



AND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: February 23, 2023

AGENDA ITEM #4

Project Description

Vicinity Map -

APN: 0231-101-01, and 21; 0231-102-07, 08, 09, 13, and 15
Applicant: PME Oakmont Merrill Avenue, LP
Community: Fontana / 2nd Supervisorial District
Location: East side of Cherry Ave., and on the north and south sides of Ceres Avenue.
Project No: PROJ-2022-00032/CUP
Staff: Jim Morrissey
Rep: EPD Solutions
Proposal: Conditional Use Permit for three separate warehouse buildings of 40,700, 51,600, and 58,500 sq. ft. on seven parcels and a variance to reduce the street side setback for landscaping and parking along Cherry Avenue from 25 to zero feet, on 7.66 acres.



17 Hearing Notices Sent on : February 8, 2023

Report Prepared By: Jim Morrissey, Contract Planner

SITE INFORMATION:

Parcel Size: 7.66 acres
 Terrain: Generally flat, sloping gradually to the south.
 Vegetation: Minimal vegetation, due to existing homes and past improvements.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	POLICY PLAN CATEGORY	ZONING DISTRICT
SITE	Residences and vacant	C (Commercial)	SD-COM (Special Development, Com. uses)
North	Railroad	C (Commercial)	SD-COM (Special Development - Com. uses)
South	Industrial Related	C (Commercial)	SD-COM (Special Development - Com. uses)
East	Commercial/Industrial	C (Commercial)	SD-COM (Special Development - Com. uses)
West	Industrial, elevated roadway	C (Commercial)	SD-COM (Special Development - Com. uses)

City Sphere of Influence:	<u>Agency</u> Fontana	<u>Comment</u> No Comments
Water Service:	San Gabriel Valley Water Co.	Will Serve
Sewer Service:	EHS	Septic

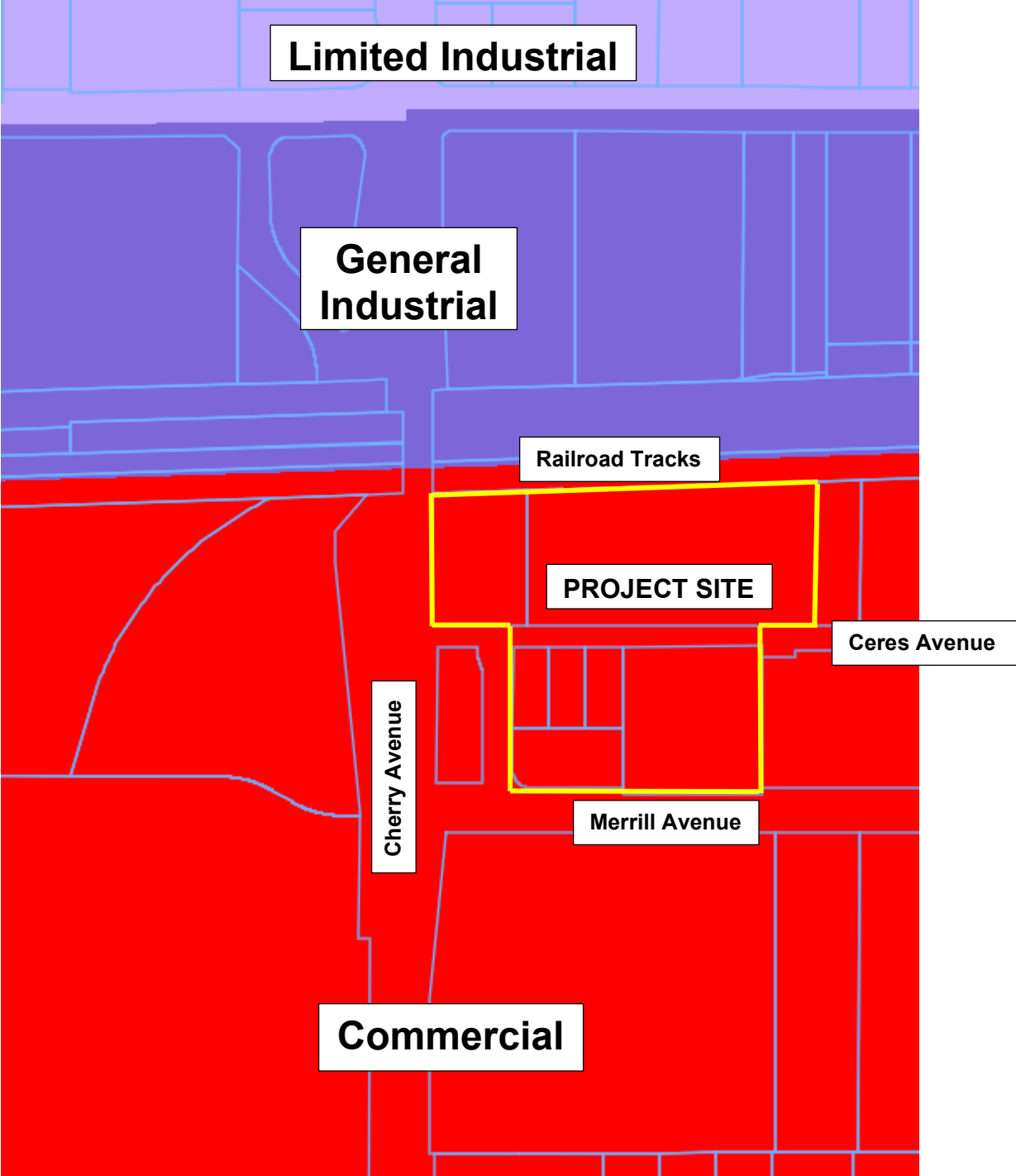
STAFF RECOMMENDATION: That the Planning Commission **FIND** that the Project is exempt from CEQA; **ADOPT** the Findings as contained in the staff report, **APPROVE** the Variance, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Exemption. ¹

¹ In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

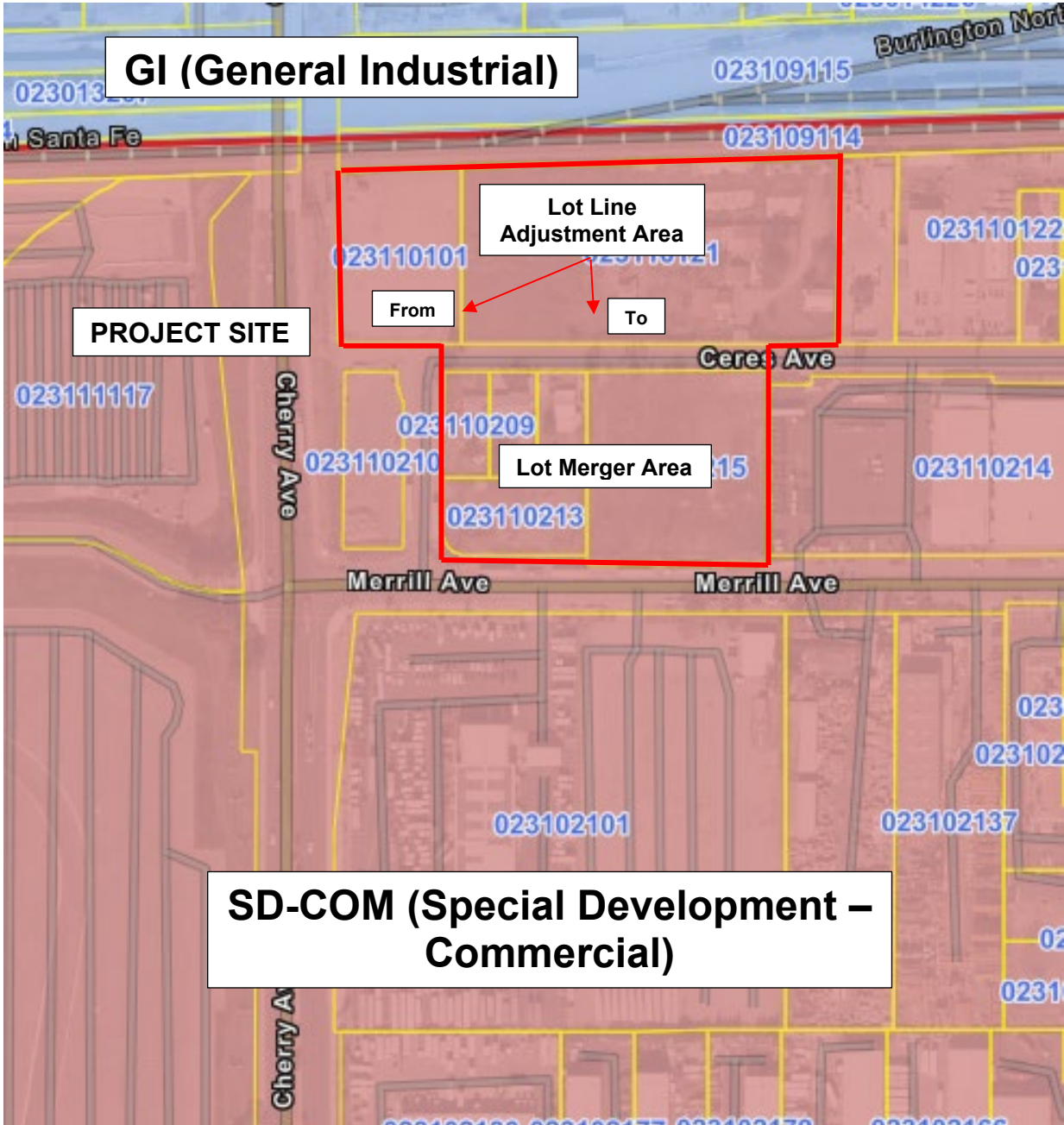
VICINITY MAP:
Aerial view of the Project Site



GENERAL PLAN LAND USE DISTRICT MAP:



ZONING DISTRICT MAP:



AERIAL MAP:

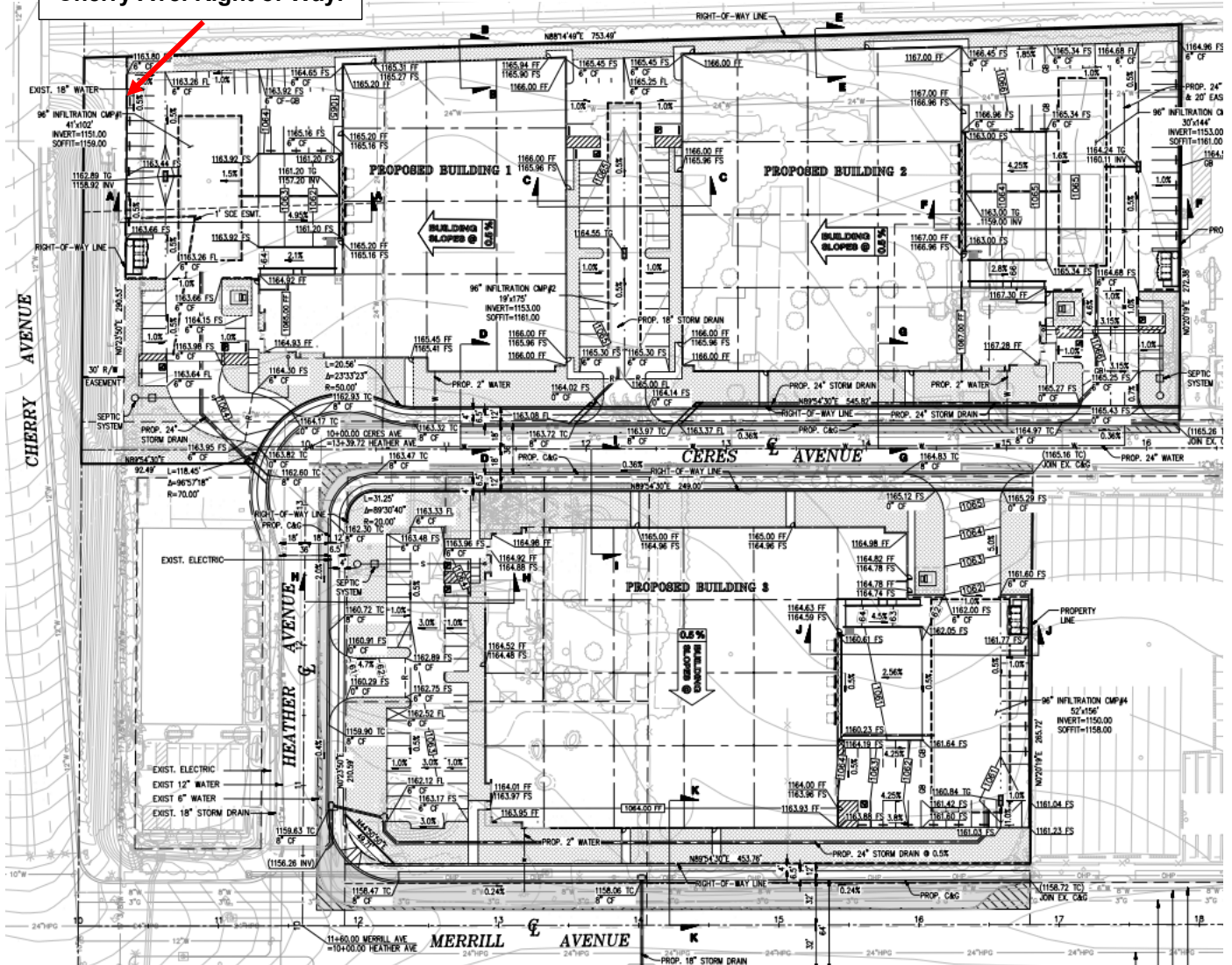


OVERALL SITE PLAN:



North

Proposed Street Side
 Variance adjacent to
 Cherry Ave. Right of Way.



SITE PHOTOS

View looking east along Ceres Avenue. (Note railroad in left photo.)



View easterly from the intersection of Merrill Avenue and Heather Avenue.



View westerly from Ceres Avenue towards Cherry Avenue (elevated roadway).



PROJECT DESCRIPTION:

The applicant proposes a Conditional Use Permit (CUP) for three warehouse buildings of approximately 40,700, 51,600, and 58,500 square feet (Project) located on a project site that is approximately 7.66 acres in size (Project Site). The Project Site is designated Commercial in the Countywide Plan and Zoned Special Development – Commercial (SD - Com). The Project Site currently comprises seven parcels, two of which are located north of Ceres Avenue and five south of Ceres Avenue. The northerly parcels are proposed to contain two separate warehouses, 40,700 square feet and 51,600 square feet, accessible from two points along Ceres Avenue, upon completion of a Lot Line Adjustment. The Lot Line Adjustment would relocate the existing parcel to the east to separate the proposed warehouses. That portion of the Project Site south of Ceres Avenue and east of Heather Avenue is currently comprised of five parcels that will obtain access from Heather Avenue on the west side of the site. The applicant proposes to undertake a Lot Merger that would combine these parcels into one large parcel. The Lot Line Adjustment and Lot Merger will be required as conditions of approval to the CUP.

The Project will also require the approval of a variance for the placement of parking adjacent to the Cherry Avenue right of way. Parking is required to meet the street setback requirement of 25 feet, with the intervening area landscaped. The proposed parking spaces would encroach into that setback (Please see the discussion below under Project Design).

The Project Site is partially improved with single family residences and associated structures. The Project area includes a number of commercial/industrial related operations and reflects the proposed Project design. The Project Site and surrounding area, extending east and west of Cherry Avenue and north of Valley Boulevard and south of the railroad tracks, is designated Commercial (C) in the Countywide Plan and Zoned Special Development – Commercial (SD-Com). A significant number of commercial/industrial uses exist in this area. The Project Site is also immediately adjacent to warehouse facilities to the east, and a recently constructed warehouse located adjacent to the southwesterly portion of the subject property, between Cherry Avenue, Merrill Avenue, and Heather Avenue.

Project Design

The 7.66 acre Project Site is an irregular configuration on separate sides of Ceres Avenue. Each proposed warehouse structure is generally arranged in the same manner with all buildings fronting on the street and parking on both sides (east and west) of each building. Frontage areas along Ceres and Heather Avenues provide a 25 foot landscape setback area. The southerly frontage of the Project Site also abutts Merrill Avenue and provides a 25 foot landscape setback area, although no pedestrian or vehicular access is proposed along this frontage.

The applicant has proposed a variance from the setback required for parking along Cherry Avenue. The Planning Commission granted a setback variance for the recently constructed project to the south based upon the design of Cherry Avenue and topographic constraint of the elevated roadway. The Cherry Avenue alignment north of Merrill Avenue, involving the newly constructed bridge over the railroad tracks, angles to the west and away from the Project Site. However, the roadway right of way and related property line maintains a northerly alignment, based upon the design established for the alignment south of Merrill Avenue. This causes the improved roadway to move westerly, which increases the area within the right way on the easterly side to expand far beyond current standards. The downhill slope adjacent to the Project Site created by the overpass is entirely within the Cherry Avenue right of way and extends up to approximately 60 feet in width from the improved roadway section. Cherry Avenue is also significantly elevated above the subject property, approximately 26 feet, precluding access and establishing a physical barrier to the property. Based on the circumstance and conditions applicable to the Project Site and surrounding area, staff recommends approval of the requested variance.

PROJECT ANALYSIS:

Site Planning: The proposed Project design would provide for three separate warehouses on individual parcels. The two existing parcels to the north of Ceres Avenue will include a Lot Line Adjustment to move the existing parcel line to the east, thereby expanding the size of the westerly parcel. The five parcels to the south of Ceres Avenue will be combined into one parcel through a Lot Merger. State law precludes utilizing a Lot Line Adjustment for more than four parcels, hence the need for separate actions. The existing residences on the property would be demolished.

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the SD-Commercial Zoning District, as illustrated in Table 2 below.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Special Development - Commercial		Project Plans (Proposed)
Warehouses	CUP		CUP
Parking	182 vehicle spaces required. Warehouses: <ul style="list-style-type: none"> 1 per 1,000 sq. ft. up to 40,000 sq. ft. 1 per 4,000 sq. ft. over 40,000 sq. ft. 		188 vehicle spaces provided. <ul style="list-style-type: none"> Building 1, 40,700 sq. ft.: 56/60* spaces Building 2, 51,600 sq. ft.: 62/62 spaces Building 3, 58,500 sq. ft.: 64/66 spaces Handicapped Spaces: 9 total <i>*(56/60 = Required/Provided Spaces)</i>
Building Setbacks	Front	25'	25'
	Street Side	25'	25' (expect where variance is approved)
	Interior Side	10'	41' minimum
	Rear	10'	25' (Street side)
Building Height	50 feet maximum		40 feet
Lot Coverage	80 percent		80 percent (maximum)
Landscaping	15 percent		20 percent (minimum)
Drive Aisles	24'		40'

California Environmental Quality Act Compliance

Section 15183 of the California Environmental Quality Act Guideline (14 CCR §§ 15000-15387)(CEQA Guidelines) mandates that projects which are consistent with the development density established by a general plan for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 of the CEQA Guidelines provides that “[i]n approving projects consistent with this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

An Initial Study (Exhibit A) was prepared and reviewed by Staff in accordance with Section 15183 of the CEQA Guidelines. The applicant also prepared the following technical studies:

- Biological Resources Assessment
- Cultural Resources Assessment
- Historical Resources Assessment
- Geotechnical Investigation
- Phase I Paleontological Assessment
- Phase I Environmental Assessment
- Water Quality Management Plan
- Hydrology Report
- Noise and Vibration Impact Analysis
- LOS Screening Analysis
- VMT Screening Analysis

The Initial Study concludes that no new project-specific impacts which are peculiar to the Project or its site would occur beyond those impacts and measures adopted as part of the Countywide Plan (General Plan) or County standards intended to address potential environmental effects or health and safety concerns. An example of some of the Countywide Plan environmental findings and standard measures contained in the Initial Study are listed below.

- **CWP RR AES-1: Glare and Outdoor Lighting Standards.** San Bernardino County Development Code Section 83.07 requires light fixtures to be directed downward and shielded so that light and glare is confined within the boundaries of the Project site. (*Countywide Plan, Regulatory Requirement*)
- **Rule 402 – Nuisance.** A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (*South Coast Air Quality Management District Rules and Regulations*)
- **CWP (Countywide Plan) Mitigation Measure BIO-1:** For each development Project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the Project site is warranted. If warranted, a qualified biologist shall prepare a biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.
- **RR CUL-5.** If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5)

- **CWP RR E-1.** Pursuant to San Bernardino County Development Code Section 63.0501, projects will abide by Title 24 Chapter 6 of the California Code of Regulations with respect to energy efficiency standards.
- **CWP RR HYD-3 Santa Ana RWQCB MS4 Permit.** Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a WQMP to:
 - Control contaminants into storm drain systems
 - Educate the public about stormwater impacts
 - Detect and eliminate illicit discharges
 - Control runoff from construction sites
 - Implement BMPs and site-specific runoff controls and treatments
- **CWP RR-NOI-2:** San Bernardino County Development Code, Construction Noise Sources. Section 83.01.080 establishes standards concerning acceptable noise levels for both noise-sensitive land uses and noise-generating land uses. It prohibits construction activities between 7:00 PM and 7:00 AM on weekdays, or at any time on Sunday or a federal holiday.

These measures are routinely applied to development proposals and conditions of approval (Exhibit B) reflect many of these measures. Based upon this analysis, a CEQA exemption would be applicable for this Project.

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. No comments were received.

RECOMMENDATION:

That the Planning Commission:

1. **FIND** the Project is exempt from CEQA pursuant to 14 California Code of Regulations Section 15183 and adopt the Findings as contained in the Initial Study (Exhibit A) regarding feasible mitigation undertaken;
2. **ADOPT** the Findings as contained in the staff report (Exhibit C);
3. **APPROVE** a variance to reduce the street side setback along Cherry Avenue from 25 to zero feet;
4. **APPROVE** the Conditional Use Permit for three separate warehouse buildings of 40,700, 51,600, and 58,500 sq. ft. on seven existing parcels on 7.66 acres, subject to the Conditions of Approval (Exhibit B); and
5. **DIRECT** staff to file the Notice of Exemption.

ATTACHMENTS:

- EXHIBIT A: Initial Study/Exemption Findings
https://www.sbcounty.gov/uploads/LUS/Environmental/Initial%20Study_PROJ_2022-00032.pdf
- EXHIBIT B: Conditions of Approval
- EXHIBIT C: Findings

EXHIBIT A

Initial Study/Exemption Findings

https://www.sbcounty.gov/uploads/LUS/Environmental/Initial%20Study_PROJ_2022-00032.pdf

EXHIBIT B

Conditions of Approval



Conditions of Approval

Record: PROJ-2022-00032

Description:

CONDITIONAL USE PERMIT TO ESTABLISH THREE SEPARATE WAREHOUSE BUILDINGS OF 40,700 SQ. FT., 51,600 SQ. FT. and 58,500 SQ. FT. ON SEVEN EXISTING PARCELS ON 7.66 ACRES ZONED SPECIAL DEVELOPMENT (SD).

Informational

1. Project Location: The Project site is located on the east side of Cherry Avenue on the north and south sides of Ceres Avenue, in the Fontana area.
2. Project Approval Description (CUP/MUP): This Conditional Use Permit is conditionally approved to permit the development of and parcel merger/lot line adjustment to establish three separate warehouse buildings of 40,700 sq. ft., 51,600 sq. ft., and 58,000 sq. ft. on seven existing parcels that will be merged or involve a lot line adjustment on 7.66 acres zoned Special Development (SD), 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.

County Fire - Community Safety

3. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite 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.
4. Access – 150+ feet: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
5. Jurisdiction: 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 status, codes, ordinances and standards of the Fire Department.

Public Works – Solid Waste Management Division

6. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste Industries).
7. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
8. Mandatory Commercial Recycling – As of July 1, 2012, AB 341 (Enacted October 5, 2011) requires businesses defined to include a commercial or public entity that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
9. Recycling and Organic Waste Collection Container Information – As of July 1, 2020, AB 827 (Enacted October 2, 2019) requires those MCR and MORE-covered businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

10. Mandatory Commercial Organics Recycling – As of September 15, 2020, AB 1826 (Enacted September 28, 2014) requires businesses that generate two (2) cubic yards or more of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County or contract waste hauler on efforts to recycle organics materials once operational.

Land Use Services - Land Development

11. Tributary Drainage: 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.
12. Erosion Control Installation: 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.
13. Additional Drainage Requirements: 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.
14. BMP Enforcement: 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.
15. Continuous BMP Maintenance: 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.

On-going

Land Use Services – Planning

16. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
17. Clear Sight Triangle: 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.
18. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
19. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
20. Construction Hours: 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.
21. Cultural Resources: 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.

22. Extension of Time: 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).
23. Lighting: 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.
24. Underground Utilities: 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.
25. Performance Standards: 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.
26. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:
27. GHG - Operational Standards: 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. 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.
28. Construction Noise: 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.
29. Project Account: The Project account number is PROJ-2022-00032. 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 \$2,000.00 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.

30. Continuous Maintenance: 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.
31. Expiration: This project permit approval shall expire and become void if it is not "exercised" within 36 months 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.

Public Health– Environmental Health Services

32. Refuse Storage and Disposal: 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.
33. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
34. OWTS Maintenance: 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.

Prior to Land Disturbance

Land Use Services - Building and Safety

35. Demolition Permit: 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.
36. Geotechnical Report: 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.
37. Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.

Land Use Services - Land Development

38. Grading Plans: 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.
39. FEMA Flood Zone: The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8653J dated 9/2/2016. 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.
40. Drainage Improvements: 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.
41. WQMP Inspection Fee: 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.
42. WQMP: 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/>)
43. San Sevaine Fee: 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 3.46 acres and the fee shall be \$15,241.30.
44. On-site Flows: On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
45. Regional Board Permit: 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.
46. NPDES Permit: 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

Land Use Services – Planning

47. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the South Coast Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an ongoing basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed South Coast Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
48. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
49. GHG - Construction Standards: The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
50. Cultural Resources Discovered: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
51. Monitoring Plan: If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

52. Human Remains: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Public Works – Surveyor

53. Corner Records Required Before Grading: Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.
54. Monument Disturbed by Grading: If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

Prior to Issuance

County Fire - Community Safety

55. Primary Access Paved: 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.
56. Secondary Access Paved: 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.
57. Surface: 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.
58. Turnaround: Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
59. 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.
60. Water System Commercial: A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
61. Building Plans: Building plans shall be submitted to the Fire Department for review and approval.
62. Combustible Protection: 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.
63. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
64. Fire Flow Test: Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
65. Haz-Mat Approval: 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.

66. Access: 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. Other recognized standards may be more restrictive by requiring wider access provisions. 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.

Public Works – Solid Waste Management Division

67. Construction Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects.

Land Use Services - Building and Safety

68. Temporary Use Permit: 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.
69. Construction Plans: 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.

Land Use Services - Land Development

70. Road Dedication/Improvements: The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California:

Ceres Avenue (Local – 60 feet):

- Road Dedication. An additional 20 foot grant of easement from centerline of Ceres Avenue is required to provide a half-width right-of-way of 30 feet.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type “B”.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
- Vacate. Ceres Avenue west of Heather Avenue to receive recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), County Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387- 7940 to obtain additional information.

Merrill Avenue (Secondary Highway – 88 feet):

- Road Dedication. An additional 14 foot grant of easement is required from centerline of Merrill Avenue to provide a half-width right-of- way of 44 feet.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type “B”.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

Heather Avenue (Local – 60 feet):

- Road Dedication. A 20 foot radius return grant of easement is required at the intersection of Heather Avenue and Ceres Avenue.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type “B”.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

71. Slope Easements: Slope rights shall be dedicated where necessary.
72. Soils Testing: Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.
73. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
74. Construction Permits: Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
75. Road Standards and Design: All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
76. Utilities.: 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.
77. Regional Transportation Fee: This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Fontana Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$5.12 per square foot for Industrial Use, which includes the 150,800 square foot building per the site plan uploaded 05/26/2022. Therefore, the estimated Regional Transportation Fees for the Project is \$772,096.00. The current Regional Transportation Development Mitigation Plan can be found at the following website: <https://www.sbcounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>
78. Slope Tests: Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.
79. Street Gradients: Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.
80. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.
81. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

Land Use Services – Planning

82. Signs: All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
83. Monitoring Plan: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.
84. Documents: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.
85. Issuance/Building Permit Condition: A Lot Line Adjustment and Lot Merger shall be submitted to the Planning Division, approved by the County Surveyor, and recorded prior to issuance of Building Permits. The Lot Line Adjustment component is intended to occur on the northerly portion of the site in which the existing east lot line for APN 0231-101-01 is to relocate easterly so that it is between the two proposed buildings, as displayed on the site plan. The Lot Merger component is intended to combine the five parcels on the south side of Ceres Avenue for the proposed single building.

Public Health– Environmental Health Services

86. Demolition Inspection Required: 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.
87. Preliminary Acoustical Information: 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.
88. Water and Sewer - LAFCO: 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.
89. Existing OWTS: 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.
90. New OWTS: 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.
91. Sewer Service Verification Letter: 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).
92. Sewage Disposal: Method of sewage disposal shall be sewer service provided by a septic system or an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

County Fire - Community Safety

93. Combustible Vegetation: 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.

94. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is one hundred (100) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
95. Fire Alarm - Automatic: An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
96. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
97. 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.
98. Fire Sprinkler-NFPA #13: An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the Fire Department with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
99. Hydrant Marking: 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.
100. Key Box: An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
101. Material Identification Placards: 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.
102. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
103. Roof Certification: A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
104. Smoke and Heat Removal: Mechanical smoke removal systems shall be provided for building protected by EFSR sprinkler systems as required by the Chief. The mechanical smoke removal systems shall meet the requirements of CFC and SBCOFD Standards.
105. Smoke Removal/Ventilation: An automatic smoke removal system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall submit detailed smoke removal system plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
106. 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.

Prior to Occupancy

County Fire - Community Safety

107. Inspection by the Fire Department: Permission to occupy or use the building (certificate 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 - Land Development

108. WQMP Improvements: 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.
109. Drainage Improvements: 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.
110. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
111. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
112. Structural Section Testing: A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
113. Road Improvements: All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

Land Use Services – Planning

114. Condition Compliance : Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
115. Fees Paid: 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-2022-00032.
116. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
117. Landscaping/Irrigation: 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.
118. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
119. GHG - Installation/Implementation Standards: 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.
120. Shield Lights: 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).

Public Works – Solid Waste Management Division

121. Construction Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>



Conditions of Approval

Record: PROJ-2022-00032

System Date: 01/25/2023

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	http://cms.sbcounty.gov/lus/Home.aspx	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcounty.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	http://cms.sbcounty.gov/dpw/Home.aspx	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://wp.sbcounty.gov/dph/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
Special Districts	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
	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 C

Findings

FINDINGS: CONDITIONAL USE PERMIT. The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040 and supporting facts for the Project's Conditional Use Permit for three separate warehouse buildings of 40,700, 51,600, and 58,500 sq. ft. on seven parcels on 7.66 acres, zoned Special Development-Commercial (SD-COM).

- 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,** because the proposed Project will utilize the available development area consistent with applicable design standards, with approval of a variance along the Cherry Avenue frontage for the landscape area associate with the parking setback based upon the subject property's unique location and design constraints. Adequate on-site parking and truck maneuvering area is available within the proposed parcel configuration. The required setback along Cherry Avenue is affected by the alignment of Cherry Avenue, in which the improved roadway section angles away from the property and is substantially elevated above the subject property rendering the need for landscaping as an attractive streetscape not applicable. The subject property is one of two parcels affected by this condition. The parcel to the south of the subject property also received a variance due to this condition and has since been developed with a warehouse.
- 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.** Access to the subject property is provided from Heather Avenue and Ceres Avenue. Both roadways are paved and are currently designated Local roadways, with a planned width of 60 feet and two travel lanes. An additional grant of easement is also required on Ceres Avenue to provide a half-width street of 30 feet. An additional roadway dedication of 14 feet will also be required along Merrill Avenue to provide for the planned design of 88 feet right of way, consistent with the Secondary Highway standard. That portion of Ceres Avenue west of Heather Avenue is proposed to be vacated, since it cannot physically connect to Cherry Avenue.
- 3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The proposed Project is located within an area intended for commercial/industrial development, with similar uses located along Heather Avenue, along the south side of Merrill Avenue and to the east of the Project site. San Bernardino County Transportation and the Atchison, Topeka and Santa Fe Railroad have rail lines immediately to the north of the subject property.

A Level of Service (LOS) Screening Analysis was completed for the Project and found it would generate approximately 329 net weekday daily trips, with 34 net trips produced in the weekday AM peak hour and 35 net trips produced in the weekday PM peak hour, when compared to the existing residential uses present on the site. The San Bernardino County Transportation Impact Study Guidelines state projects that generate 100 or more trips during any peak hour should prepare a Traffic Impact Study (TIS). The proposed Project is expected to generate 34 net passenger car equivalent AM Peak Hour trips and 35 net passenger car equivalent PM

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Peak Hour trips, below the 100 peak hour trip threshold. As such, the level of vehicular increase was determined not to be significant. Vibration levels are regulated by the County's Development Code based upon the distance to sensitive receptors. The projected vibration levels would be below threshold levels and, therefore, not significant.

The Project would be required to meet the requirements of County's Development Code. Light emanating from the proposed Project is required by Development Code Section 83.07.030 to be shielded and directed downward and away from adjoining properties and public rights-of-way.

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, as confirmed below:**

Policy LU-2.4 Land Use Map consistency.

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Policy Implementation: The proposed Project is permitted, subject to a Conditional Use Permit within the SD - Com (Special Development - Commercial) Zone. The proposed Project will be required to comply with the development criteria of the SD Zone, for parking design, landscaping, and building setbacks to ensure compatibility with other surrounding uses. A variance has been requested and is recommended for the street side setback related to landscape and associated parking areas adjacent to Cherry Avenue.

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 neighborhood. We also require that new residential development are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Policy Implementation: The proposed Project is compatible with other warehouse related uses in the area to the south and east, and to the railroad operations to the north. Rear yard landscaping has been proposed along the railroad tracks and street frontages along the three adjoining streets consistent with the County Development Code. A screen wall is also proposed along the northerly property line adjacent to the railroad tracks.

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.** The developer will be required to construct appropriate road improvements, provide adequate water and on-site wastewater disposal facilities, and extend adequate utilities to the property, in accordance with the conditions of approval.

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6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare**, because the conditions of approval ensure appropriate site improvements, street design, traffic improvements, and utilities are incorporated into the new development to meet projected needs. The County Environmental Services Division has reviewed the Project and conditioned it consistent with County requirements. The additional street improvements are required along Ceres Avenue, Heather Avenue, and Merrill Avenue that will improve and/or widen the number of travel lanes. In addition, the conditions will ensure the Project will meet the adopted County performance standards for noise, lighting, and Project operation.
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**, because the proposed Project has a number of buildings that could provide for solar facilities, depending upon its feasibility to incorporate this feature into the Project.

FINDINGS: MAJOR VARIANCE

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.17.060 and supporting facts for the Project's Major Variance to reduce the street side setback for the landscape area associated with the parking along the Cherry Avenue frontage from 25 feet to zero feet (Variance).

1. **The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems**, because the reduction in street side setback affecting the landscape and parking area along Cherry Avenue will not adversely affect adjoining properties due to the off-set in elevation caused by Cherry Avenue, the relatively isolated nature of the location site due to the configuration and use of surrounding streets, and the substantial distance between the Cherry Avenue roadway improvement section and the subject property. The distance of the property from the improved portion of the Cherry Avenue roadway will be substantially greater than the required Development Code landscape/parking setback, due to the fact the improved street section has been realigned away from the property, but yet has maintained the original street centerline design. In addition, the purpose of the setback and the associated landscaping is to provide an attractive streetscape design. In this circumstance, the adjoining roadway is elevated approximately 26 feet above the site, thereby obscuring site visibility from Cherry Avenue, rendering the aesthetic purpose of the landscape feature moot. In addition, the roadway abutment/slope that faces the property is in a relatively natural soil/landscape condition allowing for planting of vegetation. The proposed variance would not conflict with the ability to utilize solar energy systems.
2. **There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district**, because the Project site would require an increased landscaping and parking setback due to irregular design of Cherry Avenue. The design of Cherry Avenue has also constrained the size of the subject property in that the improvement plan design does not match the constructed street design by not reflecting its realignment to

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the west. As such, the distance to the improved edge of the Cherry Avenue roadway is significantly greater than would normally occur. In addition, the steep slope associated with the increased elevation of Cherry Avenue creates an area that cannot be utilized for development. The adjoining parcel to the south also received a variance due to this condition. The proposed building design is not oversized for the property, because the proposed building utilizes less than the maximum allowable lot coverage. As such, imposing the required Development Code design standards in this instance would represent an undue burden on the Project site.

3. **The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district**, because other properties that have been developed with commercial/industrial uses and not constrained by the irregularity of adjoining streets or differences in elevation.
4. **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the Countywide Plan and any applicable specific plan**, because the Countywide Plan (General Plan) encourages infill development and is consistent with the development objectives of the Special Development-Commercial Zoning District.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County 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 determined to be exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines for the reasons provided in the Project's Initial Study. In adopting an exemption consistent with Section 15183 of the CEQA Guidelines, the review authority has made a finding at a public hearing regarding feasible mitigation measures that will be required to be undertaken by the Project. This determination represents the independent judgment and analysis of the County acting as lead agency for the Project.