4, 2026

LOCATION: The project site is located at 10601 Live Oak Avenue (APN: 0236-141-01).

PLANNING DEPARTMENT:

General Conditions:

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 Administrative Site Plan 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/developer/property owner shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging 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.

4. 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.
5. Color combinations and color schemes for buildings approved under an administrative site plan 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.
6. 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.
7. This project will comply with all applicable provisions, regulations, and development standards of the City of Fontana Municipal Code.
8. 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.

9. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
10. 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.
11. The applicant shall incorporate an anti-graffiti coating onto the exterior of all proposed block walls to discourage graffiti.
12. The applicant shall meet all requirements of the Trip Reduction Measures in the Zoning Code as outlined in Section 30-962 below:
 - A. Bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments and multiple-family developments with ten or more units. Bicycle racks or lockers shall be provided at a rate of one bicycle parking space per 20 automobile parking spaces with a minimum of a two-bike rack.
 - B. On-site pedestrian walkways and bicycle paths shall be provided between adjoining buildings and connecting each building in a development to public streets and sidewalks or transit stops, for all new nonresidential developments and multiple-family developments with ten or more units.
 - C. Sidewalks shall be provided for all new developments in accordance with the City's circulation element of the general plan, subject to conditions of existing, adopted specific plans.
13. 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/commercial/retail parking facility, except for disabled persons parking, van pool, carpool, or any other designated parking as required by law. Parking spaces shall be designed with a minimum vertical clearance of seven feet two inches to accommodate vanpool vehicles.
14. The applicant shall depict step outs in the landscaping areas as required pursuant to the Zoning and Development Code Section No. 30-671(a)(8)c, on the Site and Landscaping plans for the submittal of Planning Department landscape plan check.
15. 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.
16. 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.

17. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee. 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.
18. Placement, location, and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require approval by the Director of Planning. Specific areas where Southern California Edison (SCE) needs access, there should be a minimum clearance of 8 feet or as directed by SCE.
19. Transformer enclosures shall be designed of durable materials with finishes and colors used which are compatible and harmonious with the overall architectural theme.
20. All ground mechanical equipment shall be screened to the extent feasible on all sides by a decorative screen wall not less than the height of the equipment being screened in conjunction with landscaping, subject to approval of the Director of Planning. The decorative screen wall shall be located between the street and the mechanical equipment not less than three-foot. The decorative screen wall shall be well incorporated into the design of the building. The other side of the equipment shall be screened with landscaping not less than ten-gallon shrubs or approved landscaping.
21. Placement, location and screening of utilities of any kind which cannot be installed underground and must be placed above ground for function and safety reasons require approval by the Director of Planning.
22. All fire back flows (DDC/DACA) shall be painted green or an earth tone color.
23. 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.
24. The applicant shall provide up-lighting on the perimeter of the site, up-lighting on the proposed trees and building to the satisfaction of the Director of Planning and his/her designee.
25. Lighting systems shall be architecturally compatible with surrounding buildings to express the unique character of the area.
26. Historic Archaeological Resources:

- A. Upon discovery of any tribal cultural or archaeological resources, the Applicant shall immediately cease construction activities in the proximate area of the discovery until the resource has been evaluated and appropriate measures have been determined. All tribal cultural and archaeological resources unearthed during construction activities shall be evaluated by a qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Applicant shall coordinate consultation with interested tribes (those identified through correspondence with area tribes) and the landowner to determine the treatment and curation of the resources. In most cases, the interested tribes will request preservation in place or recovery of the resource for educational purposes. Work may continue on other parts of the project while evaluation of the resources takes place.
 - B. Preservation in place shall be the preferred manner of treatment; however, the final determination of treatment and curation of any tribal cultural or archaeological resource shall be made through consultation among the Applicant, landowner and the interested tribes. In the event that no interested tribe is identified, any tribal or archaeological resources shall be preserved in place. If preservation in place is not feasible, treatment of resource may include archaeological data recovery excavation to recover the resource, followed by laboratory processing and analysis. All tribal cultural resources shall be returned to the respective interested tribe(s). All historic archaeological resources not of Native American origin shall be curated at a public, non-profit institution with a demonstrated research interest in the resources, provided that such institution agrees to accept the resource. If no institution accepts the archaeological resource, it shall be offered to the respective interested tribe, 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. Applicant shall take reasonable care to avoid any unnecessary disturbance of physical modification to, or separation of human remains and associated funerary objects. 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. A qualified archaeologist shall be responsible for ensuring that all other personnel are appropriately trained and qualified.
27. The construction contractor will use the following source controls at all times:
- A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for

- their intended use.
- C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - D. 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.
 - iii. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

- 28. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
- 29. Gravel is prohibited from all drive aisles, parking or vehicle storage areas.
- 30. End of parking aisle planters shall be installed with a two- foot concrete curb, five foot planter and round design as required by the Southwest Industrial Park Specific Plan (SWIP).
- 31. All landscaping shall be protected by six (6) inch curbs to the satisfaction of the Planning Director.

ENGINEERING (LAND DEVELOPMENT):

- 32. 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.
- 33. 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.
- 34. 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

35. The Applicant shall submit engineered Rough Grading Plans and obtain full approval. Rough Grading Plans shall conform to the California Building Code, the California Residential Code, Fontana Municipal Code, and Fontana Standard Plans and Specifications.
36. The Applicant shall submit engineered Precise Grading Plans and obtain full approval. Precise Grading Plans shall conform to the California Building Code, the California Residential Code, Fontana Municipal Code, and Fontana Standard Plans and Specifications. Rough Grading Pad Certification is required to be submitted to the Engineering Department prior to precise grading permit issuance.
37. The Applicant shall prepare and obtain approval for a Final Water Quality Management Plan (WQMP) in accordance with the County of San Bernardino Technical Guidance Document and the most current template. All outstanding comments from the Preliminary WQMP must be resolved and incorporated into the Final WQMP.
38. The Applicant shall submit and obtain approval for a Final Drainage Study and comprehensive hydraulic analysis prepared in accordance with the County of San Bernardino Hydrology Manual and the City of Fontana Master Plan of Drainage. This study must resolve all outstanding comments from the preliminary report and evaluate both the project site and all affected off-site improvements.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

39. The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
40. The Applicant shall record All map's, lot line adjustments, right-of-way dedications, easements, reciprocal access agreement as required for the development.
41. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.
42. The applicant shall perform a pavement quality analysis by a qualified geotechnical engineer for Live Oak Avenue, for the City to review and approve. Live Oak Avenue, along the project frontage shall be fully replaced to bring the pavement structural section into conformance with City standards. Any remedial action less than full replacement shall be justified by the pavement analysis and shall bring the pavement condition to a 20-year pavement life.
43. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm

Water Best Management Practice transfer. The project name and latitude/longitude coordinates of the BMP location(s) must be included on Memorandum of Agreement and the WQMP exhibit. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

44. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
45. Slurry seal roads affected 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.
46. 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.
47. 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.
48. 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.

ENGINEERING (TRAFFIC):

49. 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 Live Oak Avenue which may allow for full access (i.e., left- and right-turning inbound and outbound) movements.
50. 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.
51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

57. The Applicant shall submit and obtain full approval of street improvement plans, subject to the approval of the City Engineer, for all roadway improvements adjacent to the Project site.
58. The Applicant shall submit and obtain full approval of signing and striping plans, subject to the approval of the City Engineer, for all areas of roadway improvements included in the street improvement plans.

PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

59. The Applicant shall construct the approved roadway improvements adjacent to the Project site.
60. The Applicant shall install the approved signing and striping plans as part of the street improvements.

FIRE DEPARTMENT:

61. *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.
62. *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.
63. *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 forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
64. *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.
65. *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 5,000 Square Foot structure.
66. *Hydrant Marking*: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
67. *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.

68. *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.
69. *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.
70. *Fire Alarm, Waterflow Monitoring:* A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, NFPA 72 & SBCoFD Standard F-5.
71. *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.
72. *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.
73. *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.
74. *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.

75. *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.
76. Turnaround area at the rear of the project site shall be constructed to the satisfaction of the Fire Marshall.

Building and Safety:

77. 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
 - I. City of Fontana Ordinance.
 - J. Disabled access for the site and building must be in accordance to the State of CA and ADA regulations.
78. 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.
79. 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.
80. 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.
81. 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.
82. 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.

83. 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.
84. The applicant is required to obtain permits for the removal and/or demolition of structures.
85. 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

86. 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

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

87. When the Entitlement Review is approved submit complete construction drawings including structural calculations to Building and Safety for plan review in accordance with the current edition of the CA Building and Fire Codes including all local ordinances and standards.