

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution PC No. 2021-042

Tuesday, November 2, 2021

6:00 PM

Grover W. Taylor Council Chambers

Planning Commission

Cathline Fort, Chair

Raj Sangha, Vice Chair

Idilio Sanchez, Secretary

Matthew Gordon, Commissioner

Ralph Thrasher, Commissioner

Welcome to a meeting of the Fontana Planning Commission.

Welcome to a meeting of the Fontana Planning Commission. A complete agenda packet is located in the binder on the table in the lobby of the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Planning Commission, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act, the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

CALL TO ORDER/ROLL CALL:**A. Call To Order/Roll Call:****INVOCATION/PLEDGE OF ALLEGIANCE:****A. Invocation/Pledge of Allegiance:****PUBLIC COMMUNICATIONS:**

This is an opportunity for citizens to speak to the Planning Commission for up to three minutes on items not on the Agenda, but within the Planning Commission's jurisdiction. The Planning Commission is prohibited by law from discussing or taking immediate action on non-agendized items.

A. Public Communications:**CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Planning Commission votes on them, unless a member of the Planning Commission requests a specific item be removed from the Consent Calendar for discussion. Does any member of the public wish to address the Planning Commission regarding any item on the Consent Calendar before the vote is taken?

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of October 19, 2021.

CC-A Approval of Minutes of October 19, 2021.

[21-1002](#)

Attachments: [Draft Planning Commission Minutes of 10-19-2021](#)

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

To comment on Public Hearing Items, you may submit comments via e-mail at planning@fontana.org. In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 5:00 p.m. on the day of the meeting. You may also fill out a card at the meeting and give it to the City Clerk. Public Comments should be no longer than three (3) minutes. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

PH-A Master Case No. 21-066; Conditional Use Permit No. 11-007R1
- A request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

[21-992](#)

RECOMMENDATION:

Based on the information contained within this staff report, and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-____; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and,

2. Approve Conditional Use Permit No. 11-007R1.

APPLICANT:

**Josue Paiz
17305 Redmaple Street**

Fontana, CA 92337

LOCATION:

The project site is located at 17122 Slover Avenue Suite 101K (APN: 0254-221-48).

PROJECT PLANNER:

Alejandro Rico, Associate Planner

Attachments: [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Floor Plan](#)

[Attachment No. 3 - Planning Commission Resolution and Conditions of Approval](#)

[Attachment No. 4 - Census Tract 24-1 Boundary](#)

[Attachment No. 5 - ABC Establishments List](#)

[Attachment No. 6 - Notice of Exemption](#)

[Attachment No. 7 - Public Hearing Notice](#)

PH-B Master Case No. 20-100; Tentative Parcel Map No. 20319 (TPM No. 20-025); Design Review No. 20-040 - A request to review and approve a Tentative Parcel Map which is a proposal to consolidate three (3) parcels totaling 5.12 adjusted gross acres into one (1) parcel for the development of a warehouse facility.

[21-985](#)

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-____; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination;
2. Approve Tentative Parcel Map No. 20319 (TPM No. 20-025); and,
3. Approve Design Review No. 20-040.

APPLICANT:

Michael Goodwin

First Industrial

898 N. Pacific Coast Highway Blvd. Suite 175,

El Segundo CA 90245

LOCATION:

The project site is located at 10407 Elm Avenue, 15575 Boyle

Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16).

PROJECT PLANNER:

Rina Leung, Senior Planner

Attachments: [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Tentative Parcel Map No. 20319](#)

[Attachment No. 3 - Site Plan](#)

[Attachment No. 4 - Elevations](#)

[Attachment No. 5 - Planning Commission Resolution, Findings and Conditions of Approval](#)

[Attachment No. 6 - Notice of Determination](#)

[Attachment No. 7 - Notice of Public Hearing](#)

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

DC-A Cancellation of Planning Commission Meeting of November 16, 2021. [21-1003](#)

DC-B Upcoming cases scheduled for City Council and Planning Commission. [21-997](#)

An update of future City Council agenda items for November 9, 2021, November 23, 2021, December 14, 2021, and December 28, 2021 for the Planning Commission's information.

An update of future Planning Commission agenda items for November 16, 2021, December 7, 2021, and December 21, 2021 for the Planning Commission's information.

Attachments: [Upcoming City Council Agenda Items Memo](#)
[Upcoming Planning Commission Items Memo](#)

COMMISSION COMMENTS:

A. Planning Commission Remarks:**WORKSHOP:****A. None****ADJOURNMENT:****A. Adjournment**

Adjourn to the next Regular Planning Commission Meeting on Tuesday, December 7, 2021 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1002
Agenda #: CC-A

Agenda Date: 11/2/2021
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of October 19, 2021.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of October 19, 2021. The draft minutes are attached to this report for the Planning Commission to review and approval.

MOTION:
Approve staff recommendation.



City of Fontana

Planning Commission

Minutes

Cathline Fort, Chair
Raj Sangha, Vice Chair
Idilio Sanchez, Secretary
Matthew Gordon, Commissioner
Ralph Thrasher, Commissioner

Tuesday, October 19, 2021

6:00 P.M.

Grover W. Taylor Council Chambers

CALL TO ORDER/ROLL CALL:

A. Call to Order/Roll Call:

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, October 19, 2021. Chair Fort called the meeting to order at 6:04 p.m.

Present: Chair Cathline Fort, Vice Chair Raj Sangha, and Commissioners Gordon and Thrasher.

Absent: Secretary Sanchez

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, the Pledge of Allegiance was led by Vice Chair Sangha.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:**A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of October 5, 2021.

ACTION: A Motion was made by Vice Chair Sangha, seconded by Commissioner Thrasher, and passed unanimously by a vote of 3-0-1 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioner Thrasher

Abstain: Commissioner Gordon

Absent: Secretary Sanchez

PUBLIC HEARINGS:

PH- A Master Case No. 20-052; Tentative Tract Map No. 18973 (TTM No. 20-003); Design Review Permit No. 20-021 - A request for the subdivision of an existing 0.88 acre lot into a condominium map; and a Design Review for the design and architecture review of 10 condominiums.

Chair Fort opened the Public Hearing Item.

Fernando Herrera, Assistant Planner, presented the staff report.

The commission ensued a discussion regarding garage parking for each unit, and additional parking within the development. In addition, the commission discussed the point of access for this site and inquired about the project being a gated community.

The commission inquired about the zoning and designation for the site north of the project. In addition, the commission commented on the modern and contemporary architecture of the project.

The Assistant City Attorney mentioned to the Commission that before them on the dais was a revised Planning Commission Resolution that addressed CEQA (California Environmental Quality Act) Findings for the project.

The applicant, Cesar Navarro, read and accepted the Conditions of Approval. Additionally, he thanked the Planning Commission and staff, especially DiTanyon Johnson and Fernando Herrera for being professional, patient, and helpful with him during this entitlement process.

The commission, applicant, and staff discussed the design of the open lawn, as it pertains to seating, water, and shade.

The commission thanked the applicant for bringing the project to Fontana. Further discussion ensued regarding the project being a gated community.

The following individual spoke on this item, but did not indicate position on this item:

Elizabeth Sena

Public Hearing was closed.

Deputy City Manager Burum clarified the conditions added to the motion for approval of the project, which included the applicant and staff working together to add an additional bench seating on the other side, and work on shading preferable with trees for the other side of the area, to which the applicant agreed. Furthermore, staff and applicant will entertain a conversation to further look into the matter of the gate for this project.

The commission, staff, and the applicant further discussed the gate for this project.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-038; and,

- 1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,**
- 2. Approve Tentative Tract Map (TTM) No. 18973 (20-003); and,**
- 3. Design Review Permit No. 20-021.**

ACTION: Motion was made by Commissioner Thrasher, seconded by Vice Chair Sangha, and passed unanimously by a vote of 4-0 to adopt the Resolution presented with the additional conditions for staff and applicant to work on adding an additional seating bench and shading with trees; and to incorporate into the Homeowners Association's Covenants, Conditions, and Restrictions the possibility of adding a gate in the future if safety issues arise. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH- B Master Case No. 21-041; Design Review Project No. 21-015 - A request to construct an approximately 64,694 square foot warehouse building on approximately 2.72-acres of land.

Chair Fort opened the Public Hearing Item.

George Velarde, Assistant Planner, presented the staff report.

The commission discussed the driveway and traffic for the project. In addition, the commission thanked the applicant for the night renderings.

Representing the applicant, Michael Sizemore, read and accepted the Conditions of Approval. He thanked staff, George Velarde, for working with him through the entitlement process.

The following individuals spoke in opposition of this project:

Ana Gonzalez
Christine McGuire
Joaquin Castillejos
Elizabeth Sena

Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-039; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination; and,

2. Approve Design Review No. 21-015

ACTION: Motion was made by Commissioner Gordon, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH- C Master Case No. 21-044; Design Review No. 21-018 - A request to review and approve a proposed construction of an approximately 95,600 square foot warehouse, which includes approximately 5,000 square feet of office area.

Chair Fort opened the Public Hearing Item.

Rina Leung, Senior Planner presented the staff report.

The commission ensued a discussion regarding the residential properties on Cypress Avenue.

The commission discussed traffic to and from the project site; inquired about the trips per day; and discussed the noise barrier between the project site and the residential homes.

The commission ensued a discussion regarding the project being Categorically Exempt pursuant to Section No. 15332, Class 32.

The Assistant City Attorney mentioned to the Commission that before them on the dais was a revised Planning Commission Resolution that addressed CEQA (California Environmental Quality Act) Findings for the project.

The applicant, Jackson Smith, read and accepted the Conditions of Approval. In addition, he thanked staff, Rina Leung for getting the project before the Planning Commission. The applicant further spoke on the outreach efforts and the commitment to the community.

The commission and the applicant ensued a discussion regarding the residential properties adjacent to the project site. In addition, they discussed number of dock door for the project, and number of projects the applicant has brought to the city.

The commission and the applicant discussed the process for acquiring the residential properties adjacent to the project site, and the applicant's persuasion methods.

The following individuals spoke in opposition of this project:

Ana Gonzalez
Christine McGuire
Joaquin Castillejos
Elizabeth Sena

The following individuals spoke in favor of this project:

Bill Quinsenberry
Jayson Baiz
Jose Garcia

Public Hearing was closed.

The commission discussed the letter received in opposition of the project.

Deputy City Manager Burum spoke to State of California's and the City of Fontana's Air Quality.

The commission further discussed the opposition letter for this project as it pertains to the CEQA exemptions.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-040; and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-018.

ACTION: Motion was made by Commissioner Thrasher, seconded by Commissioner Gordon, and passed unanimously by a vote of 4-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH-D Master Case No. 21-043; Tentative Parcel Map No. 21-008 (TPM No. 20466); Minor Use Permit No. 21-001; Design Review Project No. 21-017 - A request to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students within a new three-story, 51,000 square foot building.

Chair Fort opened the Public Hearing Item.

Paul Gonzales, Senior Planner presented the staff report.

The commission and staff discussed the type of physical activities for the type of school, the traffic flow for the project, and the condition of approval that allowed students the opportunity to leave campus during their lunch break.

The commission inquired if the school was one of a kind, or if it was part of a chain or branding. In addition, the commission asked if students were allowed to leave campus for lunch for the proposed project, and if schools within the Fontana Unified School District allowed students to leave during lunch. The commission further discussed the project and the entrepreneur opportunity for students.

The commission further discussed the findings that include the circulation for the intended use of the project. In addition, the commission discussed bike lanes as an option.

Deputy City Manager Burum commented that the city is in the process of widening Sierra Avenue, which will include six lanes, three each way, and will include bike lanes.

The applicant, Hugo Garcia, read and accepted the Conditions of Approval except for Condition of Approval No. 11 - the condition that discusses the lunch hours, and he introduced Alex Lucero, Executive Director of the Entrepreneur High School.

The applicant discussed the grade level of the students that were allowed to leave the campus for lunch, he further discussed the number of schools he had throughout San Bernardino County and mentioned that this project is the first charter high school. He further discussed boundaries and enrollment.

The commission, the applicant, and staff discussed Condition of Approval No. 11. The applicant explained that this condition would not only apply to the Senior grade level and that the school has set its own conditions for the students to follow as a prerequisite for this privilege.

The commission and the applicant ensued a discussion regarding work study and internships with local businesses for students. In addition, they discussed enrollment for city residents; and they furthered discussed current traffic or parking issues at the current school site. Further discussion took place regarding student seating areas.

The commission and the applicant discussed current student grade levels at the current site and at the future school site.

The following individuals spoke in opposition of this project:

Ceci Piñones

The following individuals spoke in favor of this project:

Hailey Birkenbevel-Owns

Nicole Owns

Orlando Ramos

Ali Monshizadeh

Shade Farquharson

Eniya Farquharson

Phil Cothran, Sr.

The following individual spoke on this item, but did not show position on this item:

Elizabeth Sena

The commission and the applicant discussed student population, enrollment process, and boundaries. The applicant further explained the outreach efforts to promote the school.

The applicant further discussed being a good neighbor with those residential properties adjacent to the project site.

The commission discussed the height of the wall adjacent to the residential properties.

Public Hearing was closed.

The commission and staff discussed the height of the wall for the project site.

The commission directed staff to communicate with Ms. Piñones to further discuss things that can and can't be done to mitigate her concerns.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-041, to:

- 1. Adopt the Mitigated Negative Declaration, Mitigation Monitoring Reporting Program (MMRP) and direct staff to file a Notice of Determination; and,**
- 2. Approve Tentative Parcel Map No. 21-008 (TPM No. 20466);**
- 3. Approve Minor Use Permit No. 21-001; and,**
- 4. Approve Design Review No. 21-017.**

ACTION: Motion was made by Commissioner Gordon, seconded by Vice Chair Sangha, and passed unanimously by a vote of 4-0 to adopt the Resolution presented with the direction that staff will work with the applicant and residents regarding the wall. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Deputy City Manager Burum introduced Patty Nevins as the Director of Planning.

No further communications were received.

COMMISSION COMMENTS:

A. Public Communication Remarks:

Commissioner Gordon commented that he has a preference for gated communities and used the project presented before the Planning Commission as an example of what can and cannot be developed, keeping in mind what is best for the residents of Fontana.

Commissioner Gordon welcomed Mrs. Nevins as the Director of Planning.

Commissioner Gordon stated that he continues to hear about traffic issues in the south area, and that he occasionally experiences traffic by his house, but he is asking that staff reaches out to the traffic engineers or the police department to see if they can provide the commission information that they should be aware of, but currently are not. He commented that he has not experienced horrific traffic issues.

Deputy City Manager Burum commented that statistically out of the 6,000 citations issued by the City of Fontana last year 1% were to truck drivers, the 99% were to other drivers. As for automobile accidents, 4% of accidents in vehicles end in mortality in less than half of 1%, as it relates to truck drivers. He further commented that the traffic engineering was very well thought out, but it does not account for a road truck driver, and that simply means that the truck driver may not know or may not be familiar with the area. Although, staff believes there is adequate signage, staff lacks active enforcement. Mr. Burum further explained that the Chief of Police brought a proposal before City Council to potentially add a Commercial Enforcement Division for that specific area, yet this is an on-going discussion. Furthermore, staff is recommending to City Council to adopt a warehouse ordinance to enforce tighter traffic control through the operator by signing a condition that acknowledges that they are communicating very clearly on how to get to and from the site. Mr. Burum further commented that this does not account for the first time truck driver getting lost, and that some of these issues can only be addressed through active

enforcement or possibly traffic cameras. There are numerous on-going conversations regarding enforcement. At the end of the day it is a general fund discussion with the City Council. Lastly, he stated that those streets would not exist if it weren't for those warehouses.

Commissioner Gordon thanked Mr. Burum for the information provided and stated he wished we would have asked the question earlier for the people in the audience to hear.

Commissioner Gordon read a quote from former United States Secretary of State Colin Powell, who recently passed away, "Use the formula $P=40$ to 70 , in which P stands for the probability of success and the numbers indicate the percentage of information acquired. Once the information is in the 40 to 70 range, go with your gut." Commissioner Gordon stated that this is particularly important for what the commission does on the dais. The commission looks for all the information that they can possibly have, but they cannot predict the future, and so he understands that they cannot predict the future, so with the information at hand, they must ask themselves if the information provided meets the guidelines, is it within the code, it is within the proper zoning, is the project good for Fontana? He feels that there is pressure particularly from certain areas of the public and that there is an expectation that they know everything and that is simply not the case.

Commissioner Gordon invited any member of the public listening or watching the meeting to reach out to him and to take him to see where the issues are that he is not seeing. He stated that coordination would take place with staff, the resident, and the commission to visit the areas with issues. He stated that he wants to see the issues whether they relate to traffic or noise.

Commissioner Thrasher had no comments.

Vice Chair Sangha welcomed Patty Nevins as the Director of Planning. He also thanked the staff for their staff reports and stated that the staff's recommendations helped them tonight to make the right decisions. He also stated that he was excited to see more than one item on the agenda because it is nice to see multiple developments coming into the city. He mentioned that he is excited about the charter school, as he feels the city is in need of one. He also mentioned that in the Southridge area, they soon will be getting a Chaffey Community College. He stated that it is good for the community to be present at the meetings, and that he hopes that the commission addressed some of their concerns and issues. He is excited that some of these developers were able to listen to the residents' suggestions, as this might ignite possibilities of future developments, like the charter school in the south area. He is excited to see that the community is engaged, and he asks that they continue to be engaged so that this engagement can result in future developments. He also thanked everyone watching at home and thanked everyone for the opportunity to serve; and wished everyone a good night.

Deputy City Manager Burum commented that if you were to place a pin in the middle of the city, between the north and the south, it would be at Miller Avenue.

Chair Fort commented that the charter school is not in the north nor the south, it is located in the middle of the city. She further stated that at times when they hear comments, there is a presumption of a great divide, when in reality the Planning Commission is there for the entire city. In addition, she commented that a project like the charter school is open to all residents, and that it is not located in the north or the south, and it has no restrictions as to who can attend, and it is open to all Fontana residents.

Chair Fort stated that the city has RHNA (Regional Housing Needs Allocation) numbers to reach and that with more housing developments the worse the traffic is going to get. She stated that housing impacts traffic, just as much or more than warehouses. In addition, she stated that the housing developments impact traffic, especially high-density residential units. She further discussed past studies that were shared with the commission specifically to areas where warehousing is allowed.

Chair Fort further expressed her belief that one or two traffic cameras in hot spots is worth considering. She understands that the real issue is enforcement, but she also understands that law enforcement cannot physically be everywhere, and that there are things that can be a deterrent. For example, gates are a deterrent to crime and theft. Therefore, she stated that one or two cameras in hot spots can help truck drivers to adhere to the routes that are prescribed. In addition, she stated that she acknowledges that not all comments that are made are factual, she heard guarantees that the commissioners never drive in certain areas, and she stated that she does drive throughout the city and that she drives a lot. She further stated that she understands the challenges with traffic, schools, and drop offs in every area of the city.

Chair Fort stated that she cares about every area in the city, otherwise, she would not be seated on the dais. Additionally, she stated that the Planning Commission is there because they care, and they care about the entire city.

Chair Fort commented that she appreciates all the comments and every speaker that comes forward because their voices are being heard. However, the commission is there to do what is within their jurisdiction, according to the codes, and adjustment are being made so that things are clear for the developers. As an example, the comment regarding the condominium project, the developer is open to the conversation of entertaining a similar project in the south area of the city. In addition, she mentioned that she loved the passion from the representative of LiUNA and making America good, making things in America, making good things in America, it is about the love for the country, it is about the love for the nation, it is about the love for the city and that is why the commission is there. Moreover, she loved that students were present at tonight's meeting, especially for an entrepreneur school because she stated that some of the learning is outside of school. She stated that it is great to see students already being civically engaged, and she believes that the best learning comes from outside the classroom.

Chair Fort thanked everyone who spoke at the meeting, and she thanked everyone for the opportunity to serve, and she stated that this is an opportunity that they do not take for granted. She stated that the commission is about doing what is right for the residents,

and those who make Fontana a safe place to live, work, and play.

Chair Fort wished everyone a good night.

WORKSHOP:

A. None

ADJOURNMENT:

By consensus, the meeting adjourned at 8:55 p.m. to the next Regular Planning Commission Meeting on Tuesday, November 2, 2021, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 2ND DAY OF NOVEMBER 2021.**

Cathline Fort
Chair



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-992
Agenda #: PH-A

Agenda Date: 11/2/2021
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 21-066; Conditional Use Permit No. 11-007R1 - A request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

RECOMMENDATION:

Based on the information contained within this staff report, and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-____; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and,
2. Approve Conditional Use Permit No. 11-007R1.

APPLICANT:

Josue Paiz
17305 Redmaple Street
Fontana, CA 92337

LOCATION:

The project site is located at 17122 Slover Avenue Suite 101K (APN: 0254-221-48).

REQUEST:

Conditional Use Permit Modification (CUP No. 11-007R1) is a request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

PROJECT PLANNER:

Alejandro Rico, Associate Planner

I. BACKGROUND INFORMATION:

A. Land Use Designations:

	General Plan Designation	Zoning Designation	Existing Land Use
Property Site:	General Commercial (C-G)	Empire Center Specific Plan	Commercial Multi-Tenant Building
North:	General Commercial (C-G)	Empire Center Specific Plan	Commercial Businesses (Ross, T.J. Maxx and 24-Hour Fitness)
South:	General Commercial (C-G)	Empire Center Specific Plan	Brandon's Diner and Starbucks
East:	General Commercial (C-G)	Empire Center Specific Plan	Commercial Businesses (Tutti Frutti Frozen Yogurt, Dentist, Barber)
West:	General Commercial (C-G)	Empire Center Specific Plan	Commercial Multi-Tenant Building (Tasty Good Chinese Food, Beauty Salon, The Blazin Crab)

B. Previous Approvals:

On August 16, 2011, the above referenced parcel was approved for a Type 41 ABC license under CUP11-007. The current restaurant operator is permitted to sell beer and wine to be consumed on-site but is not permitted to serve distilled spirits. This parcel was annexed into the City of Fontana on August 1, 1963 as part of Annexation 003.

II. PROJECT DESCRIPTION:

A. Existing Center:

The existing La Katrina Mexican Grill and Cantina restaurant is located on the northeast corner of Sierra Avenue and Slover Avenue as part of an existing shopping center. There are currently various businesses within the shopping center including several restaurants, massage establishments, banks, retail stores and beauty salons. As referenced above, the site was part of the County of San Bernardino's jurisdiction prior to the annexation. Entitlements for the shopping center were approved by the City of Fontana.

La Katrina Mexican Grill and Cantina is located in a suite that is 1,936 square feet. The suite is part of a multi-tenant commercial building with various other businesses occupying the adjacent suites. This commercial building is part of the Palm Court shopping center that has several anchor tenants including Target, Ross and 24-Hour Fitness.

B. ABC License:

Proposed Type of ABC License:

Type 47 (On-Sale Beer, Wine and Distilled Spirits) License, authorizes the sale of beer, wine and distilled spirits for on-site consumption.

Census Tract No.:

The restaurant is located within Census Tract No. 26.08. The census tract boundary is rectangularly

shaped as follows: the northern boundary is the I-10 Freeway; the western boundary is Sierra Avenue; the southern boundary the City of Fontana boundary with the County of Riverside; and the eastern boundary is Locust Avenue. This is an area of approximately eight and three fourth's miles (3.3 square miles). A map outlining the census tract is shown on Attachment No. 4.

Concentration:

According to the California Department of Alcoholic Beverage Control (ABC), four (4) on-sale licenses may be permitted within Census Tract No. 26.08. Currently, there are ten (10) on sale licenses active within the tract. ABC will require that the Planning Commission make findings for public convenience or necessity.

III. ANALYSIS:

CUP No. 11-007R1 (Type 47 ABC):

The applicant, La Katrina Mexican Grill and Cantina, is requesting that the Planning Commission review and approve CUP No. 11-007R1, to allow the sale of beer, wine and distilled spirits to be consumed on-site under a Type 47 ABC license. The restaurant currently has a CUP for a Type 41 license to sell beer and wine to be consumed on-site. The restaurant will be allowed to sell beer, wine and distilled spirits from 9 am to 10 pm seven days a week.

In addition to the City of Fontana's Zoning and Development Code requirements and standards, staff has reviewed the location with particular consideration to the physical relationship and proximity of the proposed use to that of similar uses on the same or surrounding sites. Staff found that there are ten (10) on-sale establishments within the same tract (Census Tract No. 26.08), which is depicted on the table below:

Business Name	Address	License		CUP
EL CHILITOS MEXICAN RESTAURANT	11251 SIERRA AVE, STE C2	On	41	YES
SHAKEYS PIZZA PARLOR FONTANA	16940 SLOVER AVE	On	41	YES
BRANDONS DINE 4	17132 SLOVER AVE	On	47	YES
HILTON GARDEN INN FONTANA	10543 SIERRA AVE	On	68	YES
HILTON GARDEN INN FONTANA	10543 SIERRA AVE	On	47	YES
CORKYS KITCHEN & BAKERY	10926 SIERRA AVE	On	41	YES
CHIPOTLE MEXICAN GRILL STORE 2317	10515 SIERRA AVE, STE D	On	41	YES
BLAZIN CRAB THE	17052 SLOVER AVE, #J-105	On	41	YES
SPICE JAR	17052 SLOVER AVE, STE J110 & J111	On	47	YES
LA KATRINA MEXICAN GRILL	17122 SLOVER AVE, STE K-101	On	41	YES

The Police Department has reviewed the project site for calls for service and had no objections to this ABC upgrade. Staff finds the existing licenses, as well as the proposed license upgrade, to be appropriate in conjunction with their associated uses.

Environmental Review:

This project has been determined not to have a significant effect on the environment and is Categorically Exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22, of the 2019 Local Guidelines for Implementing the California Environmental Quality Act. CEQA exemption 15301 is based on the following: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

MOTION:

Accept staff recommendation.

ATTACHMENTS:

1. Vicinity Map
2. Floor Plan

3. Planning Commission Resolution and Conditions of Approval
4. Census Tract Map No. 26.08
5. Matrix of On-Sale Establishments
6. Notice of Exemption
7. Public Hearing Notice

UNDER SEPARATE COVER:

1. Floor Plan



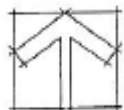
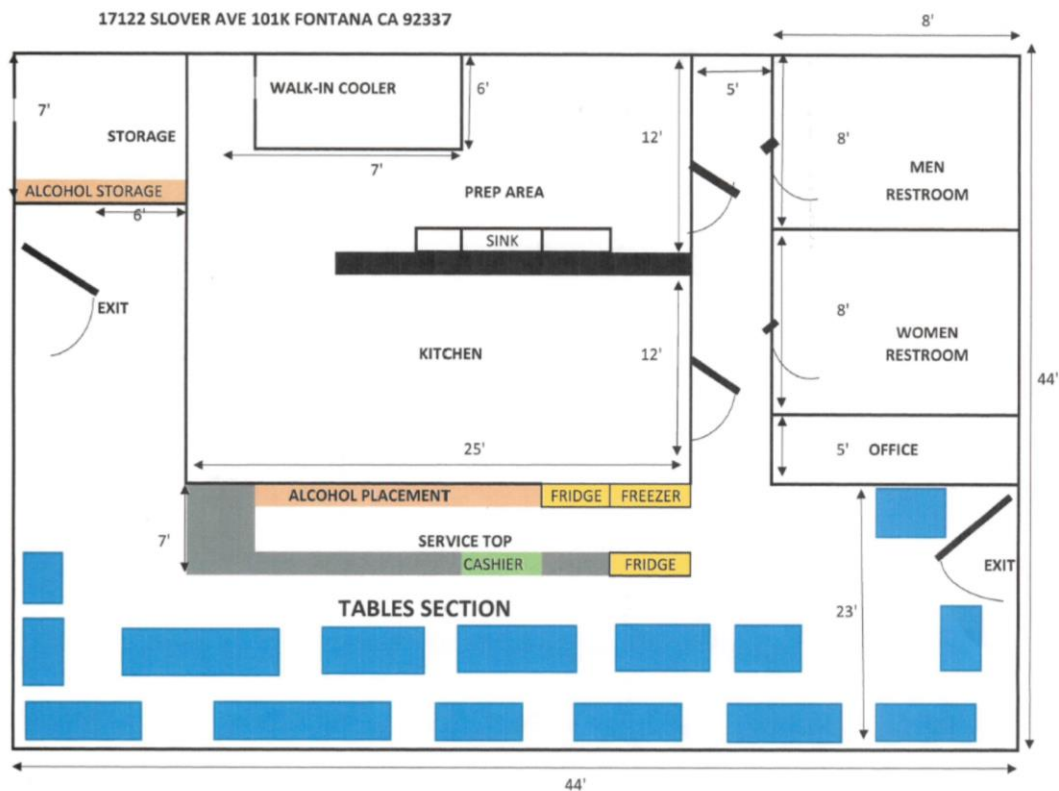
La Katrina
Mexican Grill

VICINITY MAP

DATE: November 2, 2021

CASE: Master Case Number 21-066
Conditional Use Permit No. 11-007R1

CITY OF FONTANA



NORTH

FLOOR PLAN

DATE: November 2, 2021

CASE: Master Case Number 21-066
Conditional Use Permit No. 11-007R1

RESOLUTION PC NO. 2021-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 11-007R1 TO APPROVE A TYPE 47 LICENSE (ON-SALE BEER, WINE AND DISTILLED SPIRITS) FOR AN EXISTING RESTAURANT AT 17122 SLOVE AVENUE SUITE 101K (APN: 0254-221-48).

WHEREAS, the City of Fontana received an application on June 28, 2021, for a Conditional Use Permit Modification (CUP) No. 11-007R1 for a Type 47 License (On-Sale Beer, Wine and Distilled Spirits).

Project Applicant: Josue Paiz (La Katrina Mexican Grill and Cantina)
17305 Redmaple Street
Fontana, CA 92337

Project Location: 17122 Slover Avenue Suite 101K (APN: 0254-221-48)

Site Area: 1,936 square foot suite on a 0.9 acre parcel

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on August 1, 1963 under Annexation 003; and

WHEREAS, the site is located within the Empire Center Specific Plan and has a General Plan Land Use designation of General Commercial (C-G); and

WHEREAS, Conditional Use Permit No. 11-007 was approved on August 16, 2011 for a restaurant Type 41 ABC license (On-Sale Beer and Wine); and

WHEREAS, the proposal is for an upgrade of an existing California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine) to a Type 47 (On-Sale Beer, Wine and Distilled Spirits) for El Katrina Mexican Grill restaurant; and

WHEREAS, pursuant to Section 30, Article II, Division 7 (Conditional Use Permits) of the Fontana Zoning and Development Code, an application for a conditional use permit requires approval by the Planning Commission; 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 for CUP No. 11-007R1 have been prepared and are attached hereto as **Exhibit "A"** and incorporated herein; and

WHEREAS, the project is Categorically Exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act; 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 21, 2021, posted at City Hall and onsite at the project site; and

WHEREAS, on November 2, 2021, a duly noticed public hearing on CUP No. 11-007R1 was held by the Planning Commission (“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 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.

WHEREAS, the Planning Commission carefully considered all information pertaining to the project, including the staff report and attachments, and all of the information, evidence, and testimony presented at its public hearing on November 2, 2021;

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

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. The City of Fontana Planning Commission hereby makes the following findings for CUP No. 11-007R1 in accordance with Section 30-46 “Findings for approval of conditional use permits” of the Fontana Zoning and Development Code; as well as, findings of “Public Convenience or Necessity:

Finding No. 1 That the proposed use is consistent with the General Plan and the applicable land use zone.

Finding of Fact: The request is for a Conditional Use Permit (CUP) Modification for El Katrina Mexican Grill restaurant for an Alcoholic Beverage Control (ABC) license. The Zoning and Development Code allows for restaurants to operate with a California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale Beer, Wine and Distilled Spirits) license subject to approval of a Conditional Use Permit.

The restaurant is located at 17122 Slover Avenue Suite 101K, (APN: 0254-221-48), within an existing tenant space. The General Plan land use designation for the site is General Commercial (C-G). Specific development types allowed in C-G include: retailing,

wholesaling, service activities, offices and businesses providing professional services, as well as restaurants.

The site is located within the Empire Center Specific Plan and is within Planning Area 5 (Promotional Center). Planning Area 5 is intended to accommodate a variety of retail and office uses in addition to service establishments such as restaurants. Therefore, the proposed use of a restaurant is consistent with the General Plan and Zoning regulations.

The Fontana Zoning and Development Code allows for a restaurant to operate in conjunction with a California Department of Alcohol Beverage Control license subject to approval of a Conditional Use Permit by the Planning Commission. Therefore, the project is consistent with the General Plan, the City of Fontana's Zoning and Development Code.

Finding No. 2: **That the site for the intended use is adequate in size, shape, topography, accessibility and other physical characteristics to accommodate the use, and all the required provisions of this chapter including yards, setbacks, walls or fences, landscaping and other applicable regulations.**

Finding of Fact: The restaurant occupies a tenant space comprised of approximately 1,936 square feet. The physical characteristics of the site were reviewed, and it was determined that the site meets the requirements for yards, setbacks, walls, landscaping, requirements, and applicable Zoning and Development Code regulations. Furthermore, the proposed use is for the restaurant to operate in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale Beer, Wine and Distilled Spirits) license which will not result in any physical change to the site or building itself.

Finding No. 3: **That adequate streets and highways exist to carry the type and quantity of traffic anticipated by the proposed land use, and adequate access to utilities and other services exist.**

Finding of Fact: Adequate streets and highways exist to carry the existing and anticipated traffic. On-site circulation is adequate. Traffic to and from the project site has two (2) access points from Slover Avenue. Slover Avenue is identified as a Primary Highway in the City's General Plan Circulation Element, which has been determined to be adequate to handle the traffic generated by the commercial center. In addition, access to utilities and services has been obtained.

Finding No. 4: **That the proposed use at the specific location will be compatible with surrounding properties and that there will be no adverse effect to surrounding properties or their permitted uses.**

Finding of Fact: The proposed request for a restaurant to operate in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale Beer, Wine and Distilled Spirits) license is consistent with the underlying General Plan land use designation, Empire Center Specific Plan and is compatible with surrounding properties. There will be no adverse effect to the neighboring sites or their permitted uses. The building has been constructed and the possible adverse effects from the restaurant have been mitigated by the Conditions of Approval for this project herein. The proposed project has been reviewed by Planning Department, Engineering Department, the Building and Safety Division, and County Fire Prevention for site circulation, access, and safety.

Finding No. 5: **That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the area as intended by the General Plan.**

Finding of Fact: The proposed use is consistent with the underlying General Plan land use designation and the Empire Center Specific Plan. In addition, the proposed use is compatible with surrounding retail and restaurant properties. The site is organized, designed, and constructed to accommodate the intent of the General Plan land use elements. The operation and maintenance of this use will be regulated by specific requirements set forth in the Conditional Use Permit.

Finding No. 6: **That any adverse effects upon the surrounding properties are justified by the benefits conferred upon neighborhoods or the community as a whole, and those potential adverse effects to the health, safety and general welfare shall be minimized.**

Finding of Fact: No adverse effects should be generated from this conditionally permitted use. The proposal of the restaurant to operate in conjunction with an ABC license will not have any repercussions on the health, safety, and general welfare of the surrounding community. Any possible adverse effects shall be mitigated by the Conditions of Approval set forth in the Conditional Use Permit and as referenced herein.

Finding No. 7: **That the proposed use will meet the finding of “Public Convenience or Necessity”**

Finding of Fact: A large number of the general population chooses to enjoy the convenience of neighborhood restaurants including purchasing alcoholic beverages therein. The approval of this application to operate in conjunction with a new Alcoholic Beverage Control (ABC) Type 47 license (On-Sale Beer, Wine and Distilled Spirits), within an existing commercial facility, will allow patrons of the shopping center

and the local community the opportunity to purchase the additional beverages permitted under a Type 47 license at La Katrina Mexican Grill and Cantina. Consumers who frequent the restaurant would find it convenient to purchase distilled spirits in addition to the existing permitted beer and wine beverages.

The General Plan encourages commercial access for the local population. Given the proximity of residents in nearby residential neighborhoods, the restaurant will provide food and alcoholic refreshments to a large local consumer base.

The restaurant is located in Census Tract No. 26.08. Currently, there are ten (10) on-sale licenses operating within this Census Tract. Three (3) of the ten (10) establishments are approved to operate with an ABC Type 47 license (Off-Sale Beer, Wine and Distilled Spirits).

Moreover, Census Tract No. 26.08 is an area of approximately 3.3 square miles, stretching from the 10 freeway to the north to Riverside County to the south, and Sierra Avenue to the west and Locust Avenue to the east. Most restaurants are located along major transportation corridors. The restaurant has an existing ABC license, and the approval of a Type 47 upgrade will not increase the density of on-site ABC licenses.

Base on the above considerations, this project could be found to be a Public Convenience.

Section 2. The Planning Commission hereby determines that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act (CEQA). CEQA exemption 15301 is based on the following: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

Section 3. Based on the foregoing, the City of Fontana Planning Commission hereby approves Conditional Use Permit No. 11-007R1 subject to the Conditions of Approval, which are attached hereto as “**Exhibits A**” to this Resolution and incorporated herein by this reference; and,

Section 4. 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 Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

Section 5. 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 **2nd day of November 2021.**

City of Fontana

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 2nd day of November 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT “A”



CITY OF FONTANA

CONDITIONS OF APPROVAL

PROJECT: Conditional Use Permit No. 11-007R1
(El Katrina Mexican Grill Restaurant Type 47 ABC License)

DATE: November 2, 2021

LOCATION: The project site is a rectangularly-shaped property consisting of one parcel (APN: 0254-221-48) located on the northeast corner of Sierra Avenue and Slover Avenue. The site is further identified as 17122 Slover Avenue Suite 101K.

PLANNING:

1. The approval for a Conditional Use Permit Modification (CUP) for an existing restaurant to operate with a California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale General for a Bona Fide Public Eating Place) license is outlined in the staff report as approved by the Planning Commission on November 2, 2021.
2. The previously approved CUP No. 11-007 shall be null and void. Conditions of Approval for CUP No. 11-007R1 shall supersede all previous conditions.
3. This conditional use permit is conditional upon the permittee proceeding with good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval, or such other period specified as a condition of approval.
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. 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 all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
6. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
7. At any time, the Planning Director may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.

8. The approved set of Conditions of Approval shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.
9. In addition to sign identifying the business, no sign shall be placed in or upon the window of any structure utilized for commercial purposes in the upper or lower one third of the total transparent area of any window. Window signage shall be limited to 25 percent of the total window and clear door area. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the adjacent sidewalk or entrance to the premises.
10. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by ABC. The restaurant shall maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.
11. At all times when premises are open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
12. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the restaurant's total sales, which includes all food and all alcoholic and non-alcoholic beverages.
13. The business owner/licensee or management of the establishment shall, upon request, provide the City of Fontana with an audited report of sales ratio of food to alcoholic and non-alcoholic beverages.
14. Except within City-approved outdoor eating places, which are adequately separated from direct public access, no alcoholic beverages shall be consumed outside of an enclosed building.
15. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee or management chooses to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older. Bartenders and cocktail waitresses shall be 21 years old.
16. The hours of operation shall not exceed 9 a.m. to 10 p.m., seven days a week.
17. Beverage coolers containing alcoholic beverages shall be located behind the cashier's counter or in areas only accessible to employees.
18. Music is limited to overhead/background music, or as directed in a separate Conditional Use Permit for entertainment. Any music allowed shall not be audible from outside the premise so as to disturb the peace, pursuant Fontana Municipal Code 16-19, 18-62 and 18-63. Such a system may be a radio, juke box (coin or token operated customer-paid mechanism) or similar non-hosted device or unit,

but not including any system requiring an attendant or host such as a disk jockey or similar person.

19. There shall be no live entertainment, disc jockey, karaoke, dancing, dance floor, or dance area provided on the premises unless a separate conditional use permit for live entertainment is applied for and approved by the Planning Commission.
20. At all times, the premises shall remain open to persons of all ages, as allowed by the Type 47 Department of Alcoholic Beverage license.
21. At no time, shall the premises operate as a nightclub, dance hall or event forum.
22. At no time, shall an entrance fee be charged to patrons to enter the establishment, or to enter any area within the establishment, or to view any televised event.
23. There shall be no obstructions within the storefront windows and doors which would hinder visual surveillance. Obstructions would include signage, window tint, window coverings, advertisements, etc.
24. No electronic arcade, amusement games, pool tables, dart boards, or other similar devices are permitted on the licensed premises.
25. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall comply with Fontana City Code section 22-62, and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
26. On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks, and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
27. A digital video surveillance system is required at the premise. It is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
28. Graffiti abatement by the business owner/licensee, or management shall be

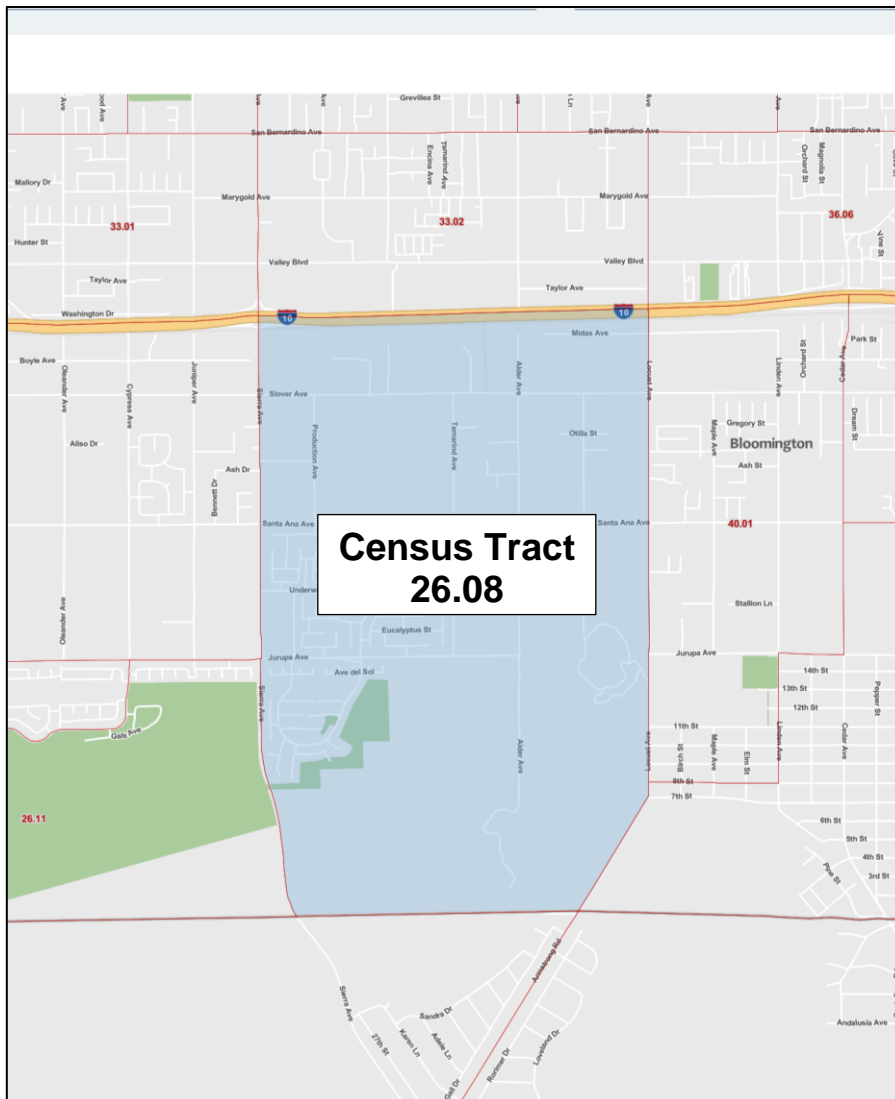
immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours (at 909-350-GONE) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's Graffiti Team.

29. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.
30. A prominent, permanent sign or signs stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the exterior of the building, near both entrances, and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
31. A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the exterior of the building, near both entrances, and shall be clearly visible to patrons of the licensee. The size, format, placement and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
32. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and conditions of this Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of the Conditional Use Permit.
33. The applicant shall comply with the City False Alarm Ordinance.
34. The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
35. The licensee shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or a responsible

beverage service training (RBS) from a provider listed on Department of Alcoholic Beverage Control's website, within six (6) months, and any employee engaged in the sale of alcohol shall attend the LEAD or RBS training within 90 days of employment.

36. The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
37. The business owner/licensee or management shall attend a Licensee Education on Alcohol and Drugs (LEADS) training or a responsible beverage service (RBS) training sponsored by ABC within six (6) months, and any employee engaged in the sale/service of alcohol shall attend the LEAD or RBS training within 90 days of employment.

END OF CONDITIONS



**CENSUS TRACT
26.08**

DATE: November 2, 2021

CASE: Master Case Number 21-066
Conditional Use Permit No. 11-007R1

ABC Licensed Establishments

Business Name	Address	License		CUP
EL CHILITOS MEXICAN RESTAURANT	11251 SIERRA AVE, STE C2	On	41	YES
SHAKEYS PIZZA PARLOR FONTANA	16940 SLOVER AVE	On	41	YES
BRANDONS DINE 4	17132 SLOVER AVE	On	47	YES
HILTON GARDEN INN FONTANA	10543 SIERRA AVE	On	68	YES
HILTON GARDEN INN FONTANA	10543 SIERRA AVE	On	47	YES
CORKYS KITCHEN & BAKERY	10926 SIERRA AVE	On	41	YES
CHIPOTLE MEXICAN GRILL STORE 2317	10515 SIERRA AVE, STE D	On	41	YES
BLAZIN CRAB THE	17052 SLOVER AVE, #J-105	On	41	YES
SPICE JAR	17052 SLOVER AVE, STE J110 & J111	On	47	YES
XOLOS TACOS	17122 SLOVER AVE, STE K-101	On	41	YES

Totals: **Current** **Allowed**
On-Sale: 10 Active 4

**CENSUS TRACT
26.08**

DATE: November 2, 2021

CASE: Master Case Number 21-066
Conditional Use Permit No. 11-007R1

NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

FROM: City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, CA 92335

Project Title: Master Case Number 21-066
Conditional Use Permit No. 11-007R1

Project Location - Specific: 17122 Slover Avenue Suite 101K (APN: 0254-221-48)
(a) Project Location - City: Fontana, CA 92337
(b) Project Location - County: San Bernardino

1. Description of nature, purpose, and beneficiaries of Project: (CUP) No. 11-007R1 is a request for a Type 47 ABC license for a restaurant to sell beer, wine and distilled spirits to be consumed on-site.
2. Name of Public Agency approving project: City of Fontana
3. Name of Person or Agency carrying out project: Josue Paiz, La Katrina Mexican Grill and Cantina, 17122 Slover Avenue Suite 101K, Fontana, CA 92337
4. Exempt status: (Check one)
 - (a) _____ Ministerial project.
 - (b) _____ Not a project.
 - (c) _____ Emergency Project.
 - (d) ☒ X Categorical Exemption. State type and class number: Exempt under Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the local CEQA guidelines.
 - (e) _____ Declared Emergency.
 - (f) _____ Statutory Exemption. State Code section number: _____
 - (g) _____ Other. Explanation: _____
5. Reason why project was exempt: This project is for the approval of a CUP Modification to allow the sale of beer, wine and distilled spirits to be sold at an existing restaurant and to be consumed on-site.
6. Contact Person: Alejandro Rico, Associate Planner Telephone: (909) 350-6558

Date Received for Filing: _____

Paul Gonzales
Senior Planner

(Clerk Stamp Here)

ATTACHMENT NO. 6



FONTANA
CALIFORNIA

NOTICE OF PUBLIC HEARING

SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

Master Case (MCN) No. 21-066/Conditional Use Permit Modification (CUP) No. 11-007R1: A request from La Katrina Mexican Grill to upgrade an existing Type 41 ABC license (on-site beer and wine sales) to a Type 47 for beer, wine and distilled spirits to be consumed on-site at a "bona fide eating place".

**Environmental
Determination:**

This project has been determined not to have a significant effect on the environment and is Exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing CEQA.

**Location of
Property:**

17122 Slover Avenue Suite 101K (APN:
0254-221-48)

Date of Hearing:

November 2, 2021

Place of Hearing:

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing:

6:00 P.M.



Should you have any questions concerning this project, please contact Alejandro Rico, Associate Planner, at (909) 350-6558. E-mail: arico@fontana.org.

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-985
Agenda #: PH-B

Agenda Date: 11/2/2021
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 20-100; Tentative Parcel Map No. 20319 (TPM No. 20-025); Design Review No. 20-040 - A request to review and approve a Tentative Parcel Map which is a proposal to consolidate three (3) parcels totaling 5.12 adjusted gross acres into one (1) parcel for the development of a warehouse facility.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-____; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination;
2. Approve Tentative Parcel Map No. 20319 (TPM No. 20-025); and,
3. Approve Design Review No. 20-040.

APPLICANT:

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

LOCATION:

The project site is located at 10407 Elm Avenue, 15575 Boyle Avenue, and 15613 Boyle Avenue (APNs: 0237-043-04, -06, and -16).

REQUEST:

Tentative Parcel Map No. 20319 (TPM No. 20-025) is a proposal to consolidate three (3) parcels (APNs: 0237-043-04, -06, and -16) totaling 5.12 adjusted gross acres into one (1) parcel for the development of a warehouse facility.

Design Review No. 20-040 is a proposal to construct an approximately 85,119 square foot warehouse facility on approximately 5.12 adjusted gross acres.

PROJECT PLANNER:

Rina Leung, Senior Planner

I. BACKGROUND INFORMATION:

A. Land Use Designations:

	<u>General Plan</u>	<u>Zoning /Overlay</u>	<u>Existing Land Use</u>
Site:	Light Industrial (I-L)	SWIP** – Freeway Industrial/Commercial District (FID)	Vacant Single Family Home
North:	Light Industrial (I-L)	SWIP** – Freeway Industrial/Commercial District (FID)	Industrial Businesses
South:	Light Industrial (I-L)	SWIP** – Freeway Industrial/Commercial District (FID)	Legal Nonconforming Residences, and Industrial Businesses
East:	Light Industrial (I-L)	SWIP** – Freeway Industrial/Commercial District (FID)	Legal Nonconforming Residences and Industrial/Trucking Businesses
West:	Light Industrial (I-L)	SWIP** – Freeway Industrial/Commercial District (FID)	Industrial Businesses

II. PROJECT DESCRIPTION:

A. Site Area: Approximately 5.12 adjusted gross acres

B. FAR Ratio:

Maximum allowed:	55 percent (maximum coverage)
Provided:	37.4 percent

C. Building/Unit Analysis:

Office Area	Approximately	5,000	square feet
<u>Warehouse Area:</u>	<u>Approximately</u>	<u>80,119</u>	<u>square feet</u>
Total Area:	Approximately	85,119	square feet

D. Parking Analysis:

Vehicle Spaces	Required:	71 spaces
	Provided:	71 spaces
Truck/Trailer Spaces	Required:	4 spaces
	Provided:	82 spaces

E. Landscaping:

Minimum Required:	15 percent
Proposed:	18.4 percent

III. ANALYSIS:

The applicant, First Industrial, is requesting that the Planning Commission review and approve a new warehouse facility totaling approximately 85,119 square feet with approximately 5,000 square feet of office area. In addition, to the construction of the building and associated site improvements, the project will include off-site improvements for sidewalks along with curb and gutter along Boyle Avenue.

Tentative Parcel Map No. 20319 (TPM No. 20-025):

The project site consists of three (3) parcels totaling approximately 5.12 adjusted gross acres. The applicant has submitted Tentative Parcel Map No. 20319 and is proposing to combine the three (3) lots into one (1) lot for the purpose of consolidating the parcels and to construct and operate the new warehouse facility. The proposed tentative parcel map meets all the minimum lot dimensions (minimum 300 feet in lot width and 300 feet in lot depth) and size requirements (minimum of two (2) acres). The project site is currently developed with a vacant single family residential home.

Design Review No. 20-040:

As previously mentioned, the proposed building is comprised of approximately 85,119 square feet and has been designed for one (1) potential tenant with office space totaling approximately 5,000 square feet. The warehouse includes 12 warehouse dock doors, 82 trailer parking spaces, and 71 auto parking spaces. The office area is proposed to be located on the northwest corner of the building. The use of glazing, towers, reveals, canopies, 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.

There are two (2) driveways along Boyle Avenue. Automobile parking is provided along the north portion of the site. The unloading/loading area for the trucks is proposed on the southeast portion of the project site near the loading dock area. Unloading/loading areas will be screened from view from Boyle Avenue with the use of screen walls up to 14-feet in height along the dock area on the interior of the site.

The project site is physically suitable in size and shape to support the development of the proposed warehouse/distribution facility. Applicable building codes, zoning codes, SWIP Specific Plan requirements, and fire codes and standards, will make for a safe, attractive, and well-designed project. The General Plan designates this area as Light Industrial (I-L) and the surrounding area is currently developed with a combination of industrial, trucking, and legal nonconforming residential uses. The project design incorporates safety measures; such as, sidewalks, curb and gutter, and lighting to facilitate pedestrians walking in the area. Furthermore, the building is placed along the southern portion of the project site in a manner where the building façade/wall are next to the residential use to provide a buffer the site from the loading/unloading activities. The proposal provides a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

Environmental:

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines 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 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 not require major revisions to the aforementioned EIR, does not lead to new significant environmental effects, or does not lead to substantial increase in the severity of previously identified significant effects. The proposed project does not trigger any of the conditions that warrant preparation of a Subsequent EIR. Therefore, Addendum to the EIR has been prepared for this proposed project and no further/additional CEQA review is required.

MOTION:

Approve staff recommendation.

ATTACHMENTS:

1. Vicinity Map
2. Tentative Parcel Map No. 20319
3. Site Plan
4. Elevations
5. Planning Commission Resolution, Findings and Conditions of Approval
6. Notice of Determination
7. Notice of Public Hearing

UNDER SEPARATE COVER:

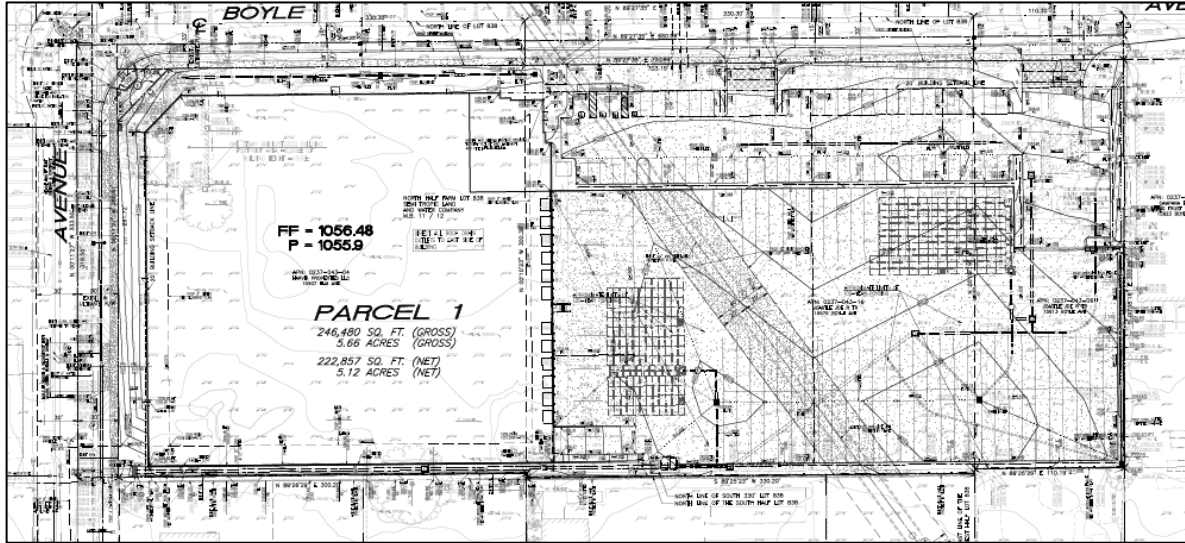
1. Large Plans and Elevations
2. Reduced Color Copies of Site Plan and Elevations
3. Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) and MMRP



VICINITY MAP

DATE: November 2, 2021

CASE: Master Case No. 20-100
Tentative Parcel Map No. 20319 (TPM
No. 20-025)
Design Review No. 20-040



NORTH

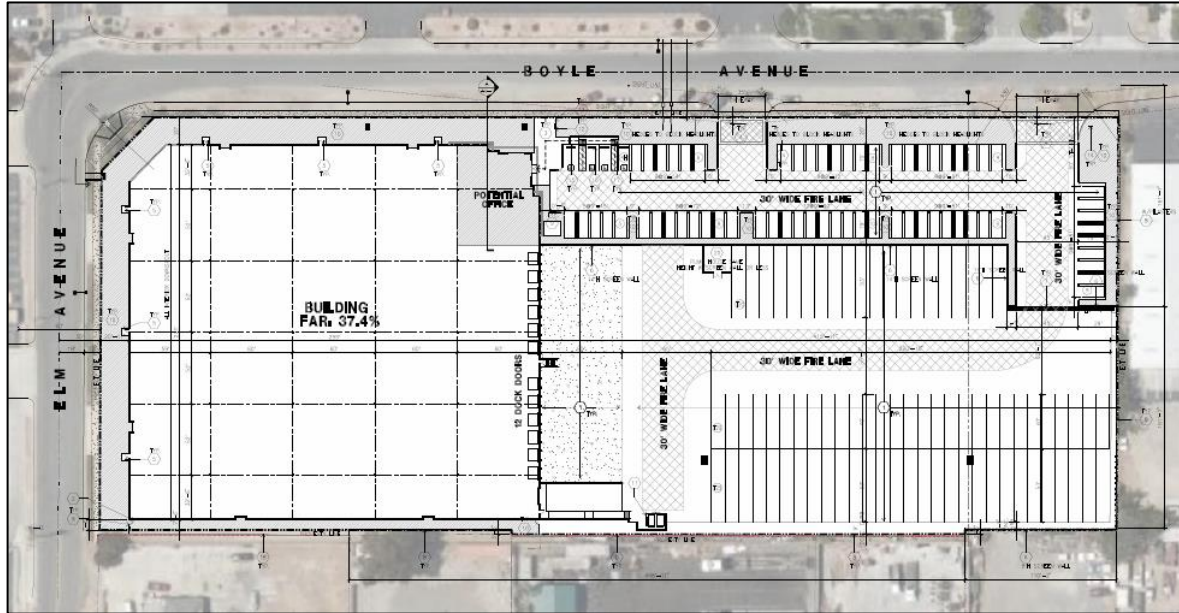


CITY OF FONTANA PLANNING DEPARTMENT

TENTATIVE PARCEL MAP NO. 20319

DATE: November 2, 2021

CASE: Master Case No. 20-100
Tentative Parcel Map No. 20319 (TPM
No. 20-025)
Design Review No. 20-040



SITE PLAN

DATE: November 2, 2021

CASE: Master Case No. 20-100
Tentative Parcel Map No. 20319 (TPM
No. 20-025)
Design Review No. 20-040



ELEVATIONS

DATE: November 2, 2021

CASE: Master Case No. 20-100
Tentative Parcel Map No. 20319 (TPM
No. 20-025)
Design Review No. 20-040

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 2nd day of November 2021.

City of Fontana

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 2nd day of November 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

NOTICE OF DETERMINATION

TO: X County Clerk, County of
San Bernardino

____ Office of Planning and Research

FROM: City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, CA 92335

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Project Title: Master Case (MCN) No. 20-100: Tentative Parcel Map No. 20319 (TPM No. 20-025)/Design Review (DRP) No. 20-040.

State Clearinghouse Number: 2009091089

Name of Person or Agency carrying out project: 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)

Project Description: Review of the consolidation of three (3) parcels into one parcel long with a site and architectural review of a warehouse facility totaling approximately 85,119 square feet on approximately 5.12 adjusted gross acres.

This is to certify that the City of Fontana approved the above described project along the aforementioned Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) with a on November 2, 2021, and made the following determinations:

1. The project ____ will X will not have a significant effect on the environment.
2. An Environmental Impact Report (EIR) was previously prepared and approved and fully analyzed the effects of the project. The EIR thoroughly analyzed and discussed all potential environmental impacts. None of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent EIR or MND have occurred. Additionally, this action does not include any additional impacts beyond those impacts already disclosed in the previous EIR and no further environmental review is required.
3. Mitigation measures X were ____ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations __ was X was not adopted for this project.
5. Findings __ were X were not made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Addenda are specified as follows:

Custodian: City of Fontana, Planning Department

Location: 8353 Sierra Avenue, Fontana, CA 92335

DiTanyon Johnson
Principal Planner

Date Received for Filing



FONTANA
CALIFORNIA

NOTICE OF PUBLIC HEARING

SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

Master Case (MCN) No. 20-100: Tentative Parcel Map No. 20319 (TPM No. 20-025)/Design Review (DRP) No. 20-040: Review of the consolidation of three (3) parcels into one parcel along with the site and architectural review of a warehouse facility totaling approximately 85,119 square feet on approximately 5.12 adjusted gross acres.

**Environmental
Determination:**

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines 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 was adopted by the City Council on June 12, 2012 and it anticipated the development of a warehouse building and also adequately identified any potential impacts associated with this project. This Addendum determined that there are no new additional impacts beyond what was anticipated in the EIR mentioned above.

**Location of
Property:**

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

Date of Hearing:

November 2, 2021

Place of Hearing:

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing:

6:00 P.M.



Should you have any questions concerning this project, please contact Rina Leung, at (909) 350-6566. E-mail: rleung@fontana.org

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DEPARTMENT, CITY HALL. ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1003
Agenda #: DC-A

Agenda Date: 11/2/2021
Category: Director Comments

Cancellation of Planning Commission Meeting of November 16, 2021.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-997
Agenda #: DC-B

Agenda Date: 11/2/2021
Category: Director Comments

Director's Communications: Upcoming City Council and Planning Commission memos.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming City Council Items

DATE: November 2, 2021

The items listed below are for agenda forecast purposes. The listed items are subject to change.

<u>CITY COUNCIL NOVEMBER 9, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.

<u>CITY COUNCIL NOVEMBER 23, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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This Meeting has been Cancelled due to the Thanksgiving Holiday.

<u>CITY COUNCIL DECEMBER 14, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.

<u>CITY COUNCIL DECEMBER 28, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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This Meeting has been Cancelled due to the Winter Holiday closure.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Future Planning Commission Agenda Items

DATE: November 2, 2021

The items listed below are for agenda forecast purposes. The listed items are subject to change.

<u>PLANNING COMMISSION NOVEMBER 16, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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Meeting cancelled due to lack of items.

<u>PLANNING COMMISSION DECEMBER 7, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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|--|------------------------------|----------------|
| 1. MCN#20-081; DRP#20-030
Foothill Apts. Mixed Used – 24 Units
13381 Foothill Blvd. | Cecily Session-Goins | Public Hearing |
| 2. MCN#21-059; CUP#21-010; DRP#21-022
Valley Truck and Trailer Sales
15762 Valley Blvd. | Rina Leung | Public Hearing |
| 3. MCN#21-032; TPM#21-006; DRP#21-018
Citrus Crossroads Shopping Center
NEC of Citrus Ave. and South Highland Ave. | Paul Gonzales/George Velarde | Public Hearing |
| 4. MCN#20-082; SPA#21-003
SWIP Specific Plan Amendment Clean Up
SWIP Planning Area | Rina Leung | Public Hearing |



Agenda for Upcoming Planning Commission Items
Page 2 of 2

<u>PLANNING COMMISSION DECEMBER 21, 2021</u>	<u>PLANNER</u>	<u>PLACEMENT</u>
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No items listed for this meeting, as of the date of this memo.