

RESOLUTION NO. 2024-145

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO CALIFORNIA DENYING APPEAL 24-02, THEREBY UPHOLDING THE PLANNING COMMISSION'S DENIAL OF APPEAL 24-01, THEREBY UPHOLDING THE DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE'S ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM AND APPROVAL OF DEVELOPMENT PERMIT TYPE-D 21-18, 19, 20, AND 21 ALLOWING THE DEVELOPMENT AND ESTABLISHMENT OF FIVE (5) SERVICE COMMERCIAL BUILDINGS. TOTALING APPROXIMATELY 67,451 SQUARE FEET ON SEVERAL APNS FOR A COMBINED 4.81 ACRES LOCATED WITHIN THE COMMERCIAL REGIONAL (CR-3) ZONE, WARD 3.

WHEREAS, on March 16, 2023, pursuant to the requirements of Section 19.44.020 (Administrative and Development Permits-Applications) of the City of San Bernardino Development Code, an application for Development Permit Type-D 21-18, 19, 20, and 21 was duly submitted by:

Property Owner:	Michael D Gay Separate Property Trust 9747 Business park Avenue Ste 222 San Diego, CA 92131
Project Applicant:	Hamann Construction 1000 Pioneer Way El Cajon, CA 92020
Project Appellant:	Supporters Alliance for Environmental Responsibility 1123 Park View Drive Covina, CA 91724
APN:	0281-301-17 and 0281-311-06, 07, 08, 11, 12, 18, and 19
Lot Area:	4.81 acres combined

WHEREAS, on February 14, 2024, pursuant to the requirements of Sections 19.52.040 (Hearings and Appeals-Hearing Procedure) of the City of San Bernardino Development Code, the Development and Environmental Review Committee held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Development Permit Type-D 21-18, 19, 20, and 21, and at which meeting the Development and Environmental Review Committee considered the Mitigated Negative Declaration and Development Permit Type-D 21-18, 19, 20, and 21; and

WHEREAS, during the said duly noticed public hearing, public SAFER expressed comments in opposition of Development Permit Type-D 21-18, 19, 20, and 21; and

WHEREAS, pursuant to the requirements of Chapter 19.44 (Administrative and Development Permits) of the City of San Bernardino Development Code, the Development and Environmental review Committee has the authority to take action on Development Permit Type-D 21-18, 19, 20, and 21 and approved Development Permit Type-D 21-18, 19, 20, and 21 to allow for the development and establishment of five (5) service commercial buildings. totaling approximately 67,451 square feet on several APNs for a combined acreage of 4.81; and

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee held on February 14, 2024, the Development and Environmental Review Committee approved Development Permit Type-D 21-18, 19, 20, and 21 to allow for the development and establishment of five (5) service commercial buildings. totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres; and

WHEREAS, on February 27, 2024, pursuant to the requirements of Section 19.52.100 (Filing of Appeals) of the City of San Bernardino Development Code, the City received an application for Appeal 24-01 for the decision taken by the Development and Environmental Review Committee approving Development Permit Type-D 21-18, 19, 20, and 21; and

WHEREAS, On April 9, 2024 the Planning Commission considered the request for Appeal 24-01 of Development Permit Type-D 21-18, 19, 20, and 21, and the Initial Study/Mitigated Negative Declaration per the State CEQA guidelines and approved the project based on the Finding of Facts and recommended Conditions of Approval; and

WHEREAS, on April 24, 2024, pursuant to the requirements of Section 19.52.100 (Filing of Appeals) of the City of San Bernardino Development Code, the appellant SAFER submitted an application for Appeal 24-02, appealing the decision made by the Planning Commission to deny Appeal 24-01; and

WHEREAS, on June 20, 2024, pursuant to the requirements of Section 19.52.020 (Hearings and Appeals-Application Processing) of the City of San Bernardino Development Code, the City gave public notice by advertising in the San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino, and mailed notices to property owners and occupants of property within 1,000 feet of the project site of a public hearing at which Appeal 24-02 would be considered; and

WHEREAS, at the duly noticed public hearing of the Mayor and City Council on July 3, 2024, at the request of the Applicant and allowance of the Appellant; Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21 was continued to the Mayor and City Council meeting of August 21, 2024 for consideration; and

WHEREAS, pursuant to the requirements of Chapter 19.44 (Administrative and Development Permits) of the City of San Bernardino Development Code, the Mayor and City Council has the authority to take action on Appeal 24-02.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Compliance with the California Environmental Quality Act: As the decision-making body for the project, the Mayor and City Council has reviewed and considered the information contained in the administrative record for Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21.

Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Mayor and City Council, the Mayor and City Council finds, as follows:

- (1) The environmental impacts of this project were previously analyzed in the Mitigated Negative Declaration certified on November 1, 2023 in conjunction with the approval of Development Permit Type-D-21-18, 19, 20, and 21 on December 13, 2023; and
- (2) The Mitigated Negative Declaration contains a complete and accurate reporting of the environmental impacts associated with the project; and
- (3) The Mitigated Negative Declaration was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
- (4) The Mitigated Negative Declaration reflects the independent judgment of the Mayor and City Council; and
- (5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed within the Mitigated Negative Declaration, and all mitigation measures previously certified with the Final Environmental Impact Report are incorporated herein by this reference.

SECTION 3. Findings of Fact- Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21: Pursuant to Section 19.44.040 (Findings) of the City of San Bernardino Development Code Development Permit applications are required to meet certain findings prior to the approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the approval of Development Permit Type-D 21-18, 19, 20, and 21:

Finding No. 1: The proposed developments are permitted within the subject zoning district and comply with all of the applicable provisions of the Development Code, including prescribed development/site standards and any/all applicable design guidelines;

Finding of Fact: Pursuant to Section 19.06.020 of the City of San Bernardino Development Code, commercial buildings are permitted within the Commercial Regional-3 (CR-3) zone subject to approval of a Development Permit with the appropriate Conditions of Approval and CEQA determination. The proposed project consists of the development and establishment of five (5) service commercial buildings. totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres, along with the construction of the required on-site and off-site improvements within the Commercial Regional (CR-3) zone is consistent with the permitted uses and the project will be conditioned to meet all applicable development and site standards.

Finding No. 2: The proposed development is consistent with the General Plan.

Finding of Fact: General Plan Land Use Policy 2.4 actively seeks to *“Enhance the quality of life and economic vitality in San Bernardino by strategic infill of new development and revitalization of existing development”*.

General Plan Goal 4.1.1 *“Encourages economic activity that proactively seeks out and retains businesses that create jobs and generate sales tax revenue”*. the development and establishment of five (5) service commercial buildings. totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres along with the construction of the required on-site and off-site improvements would allot employment for San Bernardino residents and create tax revenue from new businesses for the City of San Bernardino.

Additionally, the proposed projects are permitted within the Commercial Regional-3 (CR-3) zone, subject to the approval of a Development Permit Type-D with the appropriate Conditions of Approval and CEQA determination. The project is consistent with the Commercial land use designation set forth by the General Plan Land Use Map.

Finding No. 3 The proposed development would be harmonious and compatible with existing and future developments within the zone and general area, as well as with the land uses presently on the subject property.

Finding of Fact: The proposed development and establishment of five (5) service commercial buildings. totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres would be harmonious and compatible with existing and future developments within the Commercial Regional-3 (CR-3) zone and the surrounding area.

The scale and density of the proposed development is similar to that of the existing commercial development in the area and it conforms to the development standards of the commercial zone. Since the proposals are consistent with both the General Plan and Development Code, no land use conflict is expected to result from construction of the proposed commercial building.

Finding No. 4 The approval of the Administrative or Development Permit for the proposed development is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code.

Finding of Fact: In accordance with Section 15074 of the California Environmental Quality Act (CEQA), a Final Mitigated Negative Declaration with the appropriate Mitigation Monitoring and Reporting Program (in order to ensure that the Mitigation Measures are implemented to prevent potential environmental impacts) was prepared in connection with Development Permit Type-D 21-18, 19, 20, and 21 for the development and establishment of five (5) service commercial buildings totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres.

Finding No. 5: There will be no potential significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.

Finding of Fact: In accordance with Section 15074 and Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines, a Final Mitigated Negative Declaration with the appropriate Mitigation Monitoring and Reporting Program (in order to ensure that the Mitigation Measures are implemented to prevent potential environmental impacts) was prepared in connection with Development Permit Type-D 21-18, 19, 20, and 21. The location and operating characteristics of the proposed projects will be consistent with all provisions of the Development Code and compatible with the existing and future commercial land uses within the surrounding area. The proposals would not create conditions that may be objectionable or detrimental to other permitted uses in the vicinity as the proposal will be consistent with the Commercial Regional-3 (CR-3) zone. Moreover, the projects will provide positive enhancement to the on-site landscaping and parking lot, helping to revitalize the underused property. Therefore, no land use conflict or adverse effects on public health, safety or welfare are anticipated to result from establishment of the proposed land uses.

Finding No. 6: The subject site is physically suitable for the type and density/intensity of use being proposed.

Finding of Fact: The proposed projects will consist of the construction of five (5) new speculative business park/service commercial buildings and related improvements on eight (8) separate parcels that are abutting. Proposed Building A will be centered on Lot 29 and Lot 30 and consists of 1.25 acres. Building A proposes a total of 17,783 square feet which is inclusive of a 1,269 square foot mezzanine with an entry that faces Hardt Street. Building “A” will be accessible via two 26-foot access drives which will be provided via Hardt Street and provide 43 parking spaces.

Building B proposes a total of 17,586 square feet which is inclusive of a 1,286 square foot mezzanine with an entry that faces Hardt Street. Building B will be accessible via two 26-foot access drives which will be provided via Hardt Street and provide 43 parking spaces. Building A and B will share the second access drive off Hardt Street. Proposed Building C will be centered on Lot 24 and Lot 25, which consists of 1.24 acres and proposes a total of 18,323 square feet which is inclusive of a 1,275 square foot mezzanine and an entry that faces Hardt Street.

Building C will be accessible via two (2) 30-foot access drives which will be provided via Hardt Street and provide 46 parking spaces. Proposed Buildings D1 and D2 will be centered on Lot 17 and Lot 18, which consists of 1.02 acres with an entry that faces Hardt Street and will provide 81 parking spaces.

All five (5) service commercial buildings will have a truck well (loading space) that is proposed to the rear of the building and associated ADA parking, clean air vehicle spaces, bicycle parking, and landscaping throughout the site.

The project aims to use Assembly Bill 2097 which was approved in September 2022 to reduce the number of parking spaces that are required as the site is located within ½ mile of public transit as defined by the bill.

Finding No. 7: There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: There are existing commercial structures already served by a full range of public services and utilities. Establishment of the proposed projects, subject to Conditions of Approval, will not be detrimental to public services or public health and safety.

Finding No. 8: The location, size, design, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed use is similar in nature and operating characteristics to the existing uses in the surrounding area. Therefore, the design of the project, in conjunction with the recommended Conditions of Approval and Mitigation Measures contained within the Mitigation Monitoring and Reporting Program, will ensure that the proposals will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity of the site, nor will it be contrary to the public interest, health, safety, convenience or welfare of the City. The location, size, design, and character of the proposed development will enhance the neighborhood to the benefit of the public interest and general welfare of the City.

SECTION 4. Conditions of Approval for Development Permit Type-D 21-18, 19, 20, and 21: The approval of Development Permit Type-D 21-18, 19, 20, and 21 shall be subject to the following Conditions of Approval:

1. This approval is to allow the development and establishment of five (5) service commercial buildings totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres. Building “A” is located on the north side of E. Hardt Street 1,090 feet west of S. Tippecanoe Avenue at APNs: 0281-301-17 and 0281-311-08. Building's “B” through “D2” are all located on the north side of E. Brier Drive and E. Hardt Street, west of Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue APNs: 0281-311-06, 07, 11, 12, 18, and 19 within the Commercial Regional (CR-3) zone, Ward 3.
2. The project site shall be developed and maintained in accordance with the plans stamped **August 21, 2024** (EXHIBIT “A”), approved by the City, which includes a complete set of plans on file in the Planning Division; the Conditions of Approval contained herein; and, the City’s Municipal Code regulations.
3. Within two (2) years of the Development Permit approval, commencement of construction shall have occurred, or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the permit/approval shall become null and void. However, approval of the Development Permit does not authorize commencement of construction. All necessary permits must be obtained prior to commencement of specified construction activities included in the Conditions of Approval.

EXPIRATION DATE: August 21, 2026

4. The review authority may, upon application being filed thirty (30) days prior to the expiration date of Development Permit Type-D 21-18 and for good cause, grant a time extension not to exceed twelve (12) months. The review authority shall ensure that the project complies with all current Development Code provisions.

5. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action or proceeding and will cooperate fully in the defense of this matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City of San Bernardino (City), any departments, agencies, divisions, boards, or commission of the City as well as predecessors, successors, assigns, agents, directors, elected officials, officers, employees, representatives, and attorneys of the City from any claim, action or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs and attorneys' fees which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered as "Attorney's fees" for the purpose of this condition. As part of the consideration for issuing this Development Permit, this condition shall remain in effect if the Development Permit is rescinded or revoked, whether or not at the request of applicant.
6. Commercial and public parking areas abutting residentially designated property shall have a 6-foot high solid architecturally treated decorative masonry wall approved by the Director. All wall treatments shall occur on both sides.
7. Any proposed fencing with roll away gate shall provide access by means of gate key, code, or remote.
8. Landscaping shall conform to that shown on final submitted landscape plans approved on **August 21, 2024**. A landscape plan shall be submitted to the Planning Division and the Land Development Division, prior to the issuance of grading permits.
9. All parking areas shall provide 25% permanent shading for parked vehicles. Any reasonable combination of shading methods can be utilized. If trees are used, they may not thereafter be trimmed so as to reduce the effectiveness of their shading ability.
10. The property owner(s), facility operator and property management will be responsible for regular maintenance of the site. Vandalism, graffiti, trash, and other debris must be removed within 24 hours of being reported.
11. Service and associated truck storage areas shall be completely screened from public view.
12. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
13. The premises shall always be kept in a neat and orderly condition.
14. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g. planting, paving or construction) will occur as soon as possible after grading.

15. It shall be unlawful for the driver, owner or operator of any commercial vehicle having a manufacturer's Gross Vehicle Weight rating (GVWR) exceeding 10,000 pounds to park, or cause to be parked, except for the immediate loading and unloading of goods, any such vehicle upon any public street, or alley, or on any residentially zoned property, within any residential land use district in the City. This prohibition shall not apply to construction sites during the construction process or to recreational vehicles.
16. No fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 36 inches in height above the nearest street curb elevation shall be erected or placed within a Traffic Safety Sight Area. A Traffic Safety Sight Area is a triangular portion of a lot formed by three distances measured along and/or perpendicular to property lines at the intersection of two street rights-of-way or at intersections of driveways, parking entrances, and alleys with a street right-of-way.
17. All conditions of the Public Works Department shall be met to the satisfaction of the City Engineer.
18. The applicant/property owner must sign and have notarized an affidavit acknowledging acceptance of the conditions of approval and return it to the Planning Division within thirty (30) days of the effective date of this approval.
19. The project shall comply with all applicable requirements of the Building and Safety Division, Police Department, Municipal Water Department, Public Works Department, and the City Clerk's Office/Business Registration Division.
20. This approval shall comply with the requirements of other outside agencies (i.e. Caltrans, San Bernardino County Health Department, Division of Environmental Health Services, San Bernardino County Consolidated Fire District, and California Board of Equalization), as applicable.
21. All Landscaping shall comply with the provisions set forth in Section 19.28 of the City of San Bernardino Development Code.
22. The applicant/owner shall maintain all existing landscaping in the parking lot and setbacks in a weed and disease-free condition at all times and any dead or missing vegetation must be promptly replaced.
23. The landscaping plan shall provide for a variety of plant materials, with an emphasis on drought tolerant species, appropriate for the local environment and shall include a legend showing common names, sizes, quantities, location, dimensions of planted area, and percentage of parking lot landscaping.
24. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to ¾-inch plywood). The barrier shall be of a continuous material which is resistant to sound including: Masonry block, 2. Precast concrete 3, earth berm or a combination of earth berm with block concrete.

25. No use shall emit any obnoxious odor or fumes.
26. Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.
27. Signs are not approved as a part of this permit. Prior to establishing signs, the applicant must submit an application for approval by the Planning Division. Banners, flags, pennants, and similar signs are prohibited unless a Temporary Sign Permit is obtained.
28. Construction-related activities may not occur between the hours of 8:00 pm and 7:00 am. No construction vehicles, equipment, or employees may be delivered to, or arrive at, the construction site before 7:00 am or leave the site after 8:00 pm. Construction activities may only occur Monday through Friday.
29. The project shall comply with all applicable requirements of the City of San Bernardino Community Development Department, Land Development and Building & Safety Divisions, Fire Department, Police Department, Municipal Water Department, Public Works Department, and the City Clerk's Office/Business Registration Division.
30. Submittal requirements for permit applications with the Building and Safety Division shall include all Conditions of Approval issued with this approval, printed on the plan sheets.
31. No final Certificate of Occupancy will be issued until all conditions of approval have been completed.
32. These are service commercial buildings, and all land uses shall be as such. All land uses shall adhere to the standards for the Commercial Regional-3 (CR-3) zone found within Chapter 19.06 Table 06.01 (Commercial Zones list of Permitted, Development Permitted, and Conditionally Permitted Uses) Page 5 of the City of San Bernardino Development Code.

Consolidated Public Works Division

33. Drainage and Flood Control

- a. All drainage from the development shall be directed to an approved public drainage facility. If not feasible, proper drainage facilities and easements shall be provided to the satisfaction of the City Engineer.
- b. If site drainage is to be discharged into the public street, the drainage shall be conveyed through a parkway culvert constructed in accordance with City Standard No. 400. Conveyance of site drainage over the Driveway approaches will not be permitted.

- c. A Preliminary Full-Categorical Water Quality Management Plan (WQMP) has been approved.
- d. A Final Full-Categorical Water Quality Management Plan (WQMP) is required for this project. The applicant is directed to the County of San Bernardino's Flood Control web page for the template and Technical Guidance Document. The Land Development Division, prior to issuance of any permit, shall approve the WQMP. A CD copy of the approved WQMP is required prior to grading permit issuance.
- e. A **Storm Water Pollution Prevention Plan (SWPPP)** will be required. The applicant is directed to the State Water Resources Control Board (SWRCB) SMART Login system. The SWPPP shall be approved by the State and a CD copy of the approved SWPPP shall be submitted to the City prior to grading permit issuance.
- f. A "Notice of Intent (NOI)" shall be filed with the State Water Resources Control Board for construction disturbing 1 acre or more of land (including the project area, construction yards, storage areas, etc.). A WDID number issued by the State of California is required prior to the issuance of grading permit.
- g. The Land Development Division, prior to grading plan approval, shall approve an Erosion Control Plan. The plan shall be designed to control erosion due to water and wind, including blowing dust, during all phases of construction, including graded areas which are not proposed to be immediately built upon.

34. Grading and Landscaping

- a. The grading and on-site improvement plan shall be signed by a Registered Civil Engineer and a grading permit will be required. The grading plan shall be prepared in strict accordance with the City's "Grading Policies and Procedures" and the City's "Standard Drawings", unless otherwise approved by the Building Official.
- b. All existing fencing and walls shall be shown and detailed on the on-site improvement plan.
- c. Adequate lighting shall be provided for the Easterly and Southerly portion of the project site.
- d. If more than 50 cubic yards of earth is to be hauled on City Streets, then a special hauling permit shall be obtained from the City Engineer. Additional conditions, such as truck route approval, traffic controls, bonding, covering of loads, street cleaning, etc. may be required by the City Engineer.
- e. The site shall be paved with either ACC or PCC (Asphalt or Concrete).

- f. The refuse enclosure(s) shall be constructed in accordance with City Standard Drawing No. 508 with modification to provide ADA access. The minimum size of the refuse enclosure shall be 8 feet x 15 feet, unless the Public Services Department, Refuse Division, approves a smaller size, in writing. Where a refuse enclosure is proposed to be constructed adjacent to spaces for parking passenger vehicles, a 3' wide by 6' high concrete planter shall be provided to separate the enclosure from the adjacent parking. The placement of the enclosure and design of the planter shall preclude the enclosure doors from opening into drive aisles or impacting against adjacent parked cars. The number and placement of refuse enclosures shall conform to the location and number shown on the site plan as approved by the Development Review Committee, Planning Commission or City Council.
- g. Wheel stops are not permitted by the Development Code, except at designated accessible parking spaces. Continuous 6" high curb shall be used around planter areas and areas where head-in parking is adjacent to walkways. The parking spaces may be 16.5' deep and may overhang the landscaping or walkway by 2.5'. Overhang into the setback area or into an ADA path of travel (minimum 4' wide) is not permitted.
- h. The design of on-site improvements shall also comply with all requirements of The California Building Code, Title 24, relating to accessible parking and accessibility, including retrofitting of existing building access points for accessibility, if applicable.
- i. The public right-of-way, between the property line and top of curb (also known as "parkway") along adjoining streets shall be landscaped by the developer and maintained in perpetuity by the property owner. Details of the parkway landscaping shall be included in the project's on-site landscape plan.
- j. Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided at least 3 feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points. The space between the curb and wall, fence, property line, walkway or structure shall be landscaped, except as allowed by the Development Review Committee.
- k. Retaining walls, block walls and all on-site fencing shall be designed and detailed on the on-site improvement Plan. This work shall be part of the on-site improvement permit issued by the Building Official. All masonry walls shall be constructed of decorative block with architectural features acceptable to the City Planner.
- l. No construction on a site shall begin before a temporary/security fence is in place and approved by the Building Official or his designee. Temporary/security fencing may not be removed until approved by the Building Official or his designee. The owner or owner's agent shall immediately remove the temporary/security fencing upon the approval of the Building Official or his designee.

- m. Sites that contain multiple buildings shall maintain the temporary/security fencing around the portion of the site and buildings under construction as determined by the Building Official or his designee. All temporary/security fencing for construction sites shall include screening, emergency identification and safety identification and shall be kept in neat and undamaged condition.
- n. An accessible path of travel shall be provided from the public way to the building entrance. All pathways shall be paved and shall provide a minimum clear width of 4 feet. Where parking overhangs the pathway, the minimum paved width shall be 6.5 feet.
- o. A copy of the reciprocal easement shall be submitted to Land Development with formal plan submittal.
- p. A Lot Merger is required for this project. The Lot Merger shall be recorded prior to Building Permit issuance. The applicant is directed to the City's web page at www.sbcity.org– Departments – Public Works – Submittal Requirements for submittal requirements.
- q. The project Landscape Plan shall be reviewed and approved by the Land Development Division prior to issuance of a grading permit. Submit 3 copies to the Land Development Division for Checking.
- r. Prior to occupancy of any building, the developer shall post a bond to guarantee the maintenance and survival of project landscaping for a period of one year.
- s. All electrical transformers located outdoors on the site shall be screened from view with a solid wall or landscaping and shall not be located in any setback/right-of-way area. If the transformer cannot be screened, it shall be located in an underground vault unless approved by the City Engineer pursuant to Section 19.30.110.
- t. A liquefaction evaluation is required for the site. This evaluation must be submitted and approved prior to issuance of a grading permit. Any grading requirements recommended by the approved liquefaction evaluation shall be incorporated in the grading plan.
- u. The on-site improvement plan shall include details of on-site lighting, including light location, type of poles and fixtures, foundation design with structural calculations, conduit location, material and size, and Photometric plot shall be provided which show that the proposed on-site lighting design will provide:
 - 1 foot-candle of illumination uniformly distributed over the surface of the parking lot during hours of operation, and
 - 0.25 foot-candles security lighting during all other hours.

35. Utilities

- a. Backflow preventers shall be installed for any building with the finished floor elevation below the rim elevation of the nearest upstream utility access hole.
- b. This project is located in the sewer service area maintained by the City of San Bernardino therefore, any necessary sewer main extension shall be designed and constructed in accordance with the City's "Sewer Policy and Procedures" and City Standard Drawings.
- c. Existing Utilities which interfere with new construction shall be relocated at the Developer's expense as directed by the City Engineer, except overhead lines, if required by provisions of the Development Code to be undergrounded. See Development Code Section 19.20.030 (non-subdivisions) or Section 19.30.110 (subdivisions).
- d. The project site shall be provided with separate water and sewer facilities so the City or the agency providing such services in the area can serve it.

36. Street Improvement and Dedications

- a. For the streets listed below, dedication of adequate street right-of-way (R.W.) to provide the distance from street centerline to property line and placement of the curb line (C.L.) in relation to the street centerline shall be as follows:

<u>Street Name</u>	<u>Right of Way(ft.)</u> From Centerline	<u>Curb Line(ft)</u> From Centerline
Hardt Street (281-301-17, 0281-311-06, 07, 08, 11, and 12)	27.5' Existing 2.5' Dedication for a total ½ width of 30' "Local Continuous"	22'± Existing None-Proposed per General Plan
Brier Road (Gould Street) (281-311-18, 281-311-19)	40' Existing 4' Dedication for a total ½ width of 44' "Secondary Arterial"	34'± Existing None-Proposed per General Plan

- b. Hardt Street- T. I=7.5:

- i. The street shall be rehabilitated to meet the requirements detailed in a soils report based on the "R" value of the subgrade and the traffic Index. The City's has a minimum standard for new streets (4" AC over 8" Base) except truck usage (9"AC over 12" Base); However, if the Soils Report is obtained and indicates a thicker improvement, the thicker section shall be used.

- ii. The existing curb & gutter panels are in fair condition. If any curb & gutter panels are lifted, cracked, each of the panels shall be replaced per city standards.
- iii. Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible bypass around the top of the drive approach. Minimum Width is 26'. No Driveways closer than 100' from BCR/ECR as directed by the City Engineer.
- iv. When Replacing/Reconstructing Curb and Gutter panels, Construct 8" Curb and Gutter per City Standard No. 200, type "B".
- v. When Replacing or reconstructing Sidewalk panels, Construct Sidewalk per City Standard No. 202; Case "A" (6' wide adjacent to curb).
- vi. Driveways in Commercial, Industrial, or multi-Family units, no gates shall be placed closer or impede 40' from back of sidewalk, as directed by the Traffic Engineer
- vii. Remove existing driveways that are not being used under the project plans and replace with Curb Gutter and Sidewalk per city Standards.
- viii. When Striping, use only thermoplastic paint per Section 84 of Caltrans Specifications.
- ix. For existing streetlights, Install Solar LED Street Light Heads in accordance with City Standards. Also, when more than three (3) streetlights a separate street light plan sheet shall be submitted in the Improvement set in accordance with the City of San Bernardino Street Lighting Design Policies. Install ID Plate on Street light pole. Supply one (1) additional head for each solar head installed, As Directed by the City Traffic Engineer.
- x. Appropriate permits from the County of San Bernardino and any other jurisdiction shall be required when adjacent, over, or under any of the Municipalities.
- xi. Install 2-3" Conduit 36" under the sidewalk with pull rope and pull boxes for future Traffic connections.
- xii. No Truck Parking will be allowed on Hardt Street, install/replace signs per city standards.
- xiii. Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance with California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

*These Conditions are set for an estimated construction within two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

c. Brier Road- T. I=7.5:

- xiv. The street is in fair condition and no AC improvements are needed at this time.
- xv. The area's damages shall be a full Remove and Replacement (R&R). (including Curb and Asphalt lifted by trees).
- xvi. When Replacing/Reconstructing Curb and Gutter panels, Construct 8" Curb and Gutter per City Standard No. 200, type "B".
- xvii. Construct Sidewalk per City Standard No. 202; Case "A" (6' wide adjacent to curb).
- xviii. Driveways in Commercial, Industrial, or multi-Family units, no gates shall be placed closer or impede 40' from back of sidewalk, as directed by the Traffic Engineer
- xix. When Striping, use only thermoplastic paint per Section 84 of Caltrans Specifications.
- xx. For existing streetlights, Install Solar LED Street Light Heads in accordance with City Standards. Also, when more than three (3) streetlights a separate street light plan sheet shall be submitted in the Improvement set in accordance with the City of San Bernardino Street Lighting Design Policies.
- xxi. Install ID Plate on Street light pole. Supply one (1) additional head for each solar head installed, As Directed by the City Traffic Engineer.
- xxii. Appropriate permits from the County of San Bernardino and any other jurisdiction shall be required when adjacent, over, or under any of the Municipalities.
- xxiii. Install 2-3" Conduit 36" under the sidewalk with pull rope and pull boxes for future Traffic connections.
- xxiv. No Truck Parking will be allowed on Brier Road, install/replace signs per city standards.

- d. If a drainage report is required by Land Development, A second copy of the drainage report will be delivered to public works, if offsite or overflow storm drain systems are identified, all systems shall be identified on the street improvement plans, and public storm drain shall be on a separate set of plans.

- d. A Temporary construction encroachment permit from the Public Works Department shall be required for utility cuts into existing streets or any work within the City's right-of-way.

Pavement restoration or trench repair shall be in conformance with City Standard No. 310. Public facilities shall be restored or constructed back to Public Works Department satisfaction.

- e. Any pavement works affecting the traffic loop detectors shall be coordinated and subjected to Public Works Traffic Division requirements.
- f. The applicant must post a performance bond prior to issuance of the off-site permit. The amount of the bond is to be determined by the Public Works Department.
- g. The above conditions shall comply with current codes, policies, and standards at the time of construction.
- h. No Direct Connections to underground Storm Drain Systems or Catch Basins.
- i. Prior to Certificate of Occupancy or Completion of Project all As-builts shall be submitted to Public Works.
- j. All off-site improvement plans submitted for plan check shall be prepared on the City's standard 24" x 36" sheets. A signature block satisfactory to the City Engineer or his designee shall be provided.
- k. After completion of plan checking, final Mylar drawings, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer and/or Building Official for approval.
- l. Copies of the City's design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at <http://www.sbcity.org>.

37. Required Engineering Plans

- i. A complete submittal for plan check shall consist of
 - Street improvement plans (may include streetlights or street lighting may be separate plan).
 - Sewer plans (private sewers may be shown on on-site improvement plan; public sewers must be on a separate plan with profile submitted to SBMWD),
 - Storm drain plans (private storm drains may be shown on on-site improvement plans; public storm drains must be on a separate plan with profile),
 - Off-site improvement plans

- Traffic control and ROW Permits
 - Signing and stripping plan (may be on sheets included in street improvement plan),
 - Lighting (on-site lighting may be included in on-site improvement plan or may be on a separate stand-alone plan),
 - Grading (may be incorporated into on-site improvement plan),
 - On-site improvement plan and on-site landscaping and irrigation,
 - Water plans (shall be submitted to San Bernardino Municipal Water Department),
 - Other plans as required, piece mill of plans of various types will not be accepted.
 - All required calculations, studies and reports must be included in the initial submittal (including but not limited to, soils report, drainage studies, or structural calculations).
- ii. All off-site improvement submitted for plan check shall be prepared on the City standard 24" x 36" sheets with a signature block satisfactory to the City Engineer and/or Building Official approval.
 - iii. After completion of the plan checking process, final Mylar drawings, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the city Engineer and/or Building Official for approval.
 - iv. Copies of the Cities design policies, procedures, and standard drawings are available on the cities website at [http://www. Sbcity.org](http://www.Sbcity.org) no charge or via the front counter at the Public Works Department for a nominal fee.

38. Required Engineering Permits

- a. Grading permit.
- b. On-site improvements construction permit (except buildings - see Development Services-Building Division),
- c. Off-site improvement construction permits.

39. Applicable Engineering Fees

- a. All plan check; permits, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.
- b. The current fee schedule is available at the Public Works Counter and at <http://www.sbcity.org>.

40. Traffic Requirements

- a. All roadway design, traffic signing and striping, traffic signal, street lighting, and traffic control improvements relating to the proposed project should be constructed in accordance with applicable engineering standards and to the satisfaction of the City of San Bernardino Traffic Engineering Division.
- b. In conjunction with standard City of San Bernardino development review procedures, on-site traffic signing and striping plans should be prepared in accordance with applicable State and Federal standards.
- c. The final grading, landscaping, and street improvement plans should demonstrate that sight distance standards are met in accordance with applicable City of San Bernardino /California Department of Transportation sight distance standards.
- d. Payment of applicable of local and regional development impact fees shall be paid to the City of San Bernardino.
- e. All Public Works offsite Mitigation Monitoring and Reporting Program items shall be shown with the Conditions of Approval on the last pages of Public Works Offsite Plans.
- f. All roadway design, traffic signing and striping, traffic signal, street lighting, and traffic control improvements relating to the proposed project should be constructed in accordance with the applicable engineering standards and to the satisfaction of the City of San Bernardino Traffic Engineering Division.
- g. In conjunction with standard City of San Bernardino development review procedure, on site traffic signing, and striping plans should be prepared in accordance with the applicable State and Federal standards.

41. Integrated Solid Waste Management

- a. During demolition and/or construction, services are to be provided through the City of San Bernardino's franchised hauler Burrtec Waste Industries, Inc.
- b. The site plan dated 8/1/23 identifies the development and establishment of five (5) service commercial buildings. The project site is located on the north side of E. Hardt Street, west of Tippecanoe Avenue.
- c. Burrtec Waste Comments:

Project Description:

- Building A- 17,783 square foot industrial building.
- Building B-17,586 square foot industrial building.
- Building C-18,323 square foot industrial building.
- Building D1 and D2-13,759 square foot industrial building combined.

Based upon the information provided, the projects meet or exceed Burrtec's minimum requirements for trash enclosure size, location, and accessibility. Burrtec will therefore provide the project with standard commercial collection services for trash and mixed recyclables.

In the event that any tenant is involved with the production or distribution of food products, they will be required to participate in a food waste recycling program per AB1826.

Any changes to the overall project design, enclosure specifications or location, or access may adversely impact Burrtec's ability to service the project. Any design modifications that could impact Burrtec's service will be subject to review and approval by Burrtec.

Burrtec's review of this project is limited to determining whether it meets Burrtec's minimum standards for waste and recycling collection services. Any comments or approvals by Burrtec are limited to these minimum standards as they relate to our equipment and personnel and do not pertain to the project's compliance with applicable federal, state, and local land use and environmental laws, building codes or other applicable government regulations. Any approvals by Burrtec do not warrant or represent that Burrtec accepts any liability relative to the performance of waste and recycling collection services within this project.

End of Burrtec Waste Comments.

- d. Refuse The Site Plan identifies two trash enclosures located on the north and west sides of the building. They are served by a looped driveway with a minimum width of 26 feet. Enclosure details are provided on Sheet DD1.1. Based upon the information provided, the project meets or exceeds Burrtec's minimum requirements. Burrtec will therefore provide the project with standard commercial collection services for trash and mixed recyclables. In the event that any tenant is involved with the production or distribution of food products, they will be required to participate in a food waste recycling program per Assembly Bill 1826.
- e. Refuse enclosures must meet or exceed City Standard Plan 508 Refuse Enclosure 8'-0"x 15'-0" clear interior dimensions for the container storage area, unless a potential tenant/business is involved in the production, manufacture, distribution, or sale of food products.
- f. If a potential tenant/business is involved in the production, manufacture, distribution, or sale of food products, participation in a food waste recycling program is required per Assembly Bill 1826. This will require additional space within refuse enclosures for food waste containers. Therefore, enlarge (modify) the refuse enclosures interior dimensions to accommodate the following:

Trash – One 4 cubic yard container
Mixed Recyclables – One 4 cubic yard container
Food Waste – One 2 cubic yard container

Modified refuse enclosures shall be reviewed and approved by the Public Works Department, the Building and Safety Division, and Burrtec Waste.

- g. Provide one refuse enclosure per each potential tenant.
- h. Contact the Building & Safety Division to determine if any ADA accessibility modifications must be made to the refuse enclosure. Modifications made to refuse enclosures to meet ADA accessibility requirements shall not decrease the minimum clear interior dimensions needed for the container storage area.
- i. Site Plans shall display clear drive aisle widths.
- j. Refuse enclosures within five (5) feet of combustible construction shall install an automatic fire sprinkler as approved by the Building & Safety Division and the San Bernardino County Fire Department. (See City Standard Plan 508)
- k. Refuse enclosure roofs shall be a minimum of eight (8) feet high interior at its lowest point, with minimal front protrusions that can be damaged during container servicing and must extend over any open side or the rear of the refuse enclosure by at least six (6) inches or as approved by the City.
- l. Burrtec Waste Truck Turning Radius – All corners and intersections on streets and driveways leading to refuse enclosures shall have a turning radius adequate for a 35-foot long, three-axle collection truck. Collection trucks require a minimum 23-foot interior curb return radius to make a minimum 28-foot turn.

The minimum outside curb radius shall be at least 42 feet. All streets and driveways shall comply with applicable City standards. Burrtec Waste's Truck Turning Radius template may be obtained from the Public Works Department in PDF and CAD.

- m. Vertical and Horizontal Clearances – The minimum vertical clearance for collection trucks along the entire route to the refuse enclosure is fifteen (15) feet. The minimum vertical clearance in front of the refuse enclosure where the truck will empty the container shall be twenty-six (26) feet. The clear height shall be free of building overhangs, trees, and utility lines. The minimum horizontal clearance along the entire route to an enclosure is 12 feet.
- n. Hammerhead Turnarounds shall meet or exceed San Bernardino County Fire Protection District Standard Number A-1 Diagram A-1.12: Hammerhead Turnaround Detail dated July 1, 2021. San Bernardino County Hammerhead detail may be obtained from the City Public Works Department.
- o. Tenants/Businesses involved in the production, manufacture, distribution, or sale of food products shall participate in a food waste recycling program per Assembly Bill 1826. This will require additional container(s) for food waste.
- p. As specific tenant(s) have not been identified, consideration should also be given to future tenant(s) waste and recycling needs. These may include trash compactors, cardboard balers, and roll-off boxes. If the building is used for the production, manufacture, distribution, or sale of food products, the tenant(s) shall participate in a food waste recycling program per Assembly Bill 1826.
- q. If gated, access shall be provided by means of a key, code, or remote.

- r. Assembly Bill 341 Mandatory Commercial Recycling may apply.
- s. Assembly Bill 1826 Mandatory Commercial Organics Recycling may apply.
- t. Senate Bill 1383 Short-Lived Climate Pollutants Reduction Act may apply.
- u. Upon completion, service is provided through the City of San Bernardino's franchised hauler Burrtec Waste Industries, Inc. 111 E. Mill Street, San Bernardino, CA 92408 (909) 804-4222.

Building and Safety Division

- 42. After the public hearing appeal period ends, applicant shall submit construction plans to the Building and Safety Division for plan check in order to obtain the required building permits.
- 43. The project shall comply with the California Building Codes as adopted and amended by the City of San Bernardino Municipal Code, Title 15.3.
- 44. A geotechnical investigation report prepared by a qualified geotechnical engineer is required. The applicant shall submit this report for review and approval prior to the issuance of building permits.
- 45. The construction drawings require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
- 46. The project shall comply with state and federal disabled access requirements.

Consolidated County of San Bernardino Fire District

- 47. The development shall have a minimum of Two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys, and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
- 48. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
- 49. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
- 50. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit plans with hydraulic calculations, manufacturers specification sheets and a letter from a licensed structural (or truss) engineer with a stamp verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design to the Fire Department for approval.

The contractor shall submit plans showing the type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

51. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
52. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
53. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves, and signs off on the Building and Safety job card for “fire final”.
54. Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
55. Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
56. Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% -Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. The development shall have a minimum of one points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys, and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. (County Ordinance #3586.
57. Fire access roadways shall not exceed a maximum of twelve (12%) percent grade at any point. Fire access roadways or driveways may be increased to fourteen (14%) percent grade for a distance not to exceed five hundred (500) feet.

Fire access roadways providing access to no more than two (2) one or two-family dwellings may be increased to a maximum of sixteen (16%) percent grade not to exceed five hundred (500) feet. Grades across the width of a fire access roadway shall not exceed five (5%) percent. In order to accommodate proper angles of approach and departure, gradient shall not exceed five (5%) percent change along any ten (10) foot section.

58. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire apparatus at a minimum of 80K pounds.
59. Prior to building permits being issued to any new structure, the primary access road shall be paved or on an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance, and turnouts.
60. Prior to building permits being issued to any new structure, the secondary access road shall be paved or on an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance, and turnouts.
61. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
62. This project requires an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
63. Prior to any land disturbance the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using the California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a Two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,514 sqft. structure.
64. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
65. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
66. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
67. An approved Fire Department key box is required. In commercial, industrial, and multi-family complexes, all swing gates shall have an approved fire department Lock (Knox®).

68. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs, or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
69. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
70. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
71. Commercial and industrial developments of 100,000 sqft or less shall have the street address installed on the building with numbers that are a minimum eight (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 nonilluminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter ($\frac{3}{4}$) inch stroke.
72. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
73. Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves, and signs off on the Building and Safety job card for “fire final”.
74. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein “Fire Department”. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances, and standards of the Fire Department.
75. Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection.

76. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.
77. A request to extend any permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.
78. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department.
79. Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
80. The applicant shall submit a letter to the Fire Department agreeing to and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.
81. In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
82. Any changes to this proposal shall require a new Fire Department condition letter.

SECTION 5. The documents and materials associated with this Resolution and that constitute the record of proceedings on which these findings are based are located at 290 North D Street, San Bernardino, CA 92401. The City Clerk is the custodian of the record of proceedings.

SECTION 6. Severability: If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Mayor and City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 21st day of August, 2024

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-145, adopted at a regular meeting held on the 21st day of August 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this _ day of __, 2024.

Genoveva Rocha, CMC, City Clerk