

**RESOLUTION PC NO. 2021-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW PROJECT NO. 21-020 FOR THE SITE AND ARCHITECTURAL REVIEW OF A PROPOSED LOGISTICS AND DISTRIBUTION WAREHOUSE TOTALING APPROXIMATELY 210,355 SQUARE FEET ON A 9.7 ACRE SITE LOCATED 10271 ALMOND AVENUE (APN: 0234-211-33), NORTH OF THE INTERSTATE 10 FREEWAY, WEST OF CHERRY AVENUE AND BOUNDED BY ALMOND AVENUE TO THE WEST (APN: 0234-211-33).**

**WHEREAS**, the City of Fontana received a Design Review application on May 10, 2021, for site and architectural review of a proposed logistics and distribution warehouse building totaling approximately 210,355 square feet on a 9.7 adjusted gross acre site (APN: 0234-211-33).

**Project Applicant:** Chad Manista  
Almond Land Ventures LLC  
4450 MacArthur Boulevard, Suite 100  
Newport Beach, CA 92660

**Project Location:** Southeast corner of Almond Avenue and Valley Boulevard  
(APN: 0234-211-33).

**Site Area:** 9.7 adjusted gross acres

**WHEREAS**, all notices required by statute or the City Municipal Code have been given as required; and

**WHEREAS**, the proposal is for the construction of a distribution and logistics warehouse building totaling approximately 210,355 square feet; and

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

**WHEREAS**, Conditions of Approval have been prepared and attached hereto as **Exhibit “A”** for the Design Review Project No. 21-020; and

**WHEREAS**, the subject site, approximately 9.7 adjusted gross acres, and was annexed from San Bernardino County into the City of Fontana on December 5, 1978 (Annex 085); and

**WHEREAS**, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Program Environmental Impact Report (FEIR) be prepared pursuant to CEQA in order to analyze all potential adverse environmental

impacts of the SWIP Specific Plan Update and Annexation Area; and

**WHEREAS**, the City prepared and certified the Final Program EIR (FEIR) on June 12, 2012 for the SWIP Specific Plan Update, consisting of comments received during the 45-day public review and comment period on the Draft FEIR, written responses to those comments, and revisions and errata to the Draft FEIR. For the purposes of this Resolution, the “FEIR” shall refer to the Draft FEIR, as revised by the Final FEIR’s errata section, together with the other sections of the Final FEIR; and

**WHEREAS**, the SWIP Specific Plan Update was approved and adopted by the City of Fontana (City) on June 12, 2012 pursuant to the certified FEIR; and

**WHEREAS**, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

**WHEREAS**, by way of preparation of an addendum for the project site, staff evaluated the proposed project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana’s 2019 Local Guidelines for Implementing CEQA by preparing an Initial Study and accompanying technical reports (Addendum); and

**WHEREAS**, based on that evaluation, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Proposed Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the FEIR; and

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, industrial facilities over 49,999 square feet require the submittal and approval of a Design Review application by the Planning Commission; 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 local *Fontana Herald* newspaper on August 27, 2021, posted at City Hall, and onsite at the project site; and

**WHEREAS**, on September 7, 2021, a duly noticed public hearing on Design Review No. 21-020 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

**WHEREAS**, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on September 7, 2021; 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 incorporated herein by reference.

**Section 2.** Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission has reviewed and considered the Southwest Industrial Park Specific Plan FEIR and Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Planning Commission finds that the Addendum and Southwest Industrial Park Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

**Section 3.** Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the Southwest Industrial Park Specific Plan FEIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that the Projects necessitate only minor modifications to the Southwest Industrial Park Specific Plan FEIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Southwest Industrial Park Specific Plan FEIR is the appropriate document for each project.

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

- A. will not result in substantial changes that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. will not result in substantial changes with respect to the circumstances under which the Proposed Projects are developed that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

C. does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Southwest Industrial Park Specific Plan FEIR documents were certified showing any of the following:

- (i) the proposed Project would have one or more significant effects not discussed in the EIR;
- (ii) that significant effects previously examined would be substantially more severe than shown in the EIR;
- (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
- (iv) that mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

**Section 4.** Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Southwest Industrial Park Specific Plan FEIR and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the Projects have been addressed within the Southwest Industrial Park Specific Plan FEIR and the Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Projects may result in any significant environmental impacts beyond those analyzed in the Southwest Industrial Park Specific Plan FEIR. The Planning Commission finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Projects and reflects the independent judgment and analysis of the Planning Commission.

**Section 5.** Adoption of the Addendum to the Southwest Industrial Park Specific Plan FEIR. The Planning Commission hereby adopts the Addendum to the EIR for the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (SCH No. 2009091089) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

**Section 6.** The City of Fontana's, Planning Commission hereby makes the following findings for Design Review No. 21-020 in accordance with Section No. 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

**Finding No. 1:**      **The proposal is consistent with the General Plan, Zoning and**

**Development Code, and any applicable Specific Plan.**

**Findings of Fact:** The proposal is for a design review for the development of a distribution and logistics warehouse building totaling approximately 210,355 square feet on 9.7 adjusted gross acres. Architectural features for the project include varying roof heights, window statements and aluminum framing. The site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code and SWIP. As required, the project has high quality architecture, appropriate screening comprised of screen walls and landscaping that will make for an appropriate and desirable development.

As proposed, the project is consistent with General Plan Chapter 15 which allows warehousing in the Light Industrial (I-L) land use district. Furthermore, the proposed building is designed in a manner that limits off-site impacts. For example, the dock area is located away from the freeway and there is sufficient stacking distance along all the driveways. Therefore, this warehouse project is consistent with the General Plan Land Use Designation and SWIP .

**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 proposed project will result in the construction of a warehouse building totaling approximately 210,355 square feet. This facility will be built pursuant to all applicable building, zoning, and fire codes and standards, in addition to the Conditions of Approval as referenced herein. Architectural features such as glazing, aluminum frames, and a variety of colors will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements proposed at 45-feet and six-inches will be architecturally pleasing and be consistent with the surrounding area. The project will include curb and gutter improvements to Almond Avenue. Therefore, the project will promote the public health, safety and welfare of the occupants and, therefore, 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 proposed project as identified and referenced in Finding No. 1 and 2, has been determined to be aesthetically and architecturally pleasing and compatible with the surrounding area. The project site is approximately 9.7 acres and is physically suitable in size and shape to support the proposed warehouse building. Applicable

building, zoning, and fire codes and standards will make for a safe, attractive, and well-designed project. As stated in Finding No. 2, the project will create visual interest with architectural features such as glazing, tower elements, and a variety of colors with variations to the building face and roof lines. The character of the surrounding neighborhood reflects industrial uses and legal nonconforming residences. The proposal has been designed to be compatible with the surrounding uses while providing a development that has been designed with features (architectural relief, landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

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

Findings of Fact:    The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. Project features include sidewalks, drainage, grading, and perimeter and privacy walls and fencing to provide a safe and well-designed neighborhood. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. As referenced in Finding No. 1 through Finding No. 3, above, this warehouse project meets and exceeds the standards of the Zoning and Development Code and will provide a safe design for public access.

**Section 7.** Based on the foregoing, the Planning Commission adopts a resolution approving Design Review No. 21-020 subject to the findings as indicated herein and the Conditions of Approval, including Conditions voluntarily proposed by Almond Land Ventures LLC have been prepared and are attached hereto as **Exhibit “A”**.

**Section 8.** Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department– Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

**Section 9.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 7<sup>th</sup> day of September 2021.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 7th day of September, 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary

**EXHIBIT “A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 21-049  
Design Review No. (DRP) No. 21-020

September 7, 2021

**LOCATION:** The project site is located at 10271 Almond Avenue (APN: 0234-211-33), north of the Interstate 10 Freeway, west of Cherry Avenue and bounded by Almond Avenue to the west.

**PLANNING DIVISION:**

1. This approval is for Design Review No. 21-020, a request for site and architectural review of a distribution and logistics warehouse building totaling approximately 210,355 square feet on a project site of approximately 9.7 adjusted gross acres, as approved by the Planning Commission on September 7, 2021, and as shown in Attachment No. 3 and Attachment No. 4 in the accompanying staff report.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - a. All 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 (C of O) or other document evidencing the City's final inspection and acceptance of the work.
  - b. All requirements of the Fontana Municipal Code shall be complied with.
  - c. All other Conditions of Approval imposed by this project have been fulfilled.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.



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 Community Development 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.
5. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain its own separate legal counsel to defend the interests of the City. The applicant shall be responsible for reimbursing the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

6. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
7. 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.

8. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
9. 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.
10. This project will comply with all applicable provisions, regulations, and development standards of the Southwest Industrial Park Specific Plan.
11. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
12. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
13. 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.
14. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, car pool, or any other designated parking as required by law.
15. 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.
16. All signs shall be reviewed under a separate Design Review Sign application.
17. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Community Development or his/her designee.
18. 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.
19. The construction contractor shall use the following source controls at all times:
- a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(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:
  - f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - g. Temporarily enclose localized and stationary noise sources.
  - h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
20. Pursuant to the Migratory Bird Treaty Act (MBTA) and California Department of Fish & Game (CDFG) Code, removal of any trees, shrubs, or any other potential nesting habitat shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to the Community Development Department.
21. Up lighting shall be provided throughout the project site to complement the architectural detail of the building and the landscaped areas, except where the building is adjacent to residential properties.
22. All roof-mounted mechanical units shall be screened from view of adjacent streets by a parapet in height equal or greater to the installed unit, unless another method of visual screening is approved by the Director of Community Development.
23. The applicant/developer shall comply with the mitigation measures identified in the CEQA Addendum Mitigation (SCH No. 2009091089) Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
24. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Division.

*Additional General Plan Conditions Agreed to by Applicant*

25. In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant/developer and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.

26. To reduce energy demand associated with potable water conveyance, future projects shall implement the following, as applicable:
  - a. Landscaping palette emphasizing drought tolerant plants
  - b. Use of water-efficient irrigation techniques
  - c. U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.
27. Future projects shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations).
28. The applicant/developer shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.
29. To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP [On-Road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-In for NOx] funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.
30. The applicant/developer shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on such cleaning products.
31. All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.

32. In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.

*PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY*

33. The current Development fees must be paid prior to issuance of building/construction permits.

**BUILDING & SAFETY:**

34. 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
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. 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***

41. 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
42. 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.

**ENGINEERING DEPARTMENT:**

43. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
44. 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.
45. It is the applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.
46. "No stopping zones" shall be established along property frontage.

***PRIOR TO ISSUANCE OF GRADING PERMIT***

47. 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.



*PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS*

48. Existing sewer easement shall be quit claimed back to developer and developer to dedicate a new easement.
49. Record the easement required for this development.
50. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.

*PRIOR TO FINAL ACCEPTANCE OF PROJECT*

51. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
52. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
53. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
54. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan (WQMP) and Storm Water Best Management Practice (BMP) Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**FONTANA FIRE PREVENTION DISTRICT:**

55. **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.
56. **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 sec 503, SBCFD Standard 503.1

57. **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 sec 503, SBCFD Standard 503.1
58. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code sec. 505, SBCFD Standard 505.1
59. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval 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. SBCFD Standard 501.
60. **Water System Commercial.** Prior to map recordation, 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 B 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 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 sec 508, SBCFD Standard 508.1

The Fire Flow for this project shall be: 4000 GPM for a 4-HOUR duration at 20 psi residual operating pressure. Fire Flow is based on a 210,355 sq.ft. structure.

61. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
62. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite.
63. **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 sec 508, SBCFD Standard 508.1

64. **Combustible Native Vegetation.** Combustible native vegetation shall be removed as follows: Where the average slope of the site is less than 15%, combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. Where the average slope of the site is 15% or greater, combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
65. **Fuel Modification Zones.** A Fire Protection Plan has been designed specifically for the subject project and approved by the Fire Department. All requirements of the Plan shall be adhered to, and any landscaping or construction within these areas shall be submitted to the Fire Department for review and approval in compliance with appropriate standards.
66. **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. SBCFD Standard 903.
67. **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 sec. 907, SBCFD Standard 907 FA-M.
68. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code sec. 906.
69. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (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. SBCFD Standard 505.1
70. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway,

additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 901.4.4

71. **Key Box.** An approved Fire Department key box is required. SBCFD Standard 506
72. **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. SBCFD Standard 503.1.2
73. **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. Standard 2703.5.
74. **High-Piled Storage.** The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division. SBCFD Standard 2301.

**END OF CONDITIONS**