



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: December 21, 2023

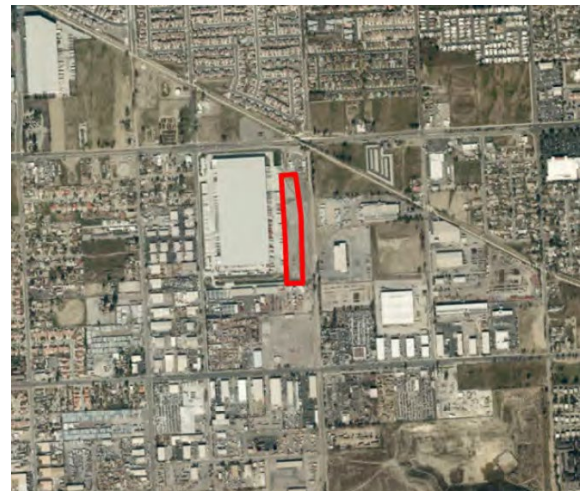
AGENDA ITEM #2

Project Description

Vicinity Map - 

APN: 0232-051-01
Applicant: Yesenia De La Rosa, Fennemore Law
Community: Fontana/2nd Supervisorial District

Location: Southwest corner of Foothill Blvd. and Lime Avenue
Project No: PROJ-2022-00198/CUP
Staff: Steven Valdez
Rep: Donovan Collier
Proposal: A Conditional Use Permit to construct and operate a high-efficiency transloading facility for the receipt, storage, and distribution of biodiesel and renewable diesel, to include six one-million gallon above-ground storage tanks, office building, a containment area and a manifold system across two parcels totaling 11.70 acres.



8 Hearing Notices Sent on: December 8, 2023

Report Prepared By: Steven Valdez, Planning Manager

SITE INFORMATION:

Parcel Size: 11.70 acres
Terrain: Disturbed railyard site
Vegetation: None

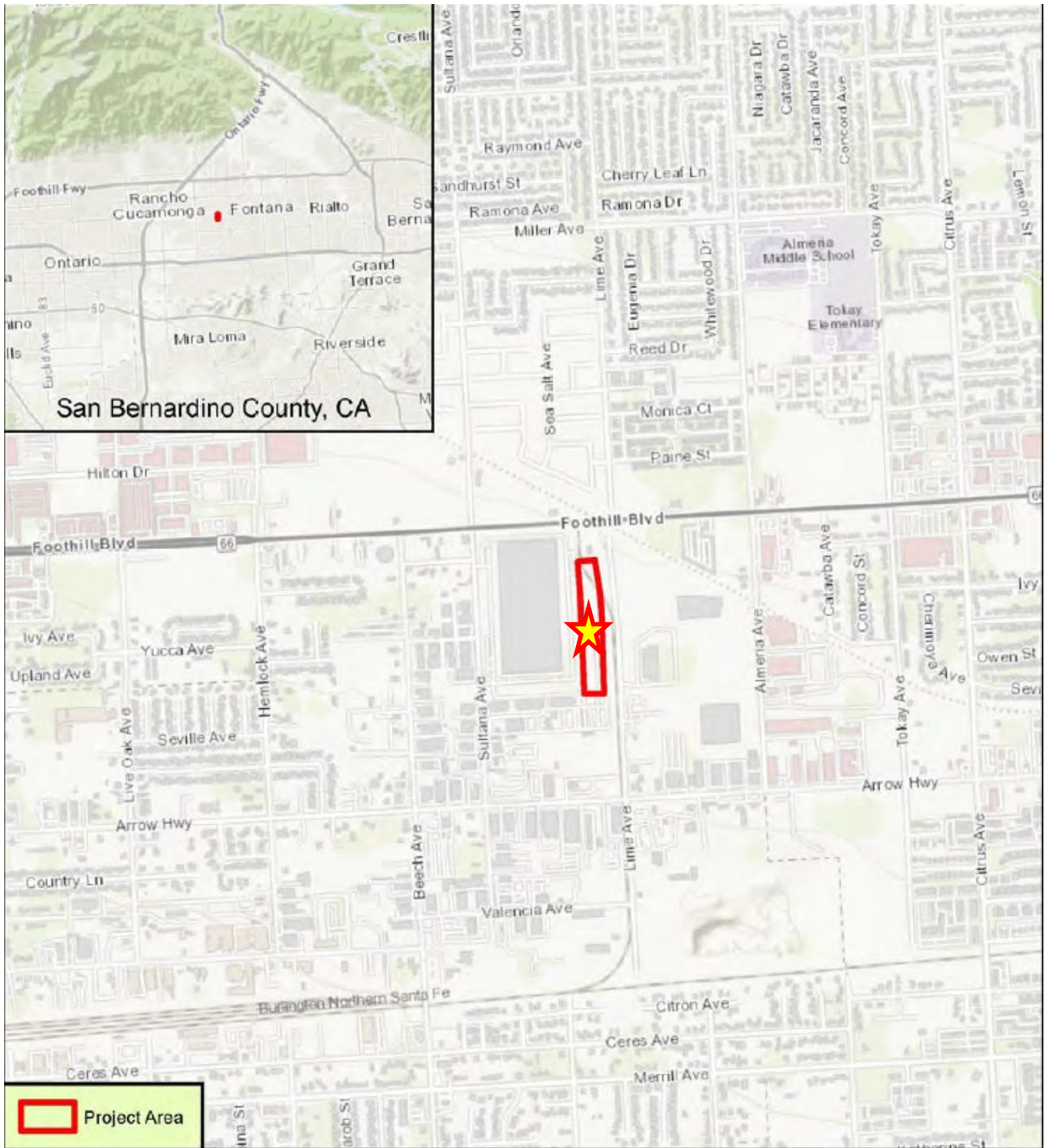
TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	LAND USE CATEGORY
SITE	BNSF Railyard	Service Commercial (CS) and Regional Industrial (IR)	Commercial (C) and General Industrial (GI)
North	Flood Control	City of Fontana	City of Fontana
South	Warehouse Facility	Regional Industrial (IR)	General Industrial (GI)
East	Warehouse Facility	Regional Industrial (IR)	General Industrial (GI)
West	Warehouse Facility	Service Commercial (CS) and Regional Industrial (IR)	Commercial (C) and General Industrial (GI)

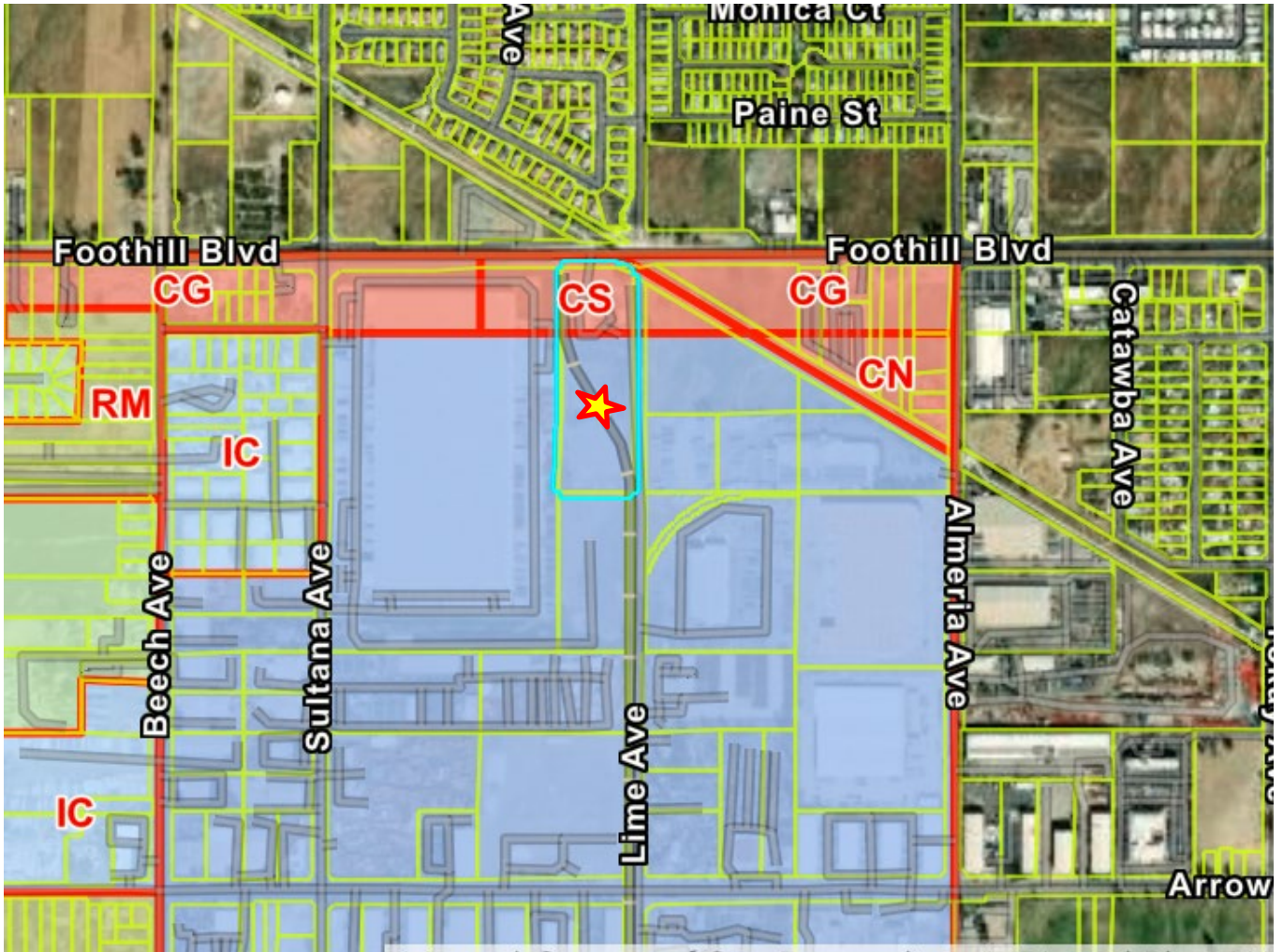
City Sphere of Influence:	<u>Agency</u> City of Fontana	<u>Comment</u> No Comments
Water Service:	Well	West Valley Water District
Sewer Service:	EHS	On-site septic

STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Negative Declaration, **ADOPT** the recommended findings for the Conditional Use Permit, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file the Notice of Determination.¹

VICINITY MAP:
Aerial view of the Project Site



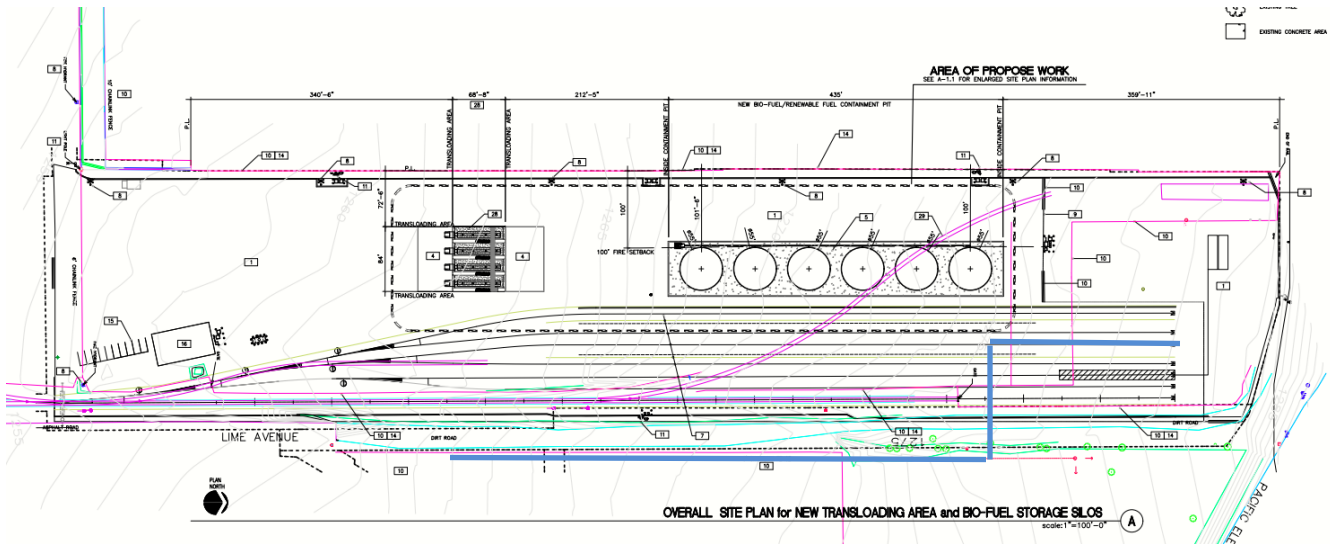
LAND USE DISTRICT MAP:



AERIAL MAP:

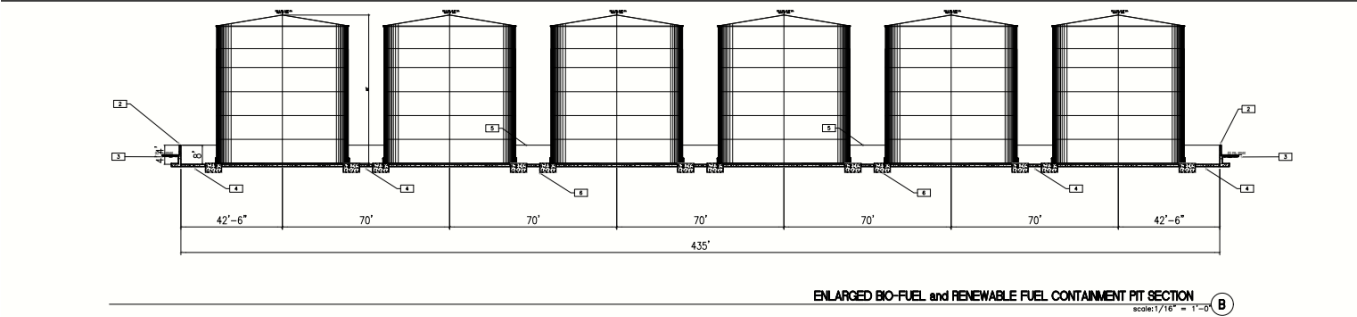


SITE PLAN:

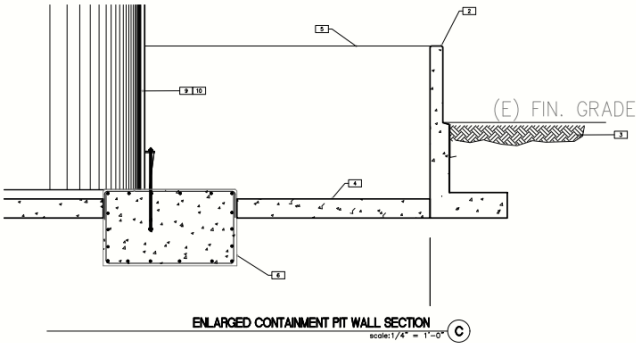


Tank Elevations:

↑



- containment pit keynotes:
- | | | | |
|---|-------------------------------------------------------------------------------------------|----|-----------------------------|
| 1 | EXISTING ASPHALT PAVEMENT TO REMAIN. | 8 | NEW BIO-FUEL STORAGE TANK. |
| 2 | NEW CONCRETE CONTAINMENT WALL--SEE CIVIL AND STRUCTURAL PLANS FOR ADDITIONAL INFORMATION. | 9 | NEW RENEWABLE STORAGE TANK. |
| 3 | EXISTING GRADE TO REMAIN--SEE WILSON CIVIL PLANS FOR ADDITIONAL INFORMATION. | 10 | |
| 4 | NEW REINFORCED CONCRETE SLAB AT CONTAINMENT PIT | 11 | |
| 5 | NEW RETAINING WALL BEYOND | 12 | |
| 6 | NEW CONCRETE SLID RING FOUNDATION--SEE STRUCTURAL PLANS FOR ADDITIONAL INFORMATION. | 13 | |
| 7 | | 14 | |
| 8 | | 15 | |



SITE PHOTOS



Photograph 1: Gravel yard



Photograph 2: Gravel yard with existing track

PROJECT DESCRIPTION:

Fennemore Law (Applicant) requests approval of a Conditional Use Permit (CUP) to develop a high efficiency transload facility planned at the existing BNSF Railway (BNSF) Yard. The planned facility will be used for the receipt, storage and distribution of biodiesel and renewable diesel. The facility will be fully contained adjacent to six inbound railroad tracks and include an office building, a truck loading rack and six one-million-gallon aboveground tanks (Project). The project location is in an area zoned Regional Industrial. The area is primarily warehouse distribution centers for Taylored Services (warehouse distribution), Delta Children (children's furniture), lumber distribution and Verco Decking (decking). North of the Project location is Ferrellgas, which operates a fuel transloading facility. There are no residences, schools or hospitals within close proximity to the Project location. The Applicant has presented a detailed project description in a letter of intent that is attached to this report as Exhibit A.

The Project location is a vacant railway yard located to the west of existing BNSF railroad tracks. The location is a graveled yard without structures or vegetation. The location is relatively flat and does not have extensive development beyond the gravel surfacing.

PROJECT ANALYSIS:

Site Planning: The site lessee will install six 1-million gallon above-ground renewable diesel storage tanks, a six-lane containment area, and a manifold system within the tracks. Site improvements will include: (1) paving the entire site except for the area occupied by the new tracks, (2) installation of perimeter fencing around the entirety of the Project site, and (3) installation of lighting. Operationally, renewable diesel products will arrive at the site by railcar and will be offloaded to the above-ground storage tanks. Subsequently, the renewable diesel would be transferred to tanker trucks that would then deliver the product to offsite destinations. The Project site plan provides adequate area to accommodate all parking, loading areas, and access and circulation requirements needed to comply with County requirements (See Table 2 below).

The Project also includes alteration of the northern portion of the site occupied by Ferrellgas. Improvements include relocation of the two propane tanks to an area on the northern portion of the site. Relocation of the propane tanks will accommodate the construction of the new railroad tracks and will continue to allow for the offloading of propane directly from the railcars into the tanks. Upon conclusion of the project improvements, Ferrell gas trucks will access its site via the improved access point off of Sultana Avenue. The Project does not propose any changes to the existing Ferrellgas operation.

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the Regional Industrial (IR) Land Use District, as shown below:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Regional Industrial (IR)		Project Plans
Transloading Facility	CUP		CUP
Parking	6		10
Building Setbacks	Front Side Rear	25' 10' 0'	+340' 101' 359'
Building Height	65 feet maximum		62 feet
Floor Area Ratio	.8:1		.51:1
Drive Aisles	40'		84'

Landscaping: The project will be screened from public view and is exempt from landscaping requirements.

Hours of Operation: The operator(s)/tenant(s) of the Project plans the operation to run 24 hours a day, 7 days a week.

California Environmental Quality Act Compliance

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA) and is attached to this report as Exhibit B. The IS concludes that the Project will not have a significant adverse impact on the environment. A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Negative Declaration (ND) was advertised and distributed to initiate a 30-day public comment period, which concluded on October 3, 2023. No comment letters to the NOA/NOI were received.

Following are summaries of topics addressed in the IS/ND:

Aesthetics: The Project area development includes a transload facility and office building with bathrooms a similar height to the surrounding buildings. The project will be consistent in look and architecture to surrounding industrial developments.

Air Quality: The Project does not conflict with or obstruct an air quality plan, in particular the San Bernardino County Portion of the South Coast Air Quality Management District plan which states that permits are needed for fluorine emissions, blasting emissions, point source emissions from stationary equipment and stacks. The Project does not have any of these emission items. The Project does utilize truck and train traffic along with fuel pumps. None of these items require air quality permits. The Project will provide infrastructure necessary for the local community to better utilize biodiesel and renewable diesel. The Project supports the local air quality plan by indirectly reducing emissions from fossil fuels.

Water Quality: A Preliminary Water Quality Management Plan (WQMP) has been approved by the Land Development Division of Land Use Services to comply with the requirements of the San Bernardino County National Pollutant Discharge Elimination System Area-wide Stormwater Program. The Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The stormwater plan will address stormwater drainage for the Project area and ensure that the discharge is infiltrated or treated according to water quality standards prior to leaving the Project area. Requirements for approval of the final WQMP have been incorporated in the conditions of approval.

Traffic: A Traffic Impact Study has been prepared to evaluate potential Project-related traffic impacts. The truck trips are anticipated at 94 trucks/ day during weekdays and 47 trucks/day during weekends. The estimated number of employees will be between 18-20 employees. The Project will not increase vehicle miles traveled for other transportation users in the general area by causing a change in traffic patterns or providing a destination for travelers/vehicle drivers.

Public Comments:

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A notice of availability of the Draft IS/ND was sent to surrounding property owners and responsible agencies, as part of the CEQA process. As noted above, no comments were received.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Negative Declaration (Exhibit B);
2. **ADOPT** the findings for approval of the Conditional Use Permit (Exhibit C);
3. **APPROVE** the Conditional Use Permit to constructed and operate a high-efficiency transloading facility for the receipt, storage, and distribution of biodiesel and renewable diesel, to include six one-million gallon above-ground storage tanks, office building, a containment area and a manifold system across two parcels totaling 11.70 acres, subject to the Conditions of Approval (Exhibit D); and
4. **DIRECT** Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act (Exhibit F).

ATTACHMENTS:

EXHIBIT A: Letter of Intent
EXHIBIT B: Initial Study/ Negative Declaration
www.sbcounty.gov/uploads/LUS/Initial_Study_Muscat%20Project.pdf
EXHIBIT C: Findings
EXHIBIT D: Conditions of Approval
EXHIBIT E: Site Plan
EXHIBIT F: Notice of Determination

EXHIBIT A

Letter of Intent

Letter of Intent

Applicant: BNSF Railway Company
Mailing Address: 740 E. Carnegie Dr.
San Bernardino, CA 92408
Phone Number: 909-386-4474
Business Name: _____

Date: February 17, 2023
Primary Contact: Jennifer Fitzgerald
909-386-4020
APN(s): 023205101
023205139

If needed, you may attach additional documents to provide more detailed information.

Brief description of proposed use:

See Attachment "A"

Brief Description of proposed location and surrounding properties as they currently exist:

The majority of the existing lot is undeveloped, with the exception of the Ferrellgas facility at the north end. The site is bounded by the existing California Cascade-Fontana Inc. property at the south, the existing Delta Children Warehouse to the west, Foothill Blvd. to the north, and the existing BNSF tracks to the east.

Logistics (Truck trips, hours of business, parking, number of employees, etc.):

The new facility is anticipated to operate 24 hours a day, 7 days a week. The truck trips are anticipated at 94 trucks/day during weekdays and 47 trucks/day during weekends. The estimated number of employees will be between 18-20 employees. Ingress/egress into the site will be provided by the existing easement running in the east-west direction off of Sultana Ave. Except for emergency vehicles, no site access is provided from Lime Ave.

Goals and Objectives:

This project is intended for renewable diesel storage and the continuation of an existing Propane Gas business. Renewable diesel fuels will be unloaded from inbound trains and stored in above-ground storage tanks on a temporary basis. Ultimately, the renewable diesel fuel will be loaded into tanker trucks for delivery. The tanker trucks will enter and exit the site off the proposed Sultana Ave. entrance/exit.

ATTACHMENT “A”

The proposed project includes the development of a high-efficiency transloading facility for the receipt and distribution of renewable diesel on an approximately 11.7 acre site. The project site is currently vacant, except for the northern portion of the site, which is currently occupied by Ferrellgas, a propane supply company. The project includes installation of six (6) 1-million gallon above-ground renewable diesel storage tanks, a six (6) lane containment area, and a manifold system, (see attached exhibit). Physical site improvements include (1) paving the entire site, (2) installation of perimeter fencing around the entirety of the project site, and (3) installation of lighting. Operationally, renewable diesel products will arrive to the site by railcar utilizing the existing rail lines adjacent to the project site and will be offloaded to the above-ground storage tanks. Subsequently, the renewable diesel would be transferred to tanker trucks that would then deliver the product to offsite destinations. The project does not involve the manufacturing, mixing, altering or packaging of the renewable diesel products. Aside from the above-ground storage tanks, the project does not include the storage of additional material on site. All ingress and egress for automobile/truck traffic will be from Sultana Avenue. Other than access for emergency vehicles, there will be no site access from Lime Avenue.

The project also includes alteration of the northern portion of the site occupied by Ferrellgas. Improvements include relocation of the two (2) propane tanks to an area on the northern portion of the site. Upon conclusion of the project's improvements, Ferrellgas trucks will access its site via the improved access point off of Sultana Avenue. The project does not propose any changes to the existing Ferrellgas operation.

EXHIBIT C

Findings

FINDINGS: CONDITIONAL USE PERMIT

Conditional Use Permit (CUP) to construct and operate a high-efficiency transloading facility for the receipt, storage, and distribution of biodiesel and renewable diesel, to include six one-million gallon above-ground storage tanks, office building, a containment area and a manifold system across two parcels totaling 11.70 acres. (Project: PROJ-2022-00198) (APN: 0232-051-01).

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the Conditional Use Permit:

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The 11.70-acre parcel is of adequate size and shape to accommodate the transloading facility for the receipt, storage, and distribution of biodiesel and renewable diesel and six one-million gallon above ground tanks. All setbacks, walls, and yards meet or exceeds the requirements of the Development Code for the proposed use and land use designation.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The proposed Project has been conditioned to meet County requirements for street frontage and site ingress/egress to provide appropriate legal and physical access to the site. The Project is located on Foothill Avenue east of Sultana Avenue and has adequate legal and physical access to the Project site. Foothill Avenue has been widened, but no street improvements have been completed.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.

The surrounding properties will be protected under County standards for noise, vibration, and lighting given that the site is located adjacent to a railroad track to the east, and high cube warehouse to the west. After 9:00 p.m. the noise level 12-Hour Equivalent Sound Level (Interior) in dBA Ldn must be under 65 within the structure.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed use, together with the provisions for its design and improvement, are consistent with the County General Plan. The Project specifically implements the following goal.

Policy LU 1.1. Growth. We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

- Goal Implementation: The proposed Project is well integrated into the community and supports the regional economy.

Policy LU 1.2. Infill development. We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

- Goal Implementation: The proposed Project is surrounded by existing industrial development where public services and infrastructure are available. The area is primarily surrounded by warehouse distribution centers and includes a similar fuel transloading facility to the north. The proposed Project will be constructed on an existing vacant lot that is being underutilized given the lot's proximity and potential access to the existing railroad tracks.

Policy LU 2.1. Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

- Goal Implementation: The proposed Project is designed and conditioned to be compatible with adjacent conforming uses. The proposed development is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), and will blend-in with surrounding land uses. There are no residences, schools or hospitals within close proximity to the Project location.

Policy TM-3.1. VMT reduction. We promote new development that will reduce household and employment VMT relative to existing conditions.

- Goal Implementation: The Project qualifies for Low VMT Area screening threshold, resulting in a less than significant VMT impact, and will therefore promote and reduce employment VMT.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

Public streets adjacent to and surrounding the Project are not improved to County Standards. Therefore, the anticipated relatively low traffic generation of the Project will not increase service level demands. However, the Project will be required to contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

Conditions of approval include measures to protect neighboring businesses, and property owners to minimize noise, vibration, lighting, air quality, and traffic impacts and enforce performance standards to protect the overall public health, safety and general welfare.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

Although solar energy generation and use is not a part of this Project proposal, the design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been evaluated through the preparation of an initial study that concludes the project could not have a significant adverse impact on the environment . A Negative Declaration (ND) is adopted and a Notice of Determination will be filed in accordance with CEQA. The ND for the Project reflects the County's independent judgment and was presented to the review authority, which reviewed and considered the information in the ND before making a decision on the Project.

EXHIBIT D

Conditions of Approval



Conditions of Approval

Record:	PROJ-2022-00198	System Date:	12/06/2023
Record Type:	Project Application	Primary APN:	0232051010000
Record Status:	In Review	Application Name:	BNSF Railway Company CUP
Effective Date:		Expiration Date:	
Description:	A Conditional Use Permit request for a high-efficiency transloading facility for the receipt, storage, and distribution of renewable diesel to include a one-million gallon above-ground renewable diesel storage tanks, a containment area and a manifold system across two parcels totaling 11.70 acres.		

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

- 1 Project Approval Description (CUP/MUP)** - Status: Outstanding
This Conditional Use Permit request for a high-efficiency transloading facility for the receipt, storage, and distribution of renewable diesel to include six one-million gallon above-ground renewable diesel storage tanks, a containment area and a manifold system across two parcels totaling 11.70 acres.is conditionally approved in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- 2 Project Location** - Status: Outstanding
The Project site is located on parcel 0232-051-01.

3 Indemnification - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

4 Expiration - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

5 Extension of Time - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

6 Project Account - Status: Outstanding

The Project account number is PROJ-2022-00198. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

7 **Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

8 **Performance Standards** - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste

9 **Continous Maintenance** - Status: Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

10 **Clear Sight Triangle** - Status: Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

11 **Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

12 **Underground Utilities** - Status: Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

13 **Construction Hours** - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

14 **Construction Noise** - Status: Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

15 **Cultural Resources** - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

16 **GHG - Operational Standards** - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Public Health– Environmental Health Services

17 **Noise Levels** - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

18 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

19 **Refuse Storage and Disposal** - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

Public Works - Traffic

20 **Back Out Into Public Roadways** - Status: Outstanding

Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL

Land Use Services - Planning

21 **Landscaping** - Status: Outstanding

Setback and open space areas shall be landscaped, except the portion where a sidewalk or driveway occur in the required setback. Required setbacks that are screened from public view in commercial and industrial zones, and are not adjacent to residentially-zoned property, are exempt from the provisions of this Chapter.

22 **Truck Turning Template** - Status: Outstanding

If truck activity is involved in the project, show the turn maneuvers for the driveways relative to the street.

County Fire - Community Safety

23 **F01 Jurisdiction** - Status: Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department 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.

24 **F04 Fire Permit Expiration** - Status: Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

25 **F70 Additional Requirements** - Status: Outstanding

In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

Land Use Services - Land Development

26 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

27 **BMP Enforcement** - Status: Outstanding

In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

28 **Continuous BMP Maintenance** - Status: Outstanding

The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

29 **Erosion Control Installation** - Status: Outstanding

Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

30 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

PRIOR TO LAND DISTURBANCE

Land Use Services - Building and Safety

31 **Demolition Permit** - Status: Outstanding

Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

32 **Geotechnical Report** - Status: Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

Land Use Services - Land Development

33 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

34 **FEMA Flood Zone** - Status: Outstanding

The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8652H dated 08/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

35 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

36 **NPDES Permit** - Status: Outstanding

An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

37 **On-site Flows** - Status: Outstanding

On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

38 **Regional Board Permit** - Status: Outstanding

Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

39 **San Sevaine Fee** - Status: Outstanding

The project site is located within the San Sevaine Drainage Fee area and is subject to a fee of \$4,405 per net developed acre that is to be paid prior to issuance of any grading or building permit. (SBC Ord, No. 3358). Total net developed acreage is *** acres and the fee shall be \$***.

40 **WQMP** - Status: Outstanding

A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained prior to construction. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. Review processed on an actual cost basis. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)

41 **WQMP Inspection Fee** - Status: Outstanding

The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

Public Health– Environmental Health Services

42 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

PRIOR TO BUILDING PERMIT ISSUANCE

County Fire - Community Safety

43 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

44 **F09 Building Plans** - Status: Outstanding

Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

45 **F10 Combustible Protection** - Status: Outstanding

Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

46 **F19 Surface** - Status: Outstanding

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

47 **F22 Primary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

48 **F23 Secondary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

49 **F26 Fire Flow Test** - Status: Outstanding

Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

50 **F27 Water System** - Status: Outstanding

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure.

51 **F33 Water System Certification** - Status: Outstanding

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

52 **F69 Haz-Mat Approval** - Status: Outstanding

The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

Land Use Services - Building and Safety

53 **Construction Plans** - Status: Outstanding

Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

54 **Temporary Use Permit** - Status: Outstanding

A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

Land Use Services - Land Development

55 **No Comments** - Status: Outstanding

No comments.

56 **Caltrans Review** - Status: Outstanding

Obtain comments from Caltrans for access requirements and working within their right-of-way.

57 **Road Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California: Lime Street (Less than 1000 ADT , 50 feet) ? Street Improvements. Paved access 18 feet from centerline with a minimum 26-foot paved section within a 40-foot right-of-way. ? Driveway Approach. Design driveway approach per County Standard 128A.

58 **Utilities.** - Status: Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

59 **Demolition Inspection Required** - Status: Outstanding

All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

60 **Existing OWTS** - Status: Outstanding

Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

61 **Existing Wells** - Status: Outstanding

If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

62 **New OWTS** - Status: Outstanding

If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

63 **Preliminary Acoustical Information** - Status: Outstanding

Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

64 **Sewage Disposal** - Status: Outstanding

Method of sewage disposal shall be sewer service provided by City of Fontana or an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

65 **Sewer Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

66 **Water and Sewer - LAFCO** - Status: Outstanding

Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either: 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.

67 **Water Purveyor** - Status: Outstanding

Water purveyor shall be Fontana Water Company or EHS approved.

68 **Water Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

PRIOR TO OCCUPANCY

Land Use Services - Planning

69 **Occupancy Condition** - Status: Outstanding

A minimum 8-foot in height screening wall is required along the front property line to screen the use from the public right-of-way. If a screening wall is not provided, a landscaping buffer with trees and shrubs shall be required in compliance with County Development Code.

70 **Fees Paid** - Status: Outstanding

Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00198.

71 **Landscaping/Irrigation** - Status: Outstanding

All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

72 **Shield Lights** - Status: Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance").

73 **Condition Compliance** - Status: Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

74 **GHG - Installation/Implementation Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

- a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
- b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
- c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

County Fire - Community Safety

75 **F06 Inspection by Fire Department** - Status: Outstanding

Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Building and Safety

76 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

77 **Drainage Improvements** - Status: Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

78 **WQMP Improvements** - Status: Outstanding

All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.

79 **Caltrans Approval** - Status: Outstanding

Obtain approval from Caltrans for access requirements and working within their right-of-way.

80 **LDD Requirements** - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

PRIOR TO RECORDATION

County Fire - Community Safety

81 **F16 Access** - Status: Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. 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. b. Multi-Story Road Access Width. 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.

Land Use Services - Land Development

82 **CMRS Exclusion** - Status: Outstanding

Road improvements required for this development shall not be entered into the County Maintained Road System (CMRS).

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

83 **F11 Combustible Vegetation** - Status: Outstanding

Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586

84 F35 Hydrant Marking - Status: Outstanding

Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs, or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.

85 F47 Above Ground Storage Tank - Status: Outstanding

Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.

86 F48 Material Identification Placards - Status: Outstanding

The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

87 F52 Commercial Large Facility Addressing - Status: Outstanding

Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter (¾) inch stroke.

88 F55 Key Box - Status: Outstanding

An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Lock (Knox ®).

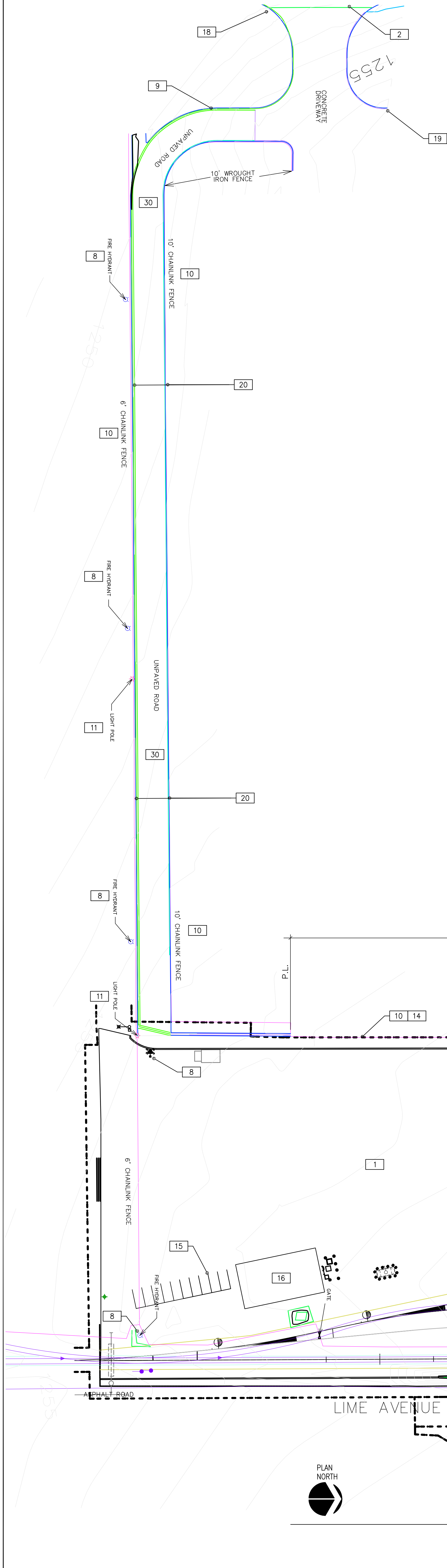
If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186

Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://dph.sbcounty.gov/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT E

Site Plan



project data

LEGAL DESCRIPTION:

OVERALL SITE AREA:	11.70 AC
TOTAL EXISTING OFFICE BUILDING AREA:	3,200 SQ. FT.
PARKING STALLS PROVIDED:	13 STALLS
PARKING STALLS REQUIRED:	
OFFICE AREA: 3,200/250 =	12.80 STALLS
PARKING STALLS REQUIRED:	13 STALLS
PARKING STALLS PROVIDED:	13 STALLS
HANDICAP REQUIRED & PROVIDED:	1 STALL
VEHICLE LOADING ZONE REQUIRED:	1 STALL
VEHICLE LOADING ZONE PROVIDED:	1 STALL

site plan keynotes

- 1 NEW ASPHALT PAVEMENT SECTION BY OTHERS.
- 2 NEW CONCRETE DRIVEWAY,--SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
- 3 NEW 9'-0" X 18" HANDICAP PARKING STALL.
- 4 NEW 6" THK. REINFORCED CONCRETE SLAB AT TRANSLOADING AREA.
- 5 NEW 6" THK. REINFORCED CONCRETE SLAB AT CONTAINMENT PIT STORAGE AREA
- 6 NEW LANDSCAPE AREA,--SEE WILSON PLANS FOR ADDITIONAL INFORMATION.
- 7 NEW RAILROAD TRACKS TO BE ENGINEERED BY WILSON ENGINEERS. RAIL SERVICE/TRACK SYSTEM FOR NEW BIO-FUEL STORAGE TANKS AND TRANSLOADING AREA.
- 8 NEW/EXISTING ON SITE FIRE HYDRANT LOCATION--SEE WILSON PLANS FOR ADDITIONAL INFORMATION.
- 9 EXISTING CHAIN LINK GATE TO REMAIN,--SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
- 10 EXISTING CHAIN LINK FENCE TO REMAIN--SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
- 11 EXISTING LIGHT POLE TO REMAIN--SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
- 12
- 13 FIRE DEPARTMENT--EXISTING 26'-0" WIDE TURNAROUND LOCATION PER THE COUNTY OF SAN BERNARDINO FIRE DEPT STANDARDS
- 14 EXISTING PROPERTY LINE--SEE CIVIL DRAWINGS FOR EXACT LOCATION.
- 15 NEW STANDARD PARKING STALLS--9' X 19'-0" PER THE COUNTY OF SAN BERNARDINO PLANNING DEPT. PARKING STANDARDS.

project information

A. P. Number: 0232-051-01
Application Type: REVISION TO AN APPROVED ACTION

Revisions to an Approved Action Application Submittal:
Pre-Application Submittal: PRE-2022-00203
Original Conditional Use Permit Approval Submittal:

Zones:
(C) Commercial Zone (GI) General Industrial (IR) Regional Industrial (SC) Service Commercial Zoning District

Setbacks:
Front Setback: 25'-0" Min.
Interior Setback: 10'-0" Min.
Rear Setback: 10'-0" Min.
Side-Street: 25'-0" Min.

Height Limit: 150'-0"

Site Legend :

- CONCRETE PAVING -- SEE "C" DRWS. FOR THICKNESS
- STANDARD PARKING STALL 9' X 18'
- HANDICAP PARKING STALL-- 9' X 18'
- CURB LINE--SEE CIVIL PLANS
- PROPERTY LINE--SEE CIVIL PLANS
- LIGHT STANDARD
- PUBLIC/PRIVATE FIRE HYDRANT-- APPROXIMATE LOCATION
- CATCH BASIN
- APPROX. LOCATION LANDSCAPED AREA
- UNDERGROUND UTILITY LINE--SEE CIVIL PLANS
 - W-- WATER LINE
 - GAS-- GAS LINE
 - S-- SEWER LATERAL
 - E-- ELECTRICAL LINE
- EXISTING STRUCTURE
- EXISTING WALL AS NOTED
- EXISTING ROCK WALL
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD/IRON FENCE AS NOTED
- FINISHED SURFACE LINE
- CENTERLINE
- PROPERTY LINE
- EXISTING CONTOUR ELEV.
- PROPOSED CONTOUR ELEV.
- LP LIGHT POLE
- TC TOP OF CURB
- FL FLOWLINE
- SGN STREET SIGN
- PP POWER POLE
- FF FINISH FLOOR
- INV INVERT ELEVATION
- DWY DRIVEWAY APPROACH
- WM WATER METER
- FG FINISHED GRADE
- FH FIRE HYDRANT
- HT. HEIGHT
- SLB STREET LIGHT BOX
- x105.50 EXISTING ELEVATION
- 105.50 PROPOSED ELEVATION
- EXISTING UTILITY AS NOTED
- EXISTING TREE
- EXISTING CONCRETE AREA

OVERALL SITE PLAN for NEW TRANSLOADING AREA and BIO-FUEL STORAGE SILOS

scale: 1"=100'-0"

A

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Whittier, CA 90605

tel: 562.464-6710
cell: 562.201-8866

Mr. Manuel R. Fuentes

email: manuel@fuentesdesigngroup.com



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Fontana, California 92335
Contact: Mr. Barry Love, President
Telephone: (909) 823-3000
Cell Phone: (714) 743-4505
email: barry.tristarflc.com

Client:
Separation
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Design
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Evansville, IN 47720
Contact: Roy Jorgensen, President
Telephone: (812) 424-1239
Cell Phone: (812) 489-7788
email: roy.jorgensen@separationbydesign.com

Project Name:
Site
Transloading
Area &
Containment
Pit
for
Biofuel
Storage

Title:
overall site plan

Project Number: 2022_22

Drawn by: Manuel R. Fuentes

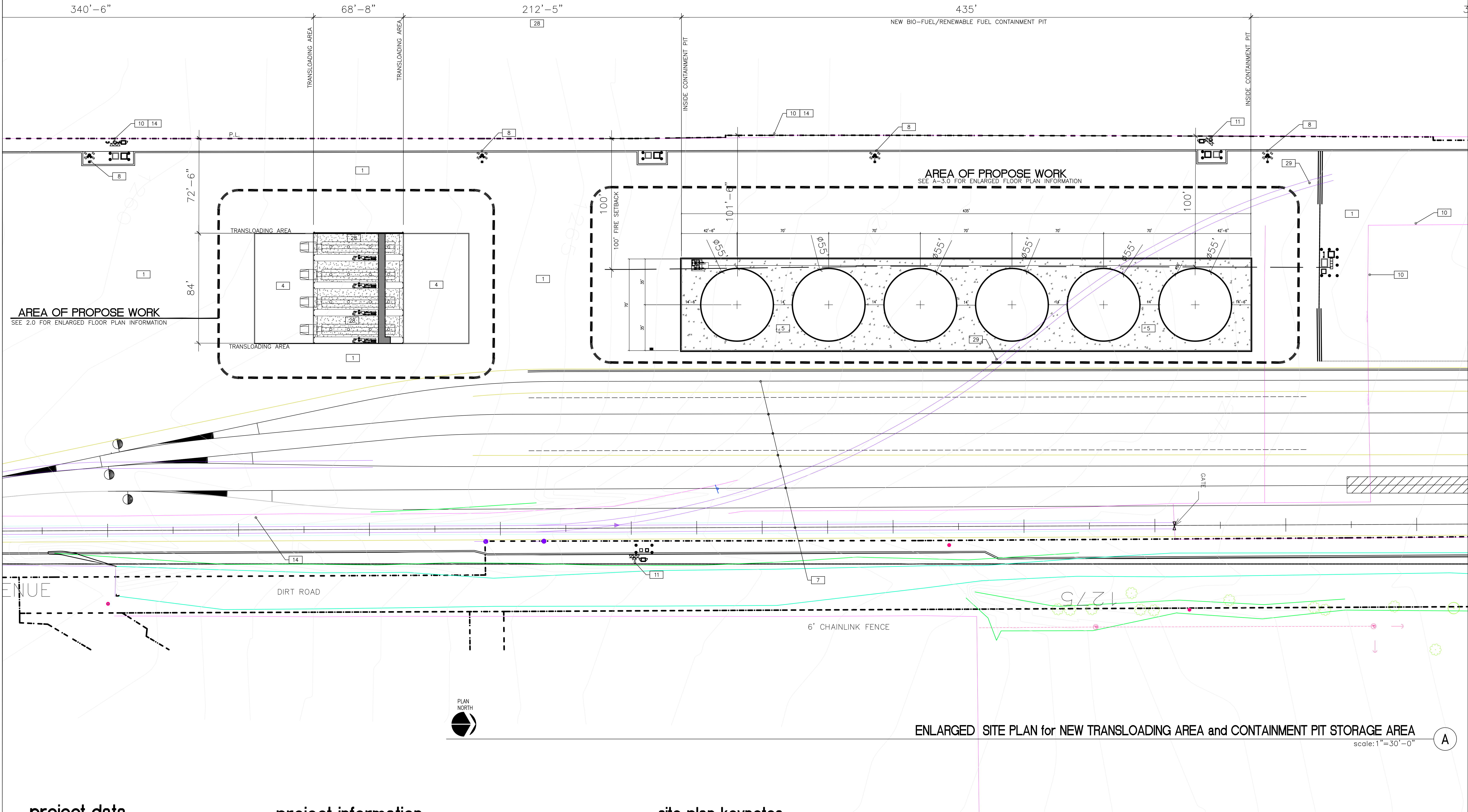
Date: Oct. 31, 2022

Revision:

Client and Design Team Review
Oct. 31, 2022
County of SB Plan Check Submittal
County of SB Plan Check Re-Submittal

Sheet:

A-1.0



project data

LEGAL DESCRIPTION:	
OVERALL SITE AREA:	11.70 AC
TOTAL EXISTING OFFICE BUILDING AREA:	3,200 SQ. FT.
PARKING STALLS PROVIDED:	13 STALLS
PARKING STALLS REQUIRED:	
OFFICE AREA: 3,200/250 =	12.80 STALLS
PARKING STALLS REQUIRED:	13 STALLS
PARKING STALLS PROVIDED:	13 STALLS
HANDICAP REQUIRED & PROVIDED:	1 STALL
VEHICLE LOADING ZONE REQUIRED:	1 STALL
VEHICLE LOADING ZONE PROVIDED:	1 STALL

project information

A. P. . Number:	0232-051-01
Application Type:	REVISION TO AN APPROVED ACTION
Revisions to an Approved Action Application Submittal:	
Pre-Application Submittal:	PRE-2022-00203
Original Conditional Use Permit Approval Submittal:	
Zones:	
(C) Commercial Zone (Gi) General Industrial (IR) Regional Industrial (SC) Service Commercial Zoning District	
Setbacks:	
Front Setback:	25'-0" Min.
Interior Setback:	10'-0" Min.
Rear Setback:	10'-0" Min.
Side-Street:	25'-0" Min.
Height Limit:	150'-0"

site plan keynotes

1	NEW ASPHALT PAVEMENT SECTION BY OTHERS.	16	EXISTING MODULAR BUILDING TO REMAIN.
2	NEW CONCRETE DRIVEWAY,-SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.	17	EXISTING TRANSFORMER TO REMAIN.
3	NEW 9'-0" X 18' HANDICAP PARKING STALL.	18	NEW HANDICAP SIGNAGE AT THE SITE ENTRY TO PARKING LOT.
4	NEW 6" THK. REINFORCED CONCRETE SLAB AT TRANSLOADING AREA.	19	EXISTING CONCRETE CURB TO REMAIN,-SEE WILSON PLANS FOR ADDITIONAL INFORMATION.
5	NEW 6" THK. REINFORCED CONCRETE SLAB AT CONTAINMENT PIT STORAGE AREA	20	EXISTING ACCESS EASEMENT TO REMAIN,-SEE WILSON PLANS AND SITE SURVEY FOR ADDITIONAL INFORMATION.
6	NEW LANDSCAPE AREA,-SEE WILSON PLANS FOR ADDITIONAL INFORMATION.	21	NEW 5' OR 8' WIDE HANDICAP ACCESS AREA TO REMAIN.
7	NEW RAILROAD TRACKS TO BE ENGINEERED BY WILSON ENGINEERS. RAIL SERVICE/TRACK SYSTEM FOR NEW BIO-FUEL STORAGE TANKS AND TRANSLOADING AREA.	22	EXISTING HANDICAP PATH OF TRAVEL.
8	NEW/EXISTING ON SITE FIRE HYDRANT LOCATION-SEE WILSON PLANS FOR ADDITIONAL INFORMATION.	23	NEW TRASH ENCLOSURE LOCATION, SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
9	EXISTING CHAIN LINK GATE TO REMAIN,-SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.	24	NEW BIO-FUEL STORAGE SILO TANK.
10	EXISTING CHAIN LINK FENCE TO REMAIN-SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.	25	NEW RENEWABLE FUEL SILO TANK.
11	EXISTING LIGHT POLE TO REMAIN-SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.	26	NEW 6" THK. REINFORCED CONCRETE SLAB FOR CONTAINMENT STRUCTURE,-4' BELOW THE FINISH GRADE ELEVATION
12		27	
13	FIRE DEPARTMENT-EXISTING 26'-0" WIDE TURNAROUND LOCATION PER THE COUNTY OF SAN BERNARDINO FIRE DEPT STANDARDS	28	NEW 6" THK. REINFORCED CONCRETE SLAB FOR TRUCK TRANSLOADING AREA.
14	EXISTING PROPERTY LINE-SEE CIVIL DRAWINGS FOR EXACT LOCATION.	29	EXISTING RAIL SPURS TO BE REMOVED,-SEE WILSON ENGINEERING PLANS FOR ADDITIONAL INFORMATION.
15	NEW STANDARD PARKING STALLS-9' X 19'-0" PER THE COUNTY OF SAN BERNARDINO PLANNING DEPT. PARKING STANDARDS.	30	EXISTING NON-PAVED ROAD TO REMAIN.

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Evansville, IN 47720
Contact: Roy Jorgensen, President
Telephone: (812) 424-1239
Cell Phone: (812) 499-7788
email: roy.jorgensen@separationbydesign.com

Project Name:
Site
Transloading
Area &
Containment
Pit
for
Biofuel
Storage

Title:
existing overall site plan

Project Number: 2022_22
Drawn by: Manuel R. Fuentes
Date: Oct. 31, 2022

Revision:
Client and Design Team Review
Oct. 31, 2022
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County of SB Plan Check Re-Submittal

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A-1.1



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Client:

Separation
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Contact: Roy Jorgensen, President
Telephone: (812) 424-1239
Cell Phone: (812) 499-7788
email: roy.jorgensen@separationbydesign.com

Project Name:

Site
Transloading
Area &
Containment
Pit
for
Biofuel
Storage

Title:

enlarged unloading area

Project Number: 2022_22

Drawn by: Manuel R. Fuentes

Date: Oct. 31, 2022

Revision:

Client and Design Team Review

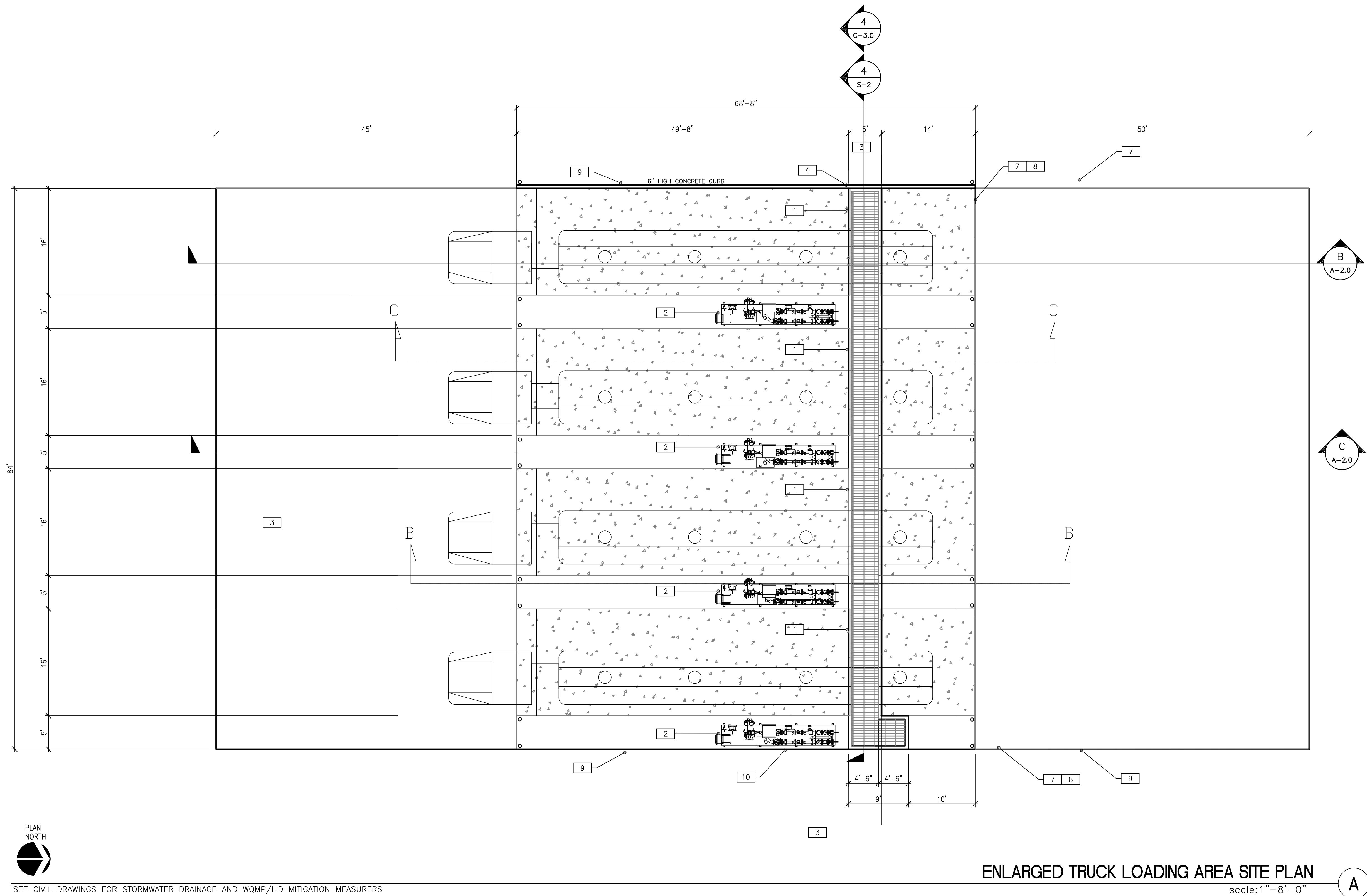
Oct 31, 2022

County of SB Plan Check Submittal

County of SB Plan Check Pre-Submittal

Sheet:

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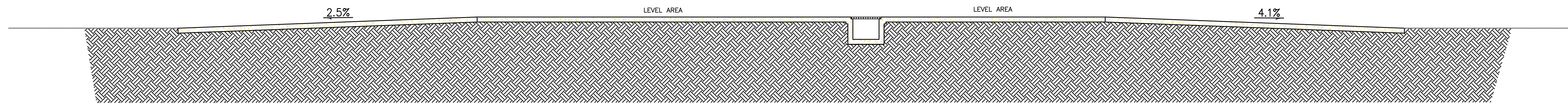


enlarged site plan keynotes :

- | | | |
|-------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------|
| <div><div>4</div><div>8</div><div>AD.1</div><div>AD.1</div></div> | <div>1</div> | NEW 6" THK. SLOPED CONCRETE SLAB WITH REINFORCING--SLOPE TO DRAIN PIT AREA. |
| <div>2</div> | <div>2</div> | NEW 6" THK. LEVEL CONCRETE SLAB--SEE CIVIL AND STRUCTURAL PLANS FOR ELEVATIONS. |
| <div>3</div> | <div>3</div> | EXISTING CRUSHED MISCELLANEOUS BASE TO REMAIN. |
| <div>12</div> <div>AD.1</div> | <div>4</div> | NEW 6" HIGH CONCRETE CURB,--SEE CIVIL PLANS FOR ADDITIONAL INFORMATION. |
| <div>5</div> | <div>5</div> | NEW PUMP LINE FOR RAIL CONTAINER TO UNLOAD ON TO TRUCKS. |
| <div>1</div> <div>AD.1</div> | <div>6</div> | NEW PUMP EQUIPMENT FROM PUMP TO TRUCKS.
SEE STRUCTURAL PLANS FOR ANCHOR DETAIL |
| <div>3</div> <div>AD.1</div> | <div>7</div> | NEW CONCRETE CONTAINMENT PIT STRUCTURE,--BELOW THE FINISH GRADE. |
| <div>16</div> <div>AD.1</div> | <div>8</div> | GALVANIZED METAL GRATES OVER RECESS CONTAINMENT PIT |
| <div>9</div> | <div>9</div> | NEW 8" ROUND PAINTED BOLLARDS. |
| <div>10</div> | <div>10</div> | EDGE OF CONCRETE SLAB,--SEE CIVIL PLANS FOR ADDITIONAL INFORMATION. |

site legend

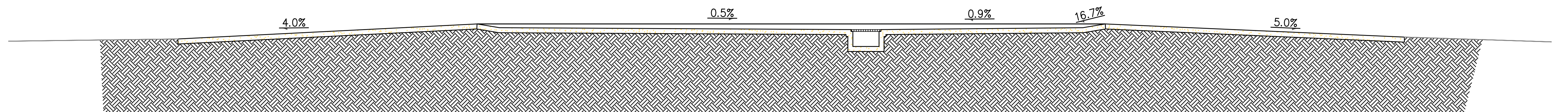
- | | | | | | |
|------------------------|---------------------------------------------------|------------------------|------------------------------------------------|------------------------|------------------------------|
| <div><div></div></div> | TRUCK SCALE | <div><div></div></div> | LIGHT STANDARD | <div><div></div></div> | CHAIN LINK FENCE |
| <div><div></div></div> | AC. PAVING -- SEE
"C" DRWS. FOR THICKNESS | <div><div></div></div> | EXISTING PUBLIC
FIRE HYDRANT | <div><div></div></div> | PROPERTY LINE |
| <div><div></div></div> | CONCRETE PAVING -- SEE
"C" DRWS. FOR THICKNESS | <div><div></div></div> | PRIVATE FIRE HYDRANT--
APPROXIMATE LOCATION | <div><div></div></div> | NEW/EXISTING RAILROAD TRACKS |
| | | <div><div></div></div> | CATCH BASIN
APPROX. LOCATION | | |



ENLARGED TRUCK LOADING AREA SECTIONS

scale: 1"=8'-0"

B



ENLARGED TRUCK LOADING AREA SECTIONS

scale: 1"=8'-0"

C



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Project Name:
**Site
Transloading
Area &
Containment
Pit
for
Biofuel
Storage**

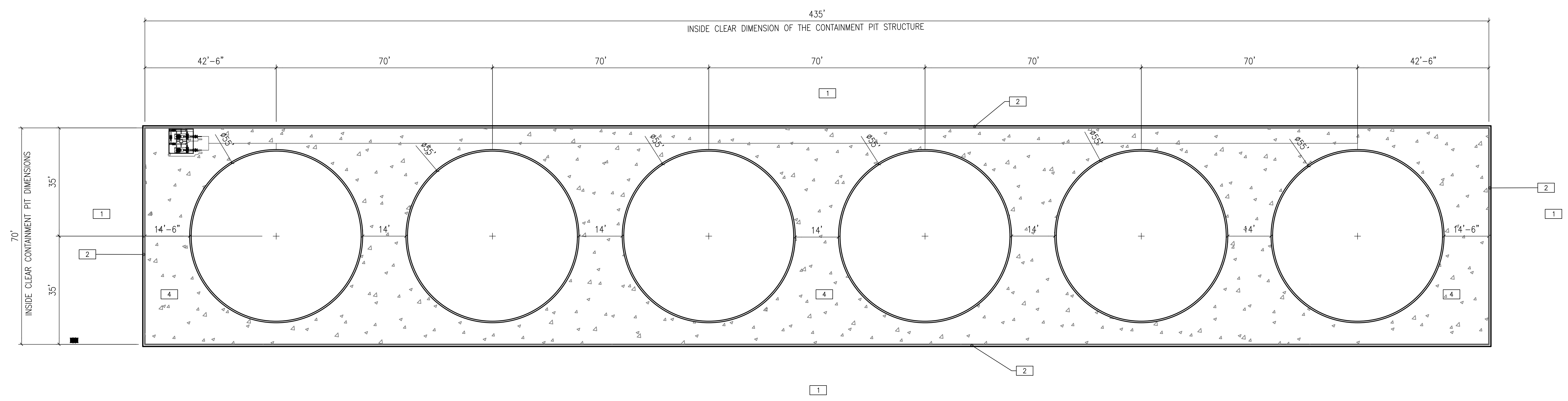
Title:
containment & silo tanks

Project Number: 2022_22
Drawn by: Manuel R. Fuentes
Date: Oct. 31, 2022
Revision:

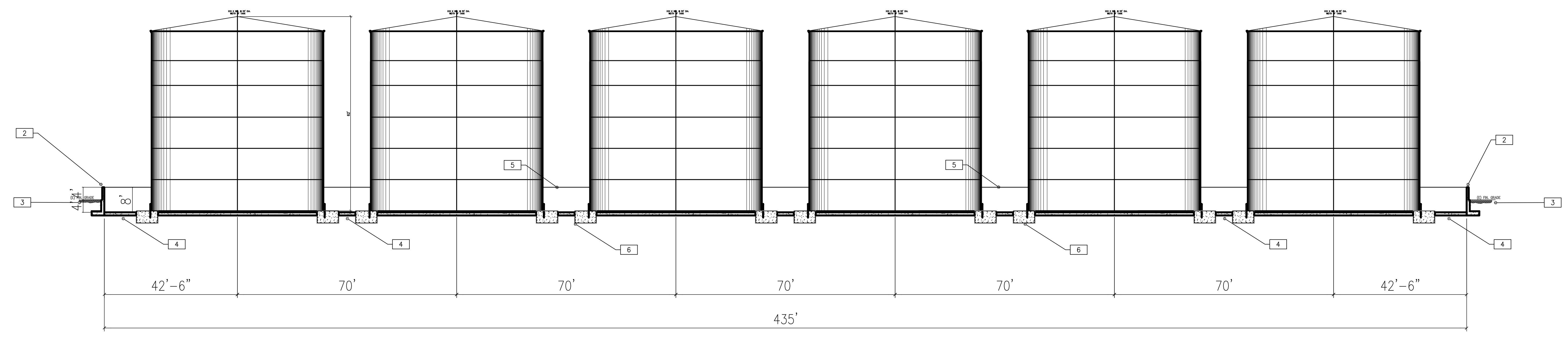
Client and Design Team Review
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County of SB Plan Check Submittal
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Sheet:

A-3.0



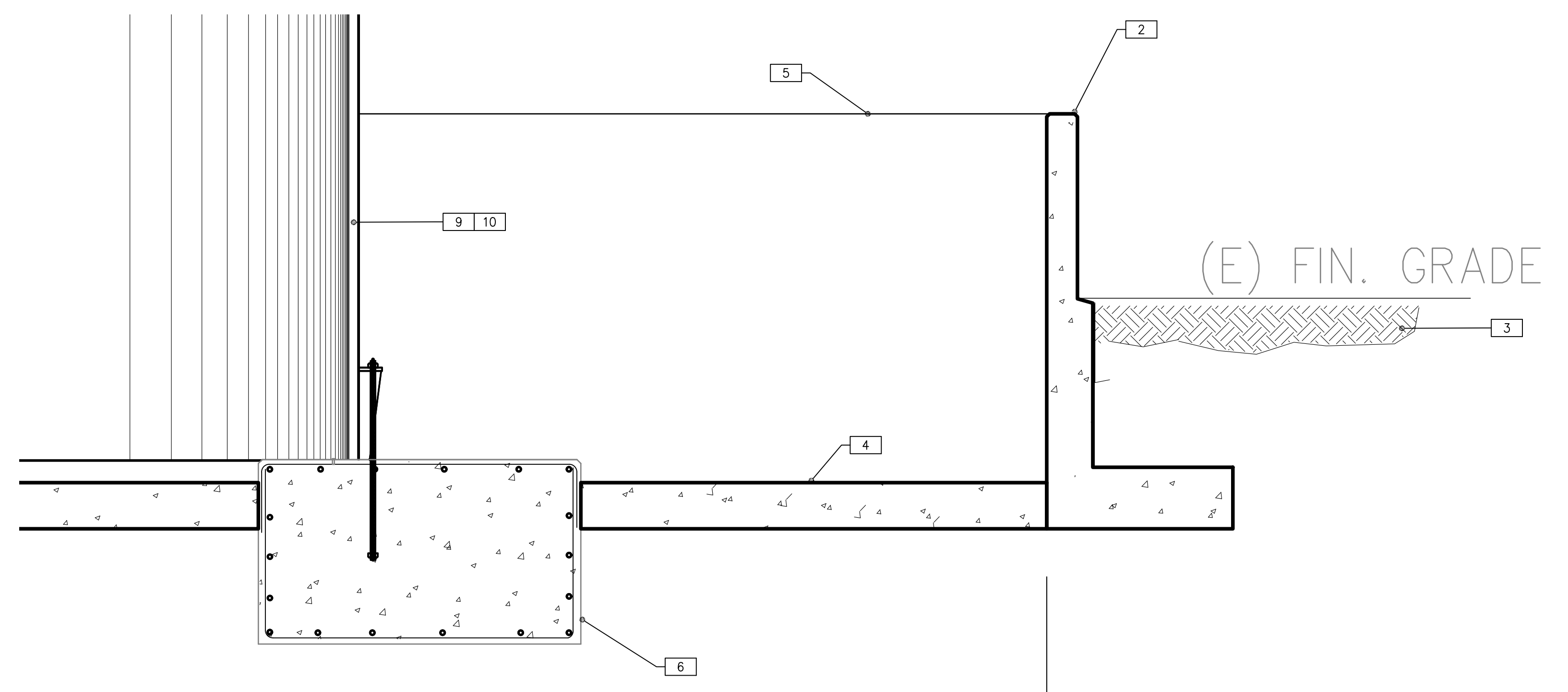
ENLARGED BIOFUEL and RENEWABLE FUEL CONTAINMENT PIT FLOOR PLAN
scale: 1/16" = 1'-0" A



ENLARGED BIO-FUEL and RENEWABLE FUEL CONTAINMENT PIT SECTION
scale: 1/16" = 1'-0" B

containment pit keynotes:

- | | | | |
|---|-------------------------------------------------------------------------------------------|----|-----------------------------|
| 1 | EXISTING ASPHALT PAVEMENT TO REMAIN. | 9 | NEW BIO-FUEL STORAGE TANK. |
| 2 | NEW CONCRETE CONTAINMENT WALL,--SEE CIVIL AND STRUCTURAL PLANS FOR ADDITIONAL INFORMATION | 10 | NEW RENEWABLE STORAGE TANK. |
| 3 | EXISTING GRADE TO REMAIN,--SEE WILSON CIVIL PLANS FOR ADDITIONAL INFORMATION. | 11 | |
| 4 | NEW REINFORCED CONCRETE SLAB AT CONTAINMENT PIT | 12 | |
| 5 | NEW RETAINING WALL BEYOND | 13 | |
| 6 | NEW CONCRETE SILO RING FOUNDATION,--SEE STRUCTURAL PLANS FOR ADDITIONAL INFORMATION. | 14 | |
| 7 | | 15 | |
| 8 | | | |



ENLARGED CONTAINMENT PIT WALL SECTION
scale: 1/4" = 1'-0" C

EXHIBIT F

Notice of Determination

Notice of Determination

To:

☒ Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the Board
County of: San Bernardino
Address: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUSD
Address: 385 North Arrowhead Ave, First Floor San
Bernardino, CA 92415-0187

Contact: Steven Valdez

Phone: 909-387-4421

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2023080799

Project Title: BNSF Railway Company CUP

Project Applicant: Yesenia De La Rosa, Fennemore Law

Project Location (include county): _____

Project Description: A Conditional Use Permit request for a high-efficiency transloading facility for the receipt, storage, and distribution of renewable diesel to include six one-million gallon above-ground renewable diesel storage tanks, a containment area and a manifold system across two parcels totaling 11.70 acres.

This is to advise that the San Bernardino County has approved the
above (☒ Lead Agency or ☐ Responsible Agency)

described project on December 21, 2023 and has made the following determinations
regarding the above (date)

described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final and record of project approval are the Mitigated Negative Declaration are
available to the General Public at:

385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency): _____ Title: Planning Manager
Steven Valdez

Date: _____ Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011