



Public Hearing: Agenda Item No. 5a

**City of San Bernardino
Request for D/ERC Action**

Date: February 14, 2024
To: Development and Environmental Review Committee
From: Michael Rosales, Senior Planner
Subject: Development Permit Type-D 21-18

Request: Development Permit Type-D 21-18 A request to allow the development and establishment of a service commercial building (Building "A") containing approximately 17,783 square feet on a project site comprised of two (2) parcels located on the north side of E. Hardt Street approximately 1,090 feet west of S. Tippecanoe Avenue Ward 3.

APN: 0281-301-17 and 0281-311-08
Lot Area: 1.25 acres
Zone: Commercial Regional (CR-3) zone

Recommendation

Staff recommends that the Development and Environmental Review Committee adopt Resolution No. 2023-044 in conjunction with the Mitigated Negative Declaration under the California Environmental Quality Act; and approving Development Permit Type-D 21-18, based on the Findings of Fact and subject to the recommended Conditions of Approval.

Attachments: Attachment A: Resolution 2023-044
Exhibit "A" Approved Site Plans
Exhibit "B" MMRP's

RESOLUTION NO. 2023-044 – D/ERC

A RESOLUTION OF THE DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE OF THE CITY OF SAN BERNARDINO CALIFORNIA, APPROVING DEVELOPMENT PERMIT TYPE-D 21-18 FOR THE DEVELOPMENT AND ESTABLISHMENT OF A SERVICE COMMERCIAL BUILDING (BUILDING “A”) CONTAINING APPROXIMATELY 17,783 SQUARE FEET ON A PROJECT SITE COMPRISED OF TWO (2) PARCELS CONTAINING A TOTAL OF APPROXIMATELY 1.25 ACRES, LOCATED AT APNS:0281-301-17 AND 0281-311-08 ON THE NORTH SIDE OF E. HARDT STREET APPROXIMATELY 1,090 FEET WEST OF S. TIPPECANOE AVENUE WITHIN THE COMMERCIAL REGIONAL (CR-3) ZONE, WARD 3, AND ADOPTING THE MITIGATED NEGATIVE DECLARATION, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on October 18, 2021 pursuant to the requirements of Section 19.44.020 (Administrative and Development Permits) of the City of San Bernardino Development Code, an application for Development Permit Type-D 21-18 was duly submitted by:

Property Owner: Michael D Gay Separate Property Trust
9747 Business park Avenue Ste 222
San Diego, CA 92131

Applicant: Hamann Construction
1000 Pioneer Way
El Cajon, CA 92020

APN: 0281-301-17 and 0281-311-08
Lot Area: 1.25 acres

WHEREAS, pursuant to Section 19.06.20 (Commercial Zones List of Permitted, Development Permitted, and Conditionally Permitted Uses) and Section 19.06.030 (Development Standards) of the City of San Bernardino Development Code, Development Permit Type-D 21-18 is a request to allow the development and establishment of a service commercial building (Building “A”) containing approximately 17,783 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.25 acres, located at APNs: 0281-301-17 and 0281-311-08 on the north side of E. Hardt Street approximately 1,090 feet west of S. Tippecanoe Avenue within the Commercial Regional (CR-3) zone, Ward 3;

WHEREAS, the Planning Division of the Community Development Department has reviewed Development Permit Type-D 21-18 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;

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WHEREAS, pursuant to requirements of Section 15063 of the California Environmental Quality Act (CEQA), the Planning Division of the Community and Economic Development Department accepted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by E.P.D. Solutions, Inc. on behalf of and submitted by the applicant (Michael D Gay Separate Property Trust) for Development Permit Type-D 21-18;

WHEREAS, on November 1, 2023, pursuant to requirements of Section 15072 and Section 15073 of the California Environmental Quality Act, the Planning Division of the Community and Economic Development Department published a Notice of Intent to Adopt a Mitigated Negative Declaration and commenced the required Twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-18;

WHEREAS, during the required twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-18, comment letters were submitted by: SAFER, The County of San Bernardino, and a Marven Norman of the Inland Empire Biking Alliance;

WHEREAS, on November 27, 2023 the Planning Division of the Community and Economic Development Department received the final Initial Study/Mitigated Negative Declaration from E.P.D. Solutions Inc. on behalf of Hamann Construction responding to the comments submitted regarding the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Development Permit Type-D 21-18;

WHEREAS, on December 2, 2023, 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 by mailing notices to the property owners and occupants/tenants within 1000 feet of the subject property of the holding of a public hearing at which the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-18 would be considered;

WHEREAS, on December 13, 2023, pursuant to the requirements of Section 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 the Environmental Determination and Development Permit Type-D 21-18, and at which meeting the Development and Environmental Review Committee considered the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-18;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 a comment letter was submitted by Lozeau and Drury LLP on behalf of "SAFER" expressing concerns on the validity of the Mitigated Negative Declaration that was prepared by E.P.D Environmental Consultants for Development Permit Type-D 21-18;

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WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 no formal action was taken and Development Permit Type-D 21-18 was moved to the January 10, 2024 Development and Environmental Review Committee meeting for final action;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on January 10, 2024, and at the request of the applicant, no formal action was taken for Development Permit Type-D 21-18 and the item was motioned to move to the Development and Environmental Review Committee meeting of February 14, 2024 for final action 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 the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-18.

NOW THEREFORE, the Development and Environmental Review Committee of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Development and Environmental Review Committee has independently reviewed and considered the entire record before it, including the information contained in the Initial Study/Mitigated Negative Declaration prepared for the project Development Permit Type-D 21-18. The Development and Environmental Review Committee hereby certifies that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA and the Guidelines for the Implementation of the CEQA (California Code Regulations, Title 14, Section 15000 et seq.) (“State CEQA Guidelines”) and reflects the independent judgement and analysis of the City. Based upon the Mitigated Negative Declaration, all comments and testimony received pertaining to, and the entirety of the record before it, the Development and Environmental Review Committee hereby finds and determines that there is no substantial evidence supporting a fair argument that the approval of Development Permit Type-D 21-18 will result in a significant effect on the environment. Based on the findings made herein and its independent judgement and analysis, the Development and Environmental Review Committee hereby adopts the Mitigated Negative Declaration for Development Permit Type-D 21-18.

SECTION 2. FINDINGS FOR DEVELOPMENT PERMIT TYPE-D 21-18:

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 Development and Environmental Review Committee. Accordingly, the following findings are provided in support of the approval of Development Permit Type-D 21-18:

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Finding No. 1: The proposed development is one permitted within the subject zoning district and complies 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 a service commercial building (Building "A") containing approximately 17,783 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.25 acres along with the construction of the required on-site and off-site improvements 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 a service commercial building (Building "A") containing approximately 17,783 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.25 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 project is 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 a service commercial building (Building "A") containing approximately 17,783 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.25 acres would be harmonious and compatible with existing and future developments within the Commercial Regional-3 (CR-3) zone and the surrounding area.

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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 proposal is 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.

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. The location and operating characteristics of the proposed project will be consistent with all provisions of the Development Code. The proposed use will be compatible with the existing and future commercial land uses within the surrounding area. The proposal will 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 project 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 use.

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

Finding of Fact: The proposed project will consist of the construction of one new speculative business park/service commercial building and related improvements on two (2) parcels.

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Proposed Building A will be centered on Lot 29 and Lot 30 which consists of 1.25 acres. Building A proposes a total of 17,783 sf which is inclusive of a 1,269 square foot mezzanine with an entry that faces Hardt Street. The building will be accessible via two 26 FT access drives which will be provided via Hardt Street. Building A and B will share the second access drive off Hardt Street. The proposed building will have 43 associated parking spaces, including ADA parking, clean air vehicle spaces, bicycle parking, and landscaping throughout the site. There is also a truck well (loading space) that is proposed to the rear of the building. 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. The project includes a landscaped setback along Hardt Street as well as additional landscaping on the northern and western portion of the site.

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 project, 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 proposal 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 3. CONDITIONS OF APPROVAL:

The approval of Development Permit Type-D 21-18 shall be subject to the following Conditions of Approval:

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1. This approval is to allow the development and establishment of a service commercial building (Building "A") containing approximately 17,783 square feet along with the construction of the required on-site and off-site improvements square feet on a project site comprised of two (2) parcels containing a total of approximately 1.25 acres within the Commercial Regional-3 (CR-3) zone, located at APNs: 0281-301-17 and 0281-311-08 on the north side of E. Hardt Street approximately 1,090 feet west of S. Tippecanoe Avenue within the Commercial Regional (CR-3) zone, Ward 3
2. The project site shall be developed and maintained in accordance with the plans stamped **February 14, 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: February 14, 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.
6. 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.

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7. 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.
8. Any proposed fencing with roll away gate shall provide access by means of gate key, code, or remote.
9. Landscaping shall conform to that shown on final submitted landscape plans approved on **February 14, 2024**. A landscape plan shall be submitted to the Planning Division and the Land Development Division, prior to the issuance of grading permits.
10. 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.
11. 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.
12. Service and associated truck storage areas shall be completely screened from public view.
13. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
14. The premises shall always be kept in a neat and orderly condition.
15. 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.
16. 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.
17. 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.
18. All conditions of the Public Works Department shall be met to the satisfaction of the City Engineer.

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19. 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.
20. 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.
21. 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.
22. All Landscaping shall comply with the provisions set forth in Section 19.28 of the City of San Bernardino Development Code.
23. 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.
24. 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.
25. 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: 1. Masonry block, 2. Precast concrete 3, earth berm or a combination of earth berm with block concrete.
26. No use shall emit any obnoxious odor or fumes.
27. 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.
28. 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.
29. 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.

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30. 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.
31. 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.
32. No final Certificate of Occupancy will be issued until all conditions of approval have been completed.
33. This is a service commercial building, 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

34. 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 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 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.

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- 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.

35. 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.

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- 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 are located adjacent thereto except for areas where truck doors, pedestrian doors, planters, and enclosure exist. 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 or decorative precast concrete with architectural features acceptable to the City Planner.
- l. At the Owners/Developers discretion a temporary security fence may be installed 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, however, the fencing is only required if necessary.
- 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. Prior to permit issuance a copy of the reciprocal access easement shall be submitted to Land Development. The reciprocal access agreement shall be approved and recorded for those properties affected prior to obtaining a Certificate of Occupancy.
- 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.

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- 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.

36. 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.

37. 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:

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<u>Street Name</u>	<u>Right of Way(ft.)</u> From Centerline	<u>Curb Line(ft)</u> From Centerline
Hardt Street (281-301-17, 281-311-08)	27.5' Existing 2.5' Dedication for a total ½ width of 30' "Local Continuous"	22'± Existing None-Proposed per General Plan

b. Hardt Street- T. I=7.5:

- i. The half width of the street along the project's frontage 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 where the specified land use is warehouse (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 by-pass 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

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(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 with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

- c. 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 Public Works Department shall be required for utility cuts into existing streets or any work within 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 Public Works Department.
- g. The above conditions shall comply with current codes, policies, and standards at 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.

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- 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>

38. Required Engineering Plans

- a. 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).

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- 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.
- 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.
- 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.

39. 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.

40. 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>

41. 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.

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- 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.

42. 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 a service commercial building (Building A). The project site is located on the north side of E. Hardt Street, west of Tippecanoe Avenue.
- c. Burrtec Waste Comments:

Project Description: Construct a 17,783 square foot industrial building.

The Site Plan dated 8/1/23 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 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.

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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.

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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

- 43. 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.
- 44. The project shall comply with the California Building Codes as adopted and amended by the City of San Bernardino Municipal Code, Title 15.3.
- 45. 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.

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46. The construction drawings require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
47. The project shall comply with state and federal disabled access requirements.

Consolidated County of San Bernardino Fire District

48. 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.
49. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
50. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
51. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
52. 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 type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
53. 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.
54. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.
55. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required.

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56. 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.
57. 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".
58. 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.
59. 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.
60. 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.
61. 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.
62. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.
63. 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.
64. 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.

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All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire apparatus at a minimum of 80K pounds.

65. 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.
66. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance, and turnouts.
67. 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.
68. 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.
69. Prior to any land disturbance the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a Two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,514 sqft. structure.
70. 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.
71. 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.
72. 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.
73. 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®).

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74. 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.
75. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
76. Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.
77. 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.
78. 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.
79. 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.
80. 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".
81. 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.

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82. Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.
83. 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.
84. 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, fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
85. 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.
86. 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.
87. Any changes to this proposal shall require new Fire Department condition letter.

SECTION 4. DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE

The Development and Environmental Review Committee hereby takes the following action:

- a. **Adopt** the Mitigated Negative Declaration for Development Permit Type-D 21-18, in accordance with Section 15074 of the California Environmental Quality Act, and directing the Community and Economic Development Director to prepare and file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code Section 21152 (a) and CEQA Guidelines Section 15075; and
- b. **Approve** Development Permit Type-D 21-18, subject to the aforementioned Conditions of Approval.

SECTION 5. SEVERABILITY

If any provision of this resolution or the application thereof to any circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared severable.

SECTION 6. CUSTODIAN OF RECORDS.

The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Development and Environmental Review Committee based its decision, is as follows: Genoveva Rocha, City Clerk, 201 North E Street (Building A), 909-384-5002.

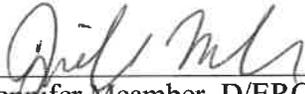
PASSED, APPROVED AND ADOPTED this 14th day of February 2024.



For

Mary Lanier, Acting Chair
San Bernardino Development/
Environmental Review Committee

ATTEST:



Jennifer Meamber, D/ERC Secretary
City of San Bernardino, California

CERTIFICATION:

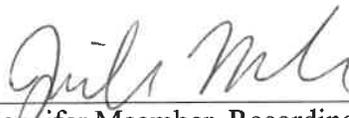
I, Jennifer Meamber, Recording Secretary of the Development and Environmental Review Committee of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2023-044 was duly adopted by the Development and Environmental Review Committee of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of February 2024, by the following vote, to wit:

AYES: Marrinan, Bishara, Jabsheh, Sepulveda, Lindberg, Castro, Markloff

NOES: None

ABSENT: None

ABSTAIN: None



Jennifer Meamber, Recording Secretary
City of San Bernardino, California

EXHIBIT "A"
Approved Plans

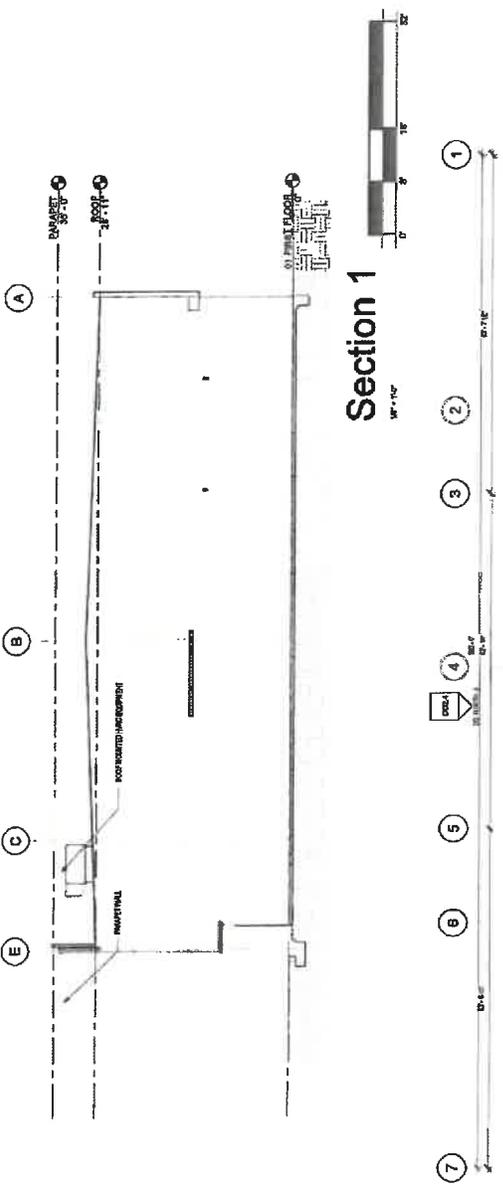


DATE: 02/11/14
 DRAWN BY: KDS
 CHECKED BY: KDS
 PROJECT: NEW SHELL BUILDING 'A'

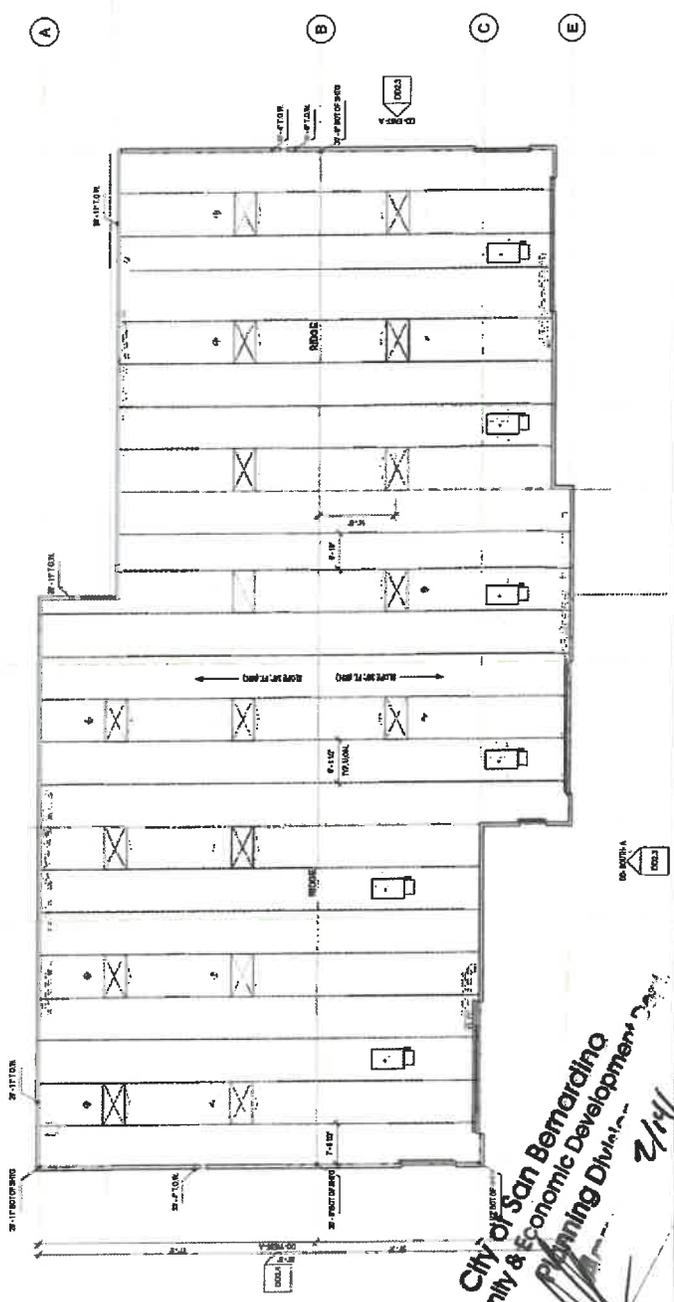
Revision Schedule
 1. Date: 02/11/14

Project: NEW SHELL BUILDING 'A'
 Lots 29 & 30
 San Bernardino, CA

DD22.2

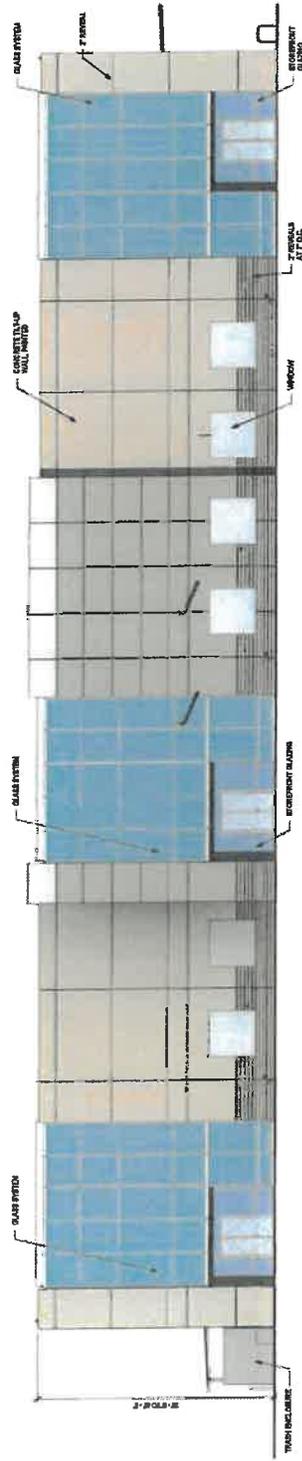
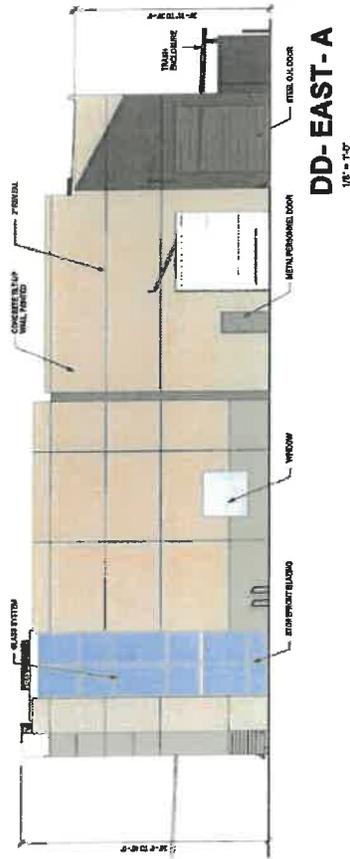


Section 1
 1/8" = 1'-0"



ROOF PLAN
 1/8" = 1'-0"

City of San Bernardino
 Community & Economic Development
 Planning Division
 2/11/14
 [Signature]



EXTERIOR PAINT:
 CROSS WALLS: [Color swatch] [Color swatch] [Color swatch]
 NUMBER SIGN: [Color swatch] [Color swatch] [Color swatch]

99 999 SPARKLE WHITE
 99 7077 BEIGE
 99 7000 SUMMIT GRAY

KENNETH D. SMITH ARCHITECT & ASSOCIATES, INC.
 1000 CALIFORNIA AVE. SUITE 200
 SAN BERNARDINO, CA 92410
 TEL: 909.381.2889
 FAX: 909.381.2886



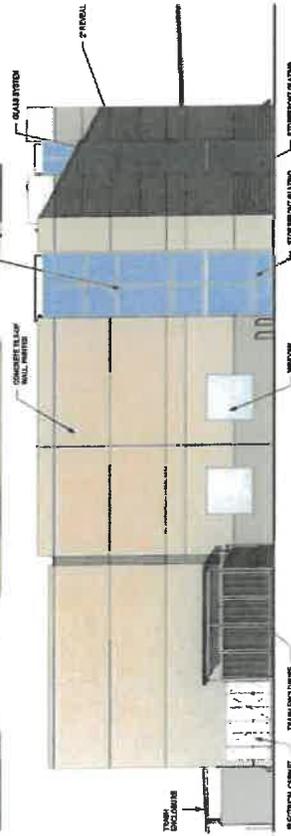
DATE: 02/04/2024
 JOB NO.: 18017
 CREATED BY: Dester
 Revision Schedule

#	Date	Description

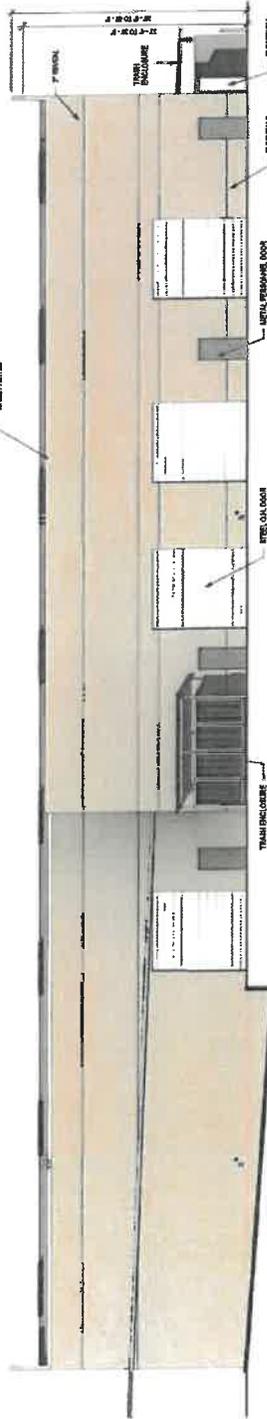
Project: **NEW SHELL BUILDING 'A'**
Hardt & Briet Business Park
LOTS 29 & 30
SAN BERNARDINO, CA

DD2-3

City of San Bernardino
 Community & Economic Development Dept.
 Planning Division
 Approved *[Signature]* 2/14/24
 Date: _____



DD- WEST- A
1/8" = 1'-0"



DD- NORTH- A
1/8" = 1'-0"

EXTERIOR PAINT:
COLORS SHALL BE DETERMINED AND PART TO MATCH NUMBER BELOW.

BY ONE SPACE WHITE
 BY TWO ZEPHYR
 BY TIME CLAYTON

KENNETH D. SMITH
ARCHITECT
ASSOCIATES, INC.

2041 SHELLEY AVENUE, SUITE 200
SAN BERNARDINO, CA 92411
TEL / 951 342 2369



DATE	BY	DESCRIPTION
06-01-2003	DD017	ISSUED FOR CONSTRUCTION
		ISSUED FOR CONSTRUCTION

Project: **NEW SHELL BUILDING 'A'**
Hardt & Brier Business Park
SAN BERNARDINO, CA

DD2.4

City of San Bernardino
Community & Economic Development Dept.

Planning Division
Approved
By: [Signature] Date: 2/1/12

EXHIBIT "B"
Environmental Determination
Mitigation and Monitoring Reporting Program

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Hardt and Brier Business Park Project (Project). The City of San Bernardino is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies, and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
<p>PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030</p>	<p>Submission of electrical plans prior to plan check approval.</p>	<p>Department of Building and Safety.</p>	
AIR QUALITY			
<p>PPP AQ-1: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>In construction plans and specifications. During Project operation. Prior to grading and building permits.</p>	<p>Department of Building and Safety.</p>	
<p>PPP AQ-2: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. 	<p>In construction plans and building permits.</p>	<p>Department of Building and Safety.</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</p>	<p>Compliance with Rule 1113.</p>	<p>Department of Building and Safety and SCAQMD.</p>	
<p>PPP AQ-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>			
<p>BIOLOGICAL RESOURCES</p>			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Conduct take avoidance surveys for nesting birds if vegetation removal occurs during nesting bird season. Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Three days prior to initiating vegetation removal/clearing.</p>	<p>Qualified biologist and City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure BIO-2: Nesting Bird Buffer. If nesting birds are encountered, a qualified biologist must establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist</p>	<p>Establish an avoidance buffer zone around nests, if identified through Mitigation Measure BIO-1. Prior to and during construction activities.</p>	<p>Qualified biologist and City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>has determined the nest is no longer active and the young are no longer dependent on the nest.</p>			
CULTURAL RESOURCES			
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of being granted access to the site.</p>	<p>In construction plans and specifications. During construction activities. Compliance with State Health and Safety Code Section 7050.5 and 5097.98. Notify NAHC and MLD.</p>	<p>County Coroner and City of San Bernardino Planning Division</p>	
GEOLOGY AND SOILS			
<p>PPP WQ-1: SWPPP. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a GSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of San Bernardino staff or its designee to confirm compliance.</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: WQMP. Prior to grading permit issuance, the project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
(RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.			
HYDROLOGY AND WATER QUALITY			
PPP WQ-1: SWPPP. As described above.	As described above.	As described above.	
PPP WQ-2: WQMP. As described above.	As described above.	As described above.	
HAZARDS AND HAZARDOUS MATERIALS			
Mitigation Measure HAZ-1: Disposal of Illegally Dumped Materials. The Project applicant is responsible for ensuring the proper disposal of any and all illegally dumped materials currently on the Project site, in compliance with the City of San Bernardino Municipal Code Chapter 8.24. Proper disposal of all illegally dumped materials onsite must be completed before any construction activities begin. Signs or fences shall be installed onsite to assist in preventing future onsite dumping of potentially hazardous materials prior to construction.	Disposal of all illegally dumped materials currently on the Project site. Prior to start of construction activities.	City of San Bernardino Planning Division	
TRIBAL CULTURAL RESOURCES			
Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing	In construction plans and specifications. Retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Prior to the commencement of any ground-disturbing activity or the issuance of any permit necessary to	City of San Bernardino Planning Division and Native American Monitor.	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>	<p>commence a ground-disturbing activity.</p> <p>On-site tribal monitoring during ground-disturbing activities.</p>		
<p>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>In construction plans and specifications. Upon discovery of any TCRs halt construction activities until resources are assessed and retained by Kizh Nation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p>	<p>In construction plans and specifications. Upon discovery of human</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>A. Native American human remains are defined in PRC 5097.98 (a)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>remains during construction activities, follow Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5.</p>	<p>Bernardino Planning Division.</p>	
<p>PPP CUL-1: Human Remains. As described above.</p>			
<p>TRIBAL CULTURAL RESOURCES</p>			
<p>PPP WQ-1: WQIMP. As described above.</p>			
<p>As described above.</p>		<p>As described above.</p>	
<p>As described above.</p>		<p>As described above.</p>	



Public Hearing: Agenda Item No. 5b

**City of San Bernardino
Request for D/ERC Action**

Date: February 14, 2024
To: Development and Environmental Review Committee
From: Michael Rosales, Senior Planner

Subject: Development Permit Type-D 21-19

Request: Development Permit Type-D 21-19 a request to allow the development and establishment of a service commercial building (Building "B") containing approximately 17,586 square feet on a project site comprised of two (2) parcels located on the north side of E. Brier Drive East of Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue, Ward 3

APN: 0281-311-06 and 0281-311-07
Lot Area: 1.30 acres
Zone: Commercial Regional (CR-3) zone

Recommendation

Staff recommends that the Development and Environmental Review Committee adopt Resolution No. 2023-045 adopting the Categorical Exemption under the California Environmental Quality Act; and approving Development Permit Type-D 21-19, based on the Findings of Fact and subject to the recommended Conditions of Approval.

Attachments: Attachment A: Resolution 2023-045
Exhibit "A" Approved Site Plans
Exhibit "B" MMRP's

RESOLUTION NO. 2023-045 – D/ERC

A RESOLUTION OF THE DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE OF THE CITY OF SAN BERNARDINO CALIFORNIA, APPROVING DEVELOPMENT PERMIT TYPE-D 21-19 FOR THE DEVELOPMENT AND ESTABLISHMENT OF A SERVICE COMMERCIAL BUILDING (BUILDING “B”) CONTAINING APPROXIMATELY 17,586 SQUARE FEET ON A PROJECT SITE COMPRISED OF TWO (2) PARCELS CONTAINING A TOTAL OF APPROXIMATELY 1.30 ACRES, LOCATED AT APNS:0281-311-06 AND 0281-311-07, NORTH OF E. BRIER DRIVE, EAST OF N. TIPPECANOE AVENUE, SOUTH OF THE BNSF RAILROAD AND EAST OF S GIFFORD AVENUE WITHIN THE COMMERCIAL REGIONAL-3 (CR-3) ZONE, WARD 3, AND ADOPTING THE MITIGATED NEGATIVE DECLARATION, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on October 18, 2021 pursuant to the requirements of Section 19.44.020 (Administrative and Development Permits) of the City of San Bernardino Development Code, an application for Development Permit Type-D 21-19 was duly submitted by:

Property Owner: Michael D Gay Separate Property Trust
9747 Business park Avenue Ste 222
San Diego, CA 92131

Applicant: Hamann Construction
1000 Pioneer Way
El Cajon, CA 92020

APN: 0281-311-06 and 0281-311-07
Lot Area: 1.30 acres

WHEREAS, pursuant to Section 19.06.20 (Commercial Zones List of Permitted, Development Permitted, and Conditionally Permitted Uses) and Section 19.06.030 (Development Standards) of the City of San Bernardino Development Code, Development Permit Type-D 21-19 is a request to allow the development and establishment of a service commercial building (Building “B”) containing approximately 17,586 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.30 acres, located at APNs: 0281-311-06 and 0281-311-07 on the north side of E. Brier Drive East of Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3;

WHEREAS, the Planning Division of the Community Development Department has reviewed Development Permit Type-D 21-19 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;

RESOLUTION NO. 2023-045-D/ERC

WHEREAS, pursuant to requirements of Section 15063 of the California Environmental Quality Act (CEQA), the Planning Division of the Community and Economic Development Department accepted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by E.P.D. Solutions, Inc. on behalf of and submitted by the applicant (Michael D Gay Separate Property Trust) for Development Permit Type-D 21-19;

WHEREAS, on November 1, 2023, pursuant to requirements of Section 15072 and Section 15073 of the California Environmental Quality Act, the Planning Division of the Community and Economic Development Department published a Notice of Intent to Adopt a Mitigated Negative Declaration and commenced the required Twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-19;

WHEREAS, during the required twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-19, comment letters were submitted by: SAFER, the County of San Bernardino, and a Marven Norman of the Inland Empire Biking Alliance;

WHEREAS, on November 27, 2023 the Planning Division of the Community and Economic Development Department received the final Initial Study/Mitigated Negative Declaration from E.P.D. Solutions Inc. on behalf of Hamann Construction responding to the comments submitted regarding the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Development Permit Type-D 21-19;

WHEREAS, on December 2, 2023, 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 by mailing notices to the property owners and occupants/tenants within 1000 feet of the subject property of the holding of a public hearing at which the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-19 would be considered;

WHEREAS, on December 13, 2023, pursuant to the requirements of Section 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 the Environmental Determination and Development Permit Type-D 21-19, and at which meeting the Development and Environmental Review Committee considered the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-19;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 a comment letter was submitted by Lozeau and Drury LLP on behalf of "SAFER" expressing concerns on the validity of the Mitigated Negative Declaration that was prepared by E.P.D Environmental Consultants for Development Permit Type-D 21-19;

RESOLUTION NO. 2023-045-D/ERC

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 no formal action was taken and Development Permit Type-D 21-19 was moved to the January 10, 2024 Development and Environmental Review Committee meeting for final action;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on January 10, 2024, and at the request of the applicant, no formal action was taken for Development Permit Type-D 21-19 and the item was motioned to move to the Development and Environmental Review Committee meeting of February 14, 2024 for final action; 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 the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-19.

NOW THEREFORE, the Development and Environmental Review Committee of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Development and Environmental Review Committee has independently reviewed and considered the entire record before it, including the information contained in the Initial Study/Mitigated Negative Declaration prepared for the project Development Permit Type-D 21-19. The Development and Environmental Review Committee hereby certifies that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA and the Guidelines for the Implementation of the CEQA (California Code Regulations, Title 14, Section 15000 et seq.) ("State CEQA Guidelines") and reflects the independent judgement and analysis of the City. Based upon the Mitigated Negative Declaration, all comments and testimony received pertaining to, and the entirety of the record before it, the Development and Environmental Review Committee hereby finds and determines that there is no substantial evidence supporting a fair argument that the approval of Development Permit Type-D 21-19 will result in a significant effect on the environment. Based on the findings made herein and its independent judgement and analysis, the Development and Environmental Review Committee hereby adopts the Mitigated Negative Declaration for Development Permit Type-D 21-19.

SECTION 2. FINDINGS FOR DEVELOPMENT PERMIT TYPE-D 21-19:

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 Development and Environmental Review Committee. Accordingly, the following findings are provided in support of the approval of Development Permit Type-D 21-19:

RESOLUTION NO. 2023-045-D/ERC

Finding No. 1: The proposed development is one permitted within the subject zoning district and complies 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 a service commercial building (Building “B”) containing approximately 17,586 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.30 acres along with the construction of the required on-site and off-site improvements 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 a service commercial building (Building “B”) containing approximately 17,586 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.30 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 project is 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.

RESOLUTION NO. 2023-045-D/ERC

Finding of Fact: The proposed development and establishment of a service commercial building (Building “B”) containing approximately 17,586 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.30 acres along with the construction of the required on-site and off-site improvements 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 proposal is 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 21-19 for the development and establishment of a service commercial building (Building “B”).

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 21-19. The location and operating characteristics of the proposed project will be consistent with all provisions of the Development Code. The proposed use will be compatible with the existing and future commercial land uses within the surrounding area. The proposal will 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 project 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 use.

RESOLUTION NO. 2023-045-D/ERC

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

Finding of Fact: The proposed project will consist of the construction of one new speculative business park/service commercial building and related improvements on two (2) parcels. Proposed Building A will be centered on Lot 31 and Lot 32, which consists of 1.30 acres. Building B proposes a total of 17,586 sf which is inclusive of a 1,286 square foot mezzanine with an entry that faces Hardt Street. The building will be accessible via two 26-foot access drives which will be provided via Hardt Street. Building A and B will share the second access drive off Hardt Street. The proposed building will have 43 associated parking spaces, including ADA parking, clean air vehicle spaces, bicycle parking, and landscaping throughout the site. There is also a truck well (loading space) that is proposed to the rear of the building. 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. The project includes a landscaped setback along Hardt Street as well as additional landscaping on the northern and western portion of the site.

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 project, 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 proposal 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 3. CONDITIONS OF APPROVAL:

The approval of Development Permit Type-D 21-19 shall be subject to the following Conditions of Approval:

1. This approval is to allow the development and establishment of a service commercial building (Building "B") containing approximately 17,586 along with the construction of the required on-site and off-site improvements square feet on a project site comprised of two (2) parcels containing a total of approximately 1.30 acres within the Commercial Regional-3 (CR-3) zone, located at APNs: 0281-311-06 and 0281-311-07 on the north side of E. Brier Drive East of Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3
2. The project site shall be developed and maintained in accordance with the plans stamped **February 14, 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: February 14, 2026

4. The review authority may, upon application being filed thirty (30) days prior to the expiration date of Development Permit Type-D 21-19 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.

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6. 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.
7. 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.
8. Any proposed fencing with roll away gate shall provide access by means of gate key, code, or remote.
9. Landscaping shall conform to that shown on final submitted landscape plans approved on **February 14, 2024**. A landscape plan shall be submitted to the Planning Division and the Land Development Division, prior to the issuance of grading permits.
10. 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.
11. 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.
12. Service and associated truck storage areas shall be completely screened from public view.
13. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
14. The premises shall always be kept in a neat and orderly condition.
15. 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.
16. 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.

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17. 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.
18. All conditions of the Public Works Department shall be met to the satisfaction of the City Engineer.
19. 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.
20. 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.
21. 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.
22. All Landscaping shall comply with the provisions set forth in Section 19.28 of the City of San Bernardino Development Code.
23. 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.
24. 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.
25. 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.
26. No use shall emit any obnoxious odor or fumes.
27. 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.

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28. 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.
29. 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.
30. 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.
31. 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.
32. No final Certificate of Occupancy will be issued until all conditions of approval have been completed.
33. This is a service commercial building, 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

34. 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.

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- e. A **Storm Water Pollution Prevention Plan (SWPPP)** will be required. The applicant is directed to 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 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.

35. 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.

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- 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 are located adjacent thereto except for areas where truck doors, pedestrian doors, planters, and enclosure exist. 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 or decorative precast concrete with architectural features acceptable to the City Planner.
- l. At the Owners/Developers discretion a temporary security fence may be installed 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, however, the fencing is only required if necessary.
- 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.

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- o. Prior to permit issuance a copy of the reciprocal access easement shall be submitted to Land Development. The reciprocal access agreement shall be approved and recorded for those properties affected prior to obtaining a Certificate of Occupancy.
- 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.

36. 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.

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- 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.

37. 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 (281-311-06, 281-311-07)	27.5' Existing 2.5' Dedication for a total ½ width of 30' "Local Continuous"	22'± Existing None-Proposed per General Plan

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

- i. The half width of the street along the project's frontage 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 where the specified land use is warehouse (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 by-pass 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).

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- 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 with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

- c. 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 Public Works Department shall be required for utility cuts into existing streets or any work within 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.

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- 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 Public Works Department.
- g. The above conditions shall comply with current codes, policies, and standards at 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>

38. Required Engineering Plans

- a. 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,

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- 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).
- b. 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.
 - c. 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.
 - d. Copies of the City's design policies, procedures, and standard drawings are available on the City's website at <http://www.sbcity.org> no charge or via the front counter at the Public Works Department for a nominal fee.

39. 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.

40. 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>

41. 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.

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- 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.

42. 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 a service commercial building (Building B). The project site is located on the north side of E. Hardt Street, west of Tippecanoe Avenue.
- c. Burrtec Waste Comments:

Project Description: Construct a 17,586 square foot industrial building.

The Site Plan dated 8/1/23 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 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

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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. 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 containerModified 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)

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- 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

43. 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.
44. The project shall comply with the California Building Codes as adopted and amended by the City of San Bernardino Municipal Code, Title 15.3.
45. 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.
46. The construction drawings require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
47. The project shall comply with state and federal disabled access requirements.

Consolidated County of San Bernardino Fire District

48. 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.
49. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
50. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
51. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
52. 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 type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

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53. 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.
54. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.
55. 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.
56. 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".
57. 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.
58. 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.
59. 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.
60. 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.
61. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.

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62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. Prior to any land disturbance the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a Two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,514 sqft. structure.
69. 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.
70. 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.

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71. 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.
72. 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®).
73. 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.
74. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
75. Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.
76. 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.
77. 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.
78. 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.
79. 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".

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80. 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.
81. 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.
82. 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.
83. 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.
84. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department.
85. 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, fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
86. 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.
87. 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.
88. Any changes to this proposal shall require new Fire Department condition letter.

SECTION 4. DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE

The Development and Environmental Review Committee hereby takes the following action:

- a. **Adopt** the Mitigated Negative Declaration for Development Permit Type-D 21-19, in accordance with Section 15074 of the California Environmental Quality Act, and directing the Community and Economic Development Director to prepare and file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code Section 21152 (a) and CEQA Guidelines Section 15075; and
- b. **Approve** Development Permit Type-D 21-19, subject to the aforementioned Conditions of Approval.

SECTION 5. SEVERABILITY

If any provision of this resolution or the application thereof to any circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared severable.

SECTION 6. CUSTODIAN OF RECORDS.

The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Development and Environmental Review Committee based its decision, is as follows: Genoveva Rocha, City Clerk, 201 North E Street (Building A), 909-384-5002.

PASSED, APPROVED AND ADOPTED this 14th day of February 2024.



FOR

Mary Lanier, Acting Chair
San Bernardino Development/
Environmental Review Committee

ATTEST:



Jennifer Meamber, D/ERC Secretary
City of San Bernardino, California

RESOLUTION NO. 2023-045-D/ERC

CERTIFICATION:

I, Jennifer Meamber, Recording Secretary of the Development and Environmental Review Committee of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2023-045 was duly adopted by the Development and Environmental Review Committee of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of February 2024, by the following vote, to wit:

AYES: Marrinan, Bishara, Jabsheh, Lindberg, Castro, Sepulveda, Markloff

NOES: None

ABSENT: None

ABSTAIN: None



Jennifer Meamber, Recording Secretary
City of San Bernardino, California

EXHIBIT "A"
Approved Plans

WENDELL D. SMITH
ARCHITECT
ASSOCIATES, INC.

1000 S. GATEWAY BLVD.
SUITE 200
SAN BERNARDINO, CA 92415
TEL: (909) 444-2300
FAX: (909) 442-2899

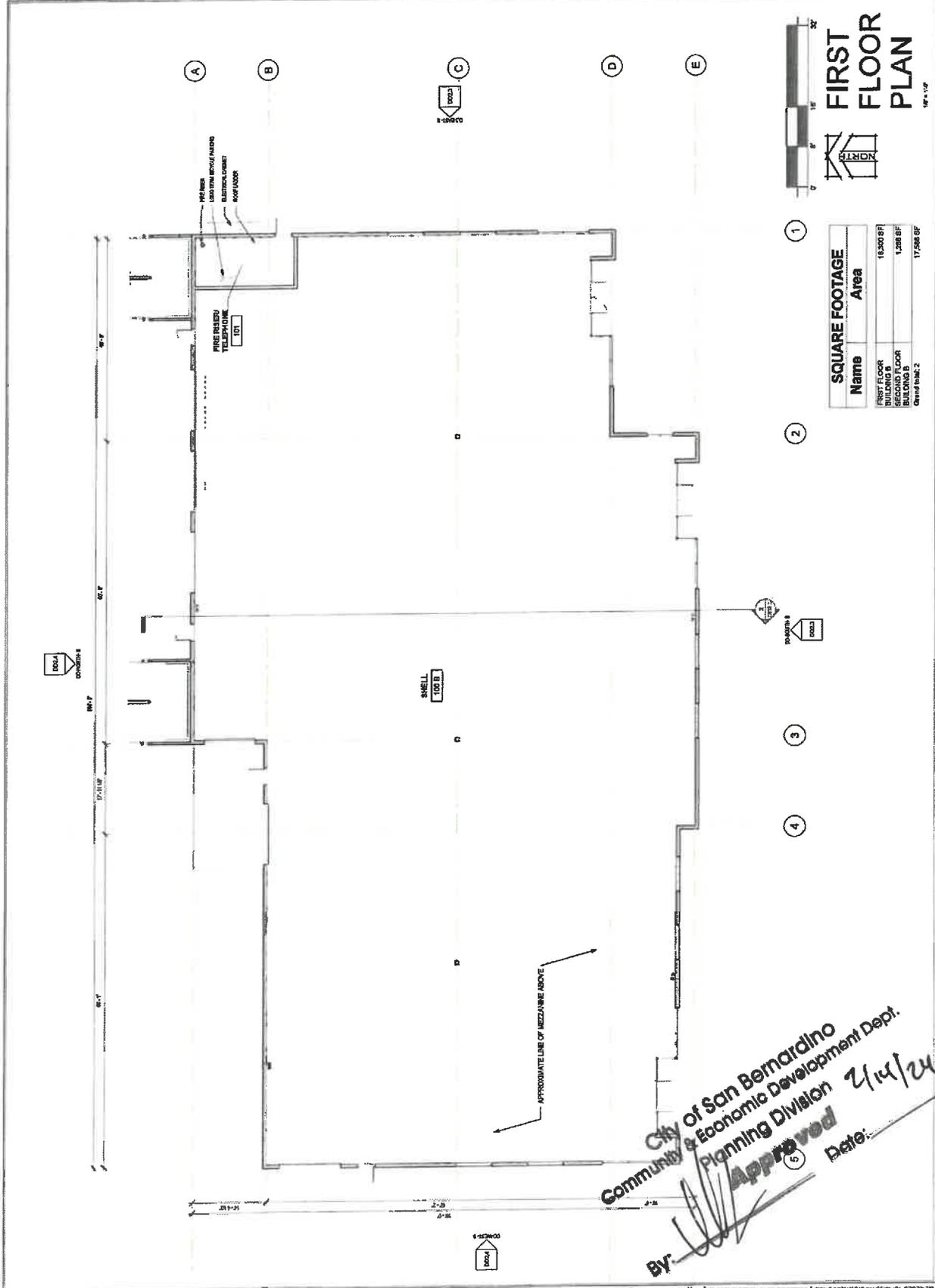


DATE	DESCRIPTION
08-01-2009 <td>ISSUED FOR PERMITS</td>	ISSUED FOR PERMITS
10-01-2007 <td>ISSUED FOR PERMITS</td>	ISSUED FOR PERMITS
08-01-2007 <td>ISSUED FOR PERMITS</td>	ISSUED FOR PERMITS
08-01-2007 <td>ISSUED FOR PERMITS</td>	ISSUED FOR PERMITS

Revision Schedule	Date	Description

Project: NEW SHELL BUILDING 'B'
Hardt & Briet Business Park
LOTS 31 & 32
SAN BERNARDINO, CA

DD2.1



FIRST FLOOR PLAN
1/8" = 1'-0"



Name	Area
FIRST FLOOR BUILDING B	18,500 SF
SECOND FLOOR BUILDING B	1,208 SF
Grand Total 2	17,292 SF

BY: *[Signature]*
City of San Bernardino
Community & Economic Development Dept.
Planning Division
Approved
Date: 2/14/24

KENNETH D. SMITH
ARCHITECT
& ASSOCIATES, INC.



PROJECT: NEW SHELL BUILDING 'B'
ADDRESS: LOTS 31 & 32
SAN BERNARDINO, CA 92410
DATE: 04.01.2023

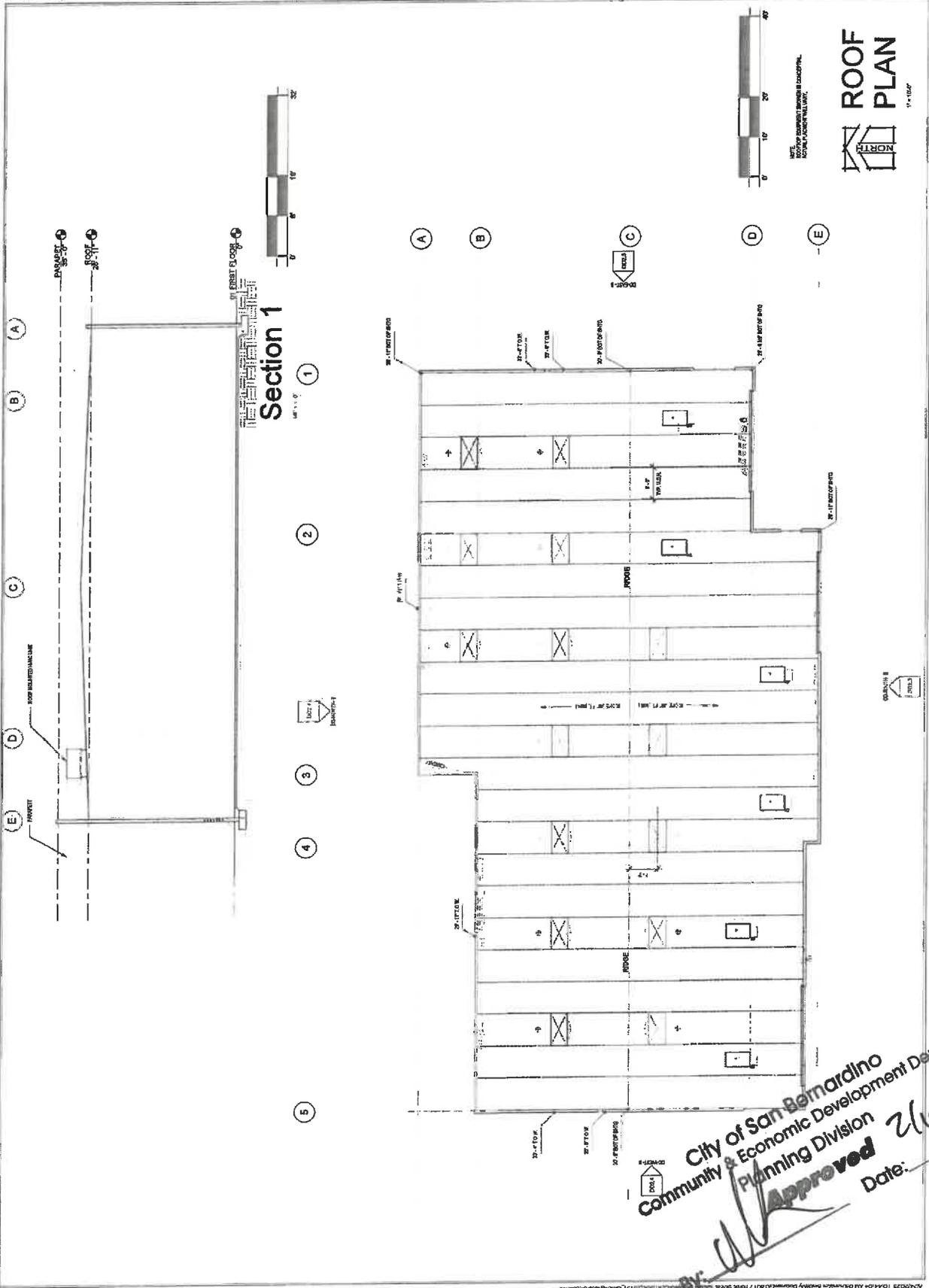


DATE	BY	DESCRIPTION
04.01.2023	10017	ISSUED FOR PERMITS
04.01.2023	10017	ISSUED FOR PERMITS

Revision Schedule	Date	Description

Project: NEW SHELL BUILDING 'B'
LOTS 31 & 32
SAN BERNARDINO, CA

DD22-2



City of San Bernardino
Community & Economic Development Dept.
Planning Division
Approved
Date: 2/14/24

EXHIBIT “B”
Environmental Determination
Mitigation and Monitoring Reporting Program

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Hardt and Brier Business Park Project (Project). The City of San Bernardino is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
<p>PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030</p>	<p>Submission of electrical plans prior to plan check approval.</p>	<p>Department of Building and Safety.</p>	
AIR QUALITY			
<p>PPP AQ-1: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>In construction plans and specifications. During Project operation. Prior to grading and building permits.</p>	<p>Department of Building and Safety.</p>	
<p>PPP AQ-2: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. 	<p>In construction plans and specifications. Prior to building permits.</p>	<p>Department of Building and Safety.</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</p>			
<p>PPP AQ-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Compliance with Rule 1113.</p>	<p>Department of Building and Safety and SCAQMD.</p>	
<p>BIOLOGICAL RESOURCES</p>			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Conduct take avoidance surveys for nesting birds if vegetation removal occurs during nesting bird season. Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Three days prior to initiating vegetation removal/clearing.</p>	<p>Qualified biologist and City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure BIO-2: Nesting Bird Buffer. If nesting birds are encountered, a qualified biologist must establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist</p>	<p>Establish an avoidance buffer zone around nests, if identified through Mitigation Measure BIO-1. Prior to and during construction activities.</p>	<p>Qualified biologist and City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>has determined the nest is no longer active and the young are no longer dependent on the nest.</p>		<p>County Coroner and City of San Bernardino Planning Division</p>	
<p>CULTURAL RESOURCES</p>			
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of being granted access to the site.</p>	<p>In construction plans and specifications. During construction activities. Compliance with State Health and Safety Code Section 7050.5 and 5097.98. Notify NAHC and MLD.</p>		
<p>GEOLOGY AND SOILS</p>			
<p>PPP WQ-1: SWPPP. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of San Bernardino staff or its designee to confirm compliance.</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: WQMP. Prior to grading permit issuance, the project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
(RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.			
HYDROLOGY AND WATER QUALITY			
PPP WQ-1: SWPPP. As described above.	As described above.	As described above.	
PPP WQ-2: WQMP. As described above.	As described above.	As described above.	
HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure HAZ-1: Disposal of Illegally Dumped Materials. The Project applicant is responsible for ensuring the proper disposal of any and all illegally dumped materials currently on the Project site, in compliance with the City of San Bernardino Municipal Code Chapter 8.24. Proper disposal of all illegally dumped materials onsite must be completed before any construction activities begin. Signs or fences shall be installed onsite to assist in preventing future onsite dumping of potentially hazardous materials prior to construction.</p>	Disposal of all illegally dumped materials currently on the Project site. Prior to start of construction activities.	City of San Bernardino Planning Division	
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing</p>	In construction plans and specifications. Retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Prior to the commencement of any ground-disturbing activity or the issuance of any permit necessary to	City of San Bernardino Planning Division and Native American Monitor.	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>	<p>commence a ground-disturbing activity.</p> <p>On-site tribal monitoring during ground-disturbing activities.</p>		
<p>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>In construction plans and specifications. Upon discovery of any TCRs halt construction activities until resources are assessed and retained by Kizh Nation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p>	<p>In construction plans and specifications. Upon discovery of human</p>	<p>Qualified Professional Archeologist/ City of San Bernardino</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>remains during construction activities, follow Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5.</p>	<p>Bernardino Planning Division.</p>	
<p>PPP CUL-1: Human Remains. As described above.</p>			
<p>TRIBAL CULTURAL RESOURCES</p>			
<p>PPP WQ-1: WQMP. As described above.</p>			
<p>As described above.</p>		<p>As described above.</p>	
<p>As described above.</p>		<p>As described above.</p>	



Public Hearing: Agenda Item No. 5c

**City of San Bernardino
Request for D/ERC Action**

Date: February 14, 2024
To: Development and Environmental Review Committee
From: Michael Rosales, Senior Planner
Subject: Development Permit Type-D 21-20

Request: Development Permit Type-D 21-20 A request to allow the development and establishment of a service commercial building (Building "C") containing approximately 18,323 square feet on a project site comprised of two (2) parcels located on the north side of E. Brier Drive west of S. Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue, Ward 3.

APN: 0281-311-11 and 0281-311-12
Lot Area: 1.24 acres
Zone: Commercial Regional (CR-3) zone

Recommendation

Staff recommends that the Development and Environmental Review Committee adopt Resolution No. 2023-046 adopting the Categorical Exemption under the California Environmental Quality Act; and approving Development Permit Type-D 21-20, based on the Findings of Fact and subject to the recommended Conditions of Approval.

Attachments: Attachment A: Resolution 2023-046
Exhibit "A" Approved Site Plans
Exhibit "B" MMRP's

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RESOLUTION NO. 2023-046 – D/ERC

A RESOLUTION OF THE DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE OF THE CITY OF SAN BERNARDINO CALIFORNIA, APPROVING DEVELOPMENT PERMIT TYPE-D 21-20 FOR THE DEVELOPMENT AND ESTABLISHMENT OF A SERVICE COMMERCIAL BUILDING (BUILDING “C”) CONTAINING APPROXIMATELY 18,323 SQUARE FEET ON A PROJECT SITE COMPRISED OF TWO (2) PARCELS CONTAINING A TOTAL OF APPROXIMATELY 1.24 ACRES, LOCATED AT APNS:0281-311-11 AND 0281-311-12, NORTH OF E. BRIER DRIVE, WEST OF S. TIPPECANOE AVENUE, SOUTH OF THE BNSF RAILROAD, AND EAST OF S GIFFORD AVENUE WITHIN THE COMMERCIAL REGIONAL-3 (CR-3) ZONE, WARD 3, AND ADOPTING THE MITIGATED NEGATIVE DECLARATION, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on October 18, 2021 pursuant to the requirements of Section 19.44.020 (Administrative and Development Permits) of the City of San Bernardino Development Code, an application for Development Permit Type-D 21-20 was duly submitted by:

Property Owner: Michael D Gay Separate Property Trust
9747 Business park Avenue Ste 222
San Diego, CA 92131

Applicant: Hamann Construction
1000 Pioneer Way
El Cajon, CA 92020

APN: 0281-311-11 and 0281-311-12
Lot Area: 1.24 acres

WHEREAS, pursuant to Section 19.06.20 (Commercial Zones List of Permitted, Development Permitted, and Conditionally Permitted Uses) and Section 19.06.030 (Development Standards) of the City of San Bernardino Development Code, Development Permit Type-D 21-20 is a request to allow the development and establishment of a service commercial building (Building “C”) containing approximately 18,323 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 acres, located at APNs: 0281-311-11 and 0281-311-12 on the north side of E. Brier Drive west of S. Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3;

WHEREAS, the Planning Division of the Community Development Department has reviewed Development Permit Type-D 21-20 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;

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WHEREAS, pursuant to requirements of Section 15063 of the California Environmental Quality Act (CEQA), the Planning Division of the Community and Economic Development Department accepted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by E.P.D. Solutions, Inc. on behalf of and submitted by the applicant (Michael D Gay Separate Property Trust) for Development Permit Type-D 21-20;

WHEREAS, on November 1, 2023, pursuant to requirements of Section 15072 and Section 15073 of the California Environmental Quality Act, the Planning Division of the Community and Economic Development Department published a Notice of Intent to Adopt a Mitigated Negative Declaration and commenced the required Twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-20;

WHEREAS, during the required twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-20, comment letters were submitted by: LiUNA and Marven Norman of the Inland Urbanist;

WHEREAS, on November 27, 2023 the Planning Division of the Community and Economic Development Department received the final Initial Study/Mitigated Negative Declaration from E.P.D. Solutions Inc. on behalf of Hamann Construction responding to the comments submitted regarding the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Development Permit Type-D 21-20;

WHEREAS, on December 2, 2023, 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 by mailing notices to the property owners and occupants/tenants within 1,000 feet of the subject property of the holding of a public hearing at which the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-20 would be considered;

WHEREAS, on December 13, 2023, pursuant to the requirements of Section 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 the Environmental Determination and Development Permit Type-D 21-20, and at which meeting the Development and Environmental Review Committee considered the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-20;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 a comment letter was submitted by Lozeau and Drury LLP on behalf of "SAFER" expressing concerns on the validity of the Mitigated Negative Declaration that was prepared by E.P.D Environmental Consultants for Development Permit Type-D 21-20;

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WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 no formal action was taken and Development Permit Type-D 21-20 was moved to the January 10, 2024 Development and Environmental Review Committee meeting for final action;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on January 10, 2024, and at the request of the applicant, no formal action was taken for Development Permit Type-D 21-20 and the item was motioned to move to the D/ERC meeting of February 14, 2024 for final action; 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 the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-20.

NOW THEREFORE, the Development and Environmental Review Committee of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Development and Environmental Review Committee has independently reviewed and considered the entire record before it, including the information contained in the Initial Study/Mitigated Negative Declaration prepared for the project Development Permit Type-D 21-20. The Development and Environmental Review Committee hereby certifies that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA and the Guidelines for the Implementation of the CEQA (California Code Regulations, Title 14, Section 15000 et seq.) (“State CEQA Guidelines”) and reflects the independent judgement and analysis of the City. Based upon the Mitigated Negative Declaration, all comments and testimony received pertaining to, and the entirety of the record before it, the Development and Environmental Review Committee hereby finds and determines that there is no substantial evidence supporting a fair argument that the approval of Development Permit Type-D 21-20 will result in a significant effect on the environment. Based on the findings made herein and its independent judgement and analysis, the Development and Environmental Review Committee hereby adopts the Mitigated Negative Declaration for Development Permit Type-D 21-20.

SECTION 2. FINDINGS FOR DEVELOPMENT PERMIT TYPE-D 21-20:

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 Development and Environmental Review Committee. Accordingly, the following findings are provided in support of the approval of Development Permit Type-D 21-20:

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

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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 a service commercial building (Building “C”) containing approximately 18,323 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 acres along with the construction of the required on-site and off-site improvements 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 a service commercial building (Building “C”) containing approximately 18,323 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 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 project is 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 a service commercial building (Building “C”) containing approximately 18,323 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 acres along with the construction of the required on-site and off-site improvements would be harmonious and compatible with existing and future developments within the Commercial Regional-3 (CR-3) zone and the surrounding area.

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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 proposal is 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 21-20 for the development and establishment of a service commercial building (Building "B") containing approximately 18,323 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 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 21-20. The location and operating characteristics of the proposed project will be consistent with all provisions of the Development Code. The proposed use will be compatible with the existing and future commercial land uses within the surrounding area. The proposal will 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 project 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 use.

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

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- Finding of Fact:** The proposed project will consist of the construction of one new speculative business park/service commercial building and related improvements on two (2) parcels. Proposed Building C will be centered on Lot 24 and Lot 25, which consists of 1.24 acres. Building C proposes a total of 18,323 sf which is inclusive of a 1,275 square foot mezzanine with an entry that faces Hardt Street. The building will be accessible via two (2) 30-foot access drives which will be provided via Hardt Street. The proposed building will have 46 associated parking spaces, including ADA parking, clean air vehicle spaces, bicycle parking, and landscaping throughout the site. There is also a truck well (loading space) that is proposed to the rear of the building. 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. The project includes a landscaped setback along Hardt Street as well as additional landscaping on the northern and western portion of the site.
- 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 project, 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 proposal 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 3. CONDITIONS OF APPROVAL:

The approval of Development Permit Type-D 21-20 shall be subject to the following Conditions of Approval:

1. This approval is to allow the development and establishment of a service commercial building (Building "C") containing approximately 18,323 along with the construction of the required on-site and off-site improvements square feet on a project site comprised of two (2) parcels containing a total of approximately 1.24 acres within the Commercial Regional-3 (CR-3) zone, located at APNs: 0281-311-11 and 0281-311-12 on the north side of E. Brier Drive west of S. Tippecanoe Avenue, South of the BNSF Railroad and East of S Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3
2. The project site shall be developed and maintained in accordance with the plans stamped **February 14, 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: February 14, 2026

4. The review authority may, upon application being filed thirty (30) days prior to the expiration date of Development Permit Type-D 21-20 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.

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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 **February 14, 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.

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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.

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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. This is a service commercial building, 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 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 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.

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- 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.

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- 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 are located adjacent thereto except for areas where truck doors, pedestrian doors, planters, and enclosure exist. 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 or decorative precast concrete with architectural features acceptable to the City Planner.
- l. At the Owners/Developers discretion a temporary security fence may be installed 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, however, the fencing is only required if necessary.
- 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. Prior to permit issuance a copy of the reciprocal access easement shall be submitted to Land Development. The reciprocal access agreement shall be approved and recorded for those properties affected prior to obtaining a Certificate of Occupancy.
- 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.

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- 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:

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<u>Street Name</u>	<u>Right of Way(ft.)</u> From Centerline	<u>Curb Line(ft)</u> From Centerline
Hardt Street (281-311-11, 281-311-12)	27.5' Existing 2.5' Dedication for a total ½ width of 30' "Local Continuous"	22'± Existing None-Proposed per General Plan

b. Hardt Street- T. I=7.5:

- i. The half width of the street along the project’s frontage 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 where the specified land use is warehouse (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 by-pass 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. 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.

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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 with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

- c. 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 Public Works Department shall be required for utility cuts into existing streets or any work within 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 Public Works Department.
- g. The above conditions shall comply with current codes, policies, and standards at time of construction.
- h. No Direct Connections to underground Storm Drain Systems or Catch Basins.

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- 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

- a. 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.

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- 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).
- b. 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.
- c. 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.
- d. Copies of the Cities design policies, procedures, and standard drawings are available on the cities website at <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.

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- 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 a service commercial building (Building C). The project site is located on the north side of E. Hardt Street, west of Tippecanoe Avenue.
- c. Burrtec Waste Comments:

Project Description: Construct a 18,323 square foot industrial building.

The Site Plan dated 8/1/23 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 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.

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- d. 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.

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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.

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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. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
49. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
50. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
51. 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 type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
52. 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.
53. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.

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54. 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.
55. 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”.
56. 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.
57. 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.
58. 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.
59. 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.
60. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.
61. 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.

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62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. Prior to any land disturbance the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a Two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,514 sqft. structure.
68. 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.
69. 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.
70. 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.
71. 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®).

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72. 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.
73. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
74. Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.
75. 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.
76. 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.
77. 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.
78. 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".
79. 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.

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80. 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.
81. 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.
82. 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.
83. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department.
84. 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, fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
85. 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.
86. 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.
87. Any changes to this proposal shall require new Fire Department condition letter.

SECTION 4. DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE

The Development and Environmental Review Committee hereby takes the following action:

- a. **Adopt** the Mitigated Negative Declaration for Development Permit Type-D 21-20, in accordance with Section 15074 of the California Environmental Quality Act, and directing the Community and Economic Development Director to prepare and file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code Section 21152 (a) and CEQA Guidelines Section 15075; and
- b. **Approve** Development Permit Type-D 21-20, subject to the aforementioned Conditions of Approval.

SECTION 5. SEVERABILITY

If any provision of this resolution or the application thereof to any circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared severable.

SECTION 6. CUSTODIAN OF RECORDS.

The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Development and Environmental Review Committee based its decision, is as follows: Genoveva Rocha, City Clerk, 201 North E Street (Building A), 909-384-5002.

PASSED, APPROVED AND ADOPTED this 14th day of February 2024.

A large, stylized handwritten signature in black ink, appearing to read 'M. Lanier', with the word 'FOR' written in smaller letters below it.

Mary Lanier, Acting Chair
San Bernardino Development/
Environmental Review Committee

ATTEST:

A handwritten signature in black ink, appearing to read 'Jennifer Meamber', written above a horizontal line.

Jennifer Meamber, D/ERC Secretary
City of San Bernardino, California

RESOLUTION NO. 2023-046-D/ERC

CERTIFICATION:

I, Jennifer Meamber, Recording Secretary of the Development and Environmental Review Committee of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2023-046 was duly adopted by the Development and Environmental Review Committee of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of February 2024, by the following vote, to wit:

AYES: Marrinan, Bishara, Jabsheh, Lindberg, Castro, Sepulveda, Markloff

NOES: None

ABSENT: None

ABSTAIN: None



Jennifer Meamber, Recording Secretary
City of San Bernardino, California

EXHIBIT "A"
Approved Plans

KENNETH D. SMITH
ARCHITECT
ASSOCIATES, INC.
1000 S. GARDEN ST., SUITE 200
SAN ANTONIO, TX 78205
TEL: 214.343.2888
FAX: 214.343.2889

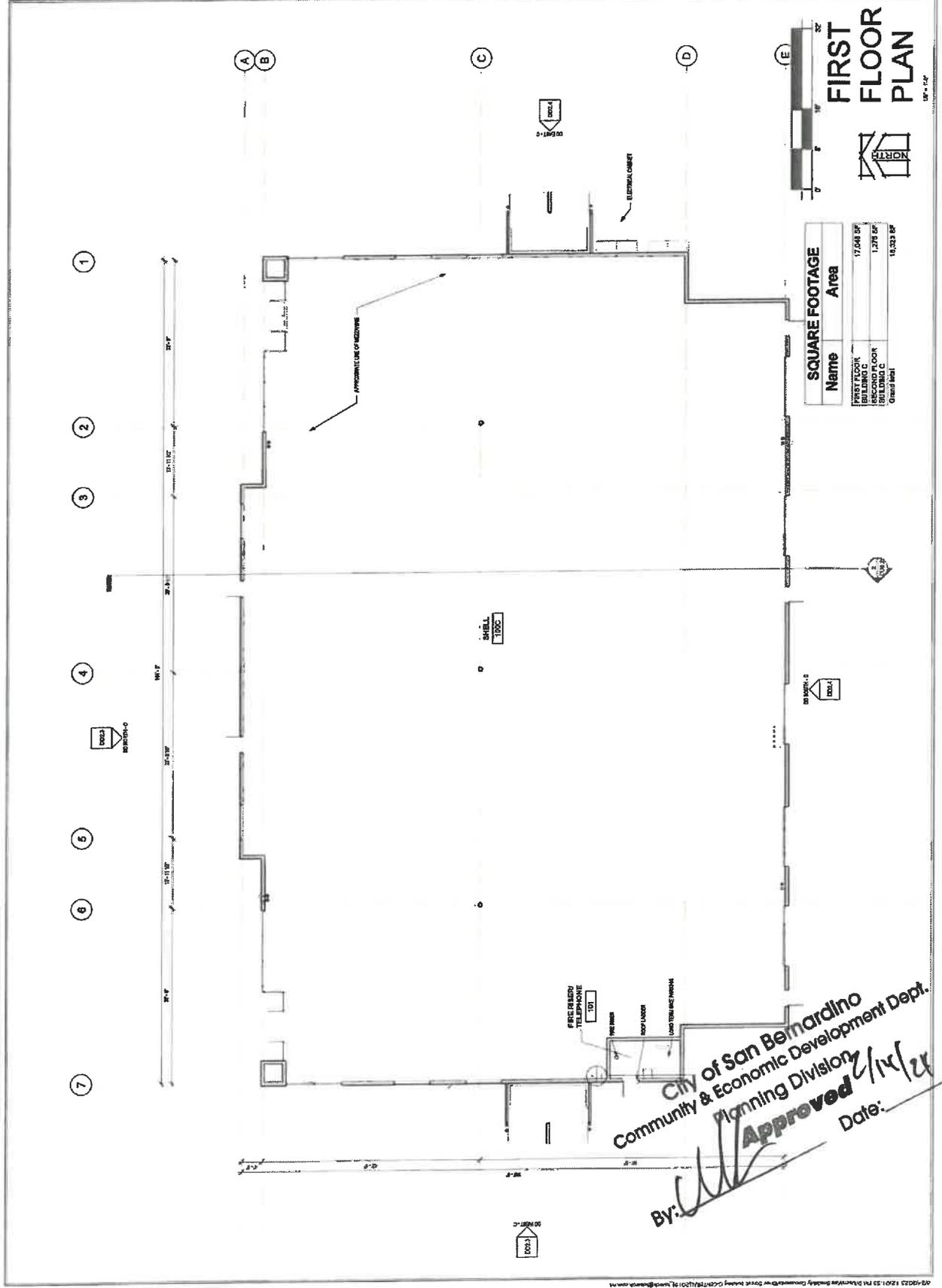


DATE: 04/11/24
DRAWN BY: KDS
CHECKED BY: KDS
PROJECT: NEW SHELL BUILDING C

Revision Schedule
#1 Date: 1/1/2024
#2 Date: 1/1/2024

Project: NEW SHELL BUILDING C
Hardt & Brier Business Park
LOTS 24 & 25
SAN BERNARDINO, CA

DD2.1



Name	Square Footage
PROJECT TOTAL	17,508 SF
RECORD FLOOR	1,278 SF
BUILDING C	16,230 SF
Grand Total	16,230 SF

City of San Bernardino
Community & Economic Development Dept.
Planning Division

By: *[Signature]*
Approved *[Signature]*
Date: 4/14/24

EXHIBIT “B”
Environmental Determination
Mitigation and Monitoring Reporting Program

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Hardt and Brier Business Park Project (Project). The City of San Bernardino is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>AESTHETICS</p> <p>PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030</p>	<p>Submission of electrical plans prior to plan check approval.</p>	<p>Department of Building and Safety.</p>	
<p>AIR QUALITY</p> <p>PPP AQ-1: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p> <p>PPP AQ-2: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. 	<p>In construction plans and specifications. During Project operation. Prior to grading and building permits.</p>	<p>Department of Building and Safety.</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</p> <p>PPP AQ-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Compliance with Rule 1113.</p>	<p>Department of Building and Safety and SCAQMD.</p>	
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Conduct take avoidance surveys for nesting birds if vegetation removal occurs during nesting bird season. Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Three days prior to initiating vegetation removal/clearing.</p>	<p>Qualified biologist and City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure BIO-2: Nesting Bird Buffer. If nesting birds are encountered, a qualified biologist must establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist</p>	<p>Establish an avoidance buffer zone around nests, if identified through Mitigation Measure BIO-1. Prior to and during construction activities.</p>	<p>Qualified biologist and City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>has determined the nest is no longer active and the young are no longer dependent on the nest.</p>			
<p>CULTURAL RESOURCES</p>			
<p>PPP CUJ-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of being granted access to the site.</p>	<p>In construction plans and specifications. During construction activities. Compliance with State Health and Safety Code Section 7050.5 and 5097.98. Notify NAHC and MLD.</p>	<p>County Coroner and City of San Bernardino Planning Division</p>	
<p>GEOLOGY AND SOILS</p>			
<p>PPP WQ-1: SWPPP. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of San Bernardino staff or its designee to confirm compliance.</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: WQMP. Prior to grading permit issuance, the project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
(RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.			
HYDROLOGY AND WATER QUALITY			
PPP WQ-1: SWPPP. As described above.	As described above.	As described above.	
PPP WQ-2: WQMP. As described above.	As described above.	As described above.	
HAZARDS AND HAZARDOUS MATERIALS			
<p>Mitigation Measure HAZ-1: Disposal of Illegally Dumped Materials. The Project applicant is responsible for ensuring the proper disposal of any and all illegally dumped materials currently on the Project site, in compliance with the City of San Bernardino Municipal Code Chapter 8.24. Proper disposal of all illegally dumped materials onsite must be completed before any construction activities begin. Signs or fences shall be installed onsite to assist in preventing future onsite dumping of potentially hazardous materials prior to construction.</p>	Disposal of all illegally dumped materials currently on the Project site. Prior to start of construction activities.	City of San Bernardino Planning Division	
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing</p>	In construction plans and specifications. Retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Prior to the commencement of any ground-disturbing activity or the issuance of any permit necessary to	City of San Bernardino Planning Division and Native American Monitor.	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>	<p>commence a ground-disturbing activity.</p> <p>On-site tribal monitoring during ground-disturbing activities.</p>		
<p>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>In construction plans and specifications. Upon discovery of any TCRs halt construction activities until resources are assessed and retained by Kizh Nation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p>	<p>In construction plans and specifications. Upon discovery of human</p>	<p>Qualified Professional Archeologist/ City of San</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>remains during construction activities, follow Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5.</p>	<p>Bernardino Planning Division.</p>	
<p>PPP CUL-1: Human Remains. As described above.</p>			
<p>TRIBAL CULTURAL RESOURCES</p>			
<p>PPP WQ-1: WQMP. As described above.</p>			



Public Hearing: Agenda Item No. 5d

**City of San Bernardino
Request for D/ERC Action**

Date: February 14, 2024
To: Development and Environmental Review Committee
From: Michael Rosales, Senior Planner

Subject: Development Permit Type-D 21-21

Request: Development Permit Type-D 21-21 A request to allow the development and establishment of a service commercial building (Building “D1 and D2”) containing a total of approximately 13,759 square feet on a project site comprised of two (2) parcels located on the north side of E. Brier Drive, west of S. Tippecanoe Avenue, South of the BNSF Railroad, and East of S Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3

APN: 0281-311-18 and 0281-311-19
Lot Area: 1.02 acres
Zone: Commercial Regional (CR-3) zone

Recommendation

Staff recommends that the Development and Environmental Review Committee adopt Resolution No. 2023-047 adopting the Categorical Exemption under the California Environmental Quality Act; and approving Development Permit Type-D 21-21, based on the Findings of Fact and subject to the recommended Conditions of Approval.

Attachments: Attachment A: Resolution 2023-047
Exhibit “A” Approved Site Plans
Exhibit “B” MMRP’s

RESOLUTION NO. 2023-047-D/ERC

RESOLUTION NO. 2023-047 – D/ERC

A RESOLUTION OF THE DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE OF THE CITY OF SAN BERNARDINO CALIFORNIA, APPROVING DEVELOPMENT PERMIT TYPE-D 21-21 FOR THE DEVELOPMENT AND ESTABLISHMENT OF A SERVICE COMMERCIAL BUILDING (BUILDING “D1 AND D2”) CONTAINING APPROXIMATELY 13,759 SQUARE FEET ON A PROJECT SITE COMPRISED OF TWO (2) PARCELS CONTAINING A TOTAL OF APPROXIMATELY 1.02 ACRES, LOCATED AT APNS:0281-311-18 AND 0281-311-19, NORTH OF E. BRIER DRIVE, WEST OF S. TIPPECANOE AVENUE, SOUTH OF THE BNSF RAILROAD, AND EAST OF S. GIFFORD AVENUE WITHIN THE COMMERCIAL REGIONAL-3 (CR-3) ZONE, WARD 3, AND ADOPTING THE MITIGATED NEGATIVE DECLARATION, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on October 18, 2021 pursuant to the requirements of Section 19.44.020 (Administrative and Development Permits) of the City of San Bernardino Development Code, an application for Development Permit Type-D 21-21 was duly submitted by:

Property Owner: Michael D Gay Separate Property Trust
9747 Business park Avenue Ste 222
San Diego, CA 92131

Applicant: Hamann Construction
1000 Pioneer Way
El Cajon, CA 92020

APN: 0281-311-18 and 0281-311-19
Lot Area: 1.02 acres

WHEREAS, pursuant to Section 19.06.20 (Commercial Zones List of Permitted, Development Permitted, and Conditionally Permitted Uses) and Section 19.06.030 (Development Standards) of the City of San Bernardino Development Code, Development Permit Type-D 21-21 is a request to allow the development and establishment of a service commercial building (Building “D1 and D2”) containing a total of approximately 13,759 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 acres, located at APNs: 0281-311-18 and 0281-311-19 on the north side of E. Brier Drive west of S. Tippecanoe Avenue, South of the BNSF Railroad and East of S. Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3;

WHEREAS, the Planning Division of the Community Development Department has reviewed Development Permit Type-D 21-21 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;

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WHEREAS, pursuant to requirements of Section 15063 of the California Environmental Quality Act (CEQA), the Planning Division of the Community and Economic Development Department accepted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by E.P.D. Solutions, Inc. on behalf of and submitted by the applicant (Michael D Gay Separate Property Trust) for Development Permit Type-D 21-21;

WHEREAS, on November 1, 2023, pursuant to requirements of Section 15072 and Section 15073 of the California Environmental Quality Act, the Planning Division of the Community and Economic Development Department published a Notice of Intent to Adopt a Mitigated Negative Declaration and commenced the required Twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-21;

WHEREAS, during the required twenty (20) day public review period on the Initial Study/Mitigated Negative Declaration for Development Permit Type-D 21-21, comment letters were submitted by: SAFER, the County of San Bernardino and Marven Norman of the Inland Empire Biking Association;

WHEREAS, on November 27, 2023 the Planning Division of the Community and Economic Development Department received the final Initial Study/Mitigated Negative Declaration from E.P.D. Solutions Inc. on behalf of Hamann Construction responding to the comments submitted regarding the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Development Permit Type-D 21-21;

WHEREAS, on December 2, 2023, 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 by mailing notices to the property owners and occupants/tenants within 1000 feet of the subject property of the holding of a public hearing at which the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-21 would be considered;

WHEREAS, on December 13, 2023, pursuant to the requirements of Section 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 the Environmental Determination and Development Permit Type-D 21-21, and at which meeting the Development and Environmental Review Committee considered the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-21;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 a comment letter was submitted by Lozeau and Drury LLP on behalf of "SAFER" expressing concerns on the validity of the Mitigated Negative Declaration that was prepared by E.P.D Environmental Consultants for Development Permit Type-D 21-21;

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WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on December 13, 2023 no formal action was taken and Development Permit Type-D 21-21 was moved to the January 10, 2024 Development and Environmental Review Committee meeting for final action;

WHEREAS, at the duly noticed public hearing of the Development and Environmental Review Committee on January 10, 2024, and at the request of the applicant, no formal action was taken for Development Permit Type-D 21-21 and the item was motioned to move to the Development and Environmental Review Committee meeting of February 14, 2024 for final action; 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 the Initial Study/Mitigated Negative Declaration and Development Permit Type-D 21-21.

NOW THEREFORE, the Development and Environmental Review Committee of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Development and Environmental Review Committee has independently reviewed and considered the entire record before it, including the information contained in the Initial Study/Mitigated Negative Declaration prepared for the project Development Permit Type-D 21-21. The Development and Environmental Review Committee hereby certifies that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA and the Guidelines for the Implementation of the CEQA (California Code Regulations, Title 14, Section 15000 et seq.) (“State CEQA Guidelines”) and reflects the independent judgement and analysis of the City. Based upon the Mitigated Negative Declaration, all comments and testimony received pertaining to, and the entirety of the record before it, the Development and Environmental Review Committee hereby finds and determines that there is no substantial evidence supporting a fair argument that the approval of Development Permit Type-D 21-21 will result in a significant effect on the environment. Based on the findings made herein and its independent judgement and analysis, the Development and Environmental Review Committee hereby adopts the Mitigated Negative Declaration for Development Permit Type-D 21-21.

SECTION 2. FINDINGS FOR DEVELOPMENT PERMIT TYPE-D 21-21:

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 Development and Environmental Review Committee. Accordingly, the following findings are provided in support of the approval of Development Permit Type-D 21-21:

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Finding No. 1: The proposed development is one permitted within the subject zoning district and complies 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 a service commercial building (Building “D1 and D2”) containing approximately 13,759 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 acres along with the construction of the required on-site and off-site improvements 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 a service commercial building (Building “D1 and D2”) containing approximately 13,759 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 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 project is 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 a service commercial building (Building “D1 and D2”) containing approximately 13,759 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 acres along with the construction of the required on-site and off-site improvements.

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The project 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 proposal is 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 21-21 for the development and establishment of a service commercial building (Building “D1 and D2”) containing approximately 13,759 square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 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 21-21. The location and operating characteristics of the proposed project will be consistent with all provisions of the Development Code. The proposed use will be compatible with the existing and future commercial land uses within the surrounding area. The proposal will 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 project 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 use.

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

Finding of Fact: The proposed project will consist of the construction of one new speculative business park/service commercial building and related improvements on two (2) parcels. Proposed Building C will be centered on Lot 17 and Lot 18, which consists of 1.02 acres. Building C proposes a total of 13,759 square feet with an entry that faces Hardt Street. The building will be accessible via two (2) 26-foot access drives which will be provided via Brier Drive. The proposed building will have 81 associated parking spaces, including ADA parking, clean air vehicle spaces, bicycle parking, and landscaping throughout the site. There is also a truck well (loading space) that is proposed to the rear of the building.

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. The project includes a landscape setback along Brier Drive as well as additional landscaping throughout the site.

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 project, 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 proposal 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 3. CONDITIONS OF APPROVAL:

The approval of Development Permit Type-D 21-21 shall be subject to the following Conditions of Approval:

1. This approval is to allow the development and establishment of a service commercial building (Building "D1 and D2") containing approximately 13,759 along with the construction of the required on-site and off-site improvements square feet on a project site comprised of two (2) parcels containing a total of approximately 1.02 acres within the Commercial Regional-3 (CR-3) zone, located at APNs: 0281-311-18 and 0281-311-19 on the north side of E. Brier Drive west of S. Tippecanoe Avenue, South of the BNSF Railroad and East of S. Gifford Avenue within the Commercial Regional (CR-3) zone, Ward 3
2. The project site shall be developed and maintained in accordance with the plans stamped **February 14, 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: February 14, 2026

4. The review authority may, upon application being filed thirty (30) days prior to the expiration date of Development Permit Type-D 21-21 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.

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6. 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.
7. 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.
8. Any proposed fencing with roll away gate shall provide access by means of gate key, code, or remote.
9. Landscaping shall conform to that shown on final submitted landscape plans approved on **February 14, 2024**. A landscape plan shall be submitted to the Planning Division and the Land Development Division, prior to the issuance of grading permits.
10. 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.
11. 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.
12. Service and associated truck areas shall be completely screened from public view.
13. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
14. The premises shall always be kept in a neat and orderly condition.
15. 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.
16. 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.
17. 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.

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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.

18. All conditions of the Public Works Department shall be met to the satisfaction of the City Engineer.
19. 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.
20. 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.
21. 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.
22. All Landscaping shall comply with the provisions set forth in Section 19.28 of the City of San Bernardino Development Code.
23. 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.
24. 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.
25. 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: 1. Masonry block, 2. Precast concrete 3, earth berm or a combination of earth berm with block concrete.
26. No use shall emit any obnoxious odor or fumes.
27. 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.
28. 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.

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29. 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.
30. 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.
31. 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.
32. No final Certificate of Occupancy will be issued until all conditions of approval have been completed.
33. This is a service commercial building, 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

34. 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 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 City prior to grading permit issuance.

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- 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.

35. 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.

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- 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 are located adjacent thereto except for areas where truck doors, pedestrian doors, planters, and enclosure exist. 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 or decorative precast concrete with architectural features acceptable to the City Planner.
- l. At the Owners/Developers discretion a temporary security fence may be installed 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, however, the fencing is only required if necessary.
- 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. Prior to permit issuance a copy of the reciprocal access easement shall be submitted to Land Development. The reciprocal access agreement shall be approved and recorded for those properties affected prior to obtaining a Certificate of Occupancy
- 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.

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- 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.

36. 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.

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37. 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
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. Brier Road- T. I=7.5:

- i. The street is in fair condition and no AC improvements are needed at this time.
- ii. The area's damages shall be a full Remove and Replacement (R&R). (including Curb and Asphalt lifted by trees).
- iii. When Replacing/Reconstructing Curb and Gutter panels, Construct 8" Curb and Gutter per City Standard No. 200, type "B".
- iv. Construct Sidewalk per City Standard No. 202; Case "A" (6' wide adjacent to curb).
- v. 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
- vi. When Striping, use only thermoplastic paint per Section 84 of Caltrans Specifications.
- vii. 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.
- viii. Appropriate permits from the County of San Bernardino and any other jurisdiction shall be required when adjacent, over, or under any of the Municipalities.
- ix. Install 2-3" Conduit 36" under the sidewalk with pull rope and pull boxes for future Traffic connections.

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- x. No Truck Parking will be allowed on Brier Road, install/replace signs per city standards.
- xi. 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 with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

- c. 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 Public Works Department shall be required for utility cuts into existing streets or any work within 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 Public Works Department.
- g. The above conditions shall comply with current codes, policies, and standards at 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>.

38. Required Engineering Plans

- a. 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).
 - 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.
 - 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.
 - 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.

39. 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.

40. 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>

41. 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.

42. 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 a service commercial building (Building D1 and D2). The project site is located on the north side of E. Hardt Street, west of Tippecanoe Avenue.
- c. Burrtec Waste Comments:

Project Description: Construct a 13,759 square foot commercial service building.

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The Site Plan dated 8/1/23 identifies four trash enclosures serving the two buildings. Building D1 has enclosures at the northeast corner of the building and at the northwest corner of the property. Building D2 has enclosures located at the northeast corner of the property and at the northwest corner 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 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. The Site Plan identifies four trash enclosures serving the two buildings. Building D1 has enclosures at the northeast corner of the building and at the northwest corner of the property. Building D2 has enclosures located at the northeast corner of the property and at the northwest corner 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.
- 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:

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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.

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- 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

- 43. 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.
- 44. The project shall comply with the California Building Codes as adopted and amended by the City of San Bernardino Municipal Code, Title 15.3.
- 45. 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.
- 46. The construction drawings require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
- 47. The project shall comply with state and federal disabled access requirements.

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- 48. 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.
- 49. 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.
- 50. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

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51. Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
52. 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 type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
53. 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.
54. 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.
55. 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”.
56. 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.
57. 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.
58. 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.

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.

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59. 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.
60. 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.
61. 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.
62. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance, and turnouts.
63. 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.
64. 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.
65. Prior to any land disturbance the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a Two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,514 sqft. structure.
66. 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.
67. 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.

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68. 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.
69. 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®).
70. 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.
71. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
72. 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.
73. 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 (¾) inch stroke.
74. 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.
75. 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".
76. 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.

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77. 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.
78. 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.
79. 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.
80. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department.
81. 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, fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
82. 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.
83. 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.
84. Any changes to this proposal shall require new Fire Department condition letter.

SECTION 4. DEVELOPMENT AND ENVIRONMENTAL REVIEW COMMITTEE

The Development and Environmental Review Committee hereby takes the following action:

- a. **Adopt** the Mitigated Negative Declaration for Development Permit Type-D 21-21, in accordance with Section 15074 of the California Environmental Quality Act, and directing the Community and Economic Development Director to prepare and file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code Section 21152 (a) and CEQA Guidelines Section 15075; and
- b. **Approve** Development Permit Type-D 21-21, subject to the aforementioned Conditions of Approval.

SECTION 5. SEVERABILITY

If any provision of this resolution or the application thereof to any circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared severable.

SECTION 6. CUSTODIAN OF RECORDS.

The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Development and Environmental Review Committee based its decision, is as follows: Genoveva Rocha, City Clerk, 201 North E Street (Building A), 909-384-5002.

PASSED, APPROVED AND ADOPTED this 14th day of February 2024.

A handwritten signature in black ink, appearing to be 'Mary Lanier', written over a horizontal line. The signature is stylized and includes the letters 'FOT' written below it.

Mary Lanier, Acting Chair
San Bernardino Development/
Environmental Review Committee

ATTEST:

A handwritten signature in black ink, appearing to be 'Jennifer Meamber', written over a horizontal line.

Jennifer Meamber, D/ERC Secretary
City of San Bernardino, California

RESOLUTION NO. 2023-047-D/ERC

CERTIFICATION:

I, Jennifer Meamber, Recording Secretary of the Development and Environmental Review Committee of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2023-047 was duly adopted by the Development and Environmental Review Committee of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of February 2024, by the following vote, to wit:

AYES: Marrinan, Bishara, Jabsheh, Lindberg, Castro, Sepulveda, Markloff

NOES: None

ABSENT: None

ABSTAIN: None



Jennifer Meamber, Recording Secretary
City of San Bernardino, California

EXHIBIT "A"
Approved Plans

EXHIBIT “B”
CEQA Determination
Mitigation and Monitoring Reporting Program

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Hardt and Brier Business Park Project (Project). The City of San Bernardino is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
<p>PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030</p>	<p>Submission of electrical plans prior to plan check approval.</p>	<p>Department of Building and Safety.</p>	
AIR QUALITY			
<p>PPP AQ-1: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>In construction plans and specifications. During Project operation. Prior to grading and building permits.</p>	<p>Department of Building and Safety.</p>	
<p>PPP AQ-2: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p>	<p>In construction plans and specifications. Prior to building permits.</p>	<p>Department of Building and Safety.</p>	
<ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. 			

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</p>			
<p>PPP A-Q-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Compliance with Rule 1113.</p>	<p>Department of Building and Safety and SCAQMD.</p>	
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Conduct take avoidance surveys for nesting birds if vegetation removal occurs during nesting bird season. Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Three days prior to initiating vegetation removal/clearing.</p>	<p>Qualified biologist and City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure BIO-2: Nesting Bird Buffer. If nesting birds are encountered, a qualified biologist must establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist</p>	<p>Establish an avoidance buffer zone around nests, if identified through Mitigation Measure BIO-1. Prior to and during construction activities.</p>	<p>Qualified biologist and City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>has determined the nest is no longer active and the young are no longer dependent on the nest.</p>			
CULTURAL RESOURCES			
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of being granted access to the site.</p>	<p>In construction plans and specifications. During construction activities. Compliance with State Health and Safety Code Section 7050.5 and 5097.98. Notify NAHC and MLD.</p>	<p>County Coroner and City of San Bernardino Planning Division</p>	
GEOLOGY AND SOILS			
<p>PPP WQ-1: SWPPP. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of San Bernardino staff or its designee to confirm compliance.</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: WQMP. Prior to grading permit issuance, the project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>(RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.</p>			
<p>HYDROLOGY AND WATER QUALITY</p>			
<p>PPP WQ-1: SWPPP. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	
<p>PPP WQ-2: WQMP. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	
<p>HAZARDS AND HAZARDOUS MATERIALS</p>			
<p>Mitigation Measure HAZ-1: Disposal of Illegally Dumped Materials. The Project applicant is responsible for ensuring the proper disposal of any and all illegally dumped materials currently on the Project site, in compliance with the City of San Bernardino Municipal Code Chapter 8.24. Proper disposal of all illegally dumped materials onsite must be completed before any construction activities begin. Signs or fences shall be installed onsite to assist in preventing future onsite dumping of potentially hazardous materials prior to construction.</p>	<p>Disposal of all illegally dumped materials currently on the Project site. Prior to start of construction activities.</p>	<p>City of San Bernardino Planning Division</p>	
<p>TRIBAL CULTURAL RESOURCES</p>			
<p>Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing</p>	<p>In construction plans and specifications. Retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Prior to the commencement of any ground-disturbing activity or the issuance of any permit necessary to</p>	<p>City of San Bernardino Planning Division and Native American Monitor.</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>	<p>commence a ground-disturbing activity.</p> <p>On-site tribal monitoring during ground-disturbing activities.</p>		
<p>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>In construction plans and specifications. Upon discovery of any TCRs halt construction activities until resources are assessed and retained by Kizh Nation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p>	<p>In construction plans and specifications. Upon discovery of human</p>	<p>Qualified Professional Archeologist/ City of San</p>	

Mitigation Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>remains during construction activities, follow Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5.</p>	<p>Bernardino Planning Division.</p>	
<p>PPP CUL-1: Human Remains. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	
<p>TRIBAL CULTURAL RESOURCES</p>			
<p>PPP WQ-1: WQMP. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	