

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION CONDITIONS OF APPROVAL**

DATE: July 15, 2026

PROJECT FILE NO.: PL25-0085 (Special Conditional Use Permit) and PL25-0086 (Site Approval)

LOCATION: 13925 Benson Avenue, 13822 Oaks Avenue and 13910 Oaks Avenue (APNs: 1021-121-05, 1021-211-02 and 1021-211-05)

APPLICANT: Dirac Project LLC

1.0 TIME LIMITS:

- 1.1. The above referenced Special Conditional Use Permit and Site Approval shall expire on July 15, 2027, if building permits are not obtained and/or the approved use has not commenced. The expiration date may be extended upon written request by the applicant on a City application form. The request must be received by the Director of Development Services at least 30 days prior to expiration of the application.
- 1.2. Should the use for which this approval is granted cease to exist for 180 or more consecutive days, this permit shall be deemed null and void.

2.0 GENERAL REQUIREMENTS:

- 2.1. The project shall proceed only in substantial conformance with Planning Commission approved plans on file with the Development Services Department, the conditions contained herein and the Chino Municipal Code.
- 2.2. Failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the Planning Commission and/or City Council.
- 2.3. In the event that any condition contained herein is determined to be invalid or legally unenforceable, all remaining conditions shall remain in force.
- 2.4. Approval of this request shall not waive compliance with any section of the Chino Municipal Code, or any other applicable City ordinances, or applicable specific plan provision.

**DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION
CONDITIONS OF APPROVAL**

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

- 2.5. Pursuant to Government Code Section 66020, upon approval of the project, the applicant has a 90-day period in which to protest the fees, dedications, reservation or other exaction imposed on this project through the conditions of approval.
- 2.6. The applicant shall indemnify, defend, and hold the City and its elected boards, commissions, officers, agents and employees harmless from any and all actions, claims, or proceedings brought by any party other than the applicant against the City to attack, set aside, void, or annul this discretionary approval, which action is brought within the applicable statute of limitations. This indemnification shall include damages awarded against the City, if any, costs of suit, attorneys' fees and other costs and expenses incurred in connection with the action. The City shall promptly provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing but shall reimburse the City for any necessary legal cost incurred by City, including for the City's required participation in defense of the claims. Upon City's notification to the applicant of the pendency of the claim or suit, applicant shall make a minimum deposit sufficient to pay all of the applicant's indemnification obligations for the following ninety (90) days, which includes legal costs and fees anticipated to be incurred as determined by the City in its sole discretion (not to exceed Fifty Thousand Dollars (\$50,000)). If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting from that and City shall have no liability to the applicant.
- 2.7. The City of Chino has an executive contract with Waste Management for all solid waste collection and hauling services within the City. The applicant shall be responsible for making arrangements with Waste Management for disposal of any/all construction debris or trash generated. Waste Management can be reached at 1-800 423-9986.
- 2.8. All proposed signs shall be designed to conform with the City's Sign Code (Chino Municipal Code, Title 16 – Signs) and shall require separate application and approval by the Director of Development Services prior to installation.
- 2.9. Any substantial change in the project shall be reviewed by the Development Services Department for compliance with CEQA. Minor changes may be reviewed and approved administratively by the Director of Development Services.

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

- 2.10. Pursuant to Public Resources Code Section 21089 and Fish and Wildlife Code Section 711.4, the developer shall provide those fees marked [X] below in the form of a check made payable to the **San Bernardino County Clerk of the Board of Supervisors** within 5 days of Planning Commission approval. **Project approval shall not be complete until the required fee(s) is (are) paid:**

[X] \$50 for the Notice of Exemption filing fee.

3.0 PRIOR TO THE ISSUANCE OF A BUILDING AND/OR GRADING PERMIT:

- 3.1. The applicant/developer shall pay development impact fees at the established rate. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, building permit and plan check fees.
- 3.2. Final revised plans, incorporating all conditions of approval, shall be submitted and approved by the Director of Development Services.
- 3.3. All plans shall be coordinated for consistency.
- 3.4. The applicant/developer shall submit one set of structural plans/construction documents. The plans shall include one set of structural calculations, one set of Title 24 energy calculations, and one soils report. The applicant/developer shall also submit the above documents in digital format to the Building Division once approved.
- 3.5. A construction management plan shall be submitted and approved by the Director of Development Services. The plan shall coordinate and address construction activities that may impact residents and/or surrounding businesses in adjacent areas. Elements of the plan shall contain, but not be limited to, the following:
- a. Routing of construction equipment
 - b. Hours of operation
 - c. Dust control
 - d. Vector control
 - e. Vehicle, equipment, and personnel staging
 - f. Pre-construction meetings
 - g. Contractor/subcontractor acknowledgement, obligations, and penalties
 - h. Traffic control and coordination
 - i. Security and interim fencing
 - j. Signs posted on the site with a contact number for the job site construction manager and the City's Code Enforcement Division. Signs

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

shall measure at least four feet by eight feet and shall be posted along every street frontage. The developer shall contact the City immediately upon any change in contact numbers.

- k. Building and landscape phasing.
- 3.6. A precise wall plan identifying the design, location and construction details of all walls and fences shall be submitted and approved by the Planning and Building Divisions. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature.
 - 3.7. Prior to the issuance of any grading permit, detailed on-site landscaping and irrigation construction drawings along with a copy of the Planning Commission approved conceptual landscape plans and a copy of the conditions of approval shall be submitted for review and approval by the Director of Development Services. A grading permit will not be issued until the City's outside plan checker has completed one review of detailed landscape and irrigation plans for the development. Payment of the Landscape & Irrigation Plan Review Fee shall be due at the time of submittal. Plans shall be prepared to comply with the City's Water Efficient Landscape Ordinance, adopted on October 6, 2015, Ordinance No. 2015-008, meet the requirements for a Landscape Documentation Package in accordance with Section 20.19.030 of the Landscape Ordinance, and shall bear the seal of a landscape architect registered with the state of California. If the site includes areas proposed to be placed within a City-maintained Landscape Maintenance District, then the plans shall be prepared on City of Chino, Engineering Division base sheets, and shall bear the seal of a landscape architect registered with the state of California. Original mylars shall be submitted to the City upon approval of plans by the City Engineer.
 - 3.7.1. To minimize damage to paved areas due to tree root growth, trees located within five (5) feet of any paved surface area, shall be provided with root barriers unless it can be demonstrated, to the satisfaction of the Planning Division, that the root growth characteristics of the type of tree proposed does not warrant their installation.
 - 3.8. Approval of the conceptual landscape plan by the Planning Commission does not constitute final approval. The final landscape approval (during the plan check process and/or following installation) shall be subject to the review and approval of the City's Landscape Architect Consultant and the Director of Development Services. The City Landscape Architect or Director of Development Services may require additional/fewer trees, shrubs, vines, and ground cover as necessary, based on final site

**DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION
CONDITIONS OF APPROVAL**

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

conditions during the landscape plan check process or field review process in order to mitigate any site conditions that were not apparent during either the Planning Commission review or plan check review process.

- 3.9. All ground-mounted utilities, including but not limited to cable television facilities, and telephone/fiber optic facilities, shall be undergrounded. Equipment that is not placed underground such as SCE transformers, backflow prevention devices, irrigation valves and controllers used for common landscape areas shall be placed in areas out of public view and sufficiently screened. The location and method of screening shall be reflected in a plan and shall be subject to the review and approval by the Director of Development Services. This condition shall not apply to any facilities associated with the Project substation or to any utility-owned infrastructure.
- 3.10. All electrical panels and cabinets shall be completely screened. All electrical panels and cabinets shall be fully enclosed and integrated into and architecturally compatible with the building to the satisfaction of the Director of Development Services. The locations of the electrical panels and cabinets shall be reflected on a site plan and elevation(s) to be reviewed and approved by the Director of Development Services. BESS units and electrical project components shall be located behind the perimeter CMU wall.
- 3.11. Prior to the issuance of a building permit, the approved grading plans shall be attached to the construction plan set. The project shall be built in substantial conformance with the plans approved by the Planning Commission on July 15, 2026, as prepared by Dirac Project LLC. Any substantial modification to the project shall require Planning Commission review and approval. If minor in nature, the modification may be reviewed and approved by the Development Services Director.
- 3.12. A detailed on-site exterior lighting plan shall be submitted and approved by the Director of Development Services. Plans shall be designed pursuant to Chino Municipal Code Section 20.10.090 (*Outdoor Lighting*) and shall identify fixture design, illumination (photometric), location, height and method of shielding, so as not to adversely affect adjacent properties.
- 3.13. Upon submittal of construction drawings to the Building Division for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

drawings. The condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.

- 3.14. The applicant is required to contact the West Valley Mosquito and Vector Control District to determine if an inspection or field survey of potential vectors and their ectoparasites is necessary. If the District so determines, an inspection or field survey shall be conducted by the District, at the applicant's expense, prior to demolition or grading in order to protect the health of and reduce the risk of neighboring residents to vector-borne diseases. Based on the inspection or survey results, the applicant shall take appropriate vector control methods as recommended by the District.
- 3.15. A Water Quality Management Plan shall be prepared in accordance with County of San Bernardino requirements and submitted and approved by the City.

4.0 PRIOR TO START OF CONSTRUCTION:

- 4.1. The final landscape and irrigation plans for the development shall be approved by the Director of Development Services.
- 4.2. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, developer, contractor, superintendent, and all applicable subcontractors.
- 4.3. The approved construction management plan shall be distributed to all contractors and subcontractors and shall be maintained on-site through the duration of construction.

5.0 PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- 5.1. All conditions of approval shall be completed to the satisfaction of the Director of Development Services.
- 5.2. The fee for review of the landscaping and irrigation plans by both the City and the City's landscape architect shall be paid by the developer.
- 5.3. All landscaping and irrigation shall be installed in accordance with the approved Planning Commission plans on file with the Development Services Department, and irrigation systems fully operational. In addition, all hardscaped and landscaped areas shall be free of trash and debris.
- 5.4. A licensed landscape architect or contractor, or other licensed certified professional in a related field shall conduct a final field inspection and shall

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

prepare a certificate of completion, which shall be filed with the Director of Development Services. The certificate of completion shall be prepared in accordance with Section 20.19.030.J of the Landscape Ordinance, and shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed. All landscape and irrigation audits shall be conducted by a landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

- 5.5. A landscape maintenance program for the entire project site shall be reviewed and approved by the Director of Development Services. The maintenance program shall include general landscape maintenance provisions for pruning, trimming, the replacement of any dead, decayed, or diseased vegetation, ongoing weed abatement, and replacement/repair of the irrigation system, when necessary. The landscape maintenance program shall be included with the contract with the landscape maintenance company to ensure they implement the maintenance program. In addition, the maintenance program should include provisions for periodic inspections to ensure the irrigation system is working properly, and all landscaping is being properly maintained.
- 5.6. Prior to issuance of a certificate of occupancy for the final unit, any temporary sales and/or construction office buildings/trailers shall be removed from the site.
- 5.7. The project site shall be clean and free of trash and construction debris, and all construction equipment shall be removed from the site.

6.0 ENVIRONMENTAL REQUIREMENTS & MITIGATION MEASURES:

- 6.1. Comply with all mitigation measures identified in the Mitigation Monitoring Program contained within the technical study conducted for the Dirac Battery Energy Storage System Project and attached as Exhibit "A" to the conditions of approval, which identifies each environmental mitigation measure, the time in which it will be implemented and the responsible party for monitoring its implementation.

7.0 OTHER REQUIREMENTS:

- 7.1. Prior to grading permit issuance, all existing buildings or structures on the project site that are proposed to be demolished shall be removed or razed. The Director of Development Services may approve an extension of time to complete the demolition, based on evidence that the applicant has

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

exercised reasonable progress. Approval of this application shall be deemed null and void upon failure of the applicant to comply with this condition within the aforementioned time periods.

- 7.2. The project site shall be cleared of all trash, debris, weeds, and other discarded items prior to construction.
- 7.3. All signs, including subdivision and/or realty signs proposed for this development shall be designed to conform to the Sign Ordinance and shall require separate application and approval by the Planning and Building Divisions prior to installation.
- 7.4. A coating that will facilitate the removal of graffiti shall be applied over the complete height of one side of the wall facing the street. If a coating is not provided, the owner of the property shall paint the buildings and/or walls to remove graffiti within 72 hours of notice.
- 7.5. Parking and Lighting:
 - 7.5.1. All exterior lighting fixtures shall be installed in accordance with plans on file with the Development Services Department and shall be fully operational prior to occupancy.
 - 7.5.2. All parking spaces shall be double-striped per City standards.
- 7.6. Refuse and Recycling:
 - 7.6.1. Separate receptacles (bins) for the collection of refuse and recyclable shall be provided. An adequate number of bins to allow for the collection of both refuse and recyclable materials generated by the development shall be provided, to the satisfaction of the Director of Development Services.
 - 7.6.2. Refuse, recyclable, and organics materials bins shall be enclosed by a 6-foot-high (1.83 m) wall with a solid roof, with solid view obstructing gates fitted with self-closing door devices and be designed with cane bolts in front of the block walls to secure the gates when in the open position. The gates should also be equipped with rod locks and corresponding rod holes in both the open and closed gate positions. Bins containing recyclable materials shall be provided protection from adverse environmental conditions that might render the collection materials unmarketable.

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

- 7.6.3. Refuse storage and recycling shall not be used for the storage of materials other than that for which it is designed. The premises shall be kept in a neat and orderly condition, and in good repair and appearance at all times.
- 7.7. Per Section 15.45.070 of the Chino Municipal Code, demonstrate consistency with the Chino Climate Action Plan by implementing one of the following three options:
- a) Exceed the mandatory California Energy Code Title 24, Part 6 standards in effect at the time of application submittal by 5%; or
 - b) Achieve an equivalent reduction through voluntary measures in the California Green Building Standards Code, Title 24, Part 11 (CALGreen) in effect at the time of application submittal; or
 - c) Provide other equivalent greenhouse gas (GHG) reductions through measures including but not limited to, non-vehicle transportation infrastructure, transit, ZEV (zero emission vehicle) infrastructure or other incentives, waste diversion, water conservation, tree planting, renewable energy option packages, or any combination of these or other measures such that GHG emissions are reduced by 0.74 MT CO₂e per residential dwelling unit per year and/or per TSF of commercial/industrial use per year.

Applicants that choose Option a described above will be required to verify that their project meets the 5% improvement above the mandatory standards through the appropriate certificate of compliance form for residential construction (CF-1R) or for commercial/industrial construction (PERF-1C). Applicants that choose Options b or c described above will be required to utilize the GHG Performance Standard Checklist developed by the City, or provide other valid documentation, such as CalEEMod or other methodologies, as verified by the Director of Development Services to demonstrate the required GHG reductions consistent with the City's CAP.

8.0 CONSTRUCTION SITE SECURITY:

- 8.1. Each site shall be completely encircled by a minimum 6' tall security-quality chain link fence once precise grading has been completed or as determined by the Deputy Director of Development Services.
- 8.2. Tennis court or similar screening material shall be securely attached for the length of the fence, excluding gates and 10' on either side of gates.
- 8.3. Each site shall have only one entry/exit gate, or as approved by the Planning Division.

**DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION
CONDITIONS OF APPROVAL**

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

- 8.4. Gate hinge pins shall be spot-welded or altered in such a way as to prevent easy removal.
- 8.5. Each gate shall have a casehardened lock and chain, or other equivalent security hardware.
- 8.6. "No Trespassing" signs shall be attached to the exterior of the fence at a minimum distance of a third of a mile and at all entrances.
- 8.7. On or near the exterior of each gate will be a sign with the address of the site in no less than 6" letters. Both the number and street name will be listed on the sign. The address posted will be used for the entire site until the fence is removed and individual addresses assigned.
- 8.8. Office trailers and tool bins shall be placed adjacent to gates inside the property to allow observation from outside.
- 8.9. Lighting on trailers and bins is desirable but shall be directed into the property so as not to impede outside observation or endanger nearby traffic with glare.
- 8.10. Tool bins shall be secured with casehardened locks, preferably with lock guards.
- 8.11. A sign stating that theft is not acceptable on the site and will be reported to the police, or wording to that effect, will be displayed prominently near each entrance.
- 8.12. Each site will have an assigned Crime Prevention Manager who is responsible for the following:
 - a. Providing his/her name and 24-hour telephone access number to the Chino Police Department.
 - b. Have available at all times the names and 24-hour contact numbers for all subcontractors.
 - c. Have the authority to speak for the development/owners on matters concerning trespassing and other criminal matters.
 - d. Complete routine fence inspections and arrange for prompt repairs or removal of any damage, graffiti, or loose screening.
 - e. Ensure that no work or maintenance of construction equipment is being performed on the site between 8 PM and 7 AM.

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

- f. Ensure that all above security requirements are complied with, and that all security hardware, fencing, and lighting are maintained in working order.
- g. Ensure that thefts are immediately reported to the police department and that reasonable steps are taken, if evident, to prevent future similar incidents.

9.0 THE APPROVED USE SHALL BE OPERATED IN ACCORDANCE WITH THE FOLLOWING:

- 9.1. All operations shall not create a nuisance due to noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
- 9.2. The operation or activity shall not cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution that can cause damage to human health, vegetation, or other forms of air pollution that can cause excessive soiling on any other parcel. No emission shall be permitted which exceeds the requirements of the South Coast Air Quality Management District or the requirements of any Air Quality Plan adopted by the City of Chino.
- 9.3. The operation or activity shall not emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable to a level that is detectable with or without the aid of instruments at or beyond the project site boundary.
- 9.4. The operation shall not discharge, at any point, into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material which can contaminate any water supply, interfere with bacteriological processes in sewer treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with the standards approved by the California Department of Public Health, or any other federal, state or local government agency.
- 9.5. No operation or activity shall emit heat or cold that would cause a temperature increase or decrease on any adjacent parcel in excess of 10°F (5.56°C).
- 9.6. No operation or activity shall cause any impermissible source of electronic disturbance that adversely affects persons or the operation of any equipment on any other parcel that is not in conformance with the regulations of the Federal Communications Commission (FCC). Impermissible interference for the purposes of this document shall mean

DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

CONDITIONS OF APPROVAL

FILE NO.: PL25-0085 (SCUP) & PL25-0086 (SA)

DATE: July 15, 2026

any interference that violates the rules and regulations of the FCC and/or the Communications Act of 1934, as amended.

- 9.7. No operation or activity shall be permitted to cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from this requirement.

- 9.8. Noise emanating from the project site, and which is received by adjacent land uses, shall not exceed the levels specified below, except that loudspeakers, bells, gongs, buzzers or other noise attention or attracting devices shall not exceed a maximum daytime dBA level of 60 and nighttime dBA of 40, measured anywhere beyond the boundaries of the property within which the noise is created.

Maximum Time of Exposure	Noise Metric	Noise Level Not To Be Exceeded	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
One Minute/Hour	L1.7	70 dBA	65 dBA
Any Period of Time	Lmax	75 dBA	70 dBA

Attachment:

Exhibit "A" – Mitigation Monitoring Program