

CONDITIONS OF APPROVAL

Temporary Use Permit PTUP-2023-00001

GENERAL REQUIREMENTS

Conditions of Operation and Procedures

Land Use Services - Planning

1. Project Approval Description. This Temporary Use Permit (TUP) was originally approved under PTUP-2020-00027 to allow for a temporary rebar fabricator that consist of the cutting and bending of rebar. The second temporary use permit (PTUP-2022-00004) allowed the continuation of the use until March 9, 2023. This third Temporary Use Permit allows the continuation of the use for another twelve (12) months, subject to full compliance with all conditions of approval stated herein.
2. Project Location. 3612 Philadelphia Street, Chino, CA
3. Effective Date and Expiration. The procedures and requirements in Chapter 86.06 (Time Limitations), and those related to appeals and revocation in Division 6 (Development Code Administration), shall apply following the TUP approval. This project permit approval is effective on **March 9, 2023**, and shall expire and become void on **March 9, 2024**. The permit may be extended by the director if a written request for extension is submitted in accordance with SBCC §83.15.080.
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer’s indemnification obligation applies to the indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

5. **Continuous Maintenance.** The property owner and “developer” shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The “developer” shall ensure that all facets of the development are regularly inspected, maintained and that any defects are repaired in a timely manner. Among the elements to be maintained, include but are not limited to:
 - a) **Graffiti and debris** shall be removed immediately with weekly maintenance.
 - b) **Erosion control** measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
 - c) **External Storage.** Recycling and trash storage areas shall not be allowed.
 - d) **Signage.** All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.

6. **Performance Standards.** The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
 - **Odors:** No offensive or objectionable odor.
 - **Emissions:** No emission of dirt, dust, fly ash, and other forms of particulate matter.
 - **Smoke:** No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines).
 - **Radiation:** No dangerous amount of radioactive emissions.
 - **Toxic Gases:** No emission of toxic, noxious or corrosive fumes of gases.
 - **Glare:** No intense glare that is not effectively screened from view at any point outside the project boundary.

7. **Lighting.** The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for security purposes and shall be subject to review by County Planning and Building and Safety. Lighting shall be shielded to prevent obstruction to neighboring properties. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic.

8. **Hold Harmless.** This approval is temporary. All improvements, upgrades, and expenses incurred by the developer are done at the developer’s risk.

9. **Temporary Use.** The Temporary use approved shall be removed upon expiration of this Temporary Use Permit, unless an extension is approved.

10. **Continuous Effect/Revocation.** All Conditions of Approval applied to this Project shall be effective continuously throughout the operative life of the temporary use. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

11. **Fire AHJ:** San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please refer to Chino Valley Fire Department.

12. **Storing Product:** The storage of product onsite shall be done in a neat and orderly fashion. The product shall also be stacked and placed outside of required drive aisle and walkways.

Land Use Services - Land Development

13. **Tributary Drainage:** Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
14. **Erosion Control Installation:** Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
15. **Additional Drainage Requirements:** In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
16. **BMP Enforcement:** In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
17. **Natural Drainage:** The natural drainage courses traversing the site shall not be occupied or obstructed.
18. **Continuous BMP Maintenance:** The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

Department of Public Works – Traffic Division

19. **Backing:** Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
20. **Access:** The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

Department of Public Health – Environmental Health Services

21. **Existing OWTS.** Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function within 30-days of the Temporary Use Permit approval.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR LAND DISTURBING ACTIVITY**

The following shall be completed:

Land Use Services - Land Development

22. **WQMP Inspection Fee:** The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
23. **WQMP:** A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
24. **On-site Flows:** On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
25. **Regional Board Permit:** Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
26. **NPDES Permit:** An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
27. **Grading Plans:** Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
28. **Topo Map:** A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
29. **Drainage Improvements:** A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval.

Land Use Services - Building and Safety

30. **Geotechnical (Soil) Report Required Before Grading:** A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

Effective Date: March 9, 2023
Expiration Date: March 9, 2024

PRIOR TO ISSUANCE OF BUILDING PERMITS

The following shall be completed:

Land Use Services - Building and Safety

31. **Construction Plans:** Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
32. **Temporary Use Permit:** A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

PRIOR TO FINAL INSPECTION OR OCCUPANCY OF ANY STRUCTURE

The following shall be completed:

Land Use Services - Building and Safety

33. **Fire Jurisdiction.** San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please contact Chino Valley Fire Department.

Land Use Services - Land Development

34. **Drainage Improvements:** All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
35. **WQMP Improvements.** All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

END OF CONDITIONS