

## **RESOLUTION PC NO. 2021-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE PARCEL MAP NO. 20319 (TPM No. 20-025) FOR THE CONSOLIDATION OF THREE (3) PARCELS INTO ONE (1) PARCEL AND APPROVING DESIGN REVIEW PROJECT NO. 20-040 FOR THE SITE AND ARCHITECTURAL REVIEW OF A PROPOSED WAREHOUSE TOTALING APPROXIMATELY 85,119 SQUARE FEET ON A 5.12 ACRE SITE LOCATED AT 10407 ELM AVENUE, 15575 BOYLE AVENUE, AND 15613 BOYLE AVENUE (APNS: 0237-043-04, -06, AND -16)**

**WHEREAS**, the City of Fontana received an application on December 1, 2020, for a Tentative Parcel Map and Design Review for the consolidation of three (3) existing parcels into one (1) parcel and for the site and architectural review of a warehouse building totaling approximately 85,119 square feet on a 5.12 adjusted gross acre site.

**Project Applicant:** Michael Goodwin  
First Industrial  
898 N. Pacific Coast Highway Blvd. Suite 175,  
El Segundo CA 90245

**Project Location:** 10407 Elm Avenue, 15575 Boyle Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16)

**Site Area:** 5.12 adjusted gross acres

**WHEREAS**, the Southwest Industrial Park (SWIP) Specific Plan includes approximately 3,111-acres, located within the southwestern portion of the City of Fontana and County of San Bernardino, California; and

**WHEREAS**, the SWIP Specific Plan Update and Annexation Area site has been divided into a total of nine (9) districts, one (1) of which is the Jurupa North Research and Development District where the proposed warehouse building is located; 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) should 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 each project site, staff evaluated the proposed projects 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 Projects, 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**, all of the notices required by statute or the City Municipal Code have been given as required; and

**WHEREAS**, the proposal is to combine three (3) existing parcels into one (1) parcel for the construction of a distribution and logistics warehouse building totaling approximately 85,119 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 Tentative Parcel Map No. 20319 (TPM No. 20-025) and as **Exhibit "B"** for the Design Review Project No. 20-040; and

**WHEREAS**, the subject site includes three (3) parcels totaling, approximately 5.12 adjusted gross acres, and was annexed from San Bernardino County into the City of Fontana on September 16, 2006 (Annex 168\_D); and

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, industrial facilities over 49,999 square feet require approval of a Design Review 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 October 22, 2021, posted at City Hall, and onsite at the project site; and

**WHEREAS**, on November 2, 2021, a duly noticed public hearing on Tentative Parcel Map No. 20319 (TPM No. 20-025) and Design Review No. 20-040 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 November 2, 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 Tentative Parcel Map No. 20404 (TPM No. 21-002) in accordance with Section No. 26-219(e) "Processing of application," of the Fontana Subdivision Code:

**Finding No. 1:       The proposed parcel map is consistent with the City's General Plan.**

Findings of Fact:     Tentative Parcel Map No. 20319 (TPM No. 20-025) is consistent with the General Plan Land Use Designation for the project site, which is Light Industrial (I-L). The I-L designation is intended for uses such as manufacturing, warehousing, fabrication, assembly processing, trucking, equipment, automobile and truck sales and services. The Tentative Parcel Map will consolidate three (3) existing parcels into one (1) parcel for the construction of a concrete tilt-up warehouse building totaling approximately 85,119 square feet, which is a land use permitted in the General Plan.

**Finding No. 2:       The design and improvements of the proposed Tentative Parcel Map is consistent with the General Plan.**

Findings of Fact:     The design of 20319 (TPM No. 20-025) to consolidate three (3) parcels into one (1) parcel to accommodate the proposed warehouse development is consistent with the General Plan. As indicated in the Planning Commission staff report, the lot size and street configuration conform to the requirements of the Land Use, Zoning, and Urban Design and Community Mobility and Circulation Elements of the City of Fontana General Plan, Subdivisions (Chapter No. 26) Chapter of the City of Fontana Municipal Code, and the SWIP Specific Plan. The project includes all on-site and off-site improvements to meet all the General Plan goals and objectives as well as all of the zoning requirements. Improvements consist of public sewer, public storm drain, streets, gutter, sidewalks, drainage, and grading to provide a safe and well-designed project for the area.

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

Findings of Fact:     The project site of approximately 5.12 adjusted gross acres, is of an adequate size to accommodate the development referenced herein. The proposed warehouse development complies with the standards in the Zoning and Development Code and SWIP. The lot size is consistent with other warehouse and industrial developments in the area.

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

Findings of Fact:     The design of Tentative Parcel Map No. 20319 (TPM No. 20-025) is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. The site and the area surrounding the project site has been developed with trucking uses, industrial, outside storage, and non-conforming residential uses.

An Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) has been prepared for this proposed project. The aforementioned EIR adopted by the City Council on June 12, 2012 anticipated various types of warehouse uses. The proposed project does not represent significant changes to the approved SWIP PEIR relative to CEQA since it does not change the assumptions, analysis, conclusions, or mitigation. The components of the proposed project do not alter the EIR project's significance conclusions or represent significant new information. Additionally, the proposed project does result in new significant environmental effect nor does not lead to substantial increase in the severity of previously identified significant effects.

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

Findings of Fact:     The design of the Tentative Parcel Map No. will not cause public health problems. The proposed development complies with the Zoning, SWIP Specific Plan, and the General Plan. Improvements include connection to public sewer, public storm drain, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

**Finding No. 6:**        **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The planning commission may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to easements previously acquired by the public.**

Findings of Fact:     The design of Tentative Parcel Map No. 20319 (TPM No. 20-025) and public improvements will not conflict with easements acquired by the public. The proposed lot is accessed from Boyle Avenue,

which are publicly maintained streets.

**Section 7.** The City of Fontana's, Planning Commission hereby makes the following findings for Design Review No. 20-040 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 warehouse building totaling approximately 85,119 square feet on 5.12 adjusted gross acres. The use of embellished architectural elements on the facades and pop outs create depth and interest, and towers will add structural and visual interest to the building that conforms to the Design Guidelines in Section 7.9 of SWIP.

The site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code and SWIP. The project has high quality architectural design, appropriate screening comprised of screen walls and landscaping that will be an appropriate and desirable development.

The propose project is consistent with the General Plan Land Use Designation for the project site, because the proposed project is for a warehouse use, which is allowed in the Light Industrial (I-L) land use district of the General Plan as cited in Chapter 15. Furthermore, the proposed building is designed in a manner that limit off-site impacts; in that, the dock area is located in the interior of the site and there is sufficient stacking distance along all the driveways. Therefore, the proposed 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 85,119 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, reveals, towers, 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 42-feet will be architecturally pleasing. The project will include improvements to Boyle 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 which is approximately 5.12 acres is physically suitable in size and shape to support the development of 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, towers, and a variety of colors with variations to the building face and roof lines, with tower elements proposed at 42-feet. 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 also providing a development that has been designed with features (architectural relief, added landscaping, screen walls, building orientation where loading docks and entrance oriented away from the residential uses, street improvements, and lighting), to enhance the character of the surrounding neighborhood. It will also be consistent with the proposed industrial projects in the vicinity.

**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 walls along with the building orientation where entrances and dock area are located away from the residential uses 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 8.** Based on the foregoing, the City of Fontana Planning Commission hereby approves Tentative Parcel Map No. 20319 (TPM No. 20-025) and approves Design Review Project No. 20-040 subject to the conditions of approval as shown in the attached Exhibits “A” and “B” for the construction of a logistics and distribution warehouse



on property located 10407 Elm Avenue, 15575 Boyle Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16).

**Section 9.** Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

**Section 10.** 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 2<sup>nd</sup> day of November 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 2<sup>nd</sup> day of November 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) 21-100 November 2, 2021  
Tentative Parcel Map No. 20319 (TPM No. 20-025)

**LOCATION:** 10407 Elm Avenue, 15575 Boyle Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16)

**PLANNING DEPARTMENT:**

1. Tentative Parcel Map No. 20319 (TPM No. 20-025) is a request to consolidate three (3) parcels (APNs: 0237-043-04, -06, and -16) into one (1) parcel on a site of approximately 5.12 adjusted gross acres in size, as approved by the Planning Commission on November 2, 2021, and as shown in Attachment No. 2 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 requirements of the Fontana City's Municipal Code shall be complied with.
  - b. All Conditions of Approval imposed on this project have been fulfilled.
3. The applicant shall defend, indemnify, and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission and/or City Council concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this

project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

4. Tentative Parcel Map No. 20319 (TPM No. 20-025) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development, and the Subdivision Map Act.
5. The applicant/developer shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
6. 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 and grading plans prior to issuance of any building or grading permits.
7. Tentative Parcel Map No. 20319 (TPM No. 20-025) shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
8. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such

amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.

9. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

10. Historic Archaeological Resources

- a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

11. The 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.
12. 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 Planning Department.
13. The applicant/developer shall comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program as approved by the Planning Commission on November 2, 2021.
14. The developer shall work with the Planning Department to ensure that LED lights and other lighting is not spilling into or visible from adjacent parcels to the satisfaction of the Director of Planning.

**ENGINEERING DEPARTMENT:**

15. 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.
16. 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.
17. 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.

*PRIOR TO ISSUANCE OF GRADING PERMIT*

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

*PRIOR TO MAP RECORDATION*

19. A Security to guarantee the proper setting of all survey monuments within the project limits, and replacement of any existing survey monuments damaged or removed during construction; will be collected during the bond and agreement process. Survey monuments shall be placed as required by plans and corner records must be recorded with the County.

*PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS*

20. The applicant shall process and record the final Parcel Map as required for the development.
21. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
22. Applicant shall provide consent letters from the Metropolitan Water District (M.W.D.) of Southern California for all proposed work within the M.W.D. easement.

*PRIOR TO FINAL ACCEPTANCE OF PROJECT*

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

24. 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).
25. 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.
26. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**BUILDING & SAFETY DIVISION:**

27. 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 Electrical Code
  - C. California Mechanical Code
  - D. California Plumbing Code
  - E. California Energy Code
  - F. California Fire Code
  - G. California Green Building Standards Code
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
34. 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.
35. The applicant is required to obtain permits for the removal and/or demolition of structures.
36. 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*

37. 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
38. 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.
39. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment in a manner that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.

**END OF CONDITIONS**

**EXHIBIT “B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 20-100  
Design Review No. (DRP) No. 20-040

November 2, 2021

**LOCATION:** 10407 Elm Avenue, 15575 Boyle Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16)

**PLANNING DEPARTMENT:**

1. This approval is for Design Review No. 20-040 a request for site and architectural review of a distribution and logistics warehouse building totaling approximately 85,119 square feet on a project site of approximately 5.12 adjusted gross acres, as approved by the Planning Commission on November 2, 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 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.
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. 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.

5. 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.
6. 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.
7. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning may refer minor hue color changes to the original approving body for consideration under a revision to the original application.

8. 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.
9. This project will comply with all applicable provisions, regulations, and development standards of the SWIP and Municipal Code.
10. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
11. 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.
12. All signs shall be reviewed under a separate Design Review Sign application.
13. 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.

14. 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.

15. The developer shall work with the Planning Department to ensure that LED lights and other lighting is not spilling into or visible from adjacent parcels to the satisfaction of the Director of Planning.

16. 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.

17. 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.
18. The applicant/developer shall comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program as approved by the Planning Commission on November 2, 2021.
19. 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 Planning.
20. There shall be no commercial related refrigerated uses on site; unless, a future tenant proposes to have such uses conducts an update of the California Environmental Quality Act (CEQA) document (i.e. Mitigated Negative Declaration) and any applicable studies/memorandums to amend this Condition of Approval.
21. There shall be no long-term trailer storage on the site.
22. The trailer parking spaces shall only be utilized by the warehouse tenant(s) and not subleased to a separate business.

*PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY*

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

*Additional General Plan Conditions Agreed to by Applicant*

24. 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 and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.
25. To reduce energy demand associated with potable water conveyance, the project shall implement the following, as applicable:
  - a. Landscaping palette emphasizing drought tolerant plants
  - b. Use of water-efficient irrigation techniques U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.
26. The project 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).

27. The applicant 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.
28. To promote alternative fuels and help support "clean" truck fleets, the applicant shall provide building occupants and businesses with information related to SCAQMD's 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 applicant 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.
29. The applicant shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the SCAQMD, CARB, and EPA on such cleaning products.
30. All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.
31. All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City of Fontana verification. The following additional measures, as determined applicable by the City Engineer, shall be included as conditions of the Grading Permit issuance:
  - a. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - b. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
  - c. Reroute construction trucks away from congested streets or sensitive receptor areas.
  - d. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.



- e. Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.
  - f. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If 2010 model year or newer diesel trucks cannot be obtained the contractor shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements.
  - g. During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:
    - i. January 1, 2012, to December 31, 2014: all off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
    - ii. Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emissions standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
    - iii. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
32. Prior to the issuance of any grading permits, applicant shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project.
33. All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Specifically, the following measures shall be implemented, as feasible:
- a. Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.
  - b. Construct or build with materials that do not require painting.
  - c. Require the-use of pre-painted construction materials.

34. All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.
35. Prior to the issuance of grading permits or approval of grading plans for the project, applicant shall provide a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following:
  - a. Phase and schedule activities to avoid high-ozone days and first-stage smog alerts.
  - b. Discontinue operation during second-stage smog alerts.
  - c. All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas.
  - d. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.
  - e. Moisten soil each day prior to commencing grading to depth of soil cut.
  - f. Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site.
  - g. Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.
  - h. Wash mud-covered tires and under carriages of trucks leaving construction sites.
  - i. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
  - j. Securely cover all loads of fill coming to the site with a tight-fitting tarp.
  - k. Cease grading during periods when winds exceed 25 miles per hour.
  - l. Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.
  - m. Use low-sulfur diesel fuel in all equipment.
  - n. Use electric equipment whenever practicable.
  - o. Shut off engines when not in use.
36. The project shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes.
37. The project shall designate preferential parking for vanpools.
38. The proposed building shall incorporate provision of food and beverages.
39. All tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas.

- 40. All tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible.
- 41. The project shall incorporate light colored roofing materials.

**BUILDING & SAFETY:**

- 42. 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 Electrical Code
  - C. California Mechanical Code
  - D. California Plumbing Code
  - E. California Energy Code
  - F. California Fire Code
  - G. California Green Building Standards Code
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.
- 47. 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.
- 48. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
- 49. 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.
50. 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*

51. 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
52. 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.
53. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be in a manner where the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.

**FONTANA FIRE PREVENTION DISTRICT:**

54. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department serving 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.
55. 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
56. Turnaround. An approved turnaround shall be provided at the end of each dead end roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; and 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.

57. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. California Fire Code sec 508, SBCFD Standard 508.1 [F-44]
58. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved with an all weather surface and shall be installed as specified per Fire Department requirements including width, vertical clearance and turnarounds. California Fire Code sec 503, SBCFD Standard 503.1 [F89]
59. Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved with an all weather surface and shall be installed as specified per Fire Department requirements including width, vertical clearance and turnouts, if required. California Fire Code sec 503, SBCFD Standard 503.1
60. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The “No Parking, Fire Lane” signs shall be installed on public/private roads in accordance with the approved plan. SBCFD Standard 501
61. Water System. 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 system shall be operational, prior to any combustibles being stored on the site. The required fire flow shall be determined by using Appendix BB of the California Fire Code. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. Fire hydrants shall be within 300 feet of all portions of all buildings as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

***The Fire Flow for this project shall be: 3125 GPM for 4 hours duration at 20 psi residual operating pressure.***

62. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
63. 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 job-site.
64. 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.

65. 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.
66. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. California Fire Code sec. 505, SBCFD Standard 505.1
67. Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch is required. SBCFD Standard 503.1.2
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. 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. SBCFD Standard 506
70. 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

#### **ENGINEERING DEPARTMENT:**

71. 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.
72. 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.

73. 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.

*PRIOR TO ISSUANCE OF GRADING PERMIT*

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

*PRIOR TO MAP RECORDATION*

75. A Security to guarantee the proper setting of all survey monuments within the project limits, and replacement of any existing survey monuments damaged or removed during construction; will be collected during the bond and agreement process. Survey monuments shall be placed as required by plans and corner records must be recorded with the County.

*PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS*

76. Record parcel map required for the development.
77. Applicant shall provide a Land Improvement Agreement, with accompanying security.

*PRIOR TO FINAL ACCEPTANCE OF PROJECT*

78. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
79. 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).
80. 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.
81. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.



**END OF CONDITIONS**