



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: July 07, 2016

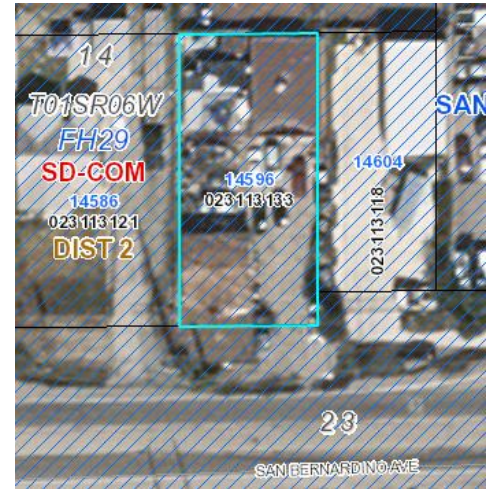
Item # 2

PROJECT DESCRIPTION

VICINITY MAP N ↑

APN: 0231-131-33
Applicant: Martin Ponce
Community: Fontana/Second Supervisorial District
Location: North side of San Bernardino Avenue, approximately 580 feet east of Cherry Avenue
Project No.: P201100242
Staff: Oxso Shahriari, Planner
Representative: PA Design Associates
Proposal:

- A) Conditional Use Permit to establish a tarp manufacturing business including 2,790 square feet of office, supply room and workshop;
- B) A variance to allow 12% landscaping in lieu of the minimum required 20%;
- C) A variance to allow zero lot line on the easterly property line in lieu of the required 10 foot building setback; and
- D) A variance to allow an encroachment of 4 feet 6 inches into a 10-foot rear building setback on 0.18 acre.



14 Hearing Notices Sent On: May 27, 2016

Report Prepared By: Oxso Shahriari, Planner

SITE INFORMATION:

Parcel Size: 0.18 Acre
Terrain: Nearly flat
Vegetation: None as the site is fully disturbed by prior development

SURROUNDING LAND DESCRIPTION:

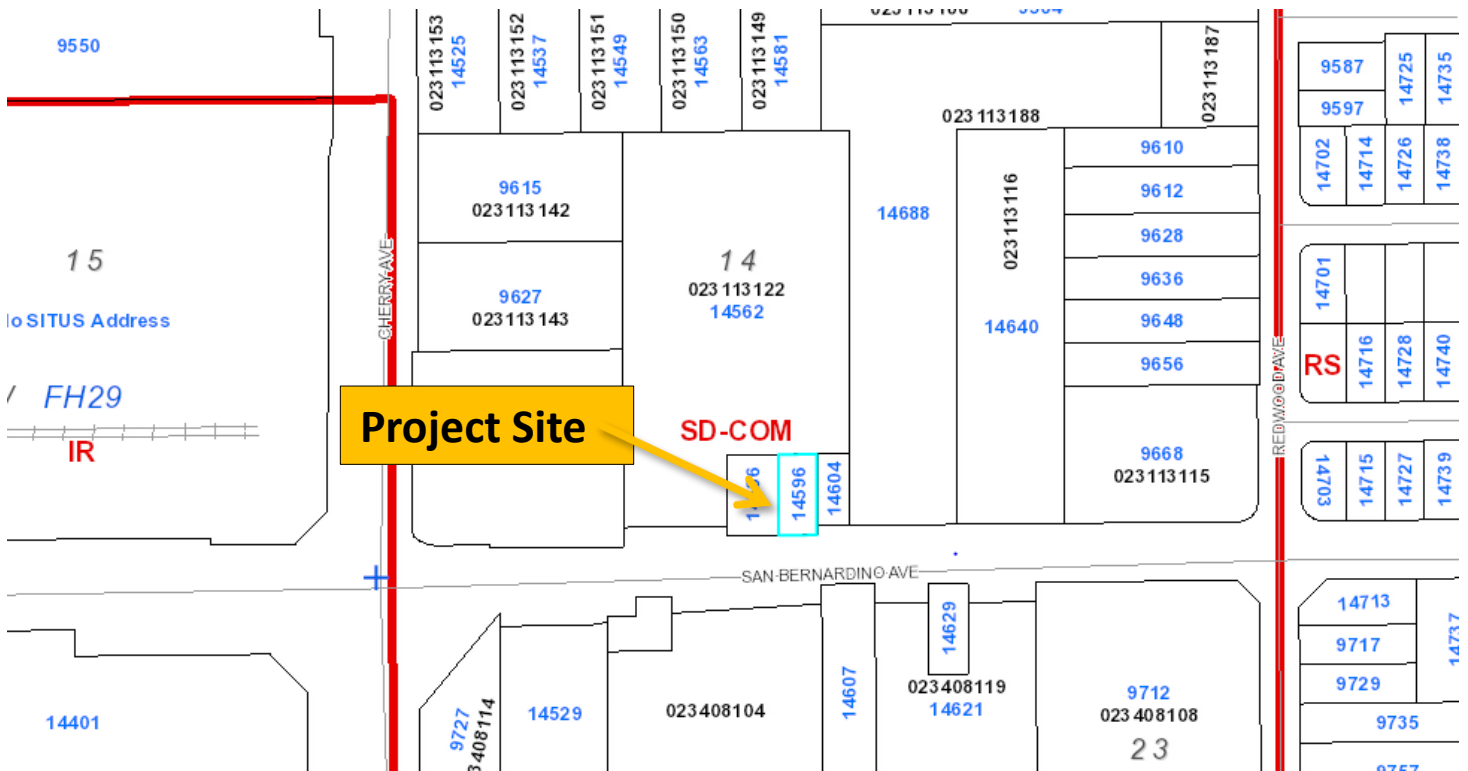
AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Single Family Residence	Special Development—Commercial (SD-COM)
North	Light Industrial	Special Development—Commercial (SD-COM)
South	Vacant & Single Family Residence	Special Development—Commercial (SD-COM)
East	Service Garage	Special Development—Commercial (SD-COM)
West	Single Family Residence	Special Development—Commercial (SD-COM)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	City of Fontana	Supports the project
Water Service:	Fontana Water Company	Available
Sewer Service:	City of Fontana	Subject to LAFCO approval

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval, **ADOPT** the Findings, and **FILE** a Notice of Exemption.

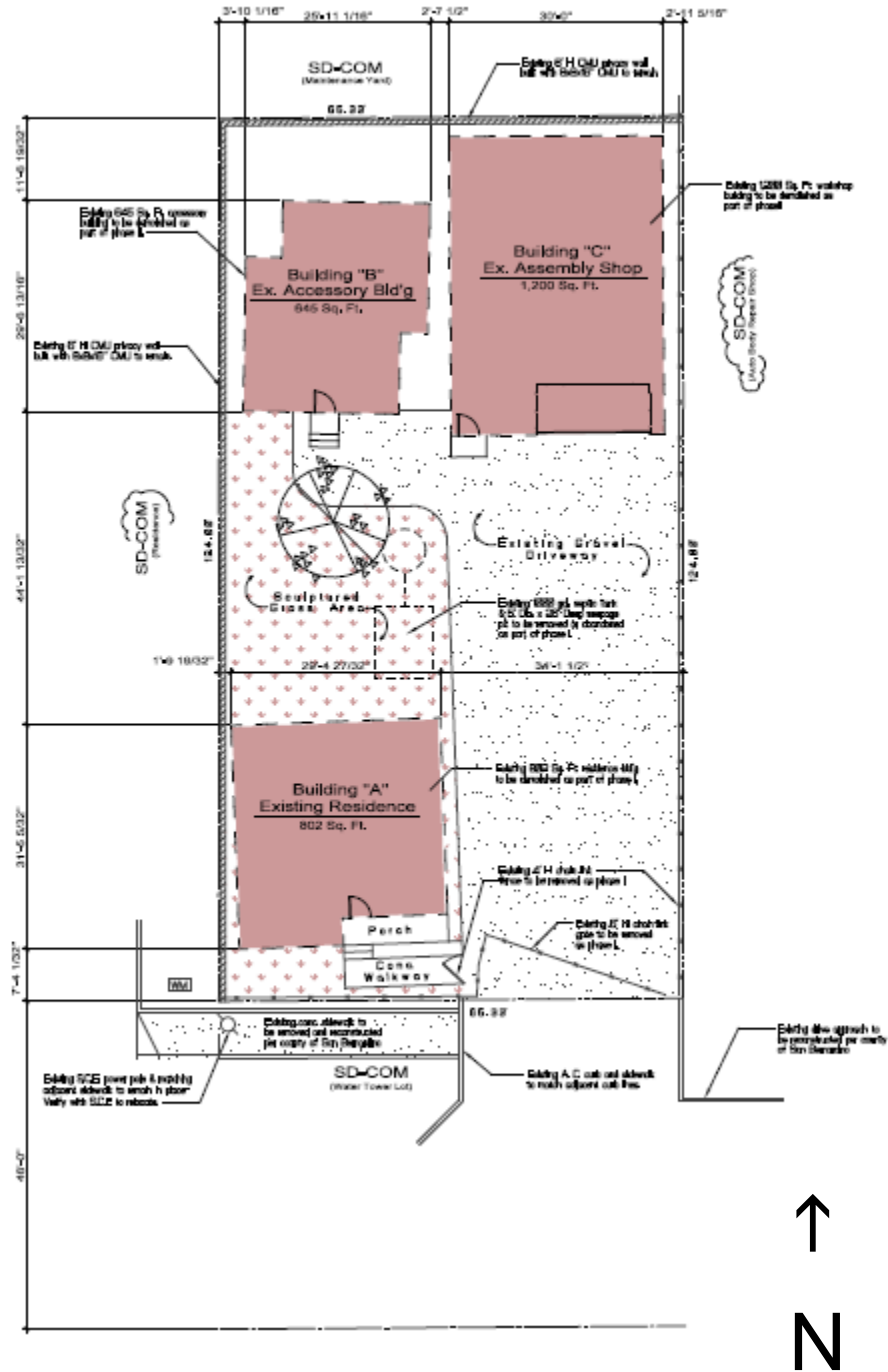
In accordance with Section 86.08.010 of the Development Code, this action may be appealed to the Board of Supervisors.

Land Use Zoning District Map



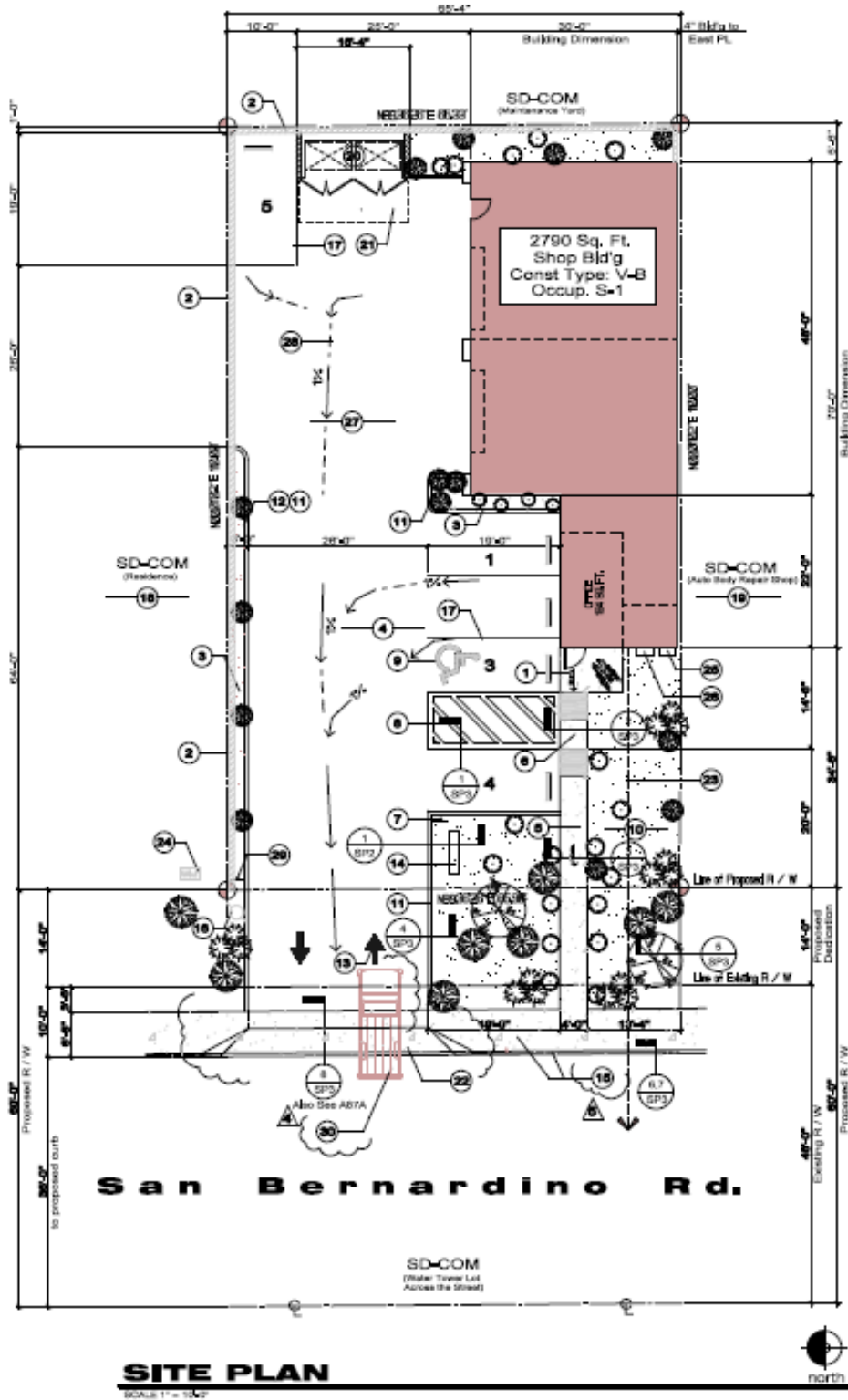
Site Plan

(Existing Site Condition and Structures TO BE REMOVED)



Site Plan

(Proposed Development and New 2,790 SQFT Structure)



Site Photos



Looking north toward the project site (currently a Single Family Residence)



Looking east along San Bernardino Avenue, with the project site on the left



BACKGROUND:

The proposed project (Project) is a Conditional Use Permit (CUP) to establish a tarp manufacturing business in a 2,790-square foot building, including an office, supply room and workshop on 0.18 acre. The site is located on the north side of San Bernardino Avenue, approximately 580 feet west of Cherry Avenue, in the sphere of influence of the City of Fontana. The site is zoned Special Development—Commercial (SD-COM). The SD-COM district allows for light industrial use subject to approval of a CUP. The existing improvements on the site consist of a single family home, an accessory structure, and a converted garage that currently houses the un-permitted tarp manufacturing business. These structures will be demolished to make room for the new development and the required parking and landscaping.

Due to the small size of the subject site, three variances are requested to allow development of a viable commercial business. The Project includes a variance to allow 12% landscaping in lieu of the minimum required 20%, a variance to allow a zero setback on the easterly property line in lieu of the required 10-foot building setback, and a variance to allow an encroachment of 4 feet 6 inches into the required 10-foot rear yard setback.

ANALYSIS:

DEVELOPMENT STANDARDS. The proposed Project meets the development standards of the SD-COM zoning district, as set forth in Chapter 82.06 of the Development Code, including use, building height, landscaping, parking and setback requirements—except for the requested variances. The Project meets its parking requirements by providing 4 parking spaces including one disabled parking space. The Project has been reviewed by various County Departments and Divisions, including Traffic, Land Development, Solid Waste Management and Fire, for compliance with standard requirements.

STREET IMPROVEMENTS. Road right-of-way dedication and street frontage improvements on San Bernardino Avenue are required by the conditions of approval; including a sidewalk, driveway approach, pavement, and relocation of an existing power pole, if necessary.

VARIANCES. Granting the requested variances will not be materially detrimental to other properties or land uses in the area; nor will it interfere with the operation of businesses on the surrounding properties. The size of the parcel is exceptionally small compared to other properties in the vicinity. The minimum lot size in the SD-COM district is 5 acres, so the development standards of the SD-COM district are designed for larger properties. Strict application of the SD-COM zoning standards would severely limit the development potential of the site. Staff recommends approval of the requested variances as a practical solution to the physical constraints to development of the Project site, which will conform to the findings required for approval of the variances.

PUBLIC COMMENTS. Project notices were mailed to 14 owners of surrounding properties within 300 feet of the Project site, as required by Development Code Section 85.03.080: Notice of Pending Land Use Decisions. The Project notice mailing was completed at the time of the initial review process. Hearing notices were also mailed to the surrounding proper to solicit any public comments and to invite participation in the public hearing. None of the surrounding property owners have commented on the Project as of the date this staff report was prepared.

SPHERE OF INFLUENCE. The project site is within the sphere of influence of the City of Fontana (City) . A project notice was sent to the City, and the City staff responded with extensive comments related to City development standards. Staff made additional contacts with the City to discuss the merits of the Project, including the variance requests. Ultimately, the City staff agreed with the County staff recommendation, and has indicated support for the approval recommendation.

ENVIRONMENTAL DETERMINATION. The subject 0.18-acre site is fully disturbed by previous construction of the existing structures on the site. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15303 and 15305 of the CEQA Guidelines. Section 15303 is the categorical exemption for construction of small structures, not exceeding 10,000 square feet, in an urbanized area. Section 15305 is the categorical exemption for minor alterations to land use limitations such as the variances. The proposed use is consistent with the SD-COM designation of the County General Plan, and will be compatible with the commercial and light industrial uses in the surrounding area. No significant environmental impacts are anticipated. A Notice of Exemption is recommended.

RECOMMENDATION:

That the PLANNING COMMISSION:

- A. **APPROVE** the Conditional Use Permit (CUP) to establish a tarp manufacturing business in a 2,790-square foot building, including an office, supply room and workshop on 0.18 acre, subject to the Conditions of Approval.
- B. **APPROVE** the requested variances to landscaping and setback requirements.
- C. **ADOPT** the Findings as contained in the Staff Report.
- D. **FILE** a Notice of Exemption.

ATTACHMENTS:

- Exhibit A: Conditions of Approval
- Exhibit B: Findings for Conditional Use Permit
- Exhibit C: Findings for Variances

EXHIBIT A

Conditions of Approval

CONDITIONS OF APPROVAL

Martin Ponce
Conditional Use Permit

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

[Not subject to Condition Compliance Release Form (CCRF) signoffs]

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

1. **Project Approval Description.** This Conditional Use Permit is conditionally approved to authorized establishment of a tarp manufacturing business including 2,790 square feet of workshop, storage and office on 0.20 acre. Project Number: P201100242.
2. **Project Location.** The project site is located on the north side of San Bernardino Avenue, approximately 670 feet west of Cherry Avenue, in the unincorporated area of the community of Fontana. APN: 0231-131-33.
3. **Code Compliance.** The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the project conditions of approval, the approved site plan and all related approved reports and plans, including elevations. The developer shall provide a copy of the approved conditions and the 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 site.
4. **Continuous Effect/Revocation.** All Conditions of Approval applied to this Project shall be effective continuously throughout the operative life of the Project for the approved use. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, parking allocation, or a proposed change in the Conditions of Approval, or the approved site plan shall require an additional application for a Revision to an Approved Action. (SBCC 86.06.070)
5. **Revisions.** Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, parking allocation, or a proposed change in the Conditions of Approval, or the approved site plan shall require an additional application for a Revision to an Approved Action. (SBCC 86.06.070)
6. **Indemnification.** 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 the 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's 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

7. Expiration. 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 granted. The permit is deemed exercised when either.
- The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - 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]

Occupancy of completed structures and operation of the approved 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.

- Building and Safety does not issue construction permits for all or part of the Project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

8. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Extension application, which must include 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)
9. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner or developer shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Project Account. The Job Costing System (JCS) account number is P201100242. 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 expenses 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 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.

12. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following.
- Grading Permits. A copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
 - Building Permits. A copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
 - Final Occupancy. A copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
13. Additional Requirements. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and Project site. These may include.
- a) FEDERAL. Fish & Wildlife Service, Army Corps of Engineers, Federal Aviation Administration
 - b) STATE. Department of Fish & Wildlife, Colorado RWQCB, Santa Ana AQMD,
 - c) COUNTY. Land Use Services – Planning, Building and Safety, Code Enforcement, Land Development; Public Health–Environmental Health Services; Public Works; County Fire; and Hazardous Materials
 - d) LOCAL. City of Fontana/Fontana Water Company; County of San Bernardino Fire Department; LAFCO
14. 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 shall be removed within 24 hours of notification.
 - 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.
 - 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. Signage. 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 a County-approved sign plan.
 - i. Lighting. On-site lighting shall be maintained to operate properly for security, and shall not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare standards of SBCC.
 - j. Parking and On-site Circulation. including surfaces, all markings and traffic/directional signs shall be maintained in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined and legible. These include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps, “No Parking”, “Carpool” and “Fire Lane” designations.

15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC 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.
16. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
17. Construction Hours. Construction will be limited to the hours between 7.00 AM and 7.00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
18. Signs. This conditional approval includes a monument sign as depicted in the approved site plan, page SP2, under Monument Sign Detail.
19. 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. 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. The specific transit routes displayed shall include Omni Trans route information.
 - 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.

LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

20. Enforcement. If any County enforcement activities are required to enforce compliance with the Conditions of Approval, the County will charge the property owner for such enforcement activities pursuant to the SBCC Schedule of Fees.
21. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

COUNTY FIRE – Community Safety Division (909) 387-4140

22. 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 Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]
23. Fire Fee. The required fire fees in the amount of **\$739.00** are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices. [F40]
24. Permit Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by 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 or Fire Condition Letter, 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 Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
25. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and 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. [F01A]

LAND USE SERVICES DEPARTMENT – Land Development – Drainage Section (909) 387-8311

26. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
28. 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.
29. 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 Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
30. 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 County 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.

PUBLIC WORKS DEPARTMENT – Solid Waste Management Division (909) 386-8968

31. 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.
32. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a 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.
33. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners of a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
34. Mandatory Organics Recycling. As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. 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 though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

PUBLIC HEALTH DEPARTMENT – Division Of Environmental Health Services (800) 442-2283

35. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
36. Septic System Maintenance. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper.
37. Refuse Storage/Removal. 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. For information, please call DEHS/LEA at: (800) 442-2283.

**PRIOR TO LAND DISTURBANCE ACTIVITIES
OR ISSUANCE OF GRADING PERMITS
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

38. 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 the implement the following when possible:
 - 1) training operators to use equipment more efficiently.
 - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
 - 3) replacing older, less fuel-efficient equipment with newer models
 - 4) 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.
39. Cultural Resources. The “developer” shall prepare, submit for review and obtain approval of a letter agreeing to adhere to the following requirements and to include in any construction contracts/ subcontracts a requirement that project contractors adhere to the following requirements. If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory resource excavation and recovery has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend appropriate action. The developer shall implement any such additional action to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.

LAND USE SERVICES DEPARTMENT– Land Development – Drainage Section (909) 387-8311

40. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage review will be collected upon submittal to the Land Development Division.
41. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
42. Grading Plans. Grading plans shall be submitted for review and approval obtained. An \$806 deposit for grading plan 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.
43. San Sevaine Drainage 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 0.2 acre and the fee shall be \$881.00
44. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://www.sbcounty.gov/dpw/land/npdes.asp>)
45. WQMP Inspection Fee. The developer shall provide \$3,600 deposit to Land Development Division for inspection of the approved WQMP.

LAND USE SERVICES DEPARTMENT – Building And Safety Division (909) 387-8311

46. Geology Report. A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to final project approval.
47. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
48. 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.
49. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
50. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.

DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8162

51. A 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 (Section 8771(b) Business and Professions Code).

The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

52. A Record of Survey/Corner Record shall be filed in the following instances:

- Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
- Monuments set to mark the property lines.
- Pursuant to applicable sections of the Business and Professions Code.

**PRIOR TO ISSUANCE OF BUILDING PERMITS
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building And Safety Division (909) 387-8311

53. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

54. Permits. Obtain permits for all structures located on site and all work done without a permit.

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

55. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

- a) Meet Title 24 Energy Efficiency requirements implemented July 1, 2014 The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):
- Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,

- Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b) Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c) Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d) Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e) Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f) Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g) Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h) Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g.

bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

56. Landscape and Irrigation Plans shall be prepared and submitted in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of the landscape and irrigation plan to County Planning.

COUNTY FIRE – Community Safety Division (909) 387-4140

57. 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 either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]. Required fire flow for this project is 1500gpm for two hours duration. An approved fire hydrant is to be located within 300' of all portions of the building.

58. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]

59. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]

60. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]

61. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

LAND USE SERVICES DEPARTMENT – Building And Safety Division (909) 387-8311

62. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

LAND USE SERVICES DEPARTMENT – Land Development Division–Road Section (909) 387-8311

63. 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.

San Bernardino Ave (Major Divided Highway/Variation – 120')

- Road Dedication. A 14 foot grant of easement is required to provide a half-width right-of-way of 60'.

- Street Improvements. Design curb and gutter with match up paving 36 feet from centerline to coincide with adjacent improvements.
 - Sidewalks. Design sidewalks per County Standard 109 type C.
 - Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=26' min – 34' max), and located per San Bernardino County Standard 130.
64. 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.
65. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
66. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, 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.
67. 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 San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
68. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
69. 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 County Public Works confirming the adequacy of the grade.

PUBLIC WORKS DEPARTMENT – Solid Waste Management Division (909) 386-8968

70. Construction and Demolition Waste Management Plan (CDWMP) 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 or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste. An approved CDWMP Part 1 is required before a demolition permit can be issued.

Upon completion of construction, the developer shall complete SWMD's CDWMP Part 2 and shall provide documentation of diversion of materials including but not limited to receipts, invoices or letters showing material type(s) and weights or volume from diversion facilities or certification of reuse of materials on site. An approved Part 2 of the CDWMP is required prior to issuance of occupancy.

PUBLIC WORKS DEPARTMENT – Division Of Environmental Health Services (800) 442-2283

71. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at (800) 442-2283.

72. Water. Water purveyor shall be Fontana Water Company or EHS approved.
73. Verification Letter–Water. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 909-387-4655. Letter from Fontana Water Company on file.
74. Sewage. Method of sewage disposal shall be City of Fontana, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
75. Verification Letter–Sewer. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall reference the Assessor's Parcel Number.
76. Soil Percolation. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at (909) 387-4655.
77. System Function. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
78. Out-of-Agency Serviced Agreement. Submit verification of LAFCO approval of out-of-agency service agreement to DEHS for any project that requires water or sewer connection outside a service provider's jurisdiction. For information, contact LAFCO at: (909) 388-0480.
79. 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 DEHS for review and approval. For information and acoustical checklist, contact DEHS at 909-387-4655.

DEPARTMENT OF PUBLIC WORKS – Traffic Division (909) 387-8186

80. Regional Mitigation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan for the Fontana Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. These fees are subject to change periodically. Currently, the fee is \$5.12 per square foot for Industrial use. The building is 2,790 sq. ft. per the revised site plan provided on 6/11/2015. Therefore, the estimated Regional Transportation Fees for the building is \$14,284.80 (\$5.12 per sq. ft. x 2,790 sq. ft.). The current Regional Transportation Development Mitigation Plan can be found at the following website:

http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

LOCAL AGENCY FORMATION COMMISSION (LAFCO) (909) 388-0480

81. Extension of Sewer Service. The extension of sewer service to this project will require a contract with the City of Fontana for service outside its boundaries. Such a contract is required to be reviewed and approved by LAFCO before a will-serve letter or other contractual relationship can be finalized. For further information on this process, contact the LAFCO office at (909) 388-0480 or Catherine Lin of the City of Fontana at (909) 428-8860.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY,
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311

82. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and signoffs shall be completed.

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

83. Landscape Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan and/or site 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.

84. On-site Improvements. Parking and on-site circulation requirements shall be installed per approved site plan.

85. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.

86. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares in compliance with SBCC Section 83.07.030 – Glare and Outdoor Lighting–Mountain and Desert Regions.

87. GHG – Installation/Implementation. The developer shall submit for review and obtain approval from County Planning evidence that all applicable GHG reduction measures have been installed, implemented and that specified performance objectives are being met.

88. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.

89. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201100242 shall be paid in full.

COUNTY FIRE – Community Safety Division (909) 387-4140

90. Inspection by Fire Department. 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". [F03]

COUNTY FIRE HAZMAT (909) 386-8463

91. HAZMAT Materials. Prior to occupancy, operator shall submit disclosure information using the California Environmental Reporting System (CERS) for emergency release or threatened release of hazardous materials and wastes or apply for exemption from hazardous materials laws and regulations. Contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8463.

92. Handler Permit. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8463.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

93. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer 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.
94. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

LAND USE SERVICES DEPARTMENT– Land Development Division – Road Section (909) 387-8311

95. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
96. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
97. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
98. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

PUBLIC WORKS DEPARTMENT– Solid Waste Management Division (909) 386-8968

99. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. 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 50% of total weight or volume of all construction waste.

END OF CONDITIONS

EXHIBIT B

Findings for Conditional Use Permit

FINDINGS for Conditional Use Permit

1. The subject is physically adequate to accommodate the proposed use, subject to application of the requested variances from landscaping and building setback standards. The site and proposed project design allow adequate space for the proposed tarp manufacturing facility, with associated parking, landscaping, emergency access and turnaround space. The proposed project is compatible with surrounding land uses in the Special Development-Commercial (SD-COM) land use district.
2. The site for the proposed use has adequate access, which means that the site has direct access to San Bernardino Avenue, and the project design incorporates appropriate street improvements to provide adequate access to the proposed tarp manufacturing business. The site design has also been approved by the County Fire Department for compliance with emergency access standards.
3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property. There is no evidence to suggest that the use would generate excessive noise, traffic, vibration, or other disturbance because the proposed use is permitted in the SD-COM zoning district, subject to approval of a Conditional Use Permit (CUP). The Conditions of Approval of the CUP will ensure that the project will not have an adverse effect on other properties, and that it will not substantially interfere with the potential to use solar energy systems on the site or on surrounding properties.
4. The proposed use and manner of development are consistent with the goals, policies, standards and maps of the County General Plan because the proposed light industrial use is permitted in the SD-COM land use district, as designated by the General Plan. The SD-COM district permits the proposed use subject to approval of a CUP. The proposed project, together with the provisions for its design and improvement are consistent with the goals and policies of the General Plan. Specifically, the project is consistent with:

GOAL LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further countywide economic development goals.

POLICY

LU 9.1 Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

The proposed tarp manufacturing business is a small, infill project and will make use of a parcel that, except for any infrastructure improvements identified in the Conditions of Approval and required by the development, is currently serviced by the existing infrastructure which minimizes need for new grading and potential impact on the land. The project will replace an existing legal, non-conforming residential use with a light industrial use, consistent with the SD-COM district. This fulfills the General Plan goal and policy noted above.

5. There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels. The project site has direct access to San Bernardino Avenue, a major arterial street. Access to Interstate 10, via Cherry Avenue, is available within 4400 feet from the project site. Traffic generated by the proposed project does not trigger the requirement of a traffic analysis to study impacts on the existing transportation system. Water and sewer services will be provided by the City of Fontana through a contract, subject to approval by the Local Agency Formation Commission.
6. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare because the conditions of approval implement County development standards intended to minimize adverse impacts of new development. The conditions protect the public health, safety and welfare through requirement of plans and improvements that demonstrate compliance with all applicable regulations.
7. The design of the site has considered the use of solar energy systems and passive or natural heating and cooling opportunities, in that adequate space is available for future installation of such systems.
8. The project is exempt from the California Environmental Quality Act (CEQA), pursuant to sections 15303 and 15305 of the CEQA Guidelines, for construction or conversion of small structures less than 10,000 square feet in an urbanized area and for minor alterations to land use limitations. The proposed project is an infill project, involving demolition of older structures in poor condition and new construction of a 2,790-square foot building that will meet current code requirements. No significant environmental impacts are anticipated. A Notice of Exemption is recommended.

EXHIBIT C

Findings for Variances

FINDINGS for Variances

1. The granting of the variances outlined in the project description (Variances) 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. The proposed use will not have a substantial adverse effect on abutting properties because it would not generate excessive light, noise, vibration, odor or other disturbances due to the type and scope of activities associated with the proposal for a small tarp manufacturing operation. The proposed use is permitted in the Special Development-Commercial (SD-COM) land use district, subject to approval of a Conditional Use Permit (CUP). As such, the use is considered to be compatible with other SD-COM land uses. Granting of the variances will not substantially interfere with the present or future ability to use solar energy systems because neither the proposed structure, nor the structures on surrounding properties will block the potential collection of sunlight on the site.
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. The small size of the parcel (only 0.18 acre) is an exceptional or extraordinary circumstance that does not apply to most properties in the vicinity, or anywhere in the SD-COM land use district, where the minimum lot size is 5 acres. The Project site is a legally-established lot that is not precluded from development based on its sub-standard size. The requested variances would allow development similar to the development of surrounding properties, with standards adapted for the exceptional size and configuration of the site.
3. The strict application of the land use zoning district requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district. Strict application of the SD-COM development standards would severely limit the potential size of the proposed structure, which would in turn limit the viability of the site for development of a productive commercial or light industrial use similar to the uses enjoyed on other properties in the area. The requested variances allow for permitting and improvement of a viable business that already exists on the site.
4. The granting of these Variances is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan. The proposed light industrial use is permitted in the SD-COM land use district, as designated by the General Plan, subject to approval of a CUP. The project will replace an existing legal, non-conforming residential use and an un-permitted business with new development of a site for light industrial use, in a manner that will be consistent with the General Plan and compatible with the uses of surrounding properties.
5. The proposed variances are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines, for minor alterations to land use limitations. The Project as a whole is exempt from CEQA pursuant to Section 15303 for construction or conversion of small structures.