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

Traduccion en Espanol disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (909) 350-7602.

PUBLIC COMMUNICATION - CLOSED SESSION:

This is an opportunity for citizens to speak to the City Council for up to 5 minutes on the following Closed Session. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

A. Public Communications - Closed Session

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:
Property: 16880 Seville Avenue
CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:
Property: APN 1107-262-15
Negotiating Parties: City of Fontana and Lewis Investment Co., LLC
City Negotiator: Michael Milhiser, City Manager
Under Negotiation: Price and Terms

PUBLIC EMPLOYMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(b)
(1) City Manager

CALL TO ORDER/ROLL CALL:
A. 7:00 P.M. Call the Meeting to Order

INVOCATION/PLEDGE OF ALLEGIANCE:
Invocation/Pledge of Allegiance

PUBLIC COMMUNICATIONS:
This is an opportunity for citizens to speak to the City Council for up to 5 minutes on items not on the Agenda, but within the City Council's jurisdiction. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council. The Council is prohibited by law from discussing or taking immediate action on non-agendized items.

A. Public Communications

PUBLIC HEARINGS:
To speak on Public Hearing Items, fill out a card at the microphone stand indicating favor or opposition and give it to the City Clerk. Each person will be allowed 5 minutes to address the Council. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:
(a) hearing opened   (e) oral - favor
(b) written communication   (f) oral - opposition
(c) council/staff comments   (g) hearing closed
(d) applicant comments (applicant not limited to 5 minutes)
A. Master Case No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review No. 19-010 - A request to: (1) Change the General Plan Land Use Map on Eight Parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from General Commercial (C-G) to Light Industrial (I-L); 2) change the West End Specific Plan Zoning from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3); and, 3) Approve Site and Architectural Review of a New 76,809 Square Foot Warehouse Building on 3.25 Acres, Generally Located on the South Side of Hilton Drive and East of Redwood Drive

1. Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act and direct staff to file a Notice of Determination;

2. Adopt Resolution No. 2020-_____, a Resolution of the City Council of the City of Fontana, California, approving General Plan Amendment No. 19-002, amending the General Plan Land Use Map on eight parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from General Commercial (C-G) to Light Industrial (I-L) on approximately 8.25 adjusted gross acres.

3. Read by title only and waive further reading of and introduce Ordinance No. _____, an Ordinance of the City Council of the City of Fontana, approving Specific Plan Amendment No. 19-003; a request to change the West End Specific Plan zoning on eight parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres; and, that the reading of the title constitutes the first reading thereof.

4. Adopt Resolution No. 2020-_____, a Resolution of the City Council of the City of Fontana, California, approving Design Review No. 19-010 subject to the attached findings and conditions of approval.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

ADJOURNMENT:

A. To the next Regular City Council Meeting on Tuesday, January 28, 2020, with a Workshop at 5:30 p.m. in the City Hall Executive Conference Room and the Regular Meeting at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Ave, Fontana, California.
ACTION REPORT  
January 14, 2020  

FROM: Department of Community Development  

SUBJECT: Master Case No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review No. 19-010 - A request to: (1) Change the General Plan Land Use Map on Eight Parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from General Commercial (C-G) to Light Industrial (I-L); 2) change the West End Specific Plan Zoning from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3); and, 3) Approve Site and Architectural Review of a New 76,809 Square Foot Warehouse Building on 3.25 Acres, Generally Located on the South Side of Hilton Drive and East of Redwood Drive.

RECOMMENDATION:

1. Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act and direct staff to file a Notice of Determination;

2. Adopt Resolution No. 2020-______, a Resolution of the City Council of the City of Fontana, California, approving General Plan Amendment No. 19-002, amending the General Plan Land Use Map on eight parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from General Commercial (C-G) to Light Industrial (I-L) on approximately 8.25 adjusted gross acres.

3. Read by title only and waive further reading of and introduce Ordinance No. ________, an Ordinance of the City Council of the City of Fontana, approving Specific Plan Amendment No. 19-003; a request to change the West End Specific Plan zoning on eight parcels (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres; and, that the reading of the title constitutes the first reading thereof.

4. Adopt Resolution No. 2020-______, a Resolution of the City Council of the City of Fontana, California, approving Design Review No. 19-010 subject to the attached findings and conditions of approval.

COUNCIL GOALS:

* To promote economic development by establishing a quick, consistent
development process.
* To promote economic development by being business friendly at all levels of operation.

**DISCUSSION:**

* **Background:**

This project was heard by the Planning Commission at the duly noticed public hearing on November 19, 2019. After opening the public hearing, the Planning Commission received a project report from staff. Subsequent to staff’s presentation, the Planning Commission requested testimony from the applicant and any interested parties in the general public. The public hearing was closed and there was further discussion by the Commission. The Planning Commission voted (5-0) to adopt Resolution PC No. 2019-70 thereby forwarding a recommendation to the City Council.

The project was scheduled for a City Council public hearing on December 10, 2019; however, the project was continued due to a lack of quorum. The project has been re-noticed for the January 14, 2020 City Council meeting.

**General Plan Amendment No. 19-002:**

The applicant is proposing to amend the General Plan Land Use Map to change the General Plan Land Use Map from the existing General Commercial (C-G) to Light Industrial (I-L) in order to facilitate the development of a new warehouse. In addition to amending the applicant’s parcel (APN 1110-151-34), the City requested from the applicant to include additional parcels (APN’s 1110-151-11, -12, -13, -48, -49, -50, and -51) as part of the amendment since the developed parcel reflects light industrial uses. The overall acreage to be amended is approximately 8.25 gross acres generally located east of Redwood Drive and south of Hilton Drive in the West End Specific Plan. The existing and proposed General Plan Land Use Designations (Attachment No. 3) shows the configuration and relationships of the proposed land uses.

**Specific Plan Amendment No. 19-03:**

The proposed West End Specific Plan Amendment would change the site’s existing zoning district designation from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) to facilitate the development of the warehouse and to be consistent with the proposed General Plan Land Use Designation.

**Design Review No. 19-010:**

The proposed building totals approximately 76,809 square feet. The concrete tilt-up warehouse building has been designed for two (2) potential offices. The office/mezzanine is approximately 7,000 square feet. The offices are located on the northeast and northwest corner of the building. The building will incorporate
architectural features consisting of glazing, towers, and painted banding in gray tone colors which will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements proposed at 37-foot, will be architecturally pleasing and be consistent with the surrounding buildings. The main focal point will be the front elevation of the building facing Hilton Drive. The glazing and wall articulation are carried to the side elevations because they are also visible from the street.

The site will be accessed by two (2) driveways along Hilton Drive. Both driveways will accommodate commercial truck and passenger car traffic. The building has the unloading/loading areas for the trucks to the south of the building completely screened from the public right-of-way. In addition, landscaping is also proposed along the perimeter of the site.

The project site is physically suitable in size and shape to support the development of the proposed warehouse building. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the standards of the Rail Service Industrial (BP-3) zoning district within the West End Specific Plan. The character of the surrounding neighborhood reflects industrial uses consisting primarily of heavy commercial and industrial uses that consist of many smaller warehousing facilities. The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

**FISCAL IMPACT:**

None

**MOTION:**

Approve staff recommendation.

**SUBMITTED BY:**

Zai AbuBakar
Director of Community Development

**REVIEWED BY:**

Zai AbuBakar
Director of Community Development

**APPROVED BY:**
### ATTACHMENTS:

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<td>Attachment No. 1 - Vicinity Map</td>
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<td>Attachment No. 2 - CC Resolution GPA</td>
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<td>Attachment No. 3 - CC Ordinance SPA</td>
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<td>Attachment No. 9 - MND</td>
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**ITEM: PH-A**
DATE: January 14, 2020
CASE: MCN18-066R1; GPA No. 19-002;
SPA No. 19-003; DRP No. 19-010
RESOLUTION NO. 2020-____


WHEREAS, all the notices required by statute or the Fontana City Code have been given as required; and

WHEREAS, the City of Fontana received an application on February 20, 2019, for General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, Design Review No.19-010 to approve the site and architectural review to construct a 76,809 square foot warehouse on an approximately 3.75 adjusted gross acres site; and

WHEREAS, on November 19, 2019 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010; and

WHEREAS, on November 19, 2019, at a regularly scheduled Planning Commission meeting, the Planning Commission approved PC Resolution No. 2019-70 and recommended approval of the project to the City Council; and

WHEREAS, pursuant to the California Environmental Act (CEQA) Section 15070 and the 2019 Local Guidelines Section 6.16 for Implementing CEQA, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) were prepared for this project; therefore, a Notice of Determination has been prepared and attached hereinto as Exhibit “B”; and

WHEREAS, based on the information presented to the City Council at the public hearing held for General Plan Amendment No. 19-002, the testimony received, and the supporting documents in evidence, the City Council found that the proposed amendment is in conformance with the goals and policies of the General Plan; and

WHEREAS, this resolution shall become effective on the date of adoption.

NOW, THEREFORE, BE IT RESOLVED, determined and ordered by the City Council of the City of Fontana as follows:

Section 1. The City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The City Council finds that the Mitigated Negative Declaration and

ATTACHMENT NO. 2
Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The City Council further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with the Local Guidelines for Implementing CEQA and the State CEQA Guidelines.

Section 2. Approve General Plan Amendment No. 19-002, an amendment of the City of Fontana’s General Plan Land Use Map to change eight parcels (APN’s 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) of approximately 8.25 adjusted gross acres from General Commercial (C-G) to Light Industrial (I-L) as shown on Exhibit “A” attached hereunto.

APPROVED AND ADOPTED this 14th day of January 2020.

READ AND APPROVED AS TO LEGAL FORM;

City Attorney

ATTEST:

I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting thereof, held on January 14, 2020, by the following vote to wit:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:
EXHIBIT “A”

EXISTING GENERAL PLAN

PROPOSED GENERAL PLAN
EXHIBIT “B”
NOTICE OF DETERMINATION

TO:  X  County Clerk, County of San Bernardino
     Office of Planning and Research
FROM: City of Fontana
       Planning Division
       8353 Sierra Avenue
       Fontana, CA  92335

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

Project Title: Master Case (MCN) No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review (DRP) No. 19-010

State Clearinghouse Number: N/A

Project Location: The project is located on the south side of Hilton Drive, between Redwood Avenue and Hemlock avenue, in Fontana, California.; (APN's 1110-151-11, -12, -13, -34, -48, -49, -50, and -51)

Project Description: A change in the General Plan land use designation on the subject property from General Commercial (C-G) to Light Industrial (I-L) and a Specific Plan Amendment (West End) to change the zoning district on the subject property from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres for the construction of a 76,809 square foot warehouse.

This is to advise that the City Council approved the above described project on January 14, 2020.

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Mitigated Negative Declaration are specified as follows: City of Fontana, Planning Division 8353 Sierra Ave, Fontana, CA 92335

___________________________________________
Orlando Hernandez
Planning Manager

Date Received for Filing
ORDINANCE NO.____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT NO. 19-003 A REQUEST TO CHANGE THE WEST END SPECIFIC PLAN ZONING ON EIGHT (8) PARCELS (APN’S 1110-151-11, -12, -13, -34, -48, -49, -50, AND -51) OF APPROXIMATELY 8.25 ADJUSTED GROSS ACRES FROM COMMERCIAL LIGHT INDUSTRIAL (CLI) TO RAIL SERVICE INDUSTRIAL (BP3).

THE CITY COUNCIL OF THE CITY OF FONTANA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. On November 19, 2019, the Planning Commission duly conducted a noticed public hearing on Specific Plan Amendment No. 19-003, received testimony and information from any and all parties, and recommended its approval to the City Council by resolution.

Section 2. After the publication of notice as required by law, the City Council of the City of Fontana, California conducted a public hearing on Specific Plan Amendment No. 19-003.

Section 3. Based on the information presented to the City Council at the public hearing held for Specific Plan Amendment No. 19-003, on January 14, 2020, the testimony received, and the supporting documents in evidence, the City Council found that the proposed amendment is in conformance with the goals and policies of the General Plan.

Section 4. An Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, no significant impact is anticipated as a result of project implementation, with mitigation incorporated, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the City Council’s consideration per Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act.

Section 5. Specific Plan Amendment No. 19-003 is hereby approved and the zoning for Assessor Parcel Nos. 1110-151-11, -12, -13, -34, -48, -49, -50, and -51 is changed from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) as shown on Exhibit “A” attached hereto and by this reference incorporated.

Section 6. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Herald News, a local newspaper of the general circulation, published and circulation in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.
APPROVED AND ADOPTED this 14th day of January 2020.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 14th day of January 2020, and was finally passed and adopted not less than five days thereafter on the 28th day of January, 2020, by the following vote to wit:

AYES:
NOES:
ABSENT:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk
EXHIBIT “A”

EXISTING ZONING

PROPOSED ZONING
RESOLUTION NO. 2020-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA
APPROVING DESIGN REVIEW NO. 19-010 FOR THE CONSTRUCTION
OF A 76,809 SQUARE FOOT WAREHOUSE LOCATED ON THE SOUTH
SIDE OF HILTON AVENUE, BETWEEN REDWOOD AVENUE AND
HEMLOCK AVENUE.

WHEREAS, the City of Fontana received an application on February 20, 2019,
for General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003,
Design Review No.19-010 to approve the site and architectural review to construct a
76,809 square foot warehouse on an approximately 3.75 adjusted gross acres site.

WHEREAS, A request to recommend approval to the City Council for the
proposed project that includes General Plan Amendment No. 19-002, Specific Plan
Amendment No. 19-003, and Design Review No. 19-010 for the development of 76,809
square feet warehouse.

Project Applicant: James T. Fong
14838 Foothill Blvd
Fontana, CA 92335

Project Location: South side of Hilton Drive, between Redwood Avenue and
Hemlock Avenue.

Project Site Area: 3.75 adjusted gross acres

Project Change of Land Use and Rezone Area: 8.25 adjusted gross acres

WHEREAS, Tentative Parcel Map No. 19974 (TPM No. 18-006) to subdivide an
existing parcel totaling approximately 6.82 gross acres into two (2) parcels for
commercial light industrial development was approved by the Planning Commission
on February 5, 2019;

WHEREAS, a parcel of 3.75 adjusted gross acres was created as part of TPM
No. 19974 and it is currently proposed to be developed with a warehouse building; and

WHEREAS, the subject site was annexed from San Bernardino County into the
City of Fontana on April 28, 1970; and

WHEREAS, the proposed project would accommodate the improvements
required for street, sidewalk, lighting, and parkway for the proposed project site; and

WHEREAS, pursuant to the California Environmental Act (CEQA) Section
15070 and the 2019 Local Guidelines Section 6.16 for Implementing CEQA, an Initial
Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program (MMRP) were prepared for this project; and
WHEREAS, the City of Fontana wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

WHEREAS, Conditions of Approval for Design Review No. 19-010 have been prepared and are attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local Fontana Herald newspaper on October 25, 2019 and November 29, 2019, posted at City Hall and onsite at the project site; and

WHEREAS, on November 19, 2019 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010; and

WHEREAS, on November 19, 2019, at a regularly scheduled Planning Commission meeting, the Planning Commission approved PC Resolution No. 2019-70 and recommended approval of the project to the City Council; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred; and

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are incorporated herein by reference.

Section 2. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 19-010 in accordance with Section 30-120 “Findings for Approval” of the Fontana Zoning and Development Code:

Finding No. 1: The proposal is consistent with the General Plan, Zoning and Development Code, and any applicable Specific Plan.

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and recommend approval of the site and architectural design for the construction of a 76,809 square foot warehouse/distribution facility. This project meets or exceeds the criteria contained in the Design Review section of the Zoning and Development Code and the West End Specific Plan. The proposal includes a General Plan Amendment and a Specific Plan Amendment that will allow a warehouse use. With approval of these applications, the project will be consistent to the General Plan and Specific Plan. The character of the surrounding neighborhood reflects industrial uses and the proposed use will be compatible with the surrounding neighborhood.
The General Plan is the document that sets the framework for the City of Fontana and provides the overall policies for development within the community. Furthermore, the General Plan encourages variety of development including warehousing pursuant to the City of Fontana’s, General Plan Land Use, Zoning, and Urban Design Element, Community Mobility and Circulation, (Chapter No. 15 and Chapter No. 9), Goal No. 7, (pages 15.40-15.41) and (pages 9.27-9.28).

**Finding No. 2:** The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate, safe, and desirable development promoting the public health, safety, and welfare of the community.

**Findings of Fact:** The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes streets, sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The proposed project identified in Finding No. 1 and Finding No. 2, above, meets or exceeds the standards of the Zoning and Development Code and the Westend Specific Plan and will provide a safe design for normal public access.

**Finding No. 3:** The proposal, in its design and appearance, is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.

**Findings of Fact:** The proposed project as identified and referenced in Finding No. 1, above, has been determined to be aesthetically and architecturally pleasing and compatible with the neighborhood. The project site, which is approximately 3.75 acres, is physically suitable in size and shape to support the development of the proposed warehouse facility. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the Zoning and Development Code and the West End Specific Plan. The character of the surrounding area reflects warehousing uses to the north and east and commercial uses to the south. The proposal has been designed to be compatible with the surrounding industrial buildings while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.
Finding No. 4: The site improvements are appropriate and will result in a safe, well-designed facility.

Findings of Fact: The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes streets, sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The proposed project identified in Finding No. 1, above, meets or exceeds the standards of the Zoning and Development Code and the West End Specific Plan and will provide a safe design for normal public access.

Section 3. The City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The City Council finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The City Council further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with the Local Guidelines for Implementing CEQA and the State CEQA Guidelines.

Section 4. Based on the foregoing, the City Council adopt a resolution:

(a) Adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and directs staff to file the Notice of Determination; and

(b) Approve Design Review No. 19-010, subject to the findings listed in Section No. 2 and the Conditions of Approval as referenced herein; and

Section 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

APPROVED AND ADOPTED by the City Council of the City of Fontana, California, at a regular meeting held on this 14th day of January 2020.
City of Fontana

Mayor of the City of Fontana

ATTEST:

______________________________________
City Clerk

ATTEST:
“Exhibit A”

CITY OF FONTANA
CONDITIONS OF APPROVAL

PROJECT: Master Case No. 18-066R1
Design Review No. 19-010

DATE: January 14, 2020

LOCATION: South side of Hilton Drive, between Redwood Avenue and Hemlock Avenue.

PLANNING DIVISION:

1. This approval is for Design Review No. 19-010 a request for site and architectural review to construct a 76,806 square foot warehouse facility on the project site of approximately 3.75 adjusted gross acres, as recommended for approval by the Planning Commission on November 19, 2019, and as shown in Attachment No. 2 through Attachment No. 4 in the accompanying staff report as referenced herein.

   1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:

      A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City’s issuance of a Certificate of Occupancy or other document evidencing the City’s final inspection and acceptance of the work; and

      B. All other Conditions of Approval imposed by this project have been fulfilled.

2. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager’s decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.
3. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant’s proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

4. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.

5. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

6. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
7. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.

8. This project will comply with all applicable provisions, regulations, and development standards of the West End Specific Plan.

9. The project must comply with all mitigations identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (under separate cover) as approved by the City Council on December 10, 2019.

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

11. All signs shall be reviewed under a separate Design Review Sign application.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

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

**BUILDING & SAFETY:**

13. Shall comply with the latest adopted edition of the following codes:
   
   A. California Building Code
   B. California Electrical Code
   C. California Mechanical Code
   D. California Plumbing Code
   E. California Energy Code
   F. California Fire Code
   G. California Green Building Standards Code

14. Automatic fire sprinkler systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Division of Fire Protection, Planning and Engineering of the San Bernardino County Fire Department.

15. The requirements of the Fontana Fire Protection District and the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
16. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.

17. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

18. Grading Requirements:
   A. Grading plans shall be submitted to and approved by the Building and Safety Division. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
   B. All drainage water shall drain via approved methods, to an approved location—public street, public drainage system, etc.
   C. Drainage water shall not cross over a public sidewalk. Drainage water may however, cross under a sidewalk if an approved drainage structure is used.
   D. No water course or natural drainage shall be obstructed.
   E. Minimum slope or grade for **ALL** drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other.
   F. Drainage water shall not pass from an ‘improved’ type of drainage structure to an ‘unimproved’ type of drainage structure. (i.e.; concrete swale to slag or dirt swale.)
   G. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to, and approved by the Building and Safety Division.

   The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
   H. The grading plans shall, as a minimum, contain sections at all property lines and/or permit boundary lines. These sections shall clearly indicate:
      i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
      ii. The ground cover/finished surface material being proposed (i.e.: type of pavement, plant material, etc.); and
      iii. All proposed drainage structures; and
      iv. Any proposed and/or required walls or fencing.
19. All signs shall be Underwriters Laboratories, or equal, approved.

20. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

21. The following items shall be completed and/or submitted to Building and Safety as applicable – prior to the issuance of building permits for this project:
   A. Precise grading plans shall be approved
   B. Rough grading completed
   C. Compaction certification
   D. Pad elevation certification
   E. Rough grade inspection signed off by a City Building Inspector

22. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

SAN BERNARDINO COUNTY FIRE DEPARTMENT:

23. Jurisdiction. The above referenced project is under the jurisdiction of the Fontana Fire Protection District (herein “Fire Department”). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

24. Fire Access Road 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. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code sec 503, SBCFD Standard 503.1 [F-41]

25. 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 nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns.

26. Fire Apparatus Access Roads. Fire apparatus access roads shall be provided to within one hundred and fifty (150) feet of all exterior portions of the first story of
every building, facility or structure as measured by an approved route around the exterior of the building or structure.

27. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and “No Parking, Fire Lane” signs shall be installed on public and private roads in accordance with approved standards.

28. **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 (8) 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 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.

29. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal.

30. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

31. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

32. **Material Identification Placards.** The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas.

33. **KNOX Box.** An approved Fire Department key box is required for all entry gates, manual or automatic.

34. **High-Piled Storage.** The applicant shall submit an application for a High-Piled Storage permit for storage of over 12’ in height of Class I-IV commodities and/or over 6’ in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division.
35. **Water System Commercial.** All water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. All fire hydrants shall be no more than three hundred (300) from all portions of the building as measured using an approved route around the building.

The Fire Flow for this project shall be: 2000 GPM for a 4-hour duration at 20 psi residual operating pressure.

**POLICE DEPARTMENT:**

36. Adhere to the City standard of one foot-candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

37. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.

**ENGINEERING DEPARTMENT:**

38. The project shall be served by the City’s sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.

39. It is the Applicant’s responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

40. Applicant shall submit and gain approval of a complete Water Quality Management Plan in accordance with the County of San Bernardino Technical Guidance Document and latest template.

**PRIOR TO MAP RECORDATION:**

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

42. Record any maps, right-of-way dedications or easements required for the development.

43. The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

PRIOR TO FINAL ACCEPTANCE OF PROJECT:

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

45. The Applicant/Landscape Architect shall provide a “Landscape Certificate of Compliance” certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana’s Model Water Efficiency Landscape Ordinance (Ordinance No. 1743, Fontana Municipal Code, Section No. 28).

46. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.


END OF CONDITIONS OF APPROVAL
City of Fontana

Report to the Planning Commission

PLACEMENT: Public Hearing

APPLICATION: Master Case No. 18-066R1
General Plan Amendment No. 19-002
Specific Plan Amendment No. 19-003
Design Review No. 19-010

DATE: November 19, 2019

APPLICANT: James T. Fong
14838 Foothill Blvd
Fontana, CA 92335

LOCATION: South side of Hilton Drive, between Redwood Avenue and Hemlock Avenue (APN: 1110-151-34).

REQUEST: A request for the Planning Commission to recommend approval to the City Council for:

1. Adoption of a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and to direct staff to file a Notice of Determination.

2. General Plan Amendment No. 19-002; a request to change the General Plan Land Use Map on eight parcels (APN’s 1110-151-11, -12, -13, -34, -48, -49, -50, and -51) from General Commercial (C-G) to Light Industrial (I-L) on approximately 8.25 adjusted gross acres.

3. Specific Plan Amendment No. 19-003; a request to change the Westend Specific Plan zoning from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres.

4. Design Review No. 19-010; site and architectural review of a new 76,809 square foot warehouse building.

PROJECT PLANNER: Orlando Hernandez, Planning Manager
I. **BACKGROUND INFORMATION:**

A. **Existing Land Use Designation:**

<table>
<thead>
<tr>
<th>Project Site:</th>
<th>General Plan</th>
<th>Zoning</th>
<th>Existing Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>General Commercial (C-G)</td>
<td>West End Specific Plan (CLI)</td>
<td>Vacant/Mini-Storage</td>
</tr>
<tr>
<td>South</td>
<td>General Commercial (C-G)</td>
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<td>Commercial Uses</td>
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<tr>
<td>East</td>
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<td>Commercial/Industrial Uses</td>
</tr>
<tr>
<td>West</td>
<td>General Commercial (C-G)</td>
<td>West End Specific Plan (CLI)</td>
<td>Commercial/Industrial Uses</td>
</tr>
</tbody>
</table>

B. **Environmental Review Finding:**

An Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, no significant impact is anticipated as a result of project implementation, with mitigation incorporated, and an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Planning Commission’s consideration per Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act.

C. **Previous Approvals/Special Circumstances:**

- The property was annexed from the County of San Bernardino on April 28, 1970.
- The City Council approved the West End Specific Plan on March 19, 1985.
- The Planning Commission approved Tentative Parcel Map No. 19974, on February 5, 2019 for the subdivision of one lot into two lots to accommodate the proposed development.

II. **PROJECT DESCRIPTION:**

A. **Site Area:**

Approximately 3.75 adjusted gross acres for project site
Approximately 8.25 adjusted gross acres for proposed rezoning

B. **Lot Coverage**

Allowed: 60 percent (maximum)
Provided: 47 percent

C. **Building Analysis:**

Office
III. ANALYSIS:

The applicant, James T. Fong, is requesting that the Planning Commission recommend approval to the City Council for the development of a 76,809 square foot warehouse building. The project is located on the south side of Hilton Drive, approximately 900 feet east of Redwood Avenue.

The project includes a General Plan Map Amendment, Specific Plan Amendment for a zoning district map change within the West End Specific Plan, and a Design Review for site and architectural review of the new warehouse.

**General Plan Amendment No. 19-002**

The applicant is proposing to amend the General Plan Land Use Map to change the General Plan Land Use Map from the existing General Commercial (C-G) to Light Industrial (I-L) in order to facilitate the development of the new warehouse. In addition to amending the applicant's parcel (APN 1110-151-34), the City requested from the applicant to include additional parcels (APN's 1110-151-11, -12, -13, -48, -49, -50, and -51) as part of the amendment since the developed parcel reflect light industrial uses. The overall acreage to be amended is approximately 8.25 gross acres. The existing and proposed General Plan Land Use Designations (Attachment No. 3) shows the configuration and relationships of the proposed land uses. Based on the location of the properties and relationship to surrounding uses, staff has processed the application and is bringing it forward with a recommendation for approval.

**Specific Plan Amendment No. 19-003**

The proposed West End Specific Plan Amendment would change the site's existing zoning district designation from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) to facilitate the development of the warehouse and to be consistent with the proposed General Plan Land Use Designation.

**Design Review No. 19-010:**

The proposed buildings total approximately 76,809 square feet. The concrete tilt-up warehouse building has been designed for two (2) potential offices. The office/mezzanine is approximately 7,000 square feet. The offices are located on the northeast and northwest corner of the building. The building will incorporate...
architectural features consisting of glazing, towers, and painted banding in gray tone colors which will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements proposed at 37-foot, will be architecturally pleasing and be consistent with the surrounding buildings. The main focal point will be the front elevation of the building facing Hilton Drive. The glazing and wall articulation are carried to the side elevations because they are also visible from the street.

The site will be accessed by two (2) driveways along Hilton Drive. Both driveways will accommodate commercial truck and passenger car traffic. The building has the unloading/loading areas for the trucks to the south of the building completely screened from the public right-of-way. In addition, landscaping is also proposed along the perimeter of the site.

The project site is physically suitable in size and shape to support the development of the proposed warehouse building. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the standards of the Rail Service Industrial (BP-3) zoning district within the West End Specific Plan. The character of the surrounding neighborhood reflects industrial uses consisting primarily of heavy commercial and industrial uses that consist of many smaller warehousing facilities. The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

IV. RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2019-____, forwarding a recommendation to the City Council to:

1. Adopt an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Determination; and,

2. Adopt a resolution approving General Plan Amendment No. 19-002; and approving Design Review No. 19-010; and,

3. Adopt an ordinance approving Specific Plan Amendment No. 19-003.

Planner: Orlando Hernandez
Planning Manager
Regular City Council Meeting - January 14, 2020

Reviewed and Approved by:

Zai AbuBakar
Director of Community Development

Attachments:
1. Vicinity Map
2. Site Plan
3. GPA and SPA Exhibits
4. Elevations
5. Resolution with Findings and Conditions of Approval
6. Mitigated Negative Declaration
7. Notice of Determination
8. Public Hearing Notice

Under Separate Cover:
1. 11"X17" color plans
2. Large Scale Plans
3. Mitigated Negative Declaration
SITE PLAN

DATE: November 19, 2019
CASE: MCN18-066R1; GPA No.19-002;
SPA No. 19-003; DRP No. 19-010

ATTACHMENT NO. 2
EXISTING ZONING

PROPOSED ZONING

GENERAL PLAN AND SPECIFIC PLAN AMENDMENT EXHIBITS

DATE: November 19, 2019
CASE: MCN18-066R1; GPA No. 19-002;
SPA No. 19-003; DRP No. 19-010

ATTACHMENT NO. 3
RESOLUTION PC NO. 2019-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. 19-002 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO LIGHT INDUSTRIAL (I-L) ON APPROXIMATELY 8.25 ADJUSTED GROSS ACRES; AND APPROVING DESIGN REVIEW NO. 19-010, ADOPT AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT NO. 19-003 TO CHANGE THE ZONING DISTRICT FROM COMMERCIAL LIGHT INDUSTRIAL (CLI) TO LIGHT INDUSTRIAL (I-L).

WHEREAS, the City of Fontana received an application on February 20, 2019, for General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, Design Review No.19-010 to approve the site and architectural review to construct a 76,809 square foot warehouse on an approximately 3.75 adjusted gross acres site.

WHEREAS, A request to recommend approval to the City Council for the proposed project that includes General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010 for the development of 76,809 square feet warehouse.

Project Applicant: James T. Fong  
14838 Foothill Blvd  
Fontana, CA 92335

Project Location: South side of Hilton Drive, between Redwood Avenue and Hemlock Avenue.

Project Site Area: 3.75 adjusted gross acres  
Project Change of Land Use and Rezone Area: 8.25 adjusted gross acres

WHEREAS, Tentative Parcel Map No. 19974 (TPM No. 18-006) to subdivide an existing parcel totaling approximately 6.82 gross acres into two (2) parcels for commercial light industrial development was approved by the Planning Commission on February 5, 2019;

WHEREAS, a parcel of 3.75 adjusted gross acres was created as part of TPM No. 19974 and it is currently proposed to be developed with a warehouse building; and

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on April 28, 1970; and

WHEREAS, the proposed project would accommodate the improvements required for street, sidewalk, lighting, and parkway for the proposed project site; and
WHEREAS, pursuant to the California Environmental Act (CEQA) Section 15070 and the 2019 Local Guidelines Section 6.16 for Implementing CEQA, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) were prepared for this project; and

WHEREAS, the City of Fontana wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

WHEREAS, Conditions of Approval for Design Review No. 19-010 have been prepared and are attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local Fontana Herald newspaper on October 25, 2019, posted at City Hall and onsite at the project site; and

WHEREAS, on November 19, 2019 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010; and

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on November 19, 2019; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred; and

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are incorporated herein by reference.

Section 2. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 19-010 in accordance with Section 30-120 “Findings for Approval” of the Fontana Zoning and Development Code:

Finding No. 1: The proposal is consistent with the General Plan, Zoning and Development Code, and any applicable Specific Plan.

Findings of Fact: This project, as proposed, is a request for the Planning Commission to review and recommend approval of the site and architectural design for the construction of a 76,809 square foot warehouse/distribution facility. This project meets or exceeds the criteria contained in the Design Review section of the Zoning and Development Code and the West End Specific Plan. The proposal includes a General Plan Amendment and a Specific Plan Amendment that will allow a warehouse use. With approval of these applications, the project will be consistent to the General Plan.
Plan and Specific Plan. The character of the surrounding neighborhood reflects industrial uses and the proposed use will be compatible with the surrounding neighborhood.

The General Plan is the document that sets the framework for the City of Fontana and provides the overall policies for development within the community. Furthermore, the General Plan encourages variety of development including warehousing pursuant to the City of Fontana’s, General Plan Land Use, Zoning, and Urban Design Element, Community Mobility and Circulation, (Chapter No. 15 and Chapter No. 9), Goal No. 7, (pages 15.40-15.41) and (pages 9.27-9.28).

Finding No. 2: The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate, safe, and desirable development promoting the public health, safety, and welfare of the community.

Findings of Fact: The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes streets, sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The proposed project identified in Finding No. 1 and Finding No. 2, above, meets or exceeds the standards of the Zoning and Development Code and the Westend Specific Plan and will provide a safe design for normal public access.

Finding No. 3: The proposal, in its design and appearance, is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, above, has been determined to be aesthetically and architecturally pleasing and compatible with the neighborhood. The project site, which is approximately 3.75 acres, is physically suitable in size and shape to support the development of the proposed warehouse facility. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the Zoning and Development Code and the West End Specific Plan. The character of the surrounding area reflects warehousing uses to the north and east and commercial uses to the south. The proposal has been designed to be compatible with the surrounding industrial buildings while also providing a development that has been designed with features (architectural
relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

Finding No. 4: The site improvements are appropriate and will result in a safe, well-designed facility.

Findings of Fact: The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes streets, sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The proposed project identified in Finding No. 1, above, meets or exceeds the standards of the Zoning and Development Code and the West End Specific Plan and will provide a safe design for normal public access.

Section 3. The Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The Planning Commission finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with the Local Guidelines for Implementing CEQA and the State CEQA Guidelines.

Section 4. Based on the foregoing, the City of Fontana Planning Commission hereby recommends the City Council adopt a resolution:

(a) Adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and directs staff to file the Notice of Determination; and

(b) Approve General Plan Amendment No. 19-002 and Design Review No. 19-010, subject to the findings listed in Section No. 2 and the Conditions of Approval as referenced herein; and

(c) Adopt an Ordinance approving Specific Plan Amendment No. 19-003.

Section 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.
Section 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 19th day of November 2019.

City of Fontana

__________________________________
Daniel Quiroga, Chairperson

ATTEST:

I, Raj Sangha, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 19th day of November 2019, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________
Raj Sangha, Secretary
“Exhibit A”

CITY OF FONTANA
CONDITIONS OF APPROVAL

PROJECT: Master Case No. 18-066R1
Design Review No. 19-010

DATE: November 19, 2019

LOCATION: South side of Hilton Drive, between Redwood Avenue and Hemlock Avenue.

PLANNING DIVISION:

1. This approval is for Design Review No. 19-010 a request for site and architectural review to construct a 76,806 square foot warehouse facility on the project site of approximately 3.75 adjusted gross acres, as recommended for approval by the Planning Commission on November 19, 2019, and as shown in Attachment No. 2 through Attachment No. 4 in the accompanying staff report as referenced herein.

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:

   A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City’s issuance of a Certificate of Occupancy or other document evidencing the City’s final inspection and acceptance of the work; and

   B. All other Conditions of Approval imposed by this project have been fulfilled.

2. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager’s decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 of the Municipal Code.
3. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

4. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.

5. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

6. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
7. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.

8. This project will comply with all applicable provisions, regulations, and development standards of the West End Specific Plan.

9. The project must comply with all mitigations identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (under separate cover) as approved by the City Council on ________________.

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

11. All signs shall be reviewed under a separate Design Review Sign application.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

BUILDING & SAFETY:

13. Shall comply with the latest adopted edition of the following codes:
   A. California Building Code
   B. California Electrical Code
   C. California Mechanical Code
   D. California Plumbing Code
   E. California Energy Code
   F. California Fire Code
   G. California Green Building Standards Code

14. Automatic fire sprinkler systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Division of Fire Protection, Planning and Engineering of the San Bernardino County Fire Department.

15. The requirements of the Fontana Fire Protection District and the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
16. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.

17. All perimeter/ boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

18. Grading Requirements:
   A. Grading plans shall be submitted to and approved by the Building and Safety Division. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
   B. All drainage water shall drain via approved methods, to an approved location—public street, public drainage system, etc.
   C. Drainage water shall not cross over a public sidewalk. Drainage water may however, cross under a sidewalk if an approved drainage structure is used.
   D. No water course or natural drainage shall be obstructed.
   E. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other.
   F. Drainage water shall not pass from an ‘improved’ type of drainage structure to an ‘unimproved’ type of drainage structure. (i.e.; concrete swale to slag or dirt swale.)
   G. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to, and approved by the Building and Safety Division.

   The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
   H. The grading plans shall, as a minimum, contain sections at all property lines and/or permit boundary lines. These sections shall clearly indicate:
      i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
      ii. The ground cover/finished surface material being proposed (i.e.: type of pavement, plant material, etc.); and
      iii. All proposed drainage structures; and
      iv. Any proposed and/or required walls or fencing.
19. All signs shall be Underwriters Laboratories, or equal, approved.

20. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

21. The following items shall be completed and/or submitted to Building and Safety as applicable – prior to the issuance of building permits for this project:
   A. Precise grading plans shall be approved
   B. Rough grading completed
   C. Compaction certification
   D. Pad elevation certification
   E. Rough grade inspection signed off by a City Building Inspector

22. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

SAN BERNARDINO COUNTY FIRE DEPARTMENT:

23. Jurisdiction. The above referenced project is under the jurisdiction of the Fontana Fire Protection District (herein “Fire Department”). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

24. Fire Access Road 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. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code sec 503, SBCFD Standard 503.1 [F-41]

25. 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 nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns.

26. Fire Apparatus Access Roads. Fire apparatus access roads shall be provided to within one hundred and fifty (150) feet of all exterior portions of the first story of
every building, facility or structure as measured by an approved route around the exterior of the building or structure.

27. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards.

28. **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 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 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.

29. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal.

30. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

31. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

32. **Material Identification Placards.** The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas.

33. **KNOX Box** An approved Fire Department key box is required for all entry gates, manual or automatic.

34. **High-Piled Storage.** The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division.
35. Water System Commercial. All water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. All fire hydrants shall be no more than three hundred (300) from all portions of the building as measured using an approved route around the building.

The Fire Flow for this project shall be: 8000 GPM for a 4-hour duration at 20 psi residual operating pressure.

POLICE DEPARTMENT:

36. Adhere to the City standard of one foot-candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

37. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.

ENGINEERING DEPARTMENT:

38. The project shall be served by the City’s sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.

39. It is the Applicant’s responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

40. Applicant shall submit and gain approval of a complete Water Quality Management Plan in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO MAP RECORDATION:

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

42. Record any maps, right-of-way dedications or easements required for the development.

43. The Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

PRIOR TO FINAL ACCEPTANCE OF PROJECT:

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

45. The Applicant/Landscape Architect shall provide a “Landscape Certificate of Compliance” certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana’s Model Water Efficiency Landscape Ordinance (Ordinance No. 1743, Fontana Municipal Code, Section No. 28).

46. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.


END OF CONDITIONS OF APPROVAL
## MITIGATED NEGATIVE DECLARATION

1. **Name or description of project:**
   
   Master Case (MCN) No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review (DRP) No. 19-010. A change in the General Plan land use designation on the subject property from General Commercial (CG) to Light Industrial (I-L) and a Specific Plan Amendment (West End) to change the zoning district on the subject property from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres for the construction of a 76,809 square foot warehouse.

2. **Location:**
   
   The project is located on the south side of Hilton Drive, between Redwood Avenue and Hemlock avenue, in Fontana, California; (APN’s 1110-151-11, -12, -13, -34, -48, -49, -50, and -51)

3. **Entity or Person undertaking project:**
   James T. Fong, 14838 Foothill Blvd, Fontana, CA 92335

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<td>Community Development Department</td>
</tr>
<tr>
<td>(1)</td>
<td>Name: Orlando Hernandez, Planning Manager</td>
</tr>
<tr>
<td>(2)</td>
<td>Address: 8353 Sierra Avenue, Fontana, California 92335</td>
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</tbody>
</table>

Having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting of the Planning Commission, including the recommendation of the City’s Staff, the Initial Study/Mitigated Negative Declaration does hereby find and declare that the proposed project will not have a significant effect on the environment and MMRP is recommended for adoption. Brief statements of the reasons supporting the Community Director’s findings are as follows: The project is subject to City ordinances governing urban development, and mitigation measures is consistent with these ordinances and standards.

The Director of Community Development hereby finds that the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflects its independent judgment. A copy of the Initial Study may be obtained at:

**8353 Sierra Avenue, Fontana, California**

| Phone No.: | 909-350-6602 |

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City based its decision to adopt this Negative Declaration are as follows: **8353 Sierra Avenue, Fontana, California**

| Phone No.: | 909-350-6558 |

Staff:

Orlando Hernandez
Planning Manager

Date Received for Filing

**ATTACHMENT NO. 6**
NOTICE OF DETERMINATION

TO: X County Clerk, County of San Bernardino
    X Office of Planning and Research

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

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

Project Title: Master Case (MCN) No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review (DRP) No. 19-010

State Clearinghouse Number: N/A

Project Location: The project is located on the south side of Hilton Drive, between Redwood Avenue and Hemlock Avenue, in Fontana, California; (APN’s 1110-151-11, -12, -13, -34, -48, -49, -50, and -51)

Project Description: A change in the General Plan land use designation on the subject property from General Commercial (C-G) to Light Industrial (I-L) and a Specific Plan Amendment (West End) to change the zoning district on the subject property from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres for the construction of a 76,809 square foot warehouse.

This is to advise that the City of Fontana Planning Commission recommended approval to the City Council on the above described project on November 19, 2019.

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Mitigated Negative Declaration are specified as follows: City of Fontana, Planning Division 8353 Sierra Ave, Fontana, CA 92335

Orlando Hernandez
Planning Manager

Date Received for Filing

ATTACHMENT NO. 7
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING

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

NOTICE IS HEREBY GIVEN that the City of Fontana has completed an Initial Study (IS) checklist for Master Case No. 18-066R1, General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010, in accordance with Section 15072 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing the CEQA for the purpose of deciding whether the project may have a significant effect on the environment. A public hearing has been scheduled before the Planning Commission of the City of Fontana for the following:

Master Case No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; and Design Review No. 19-010

General Plan Amendment No. 19-002 is a request for a General Plan Land Use change from General Commercial (C-G) to Light Industrial (I-L) of approximately 8.22 acres.

Specific Plan Amendment No. 19-003 is a request to change the existing zoning of 8 parcels (approximately 8.22 acres) that are zoned Commercial Light Industrial (CLI) to Rail Served Industrial (BP3) within the West End Specific Plan.

Design Review No. 19-010 is a request for the site and architectural review of an approximate 76,809 square foot distribution warehouse with 3,500 square feet of office space and 3,500 square feet of mezzanine space and located on one parcel APN No. 1110-151-34 that is approximately 3.75 acres. The Specific Plan Amendment and General Plan Amendment consists of eight (8) existing parcels of approximately 8.22 adjusted gross acres including the one site that will be developed.

Environmental Determination: An Initial Study (IS) has been prepared for this project pursuant to with Section 15072 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing the CEQA. Based on the information in the IS, a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared.

Location of Property: South side of Hilton Drive and east or Redwood Drive

Date of Hearing: November 19, 2019

Place of Hearing: City Hall Council Chambers

Time of Hearing: 6:00 pm

The comment period regarding the IS/MND for this project is from October 29, 2019 to November 18, 2019. The Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are available for review at City Hall (8353 Sierra Avenue Fontana, CA 92335) and on the City’s website at: www.fontana.org. Should you have any questions or comments concerning this project, please contact DiTanyon Johnson, Senior Planner, at (909) 350-6678 or email at: djohnson@fontana.org.
ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DIVISION, CITY HALL.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.
NOTICE IS HEREBY GIVEN that the City of Fontana has completed an Initial Study (IS) checklist for Master Case No. 18-066R1, General Plan Amendment No. 19-002, Specific Plan Amendment No. 19-003, and Design Review No. 19-010, in accordance with Section 15072 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing the CEQA for the purpose of deciding whether the project may have a significant effect on the environment. A public hearing has been scheduled before the Planning Commission of the City of Fontana for the following:

Master Case No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; and Design Review No. 19-010

General Plan Amendment No. 19-002 is a request for a General Plan Land Use change from General Commercial (C-G) to Light Industrial (I-L) of approximately 8.22 acres.

Specific Plan Amendment No. 19-003 is a request to change the existing zoning of eight (8) parcels (approximately 8.22 acres) that are zoned Commercial Light Industrial (CLI) to Rail Served Industrial (BP3) within the West End Specific Plan.

Design Review No. 19-010 is a request for the site and architectural review of an approximate 76,809 square foot distribution warehouse with 3,500 square feet of office space and 3,500 square feet of mezzanine space located on one parcel APN No. 1110-151-34 that is approximately 3.75 acres. The Specific Plan Amendment and General Plan Amendment consists of eight (8) existing parcels of approximately 8.22 adjusted gross acres including the one site that will be developed.

Environmental Determination: An Initial Study (IS) has been prepared for this project pursuant to with Section 15072 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing the CEQA. Based on the information in the IS, a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared.

Location of Property: South side of Hilton Drive and east or Redwood Drive

Date of Hearing: January 14, 2020

Place of Hearing: City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing: 7:00 pm

The Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are available for review at City Hall (8353 Sierra Avenue Fontana, CA 92335) and on the City’s website at: www.fontana.org. Should you have any questions or comments concerning this project, please contact Orlando Hernandez, Planning Manager, at (909) 350-6602 or email at: o hernandez@fontana.org.
ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE CITY COUNCIL. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DIVISION, CITY HALL.

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

   Master Case (MCN) No. 18-066R1; General Plan Amendment No. 19-002; Specific Plan Amendment No. 19-003; Design Review (DRP) No. 19-010. A change in the General Plan land use designation on the subject property from General Commercial (C-G) to Light Industrial (I-L) and a Specific Plan Amendment (West End) to change the zoning district on the subject property from Commercial Light Industrial (CLI) to Rail Service Industrial (BP3) on approximately 8.25 adjusted gross acres for the construction of a 76,809 square foot warehouse.

2. **Location:**

   The project is located on the south side of Hilton Drive, between Redwood Avenue and Hemlock Avenue, in Fontana, California; (APN’s 1110-151-11, -12, -13, -34, -48, -49, -50, and -51)

3. **Entity or Person undertaking project:** James T. Fong, 14838 Foothill Blvd, Fontana, CA 92335

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Having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting of the City Council, including the recommendation of the City's Staff, the Initial Study/Mitigated Negative Declaration does hereby find and declare that the proposed project will not have a significant effect on the environment and MMRP is recommended for adoption. Brief statements of the reasons supporting the Community Director’s findings are as follows: The project is subject to City ordinances governing urban development, and mitigation measures is consistent with these ordinances and standards.

The Director of Community Development hereby finds that the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflects its independent judgment. A copy of the Initial Study may be obtained at:

**8353 Sierra Avenue, Fontana, California**

| Phone No.: | 909-350-6602 |

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City based its decision to adopt this Negative Declaration are as follows: **8353 Sierra Avenue, Fontana, California**

| Phone No.: | 909-350-6558 |

**Staff:**

Orlando Hernandez
Planning Manager

**Date Received for Filing**

**ATTACHMENT NO. 9**