Item: 2.

Staff Report

Meeting Date: February 3, 2026

To: City Council

From: Bill Smith, City Manager

Prepared By: Heidi Duron, Director

Item Name: Vacation of Approvals & Updated Agua Mansa Logistics Center Project - Time and Place Fixed to Consider a Public Hearing to Adopt Resolution No. R-04-26 to Void, Vacate, and Set Aside the Approvals Set Forth in City Council Resolutions Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24, and Ordinances Nos. O-06-23 and O-05-23; and to Consider Approval of an Architectural & Site Plan Review to Allow Construction of two New Warehouse/Office Buildings and Associated Site/Street Improvements, Conditional Use Permit to Allow Building 1 with a 130 Feet Building Height Instead of 50 Foot Maximum Height Limit, Tentative Parcel Map No. 20358 to Consolidate 11 lots into two Lots, Consideration of Approval of Historic Major Certificate of Appropriateness for Projects Located in the Agua Mansa Historic District Located within the M-2 (Heavy Industrial) Zone at 1400 & 1500 Agua Mansa Road; and Waive Full Reading, Read by Title Only and Pass First Reading of an Ordinance to approve a Development Agreement Between the City and IDI Agua Mansa, LLC for the Agua Mansa Logistics Center Project for Property Generally Located at 1400 Agua Mansa Road in the City of Colton (Case Index No. DAP-001-816), and Waive Full Reading, Read by Title Only and Pass First Reading of an Ordinance to approve a Development Agreement Between the City and Lineage Logistics, LLC for the Agua Mansa Logistics Center Project, for Property Generally Located at 1500 Agua Mansa Road. (Case File Index No. DAP-001-816), **Resolution No. R-04-26, R-10-26, R-11-26, R-12-26, R-13-26. O-03-26, O-04-26.**

Recommended Action:
Staff recommends that the City Council :

1. Adopt Resolution No. R-04-26 to void, vacate, and set aside the approvals set forth in City Council Resolutions Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 (Case File Index No. DAP-001-816) and Ordinances Nos. O-06-23 and O-05-23;

2. Adopt Resolution No. R-10-26 to approve Tentative Parcel Map No. 20358 to consolidate 11 lots into two lots for properties located at 1400 and 1500 Agua Mansa Road within the M-2 (Heavy Industrial) Zone;

3. Adopt Resolution No. R-11-26 to approve Historic Major Certificates of Appropriateness for projects located at 1400 and 1500 Agua Mansa Road within the Agua Mansa Historic District for a located within the M-2 (Heavy Industrial) Zone (Case File Index No. DAP-001-816);

4. Adopt Resolution No. R-12-26 to approve an Architectural & Site Plan Review to allow construction of new 456,445 square foot warehouse/office buildings and associated site/street improvements located at 1400 Agua Mansa Road within the M-2 (Heavy Industrial) Zone (Case File Index No. DAP-001-816);

5. Adopt Resolution No. R-13-26 to approve an Architectural & Site Plan Review to allow construction of new 474,021 square foot warehouse/office buildings and associated site/street improvements, Conditional Use Permit to allow a 130-feet building height instead of 50 foot maximum height limit located at 1500 Agua Mansa Road within the M-2 (Heavy Industrial) Zone (Case File Index No. DAP-001-816);

6. Waive Full Reading, Read by Title Only and Pass First Reading of an Ordinance to approve Ordinance No. O-03-26 to approve a Development Agreement between the City and IDI Agua Mansa, LLC for the Agua Mansa Logistics Center Project for property generally located at 1400 Agua Mansa Road in the City; and

7. Waive Full Reading, Read by Title Only and Pass First Reading of an Ordinance to approve on first reading Ordinance No,. O-04-26 to approve a Development Agreement between the City and Lineage Logistics, LLC for the Agua Mansa Logistics Center Project, for property generally located at 1500 Agua Mansa Road in the City.

Background:
This matter is submitted for review and approval in two areas:
1. To comply with a Superior Court order in *South Colton Families First et al. v. City of Colton* (San Bernardino Superior Court, Case No. CIVSB2317228) involving the development of two warehouse/office buildings located at 1400 and 1500 Agua Mansa Road within in the Agua Mansa Historic District and within the M-2 (Heavy Industrial) Zone within the City of Colton ("Project"), and

2. To consider approvals of the two industrial projects located at 1400 and 1500 Agua Mansa Road after revision to plans and environmental documents have been updated based on the Superior Court Order above.

Item 1 Superior Court Order.
On September 15, 2020, MIG, Inc., on behalf of Lineage Logistics, LLC and IDI Agua Mansa, LLC, (hereinafter "Applicant") submitted an application for the Project. The Project required the following entitlements: (1) Architectural and Site Plan Review allowing the construction of two buildings; (2) conditional use permit ("CUP") allowing one building to exceed the applicable height limit and reach a height of 95 feet; (3) variance allowing one building to provide 114 parking spaces instead of the 314 parking spaces required by the City's Municipal Code; (4) Major Historic Certificate of Appropriateness allowing development within the Agua Mansa

Historic District; and (5) Tentative Parcel Map consolidating 11 parcels into two parcels.

Pursuant to State CEQA Guidelines section 15183, projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Based on the fact that an environmental impact report ("EIR") was completed as part of the 2013 General Plan Update and that the prior analysis evaluated buildout of the Project site with industrial uses, the City prepared an Initial Study/15183 Analysis ("15183 Analysis") pursuant to Public Resources Code section 21083.3. and State CEQA Guidelines section 15183.

On May 9, 2023, Planning Commission approved the Project, including adoption of the 15183 Analysis. The Planning Commission also recommended that the City Council approve Development Agreements with the Applicant.

Two appeals were then filed: First, the Applicant appealed the Planning Commission's approval of the CUP, requesting the City Council amend the approval to allow a height of 130 feet because the approved height of 95 feet for one building was insufficient ("Applicant Appeal"). Second, Marlene Salazar Pongs appealed the Planning Commission's approval of the Project to City Council ("Pongs Appeal"), alleging violations of the California Environmental Quality Act ("CEQA"), the General Plan, Historic Preservation Act, and other zoning and land use provisions.

On June 20, 2023, City Council adopted **Resolution No. R-60-23**, which denied the Pongs Appeal and upheld the Planning Commission's approvals. The approval included the City Council's approval and adoption of the 15183 Analysis.

On July 18, 2023, City Council adopted **Resolution No. R-73-23**, which granted the Applicant Appeal and modified the CUP to allow one of the buildings to have a maximum height of 130 feet, and approved the Development Agreements.

Subsequently, on July 21, 2023, South Colton Families First and Marlene Salazar Pongs ("Petitioners") challenged the City Council's approval of the Project in the Superior Court. The Superior Court issued its ruling on June 3, 2024, finding most of the challenges were without merit but ruled that the 15183 Analysis failed to engage in mitigation analysis as it pertains to operational air quality impacts and that the City's findings in support of the parking variance were insufficient. On November 19, 2025, the Superior Court entered judgment and a peremptory writ of mandate directing the City to void, vacate, and set aside "the approvals set forth in Resolution Nos. R-60-23 and R-73-23, and any other resolutions related to the Project that rely on findings that [the 15183 Analysis] applies as it relates to significant operational air quality impacts" and the variance granted in Resolution No. R-60-23.

Pending this litigation, on April 2, 2024, City Council adopted **Resolution No. R-15-24**, approving a Modification of Architectural and Site Plan Review, **Resolution No. R-16-24**, approving a Modification of Zoning Entitlements related to Architectural and Site Plan Review,

Conditional Use Permit and Variance, and **Resolution No. R-17-24**, approving a Modification of Tentative Parcel Map No. 20358. These actions modified Condition of Approval 1.b, which originally required the dedication of a 90-feet wide full street right of way for construction of Agua Mansa Road along the full length of the Project frontage, to instead provide for a half-street width of 45 feet.

Item 2 - Consideration of Project Approvals for 1400 and 1500 Agua Mansa Road. Staff has noticed and completed the required mailing of letters to property owners/residents within 660 feet of the project area for the City Council's consideration of the four project actions as related to each address. Staff has modified/updated the condition related to development of the 90-foot right-of-way as a condition 1B to 66-foot right-of-way; therefore, a separate action will not be necessary for this clarification. Finally, the City has revised the supporting environmental document related to State CEQA Guidelines section 15183 "Revised 15183 Analysis" as ordered by the Court and attached to this staff report as part of the project consideration.

Issues/Analysis:

Item 1. Superior Court Order. In response to the Superior Court's peremptory writ of mandate, staff is recommending City Council void, vacate, and set aside the original Project approvals as set forth in Resolution Nos. R-60-23, R-73-23, and Ordinances No.s O-05-23 and O-06-23, including vacation of the parking variance, and vacation of the 15183 Analysis as it relates to significant operational air quality impacts. In addition, because Resolution Nos. R-15-24, R-16-24, and R-17-24, which modified Condition of Approval 1.b, relied on the 15183 Analysis, staff further recommends City Council void, vacate, and set aside these resolutions.

The City has revised the 15183 Analysis as it pertains to significant operational air quality impacts in compliance with the writ, which is being submitted to City Council for consideration, along with proposed Project approvals, as part of Item 2, discussed further below. Attached in this staff report are excerpts of the Final Initial Study / Consistency Checklist for the Project (See Attachment 2 Exhibit A-1 Excerpts) The entire Final Initial Study/Consistency Checklist Sections and Appendixes are available electronically at the following website link:
https://www.coltonca.gov/779/Environmental-Documents

Attachment 3 includes updated plans for the project which comply with all City Development Standards. The plans are for both 1400 and 1500 Agua Mansa Road and are labeled to differentiate the specific plan types. 1500 W. Agua Mansa Road now includes 314 vehicle parking spaces instead of truck parking, but there still remains a total of 340 parking spaces for truck trailers measuring 12 feet in width by 50 feet in length.

Item 2. Consideration of Project Review for 1400 and 1500 Agua Mansa Road. The recommended actions for Item 2 of this staff report are broken up into multiple areas similar to what was approved in 2023 by the City Council, except the Applicant has provided the required automobile parking instead of truck parking and, as such, the parking variance is no longer needed. Further, the City has prepared a Revised 15183 Analysis described in more detail within the Environment Review section of this staff report. (Exhibit A-1 is included in each of the City Council Actions)

The following actions proposed for the City Council's consideration are as follows:

- Approval of Tentative Parcel Map No. 20358 to allow consolidation of 11 lots into two lots. (**See Attachment 4**)
- Approval of Major Certificates of Appropriateness Finding that the project is consistent with the Historic Preservation Ordinance, not detrimental to the Historic District, and is consistent with the Colton General Plan. (**See Attachment 5**)
- Approval of the Architectural and Site Plan Review as it pertains to the on-site improvements, landscaping, off-site improvements and Conditional Use Permit as it relates to allowing a 130-foot-high, 474,021 square foot, cold storage warehouse/office building on property located at 1500 Agua Mansa Road. The project will include the provision of 314 vehicle parking stalls and Condition of Approval Number 1B has been updated to reflect the correct the right-of-way development width of 66-feet. (**See Attachment 6**)
- Approval of the Architectural and Site Plan Review as it pertains to the on-site improvements, landscaping, off-site improvements as it relates to 456,445 square foot warehouse/office building on property located at 1400 Agua Mansa Road. The only change for this project will include the Condition of Approval Number X updated to reflect the correct right-of-way development width of 90-feet. (**See Attachment 7**)
- Approval on first reading Ordinance No. O-03-26 to approve a Development Agreement between the City and IDI Agua Mansa, LLC for the Agua Mansa Logistics Center Project for property generally **located at 1400 Agua Mansa Road in the City**; (**See Attachment 8**)
- Approval on first reading Ordinance No,. O-04-26 to approve a Development Agreement between the City and Lineage Logistics, LLC for the Agua Mansa Logistics Center Project, for property generally **located at 1500 Agua Mansa Road in the City**. (**See Attachment 9**)
- Development Agreements (DA):

DA No. O-03-26 is for **1500 Agua Mansa Road** has been updated with new case number and Ordinance for the City Council to consider. The terms of the agreement are **the same as what was approved in 2023 which include**:

Assurances:

- Freeze all entitlements for a period of 15 years; and
- Freeze existing impact fees for a period of 5 years.
- Public Benefits:
- One-time payment of $4,000,000 to the City;
- One-time contribution of $350,000 to the City for fire truck apparatus;
- Assurance that a minimum electric utility transfer payment to the City’s general fund does not fall below $250,000 annually (to be adjusted annually by actual City electric rate increases), whether or not the solar panels are installed on the structure. This requirement will be in effect as long as the building is in operation; and

- Agreement to annex into the City's Maintenance and Public Safety Community Facilities Districts (subject to 3% annual tax increase).
- It is the opinion of staff that, should the Project entitlements be approved, the negotiated public benefits contained in the Development Agreement are in the short- and long-term interests of the City.

DA No. O-04-26 is for 1400 Agua Mansa Road has been updated with new case number and Ordinance for the City Council to consider. The terms of the agreement are the **same as what was approved in 2023 which include**:

Assurances:
Freeze all entitlements for a period of 15 years; and

- Freeze existing impact fees for a period of 5 years.
- Public Benefits:
- One-time payment of $2,000,000 to the City;
- One-time payment of $10,000 toward design, fabrication and installation of a historic monument/plaque to commemorate the Agua Mansa Historic District;
- One-time payment of $245,000 for widening of the Rialto Bridge (Agua Mansa Road);
- Agreement to annex into the City's Maintenance and Public Safety Community Facilities Districts (subject to 3% annual increase): and
- Assurance that a minimum electric utility transfer payment to the City's general fund does not fall below $75,000 annually (to be adjusted annually by actual City electric rate increases), whether or not the solar panels are installed on the structure. This requirement will be in effect as long as the building is in operation.

It is the opinion of staff that, should the Project entitlements be approved, the negotiated public benefits contained in the Development Agreement are in the short- and long-term interests of the City.

Environmental Review:
The adoption of Resolution No. R-04-26 to void, vacate and set aside the project approvals does not constitute a "project" under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 150609c)(3) and 15378(b)(5) since approval of this Resolution does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Moreover, pursuant to State CEQA Guidelines section 15061(b)(3), the approval of Resolution No. R-04-26 is exempt from CEQA because there is no possibility that it may have a significant effect on the environment.

Pursuant to State CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Here, for purposes of

CEQA, the approvals for 14500 and 1500 Agua Mansa Road (Resolution Nos. R-10-26, R-11-26, R-12-26, and R-13-26, as well as the CUP Resolution and, on first reading, Ordinances Nos. X and X) is a project subject to CEQA. The City has prepared a revised 15183 Analysis to address the Writ of Mandate issued on November 19, 2025 by the Superior Court related to operational air quality impacts. (See Exhibit A-1 for the Project is available online at: https://www.coltonca.gov/779/Environmental-Documents) Pursuant to this Revised 15183 Analysis, the City has concluded that the project is in conformance with the analysis and conclusions of the General Plan EIR certified by the City Council on August 20, 2013 (Resolution No. R-60-13). Specifically, the Revised 15183 Analysis found that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR and that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR.

Fiscal Impacts:

Approval of the proposed resolutions, ordinances, and Development Agreements for the Agua Mansa Logistics Center Project will result in significant one-time and ongoing community benefits to the City.

Pursuant to the Development Agreement with Lineage Logistics, LLC **(Ordinance No. O-03-26**), the City will receive:

- A one-time payment of $4,000,000 to the City prior to issuance of the Project's first building permit;
- A one-time contribution of $350,000 toward fire apparatus prior to the issuance of a grading permit;
- Guaranteed annual payments to the General Fund in the event solar panels are installed on the project; and
- Annexation of the property into the City’s Maintenance and Public Safety Community Facilities Districts (CFDs), resulting in ongoing special tax revenue.

Pursuant to the Development Agreement with IDI Agua Mansa, LLC (**Ordinance No. O-04-26**), the City will receive:

- A one-time payment of $2,000,000 to the City prior to issuance of the Project's first building permit;
- A one-time capital contribution of $245,000 toward widening of the Rialto Channel Bridge;
- A minimum solar offset payment to the General Fund; and
- Annexation of the property into the City’s Maintenance and Public Safety Community Facilities Districts (CFDs), resulting in ongoing special tax revenue.

In addition to these Development Agreement benefits, the Project is anticipated to generate ongoing property tax and employment-related economic activity consistent with the development

of industrial logistics facilities of this scale.

Alternatives:
Provide alternative direction to staff.

Attachments:
1. Attachment 1_City Council Reso No. R-04-26
2. Attachment 2_Exhibit A-1_Excerpts_Final Checklist
3. Attachment 3_Updated Project Plans
4. Attachment 4 City Council Reso No_R-10-26
5. Attachment 5 City Council Reso No_R-11-26
6. Attachment 6 City Council Reso No_R-12-26
7. Attachment 7 City Council Reso No_R-13-26
8. Attachment 8_City Council Ordinance No. O-03-26
9. Attachment 9_City Council Ordinance No. O-04-26

RESOLUTION NO. R-04-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON TO VOID, VACATE, AND SET ASIDE CITY COUNCIL RESOLUTIONS R-60-23, R-73-23 (CASE INDEX NO. DAP-001-816), AND R-15-24, R-16-24, AND R-17-24 PERTAINING TO ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW THE CONSTRUCTION OF TWO NEW WAREHOUSE/OFFICE BUILDINGS, TOTALING 928,466 SQUARE FEET AND ASSOCIATED SITE IMPROVEMENTS. BUILDING 1 (DAP-001-668) CONTAINS 474,021 SQUARE FEET IN FLOOR AREA AND BUILDING 2 (DAP-001-716) CONTAINS 456,445 SQUARE FEET OF FLOOR AREA, A CONDITIONAL USE PERMIT (DAP-001-668) TO ALLOW BUILDING 1 WITH 130 FEET BUILDING HEIGHT INSTEAD OF 50 FOOT MAXIMUM HEIGHT LIMIT; VARIANCE (DAP-001-668) TO ALLOW 114 PARKING STALLS FOR BUILDING 1 WHEN 314 PARKING STALLS ARE REQUIRED; TENTATIVE PARCEL MAP NO. 20358 (DAP-001-668 & 716) TO CONSOLIDATE LOTS FROM 11 PARCELS TO 2 PARCELS; HISTORIC MAJOR CERTIFICATE OF APPROPRIATENESS (DAP-001-668 & 716) TO DETERMINE IF THE PROJECT IS CONSISTENT WITH REQUIREMENTS OF THE HISTORIC PRESERVATION ORDINANCE, LOCATED AT 1400 AND 1500 AGUA MANSA ROAD WITHIN THE HEAVY INDUSTRIAL (M-2) ZONE (ASSESSOR PARCEL NUMBERS 0260-072-08, 0260-072-12 AND -13, 0275-041-07, -08, -09 AND -27 to -31 (CASE INDEX NOS: DAP-001-668, DAP-001-716 & DAP-001-816) AND ORDINANCES NOS. O-06-23 AND O-05-23 APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND IDI AGUA MANSA, LLC FOR THE AGUA MANSA LOGISTICS CENTER PROJECT FOR PROPERTY GENERALLY LOCATED AT 1400 AGUA MANSA ROAD IN THE CITY AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND LINEAGE LOGISTICS, LLC FOR THE AGUA MANSA LOGISTICS CENTER PROJECT, FOR PROPERTY GENERALLY LOCATED AT 1500 AGUA MANSA ROAD IN THE CITY.

WHEREAS, on August 20, 2013 (Resolution No. R-60-13), the City of Colton, as the lead agency under the California Environmental Quality Act ("CEQA"), certified a General Plan Environmental Impact Report ("General Plan EIR") and approved the General Plan on August 20, 2013; and

WHEREAS, as part of its approval of the General Plan, City adopted Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the General Plan; and

WHEREAS, pursuant to State CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, in September 2020, MIG, Inc. on behalf of Lineage Logistics, LLC and IDI Agua Mansa, LLC ("Applicant") submitted an application to develop two warehouse/office buildings located in the Agua Mansa Historic District within the City of Colton ("Project"); and

WHEREAS, the City has conducted an analysis of the Project, consistent with State CEQA Guidelines section 15183 ("15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR; and

WHEREAS, on May 9, 2023, the Planning Commission conducted a duly noticed public hearing for the Project, and approved the following entitlements: (1) Architectural and Site Plan Review allowing the allowing the construction of two buildings; (2) conditional use permit ("CUP") allowing one building to exceed the applicable height limit and reach a height of 95 feet; (3) variance allowing one building to provide 114 parking spaces instead of the 314 parking spaces required by the City's Municipal Code; (4) Major Historic Certificate of Appropriateness allowing development within the Agua Mansa Historic District; and (5) Tentative Parcel Map consolidating 11 parcels into two parcels; and adopted the 15183 Analysis; and

WHEREAS, the City received two appeals of the Planning Commission decision by Marlene Salazar Pongs ("Pongs Appeal") and by the Applicant ("Applicant Appeal"); and

WHEREAS, on June 20, 2023, the City Council of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the Pongs Appeal were heard and after fully examining the Pongs Appeal, City Council adopted Resolution No. R-60-23, which denied the Pongs Appeal and upheld the Planning Commission's approvals. The approval included the City Council's approval and adoption of the 15183 Analysis and the parking variance; and

WHEREAS, on July 18, 2023, at a duly noticed public hearing, the City Council adopted Resolution No. R-73-23, which granted the Applicant Appeal and modified the CUP to allow one of the buildings to have a maximum height of 130 feet, and approved the Development Agreements; and

WHEREAS, on July 21, 2023, Petitioners South Colton Families First and Marlene Salazar Pongs filed a Petition for Writ of Mandate against the City in the Superior Court of California, County of San Bernardino, Case No. CIVSB2317228, alleging the City Council's approvals of the Project violated CEQA, land use and planning laws, and the City's Municipal Code; and

WHEREAS, pending this litigation, on April 2, 2024, at a duly noticed public hearing, the City Council adopted Resolution Nos. R-15-24, R-16-24, and R-17-24, modifying Condition of Approval 1.b of the Project by reducing the required dedication for Agua Mansa Road from a 90-foot full street right-of-way to a 45-foot half-street width along the Project frontage; and

WHEREAS, a hearing on the Petition for Writ of Mandate was held and on November 19, 2025, the Superior Court entered judgment and a peremptory writ of mandate, directing the City to void, vacate, and set aside the Project approvals, including Resolution Nos. R-60-23 and R-73-23,

and any other resolutions related to the Project that rely on the 15183 Analysis findings as it relates to significant operational air quality impacts, and to also void, vacate, and set aside the variance granted in Resolution No. R-60-23; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON:

SECTION 1. The City finds and determines that the foregoing recitals are true and correct.

SECTION 2. Pursuant to the Court Judgment and Peremptory Writ of Mandate in Case No. CIVSB2317228, the City Council hereby voids, vacates, and sets aside Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24, as well as Ordinances Nos. O-06-23 And O-05-23.

SECTION 3. Approval of this Resolution does not constitute a "project" under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080(a) and State CEQA Guidelines section 15378 since approval of this Resolution does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Moreover, pursuant to CEQA Guidelines section 15061(b)(3), the approval of this Resolution is exempt from CEQA because there is no possibility that it may have a significant effect on the environment.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2026.

_____
FRANK NAVARRO, Mayor

ATTEST:

_____
STEPHANIE M. VARGAS
Deputy City Clerk

FCS
An ADEC Innovation

FINAL
Initial Study/Consistency Checklist
Agua Mansa Logistics Center Project
City of Colton, San Bernardino County, California
Available on-line at:
https://www.coltonca.gov/779/Environmental-Documents

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Date: Revised January 16, 2026

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ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
1992 CO Plan	1992 Federal Attainment Plan for Carbon Monoxide
AB	Assembly Bill
AFY	acre-feet per year
AM/SP-H IND	Agua Mansa Specific Plan/Heavy Industrial
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ASTM	American Society of Testing and Materials
Bay Area Air District	Bay Area Air Quality Management District
BERD	California Built Environment Resource Directory
BMP	Best Management Practice
BRA	Biological Resources Assessment
CAAQS	California Ambient Air Quality Standards
Cal/EPA	California Environmental Protection Agency
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standard Codes
CalRecycle	California Department of Resources Recycling and Recovery
CalSTA	California State Transportation Agency
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CBC	California Building Standards Code
CDF	California Department of Finance
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CDMG	California Division of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFD	Colton Fire Department
CHL	California Historic Landmarks
CIP	Capital Improvement Program
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CNRA	California Natural Resources Agency

CO	carbon monoxide
CO_2e	carbon dioxide equivalent
COA	Conditions of Approval
CPD	Colton Police Department
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CTC	California Transportation Commission
CUP	Conditional Use Permit
CWRF	Colton Wastewater Reclamation Facility
dBA	A-weighted decibel
DIF	Development Impact Fee
EI	Expansion index
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
EV	electric vehicle
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Authority
GAMAQI	Guidance for Assessing and Mitigating Air Quality Impacts
GHG	greenhouse gas
GI	General Industrial
GNP	Good Neighbor Policy
GO-Biz	Governor's Office of Business and Economic Development
gpd	gallons per day
HCP	Habitat Conservation Plan
HHDT	heavy heavy-duty trucks
hp	horsepower
HQTA	High Quality Transit Area
HRI	California Historical Resources Inventory
IBank	California Infrastructure and Economic Development Bank
IRP	Integrated Resource Planning
ITE	Institute of Traffic Engineers
lbs	pounds

LCA	life cycle analysis
L_{eq}	equivalent sound level
LHDT	light heavy-duty trucks
LID	Low Impact Development
L_{max}	maximum noise/sound level
LOMR	Letter of Map Revision
LOS	Level of Service
LRA	Local Responsibility Area
LST	localized significance threshold
M-2	Heavy Industrial
MBTA	Migratory Bird Treaty Act
MGD	million gallons per day
MHDT	medium heavy-duty trucks
MMRP	Mitigation Monitoring and Reporting Program
mph	miles per hour
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MT	metric tons
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NIMS	National Incident Management System
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OES	California Office of Emergency Services
OPR	Governor's Office of Planning and Research
OS	Open Space
OS-R	Open Space Resources
PCC-Grade	Portland Cement Concrete Grade
PDF	Project Design Feature
P-I	Public/Institution
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
ppm	parts per million
PPV	peak particle velocity
RCRA	Resource Conservation and Recovery Act

RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBCTA	San Bernardino County Transportation Authority
SBTAM	San Bernardino County Transportation Analysis Model
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SCH	State Clearinghouse
SCS	Sustainable Communities Strategy
SEMS	Standard Emergency Management System
SGC	Strategic Growth Council
SIP	State Implementation Plan
SLCP	Short-Lived Climate Pollutant
SMBMI	San Manuel Band of Mission Indians
SoCAB	South Coast Air Basin
SoCalGas	Southern California Gas Company
SOI	Sphere of Influence
SO_X	sulfur oxide
SR	State Route
SRA	State Responsibility Area
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TA	Traffic Analysis
TAZ	Traffic Analysis Zone
TCR	Tribal Cultural Resources
TPA	Transit Priority Area
TRU	Transport Refrigeration Unit
USGS	United States Geological Survey
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WQMP	Water Quality Management Plan

SECTION 1: INTRODUCTION

This Initial Study, Consistency Checklist, and attached supporting documents have been prepared to determine whether and to what extent the certified 2013 General Plan Update Program Environmental Impact Report (General Plan EIR) (State Clearinghouse No. 2012031037) prepared for the City of Colton remains sufficient to address the potential impacts of the proposed Agua Mansa Logistics Center Project (Proposed Project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] § 21000, *et seq.*).

1.1 - CEQA Assessment

The following Environmental Checklist has been prepared pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) to determine whether the Proposed Project requires additional environmental review.

CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified (in this case, the General Plan EIR) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

1.2 - Summary of Results

In approving a project which is consistent with the requirements contained in CEQA Guidelines Section 15183, as discussed in Section 1.1, CEQA Assessment, the lead agency limits its examination of environmental effects to those which the lead agency has determined meet the following criteria:

1. Effects that are peculiar to the project or the parcel on which the project would be located;
2. Effects that were not analyzed as significant impacts in the prior EIR on the zoning action, general plan, community plan with which the project is consistent;
3. Effects that would result in potentially significant off-site impacts or cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan, or zoning action; or
4. Effects that were previously identified as significant impacts which, as a result of substantial new information which was not known at the time of the prior EIR's certification, are determined to have a more severe or adverse impacts than discussed in the prior EIR.

Thus, if an impact of the Proposed Project is not peculiar to the parcel or the project, has been addressed as a significant impact in the General Plan EIR, or can be substantially mitigated by the implementation of uniformly applied development policies or standards, then an additional EIR does not need to be prepared for the Proposed Project solely on the basis of that impact.

As demonstrated in the following Environmental Checklist in Section 5, the Proposed Project is consistent under CEQA Guidelines Section 15183 and is found to be in conformance with the analysis and conclusions of the General Plan EIR. The checklist analysis found that there are no new significant effects that are peculiar to the Proposed Project or its site and that there are no new significant effects that were not previously evaluated in the General Plan EIR. Additionally, the checklist analysis found that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, and that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR. This evaluation supports the conclusion that the Proposed Project is within the scope of the General Plan EIR and the approval of the discretionary review and permits required for the Proposed Project. Therefore, no further CEQA documentation is required. The General Plan EIR is available at:

City of Colton
659 North La Cadena Drive
Colton, CA 92324

SECTION 2: PROJECT DESCRIPTION

2.1 - Project Location and Setting

2.1.1 - Project Location

Regional Location

The City of Colton (City) is located in southwestern San Bernardino County, California, approximately 57 miles east of Los Angeles, in the Inland Empire region of Southern California. The City is bordered to the east by the City of San Bernardino and the City of Loma Linda; to the south by the City of Grand Terrace, the City of Riverside, and unincorporated Riverside County; to the west by the City of Rialto; and to the north by the City of San Bernardino (Exhibit 1). The planning area of the City, which includes the City boundary and Sphere of Influence (SOI), encompasses approximately 18 square miles.[1] Major highway networks provide regional access, including Interstate 10 (I-10) to the north of the site and Interstate 215 (I-215) to the east.

Local Setting

The project site encompasses approximately 59 acres within the western portion of the City. Much of the area surrounding the project site consists of industrial uses. Industrial land uses serve as the foundation of the City and prioritizing the development of a strong and highly competitive industrial base, especially along the Agua Mansa Road Corridor, is a goal of the City's 2013 General Plan Update (General Plan) Land Use Element.[2] As shown in Exhibit 2, the project site is located north of the Santa Ana River, south of Agua Mansa Road, east of South Rancho Avenue, and west of South Riverside Avenue. The project site is located on the *San Bernardino South,* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map/Jurupa (Stearns) Land Grant and within Township 1S South, Range 5W in the southeast quarter of Section 25 as well as Township 1S, Range 4W, and in the southwest quarter of Section 30.

The project site is addressed at 1400-1500 West Agua Mansa Road and consists of 11 Assessor's Parcel Numbers (APNs):

APN 0260-072-08
APNs 0260-072-12 and -13
APNs 0275-041-07, -08, and -09
APNs 0275-041-27, -28, -29, -30, and -31

2.1.2 - Existing Development and Land Use Activities

The project site is currently vacant and is located within an industrial area of the City. The site is relatively flat and was previously graded into rough pads under the ownership of CalPortland.[3] Scattered vegetation occurs along the perimeter of the site. There are no existing structures present.

[1] City of Colton General Plan. 2013. Land Use Element. Website: http://www.ci.colton.ca.us/documentcenter/view/1345. Accessed June 22, 2021.
[2] Ibid.
[3] City of Colton. CEQA Initial Study, Agua Mansa Grading Project–CalPortland. November 2017.

A 30-foot easement for North Riverside and Jurupa Canal runs through the center of the site in a northwest-to-southeast direction.

Two dirt driveways enter the project site from Agua Mansa Road and several dirt paths extend across the project site. Two concrete foundations associated with former buildings were once located on the northeastern portion of the project site; based on aerial imagery, these foundations no longer exist at the time of this writing.

Several retention basins are located on the project site. The basins previously received stormwater/wastewater runoff from CalPortland Cement Company, located to the north of Agua Mansa Road. The approval of the previous Agua Mansa Grading Project, which occurred on the project site while under the ownership of CalPortland, resulted in the diversion of stormwater to be retained on-site and required that the new drainage system be designed to meet a 50-year storm event. The City requires that residential, commercial, and industrial projects retain all stormwater on-site, and that the new drainage system be designed to meet a 50-year storm event. In accordance with this requirement, the currently proposed drainage system design was reviewed by the City Public Works Department to ensure adequate capacity for the proposed use, in compliance with City standards.[4]

Concrete and dirt piles, tires, and debris are scattered throughout the project site. Electrical transmission lines are located on the southern and western boundaries and cross the southeast corner of the project site. The project site is bordered to the south by a levee and the Santa Ana River. Access to the subject property is via an entrance gate along Agua Mansa Road.[5]

The subject property has been owned by the CalPortland Company for approximately 30 years and was used as a buffer property between the Santa Ana River and the cement facility located north of Agua Mansa Road. By 1975, construction of a levee had been completed along the site's southern boundary. The CalPortland Company leased the site for agricultural use,[6] and the site was previously developed with at least three residences and several associated agricultural buildings, which are all currently vacant, along the northeastern boundary of the site, from 1931 until 1989.

2.1.3 - Project Site Land Uses, General Plan, and Zoning Designations

The project site is located in an area with existing industrial uses, vacant land, warehouses, and similar uses. A residential property is located approximately 2,700 feet east of the project site; however, no areas in the general vicinity are designated for residential use.[7] The project site is located within the Agua Mansa Historic District but is not designated as a historic site.[8] The project site has a General Plan land use designation of Heavy Industrial and is zoned Heavy Industrial (M-2)

[4] City of Colton. CEQA Initial Study, Agua Mansa Grading Project–CalPortland. November 2017.
[5] Partner Engineering and Science, Inc. 2019. Phase I Environmental Site Assessment Cal Portland Parcel Agua Mansa. February 5.
[6] Ibid.
[7] City of Colton General Plan. 2013. Land Use Element, Figure LU-6: Land Use Plan. Website: https://www.ci.colton.ca.us/DocumentCenter/View/1345. Accessed January 22, 2021.
[8] City of Colton. 2017. City of Colton Historic Districts and Landmarks. January 26. Website: https://www.ci.colton.ca.us/DocumentCenter/View/778. Accessed February 2, 2021.

(Exhibit 3 and Exhibit 4, respectively). According to the City of Colton Zoning Map, the western portion of the project site also has an MCS-Marijuana Candidate Sites Overlay.[9]

The Heavy Industrial designation allows land uses including heavy manufacturing, distribution, assembly, resource mining, storage, and similar activities. These types of uses are not normally compatible with residential development and are therefore typically located at some distance from residential development. According to the General Plan, Heavy Industrial development within established areas should be buffered from residential neighborhoods by Light Industrial or Business Park development wherever possible.[10] According to General Plan Policy LU-11.5, the City encourages heavy industrial uses and uses that are incompatible with residential or commercial development to be located along the Agua Mansa Road Corridor, defined as the area along the Santa Ana River south to South Riverside Avenue, with West Agua Mansa Road on the west.[11]

The M-2 zone permits warehousing uses. According to the City's Code of Ordinances (Code of Ordinances), the M-2 zone is consistent with the Heavy Industrial General Plan designation proposed as part of this application. The Code of Ordinances also specifies additional landscaping, parking, and setback requirements for the M-2 zone.[12]

The M-2 zone includes a maximum floor area ratio (FAR) of 0.5 and a maximum building height of three stories or 50 feet. As part of the project application, the project applicant is requesting approval of a Conditional Use Permit (CUP) to allow one of the Proposed Project's two buildings to exceed the 50-foot height limit. The proposed building would have a maximum height of approximately 130 feet.

2.1.4 - Surrounding Land Uses, General Plan, and Zoning Designations

North

The project site is bound by Agua Mansa Road to the north. The Colton Aggregate Plant and quarry site of CalPortland, a manufacturer of cement, ready mixed concrete, aggregates, asphalt, and building and construction supplies is located north across Agua Mansa Road, in unincorporated San Bernardino County. Aggregates mined north of the project site include sand, gravel, and crushed stone.[13] The areas north of the project site are designated General Industrial (GI) in the San Bernardino County General Plan and are zoned Agua Mansa Specific Plan/Heavy Industrial (AM/SP-H IND).[14]

[9] City of Colton. 2020. City of Colton Marijuana Candidate Sites Overlay Zone. January 15. Website: https://www.ci.colton.ca.us/DocumentCenter/View/6639/Marijuana-Candidate-Sites-Overlay-Zone-Citywide. Accessed February 2, 2021.
[10] City of Colton General Plan. 2013. Land Use Element. Website: https://www.ci.colton.ca.us/DocumentCenter/View/1345. Accessed January 22, 2021.
[11] Ibid.
[12] City of Colton. 2013. Code of Ordinances, Chapter 18.28–M-2 Heavy Industrial Zone. Website: https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.28HEINZO_18.28.010INPU. Accessed January 22, 2021.
[13] CalPortland. 2021. Products. Website: https://www.calportland.com/products/?gclid=Cj0KCQiAjKqABhDLARIsABbJrGl3x4qFU5Q6Djcx8M_sfhSMdMKIp1ZcorGei5ZdX_-kxc26-rGX-zUaApXNEALw_wcB. Accessed July 29, 2021.
[14] Williams-Kuebelbeck & Associates. 1986. Agua Mansa Industrial Corridor Specific Plan. July. Website: http://www.sbcounty.gov/Uploads/lus/SpecificPlans/AMSP.pdf. Accessed February 2, 2021.

Areas zoned for Heavy Industrial in the Agua Mansa Industrial Corridor Specific Plan are utilized for manufacturing, resource extraction, compounding of material, packaging, treatment, processing, or assembly of goods. Heavy industrial uses generally are more land intensive than lighter Industrial uses and usually employ processes which produce more measurable externalities. Activities in the heavy industrial areas are likely to have frequent rail and/or truck traffic and involve the transportation of heavy, large-scale products.

South

The Santa Ana River, the Santa Ana River Trail, the former Colton Sanitary Landfill, and La Loma Hills are located south of the project site. As shown on Exhibit 3 and Exhibit 4, the Santa Ana River corridor has a General Plan land use designation of Open Space-Resource and is zoned Open Space Resources (OS-RS) and Public/Institution (P-I) for the areas immediately to the south of the Santa Ana River. Similarly, these areas are designated and zoned OS-RS and P-I, respectively.

The OS-RS designation applies to open space areas necessary for the protection and preservation of unique areas for such purposes as groundwater recharge, flood control, wildlife habitat conservation, and hillside protection. Designated areas include the Santa Ana River and its floodplain, storm drain channels, conservation areas designated for the protection of the Delhi Sands flower-loving fly, and steep hillsides and rock outcroppings within the La Loma Hills and Reche Canyon areas. Complementary uses within the OS-RS designation include cemeteries and recreation and equestrian uses.[15]

The Public/Institutional designation generally includes all major public, quasi-public, and institutional land uses, including the Civic Center, fire stations, hospitals, libraries, community centers, water treatment facilities, waste disposal facilities, and public schools.

East

To the east, the project site is bound by a wastewater treatment plant, truck and trailer storage facility, and a legal, nonconforming single-family residence. Further east are South Rancho Avenue, manufacturing facilities, warehouse facilities, automobile parts and repair shops, a concrete supplier, and a recycling center. The General Plan land use designations for these areas include Heavy Industrial, Public/Institution, and Light Industrial. The areas east of the project site are zoned Light Industrial (M-1), M-2, and P-I.

The Light Industrial designation supports a variety of fabrication, manufacturing, assembly, distribution, and warehouse uses and, to a lesser degree, supporting commercial and office uses. The designation is intended for uses that are compatible with those in nearby commercial and residential districts, and do not produce substantial environmental nuisances (noise, odor, dust/smoke, glare, etc.). Uses may include low-intensity packing, assembly, storage, and similar uses that do not adversely affect surrounding residential, office, educational or commercial land uses.

[15] City of Colton General Plan. 2013. Land Use Element. Website: https://www.ci.colton.ca.us/DocumentCenter/View/1345. Accessed January 22, 2021.

West

Immediately west of the project site is a Walmart warehouse distribution center and associated parking lot. Beyond the Walmart distribution center is a culvert and vacant lands. This area is designated by the General Plan as Heavy Industrial and Public/Institution and is zoned M-2 with an MCS-Marijuana Candidate Sites Overlay. The city limit of the City of Rialto is located approximately 0.43 mile west of the project site with land designated in the City of Rialto's General Plan and Zoning Map as GI[16] and zoned in the Agua Mansa Industrial Corridor Specific Plan.[17]

2.2 - Project Background and Previous Environmental Review

2.2.1 - General Plan

The General Plan is a long-range planning program to guide the orderly growth and development of the Colton planning area over the long term. It is intended to establish the applicable development density and zoning classifications within the City. The General Plan communicates the City's vision of its future and to establish a policy framework to govern decision-making concerning the physical development of the community, including assurances that the community at large will be supported by an adequate range of public services and infrastructure systems.[18]

2.2.2 - General Plan Environmental Impact Report

The City prepared an EIR for the General Plan, which was certified by the City of Colton in 2013. The General Plan EIR is a Program EIR that addresses the environmental impacts associated with implementation of the General Plan, as well as ways the impacts could be reduced to less than significant through implementation of General Plan policies and mitigation measures. A Program EIR is described in Section 15168 of the CEQA Guidelines as an analytical framework to assess the cumulative environmental effects of the full plan, in a first-tier level of analysis, to identify broad concerns and sets of impacts, and to define/develop regulatory standards and programmatic procedures that reduce impacts and help achieve environmental goals and objectives.[19] Later activities proposed pursuant to the goals and policies of the General Plan will be reviewed in light of the General Plan EIR and may focus on those site-specific and localized environmental issues that could not be examined in sufficient detail as part of the General Plan EIR.[20]

The majority of impacts associated with development consistent with the General Plan were either less than significant (with no need for mitigation) or reduced to less than significant levels by the mitigation measures proposed. The General Plan EIR identified significant and unavoidable environmental impacts related to air quality, greenhouse gas emissions, recreation, and transportation. The General Plan EIR's conclusions regarding each topical area are listed in Section 5:

[16] City of Rialto. 2010.Managing Our Land Supply: Land Use, Community Design, Open Space And Conservation. Exhibit 2.2 – Land Use Policy Plan. Website: https://www.yourrialto.com/wp-content/uploads/2015/06/Land-Use-Map.pdf. Accessed February 28, 2021.
[17] City of Rialto. 2013. Official City Zoning Map. July 8. Website: https://www.yourrialto.com/wp-content/uploads/2015/06/Zoning-Map-July-2013.pdf. Accessed February 28, 2021.
[18] City of Colton. 2013. City of Colton General Plan Update. Website: https://www.ci.colton.ca.us/DocumentCenter/View/1947. Accessed December 16, 2021.
[19] Association of Environmental Professionals (AEP). 2021. 2021 CEQA Guidelines Statutes and Guidelines, Section 15168.
[20] City of Colton. 2013. City of Colton General Plan Update. Website: https://www.ci.colton.ca.us/DocumentCenter/View/1947. Accessed December 16, 2021.

Environmental Checklist, of this document. These impacts and the relevant mitigation measures proposed in the General Plan EIR are discussed under each section in this Consistency Checklist. The City adopted a Statement of Overriding Considerations for the General Plan EIR for any remaining impacts that were determined to be significant and unavoidable.

The CEQA Guidelines Section 15183 exemption applies only to the extent that all feasible mitigation measures for a significant effect specified in the General Plan EIR are or will be undertaken by the public agency having jurisdiction to implement such mitigation measures. (CEQA Guidelines § 15183(e)(1),(2)).

To the extent that mitigation measures in the General Plan EIR have not already been implemented and remain applicable to the Proposed Project to ensure identified impacts remain mitigated as analyzed, applicable mitigation measures that apply to the Proposed Project are listed under each section. Accordingly, only the mitigation measures that are applicable to the Proposed Project are listed. The Mitigation Monitoring and Reporting Program (MMRP) prepared for the General Plan EIR remains in effect. To facilitate implementation of applicable mitigation measures, a project-specific MMRP has been prepared, identifying the relevant General Plan EIR mitigation measures.

2.3 - Project Description

2.3.1 - Court Ruling Background

On July 18, 2023, the City approved the Agua Mansa Logistics Center Project as detailed more fully below. Following the City's approval of the Project, South Colton Families First and Marlene Salazar Pongs filed an action alleging that the previous CEQA Guidelines Section 15183 Consistency Checklist failed to comply with CEQA and that a parking variance was approved in violation of law. (*South Colton Families First, et al. v. City of Colton, et al*., San Bernardino County Superior Court Case No. CIVSB2317228.)

On June 3, 2024, the Superior Court of California, County of San Bernardino (Court) upheld the adequacy of the previous CEQA Guidelines Section 15183 Consistency Checklist in all aspects with the exception that:

(1) Significant operational air quality impacts found in the CEQA Guidelines Section 15183 Consistency Checklist were not demonstrated to be substantially mitigated by previously adopted and uniformly applied policies and procedures, such that they are not peculiar environmental effects; and

(2) The CEQA Guidelines Section 15183 Consistency Checklist analysis failed to demonstrate that feasible mitigation measures for operational air quality impacts were considered in light of the General Plan EIR requirements.

The Court concluded that "[i]t appears that if the City is unable to implement feasible mitigation measures specified in the EIR or find uniformly applied development policies or standards previously adopted by the City will substantially mitigate environmental effects, then the Section 15183 exemption does not apply to significant operational air quality impacts."

This revised CEQA Guidelines Section 15183 Consistency Checklist does both by applying additional environmental measures. This revised checklist (1) implements feasible mitigation measures specified in the EIR and (2) finds that uniformly applied development policies or standards previously adopted by the City will substantially mitigate environmental effects.

The Court also held that the factors and evidence the City considered were insufficient to meet the requirements for a parking variance under Government Code Section 65906. The Proposed Project has withdrawn the request for a parking variance and this revised CEQA Guidelines Section 15183 Consistency Checklist deletes any reference to the prior variance request.

The Court entered its Judgment and Writ on November 19, 2025. The Court's retained jurisdiction on the revised CEQA Guidelines Section 15183 Consistency Checklist is limited to ensuring the City has complied with the Court's June 3, 2024, ruling:

> [T]he trial court's retained jurisdiction under Public Resources Code Section 21168.9, subdivision (b) is limited to ensuring compliance with the peremptory writ of mandate. After considering the petitioner's challenges to an EIR or other agency action and rendering a final judgment and peremptory writ of mandate, a trial court evaluating a return to the writ may not consider any newly asserted challenges arising from the same material facts in existence at the time of the judgment. To do so would undermine the finality of the judgment.
>
> Accordingly, we conclude that any challenge to an EIR or other agency action arising from facts in existence before the entry of judgment must be asserted in the proceeding before the entry of judgment. The failure to assert such a challenge before the entry of judgment or the failure to successfully appeal the judgment on an issue arising from facts in existence before the entry of judgment precludes a party from asserting the challenge in connection with post-judgment proceedings concerning compliance with the writ.
>
> (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 480-481).)

2.3.2 - Development Summary

The project applicants, Lineage Logistics and IDI Logistics, propose to develop two industrial warehouse buildings totaling approximately 930,466 square feet and associated driveways, parking lots, sidewalks, curbs, fencing, gates, lighting, and landscaping on the approximately 59-acre project site (Exhibit 5). As shown on Exhibit 6a and Exhibit 6b, the Proposed Project would dedicate portions of Agua Mansa Road to the City and would vacate portions of this roadway in order to realign Agua Mansa Road with the northern boundary of the project site. Easements for Southern California Edison (SCE), as well as for storm drains, reciprocal access, water, sewer, pipelines, telecommunications, and County flood control would be located primarily on the east and southeast sides of the project site and along the southern boundary. The Proposed Project would require City approval of the project applicants' request for an Architectural/Site Plan Review, Tentative Parcel Map to consolidate lots (including any easements, dedications, etc.), CUP to allow for the

construction of a building that would be approximately 130 feet in height, Major Historic Certificate of Appropriateness, a Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR), and Development Agreement.

Building 1 would be a 2-story, approximately 474,021-square-foot automated freezer facility with approximately 77,564 square feet of mezzanine space located on approximately 35 acres in the western portion of the project site. Lineage Logistics has applied for a CUP to allow the maximum height of Building 1 to be approximately 130 feet. The freezer facility would be operated by Lineage Logistics. The majority of Building 1 would be a freezer capable of maintaining lows of -20°F (degrees Fahrenheit) but typically operating at -5°F, with dock temperatures ranging from 38°F to 45°F. The freezer facility would operate 24 hours per day, 7 days per week, and would employ approximately 60 employees in two 12-hour shifts. No employees would work in the freezer unit, except during routine maintenance, as the freezer unit would be fully automated. The dock would have approximately 25 to 30 employees in this area at a time, and the automated dock mezzanine would be staffed with five employees at a time. The mechanical area would be staffed by one maintenance person. The office area would consist of two levels. The first level would support the loading dock and employees, and the second level would be for office administration, with a staff of approximately 10 to 15 employees. Because 90 percent of this facility would either be automated or mechanical, the total occupant load would be greatly reduced (compared to typical warehouse operations) with a total of approximately 60 people per shift.

Building 2 would be an approximately 456,445-square-foot speculative concrete tilt-up structure constructed on approximately 24 acres in the eastern portion of the project site. Building 2 would consist of 114,000 square feet of High-Cube Cold Storage Warehouse use (25 percent of total building square footage) and 342,000 square feet of High-Cube Fulfillment Center Warehouse use (75 percent of total building square footage). Building 2 would be a rear-loaded building, with all the dock loading doors facing away from the street, which would allow for additional on-site queueing for both in-bound and out-bound trucks and reduce the visual impact of the trucks from the public street. Building 2 would have a maximum height of approximately 50 feet which is consistent with the maximum allowable height limits of the M-2 zone.

The specifications for Buildings 1 and 2 are summarized in Table 1, below.

Table 1: Building Uses

Use	Building 1[1]	Building 2[1]
Office	20,506 square feet	10,000 square feet
Cold loading dock	96,293 square feet	–
Automated cold mezzanine	62,718 square feet	–
Freezer	278,505 square feet	114,000 square feet
Support Area	4,593 square feet	–
Ref Area Mezzanine	4,593 square feet	–

Use	Building 1[1]	Building 2[1]
Warehouse	Included in freezer/refrigerator square footage	332,000 square feet
Fire Pump House	–	445 square feet
Total	**474,021 square feet**	**456,445 square feet**
Parking required	314 stalls	269 stalls
Parking provided	314 stalls	270 stalls
Dock high door positions	49	79
Trailer parking positions	340	141
Gross site area	1,524,685 square feet (35 acres)	1,045,355 square feet (24 acres)

Notes:
[1] All area measurements are approximate.

2.3.3 - Parking and Circulation

Local access to the project site is provided by Agua Mansa Road, which intersects Main Street and South Rancho Avenue near the project site. The primary truck access points to the local freeway system would be from I-215 at the La Cadena Drive interchange and from State Route (SR) 60 at the Main Street exit.

The main access driveway for trucks entering and exiting the project site would be the existing 50-foot driveway on Agua Mansa Road. A new approximately 26-foot driveway would provide passenger vehicle access to Building 1 in the western portion of the project site, and a new approximately 40-foot driveway would provide passenger vehicle and truck access to Building 2. A large parking lot would be constructed in the center of the project site, between Building 1 and Building 2.

The Code of Ordinances outlines parking requirements for each zoning classification to ensure an adequate number of parking stalls are provided. Within the M-2 zone, the first 10,000 square feet of warehouse space requires one parking stall for every 1,000 square feet. After the first 10,000 square feet, one parking stall is required per every 2,000 square feet. The Code of Ordinances also requires one parking space for every 250 square feet of office space. The total required parking spaces would be 314 stalls for Building 1 and 269 stalls for Building 2. The Proposed Project would provide a total of 314 automobile parking spaces for Building 1, and 270 automobile parking spaces for Building 2, for a total of 584 automobile parking spaces, which meets the parking requirements outlined in the Code of Ordinances.

The Proposed Project would provide 481 trailer stalls: 340 stalls for Building 1, and 141 stalls for Building 2. Bicycle racks would also be provided. Additionally, 2022 California Green Building Standard Codes (CALGreen) would be applicable to the Proposed Project, including 130 or more designated parking spaces for clean air vehicles (any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles), and installation of electric vehicle (EV) supply equipment to support future charging stations.

2.3.4 - Emergency System and Access

The high freezer portion of Building 1 would have a 100 percent fully automatic dry double-lock pre-action fire suppression system. The building would have a standard sprinkler system, a smoke aspiration detection system with detection points on the roof and inside the racking, and standard smoke detection systems. Emergency access would be provided via a fire access road that would allow emergency vehicles to access the entire perimeter of the facility at any time. The building would have fire access doors with fire signals located every 100 feet around the perimeter of the facility.

The refrigeration system of Building 1 would be a completely closed ammonia system with a central machine room located in the mechanical wing of the facility. This room would be on a mezzanine level located and surrounded by concrete panel walls, concrete floor, and standard roof framing system. In the event of an emergency, the system will automatically shut down, the ammonia would be purged from inside the building directly to the high-pressure receiver located on the exterior of the facility, and the emergency prevention/safety protocol plan would be put in place.

2.3.5 - Landscaping and Fencing

The City requires that a minimum of 15 percent of the project site be utilized for landscaping purposes, which equates to approximately 385,506 square feet of landscaping for both proposed buildings. The Proposed Project includes approximately 419,097 square feet of landscaping, well in excess of the minimum requirements. Project landscaping would be located along setbacks, in parking lots, and along the frontage of buildings. Trees, shrubs, and groundcover would include native plants and vegetation to reduce water use, such as blue palo verde (*Parkinsonia florida*), desert willow (*Chilopsis linearis*), California pepper tree (*Schinus mole*), Mexican sage (*Salvia leucantha*), and rosemary (*Rosmarinus officinalis*) (Exhibit 7). The landscape area for Building 1 would be approximately 237,372 square feet, or 15.57 percent of the project site, and the landscape area for Building 2 would be approximately 181,725 square feet, or 17.38 percent of the project site. The landscape for both buildings would be coordinated by a single landscape architect to ensure a continuous aesthetic. Landscaping along the street frontage would be approximately 20 feet from sidewalk to the auto parking area, with a mix of plantings including 36-inch and 24-inch box trees at 20 feet on center and groundcover and shrubbery to soften the streetscape.

Fencing on the project site would include an approximately 8-foot-tall black tubular steel picket fence that would be installed around the western and southern perimeters of the project site, as well as an approximately 14-foot-tall painted concrete screen wall that would be installed just outside the required 20-foot front yard minimum setback along the northern perimeter of the project site, extending around the parking lot in the center of the site (Exhibit 8).

2.3.6 - Building Design and Appearance

A complex construction method called a “rack supported system” would be required for the proposed Building 1. Under the rack supported system, racking that is used to store product on pallets would also support the building walls, roof, refrigeration, and automation systems. This construction method is used for single-story, fully automated buildings from 85 feet to 160 feet tall,

and not occupied by personnel. This method eliminates the need for structural steel columns, structural roof joist, and column foundations and is appropriate for seismic areas.

The proposed warehouse buildings would be painted with gray and metal exteriors (Exhibit 9). The two buildings would use complementary colors and materials to the extent possible due to the unique operational qualities of Building 1. Colors and materials for Building 2 would be light gray concrete walls with blue glass and clear anodized accent canopies at the main building entries. Building 2 would also have vertical and horizontal articulation in order to create visual interest and break up the mass of the building facing the street. Both of the proposed buildings would be energy-efficient and would utilize modern technology. Building 1 would also utilize highly advanced automation and cold freezer technology.

The approximately 130-foot height limit for Building 1 is required to accommodate the rack supported automated freezer and loading dock, automated internal cranes, and internal refrigeration equipment that enables long-term storage of frozen products on pallets. The approximately 56-foot height portion of the building would consist of an automated cold dock, mechanical area, and an office. The exterior architectural wall system for Building 1 would be constructed from a lightweight freezer panel, which would allow the panels to be hung from the rack supported frame instead of being mounted to the exterior.

The ground and mezzanine levels of Building 1 would be framed using decorative/structural concrete exterior wall panels, standard structural columns, and standard structural roof framing. The shipping and receiving areas and advanced automation sorting and distribution hubs would be located on the ground and mezzanine level, inside the dock. Products would be loaded and unloaded manually from the freezer trucks and transferred to the automation hub, where it would either be distributed into the freezer for storage or discharged to a trailer to be manually loaded. The mezzanine level would also contain an additional automation system that would receive pallets directly from the freezer which would then be sorted and returned to the freezer for storage or to the ground level for discharge. A mechanical support area connected to the loading dock would house the electrical, fire protection, refrigeration, and maintenance support for the entire facility. An office consisting of a ground floor and mezzanine would be connected to the dock.

2.3.7 - Utilities

The City provides electric, water, and wastewater services to the project site.[21] The City contracts with the CR&R, Inc. Inland Regional Material Recovery Facility, located at 2059 East Steel Road in Colton, for solid waste, green waste, organic, and recycling disposal.[22] Southern California Gas Company (SoCalGas) provides natural gas services to properties within the city limits within the Southern System—West of Moreno service zone.[23]

[21] City of Colton. 2020. Utility Billing Services. Website: https://www.ci.colton.ca.us/166/Utility-Billing-Services. Accessed February 10, 2020.

[22] City of Colton. 2020. Refuse and Recycling. Website: https://www.ci.colton.ca.us/465/Refuse-Recycling. Accessed February 10, 2020.

[23] Southern California Gas Company (SoCalGas). 2016. Map Showing Local Service Zones of Southern California Gas Company. Website: https://www2.socalgas.com/regulatory/tariffs/tm2/pdf/Local_Svc_Zones.pdfl. Accessed February 10, 2020.

Proposed storm drain easements would be located along the southern perimeter of the project site and along the eastern border of the project site. A proposed sewer easement would be located on the northeast corner of the project site.

Wastewater would be conveyed to a 21-inch City trunk main (gravity) at the intersection of Agua Mansa Road and Rancho Avenue northeast of the project site. This 21-inch main conveys flows south about 1,000 feet, before discharging at the City of Colton's sewer waste treatment plant which abuts the east property line of the project site. As part of the Proposed Project, this design feature would improve plant operations to divert flows from the 21-inch City main directly to the main plant sump and lift station, and allowing the flows in the 21-inch main to drawdown quicker, creating upstream capacity for the overall system.

2.3.8 - Off-site Improvements

The City is in the process of upgrading the sewer waste treatment plant; however, the precise design and timing for implementation of the improvements is unknown and too speculative to analyze in this evaluation. Accordingly, the Proposed Project would also include off-site improvements to public infrastructure, to accommodate the anticipated increase in traffic induced by the Proposed Project. Proposed off-site improvements include the following and are shown on Exhibit 10:

- Installation of a traffic signal at Driveway 3 of Agua Mansa Road.
- Construction of Agua Mansa Road at its ultimate half-width (96-foot right-of-way) from the project site's western boundary to the eastern boundary, and 3 additional feet for a landscaping easement along the entire south side of the entire project frontage to be maintained by the developer.
- Modification to Driveway 1, 3, and 4 to provide a 45-foot curb radius. The Driveway 1 drive aisle would be shifted by 14 feet and the Driveway 4 drive aisle would be shifted by 5 feet.

Other off-site improvements include capacity improvements to the sewer system that serves the project site. These improvements would accommodate the discharge from the Proposed Project until such time as planned upgrades are completed to the City's sewer waste treatment plant. These improvements include modifications to the plant operations, diverting flows from the 21-inch City main directly to the main plant sump and lift station, and allowing the flows in the 21-inch main to drawdown quicker, creating upstream capacity for the overall system.

Additionally, the project applicants would dedicate portions of Agua Mansa Road to the City and would vacate portions of this roadway to realign Agua Mansa Road with the northern boundary of the project site. Easements for SCE, as well as for storm drains, reciprocal access, water, sewer, pipelines, telecommunications, and County flood control would be located primarily along the east and southeast boundaries of the project site and along the southern boundary.

2.3.9 - Phasing and Construction

An approximate construction schedule is shown below in Table 2 for Buildings 1 and 2.

Table 2: Construction Schedule

Phase	Date	Duration
Building 1		
Site preparation	Q2 2023	3 months
Grading	Q3 2023	2 months
Building Construction	Q4 2023	14 months
Paving	Q4 2024	2 months
Architectural Coating	Q4 2024	2 weeks
Building 2		
Site preparation	Q4 2023	1 month
Grading	Q4 2023	2 months
Building Construction	Q1 2024	8 months
Paving	Q4 2024	2 months
Architectural Coating	Q4 2024	6 weeks

2.4 - Discretionary Approvals

The following discretionary approvals and permits are required by the City for implementation of the Proposed Project:

- CEQA Guidelines Section 15183 Consistency Checklist.
- Architectural/Site Plan Review for the development of two warehouse facilities.
- Tentative Parcel Map No. 20358 to consolidate lots (including any easements, dedications, etc.).
- CUP to allow a building height of 130 feet for Building 1.
- Major Historic Certificate of Appropriateness.
- Development Agreements DAP-001-668 and DAP-001-716.
- FEMA LOMR.

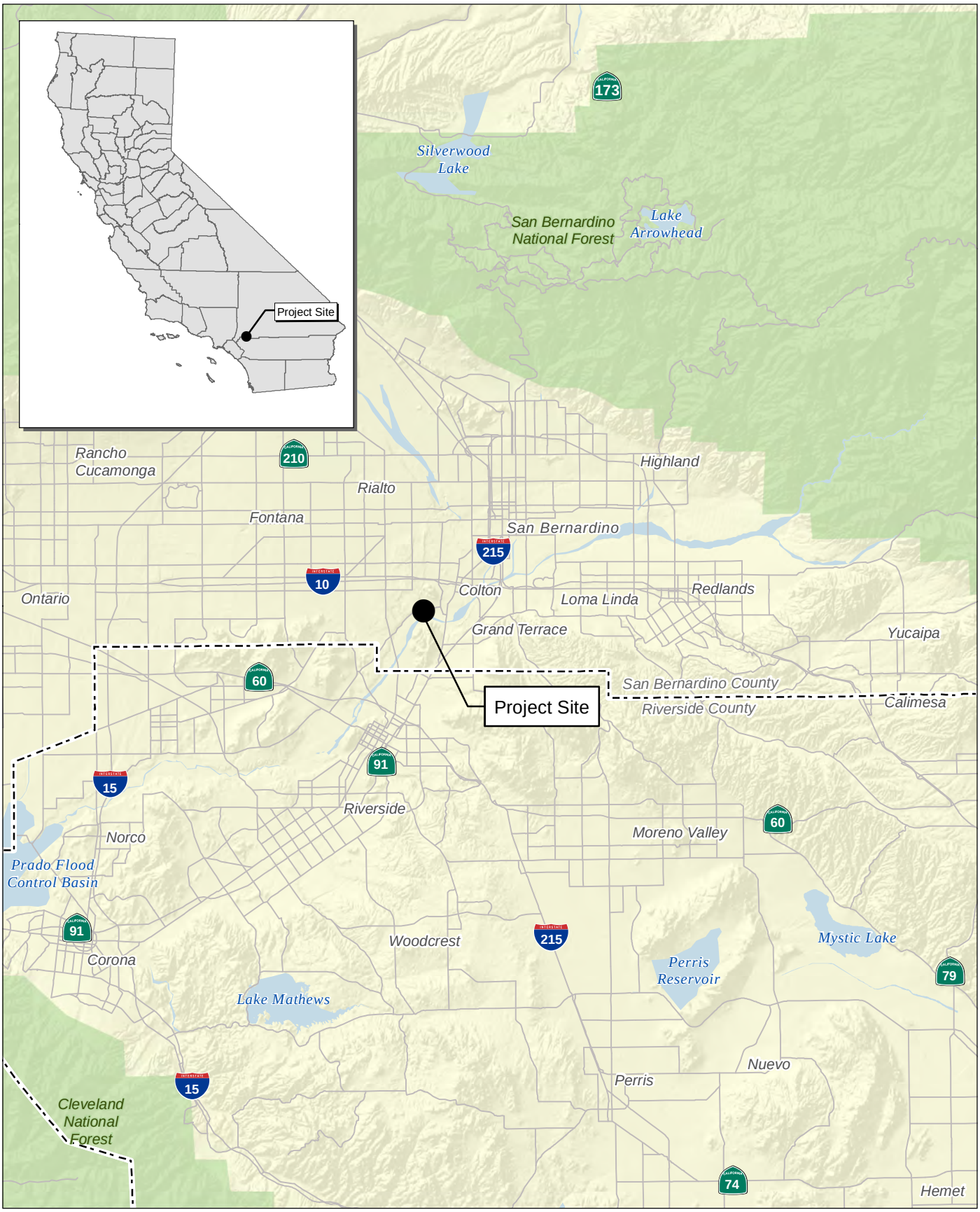
Subsequent ministerial actions would be required for the implementation of the Proposed Project including issuance of grading and building permits.

2.4.1 - Responsible and Trustee Agencies

A number of other agencies in addition to the City may serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Sections 15381 and 15386. This Consistency Checklist will provide environmental information to these agencies and other public agencies, which may be required to

grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- Regional Water Quality Control Board, Santa Ana Region
- California State Water Resources Control Board
- South Coast Air Quality Management District
- California Department of Fish and Wildlife
- San Bernardino County Flood Control District



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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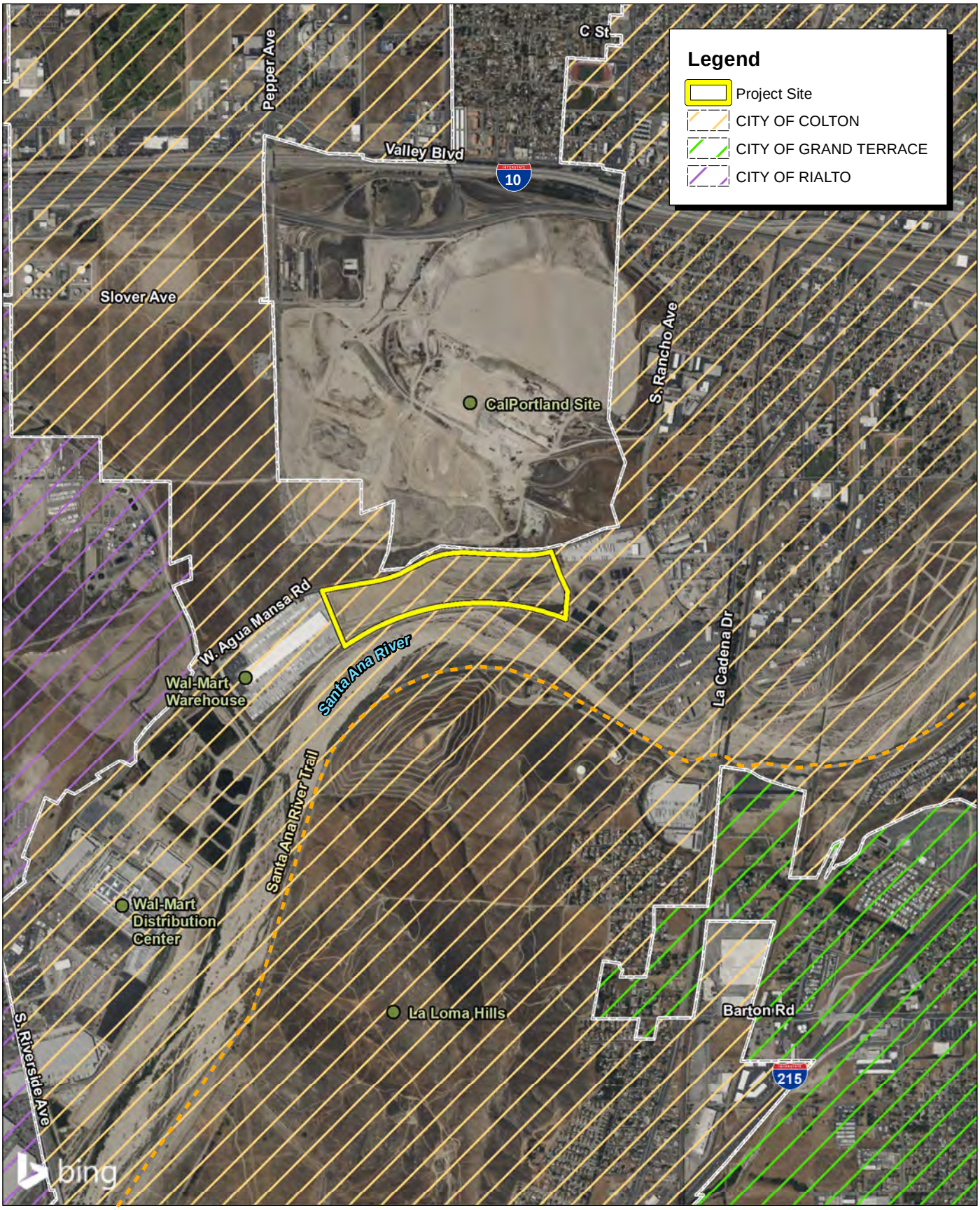
5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

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CITY OF COLTON
AGUA MANSA LOGISTICS CENTER
INITIAL STUDY/CONSISTENCY CHECKLIST

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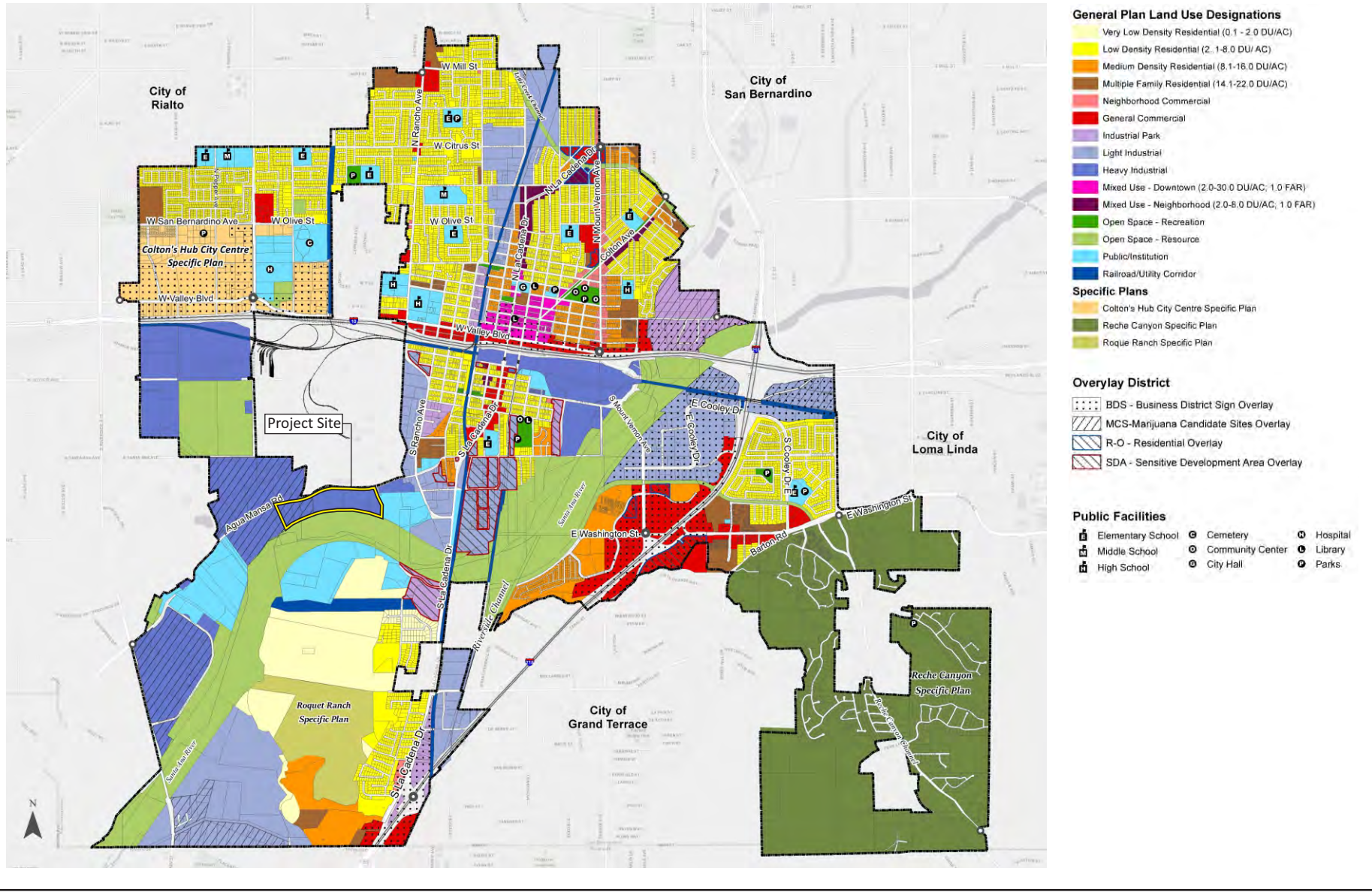
Source: Bing Aerial Imagery.

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1,900 950 0 1,900 Feet

Exhibit 2
Local Vicinity Map

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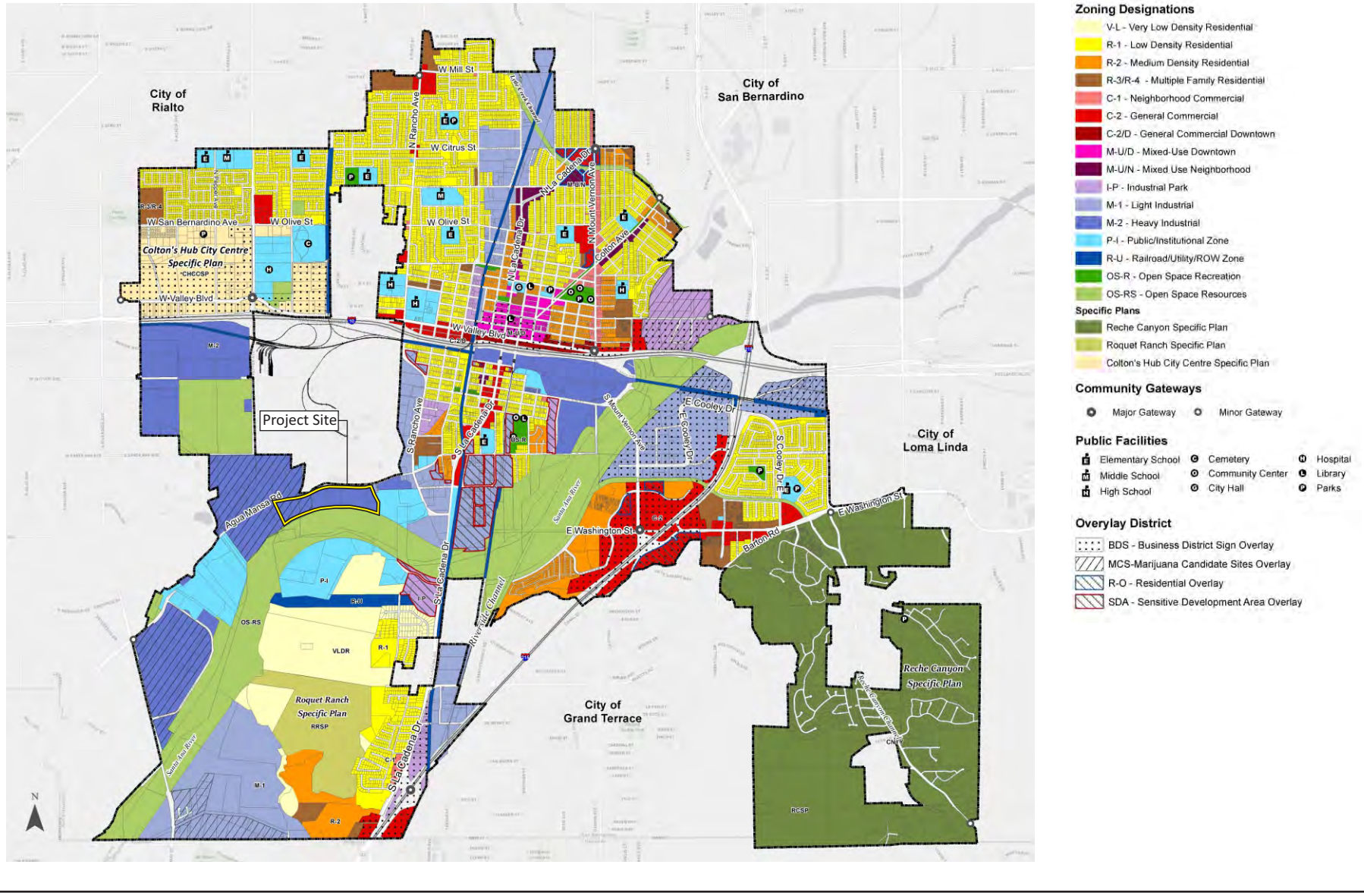


Source: City of Colton, July 9, 2019.

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Exhibit 3
Existing General Plan Land Use Map

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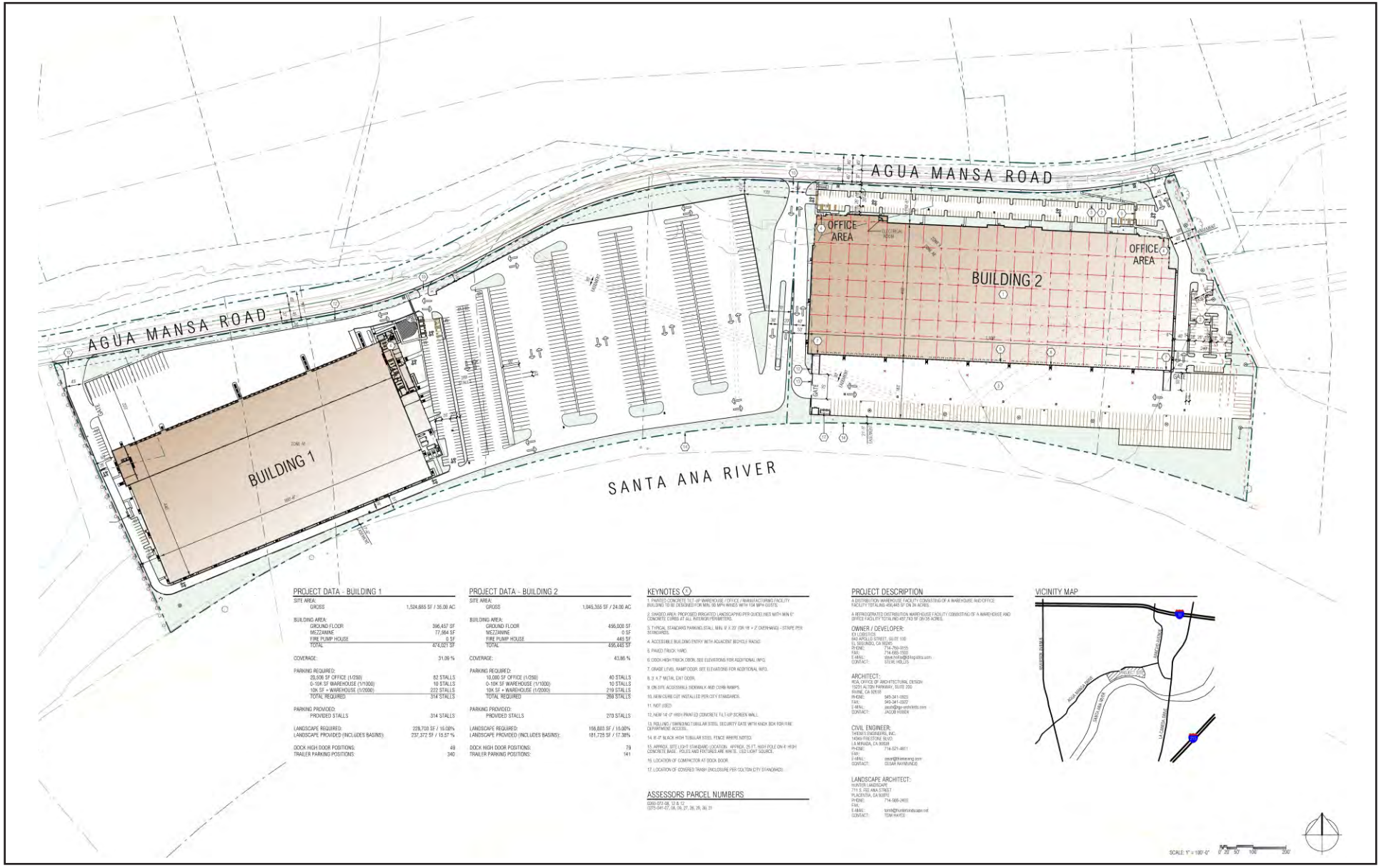


Source: City of Colton, July 9, 2019.

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Exhibit 4
Existing Zoning Map

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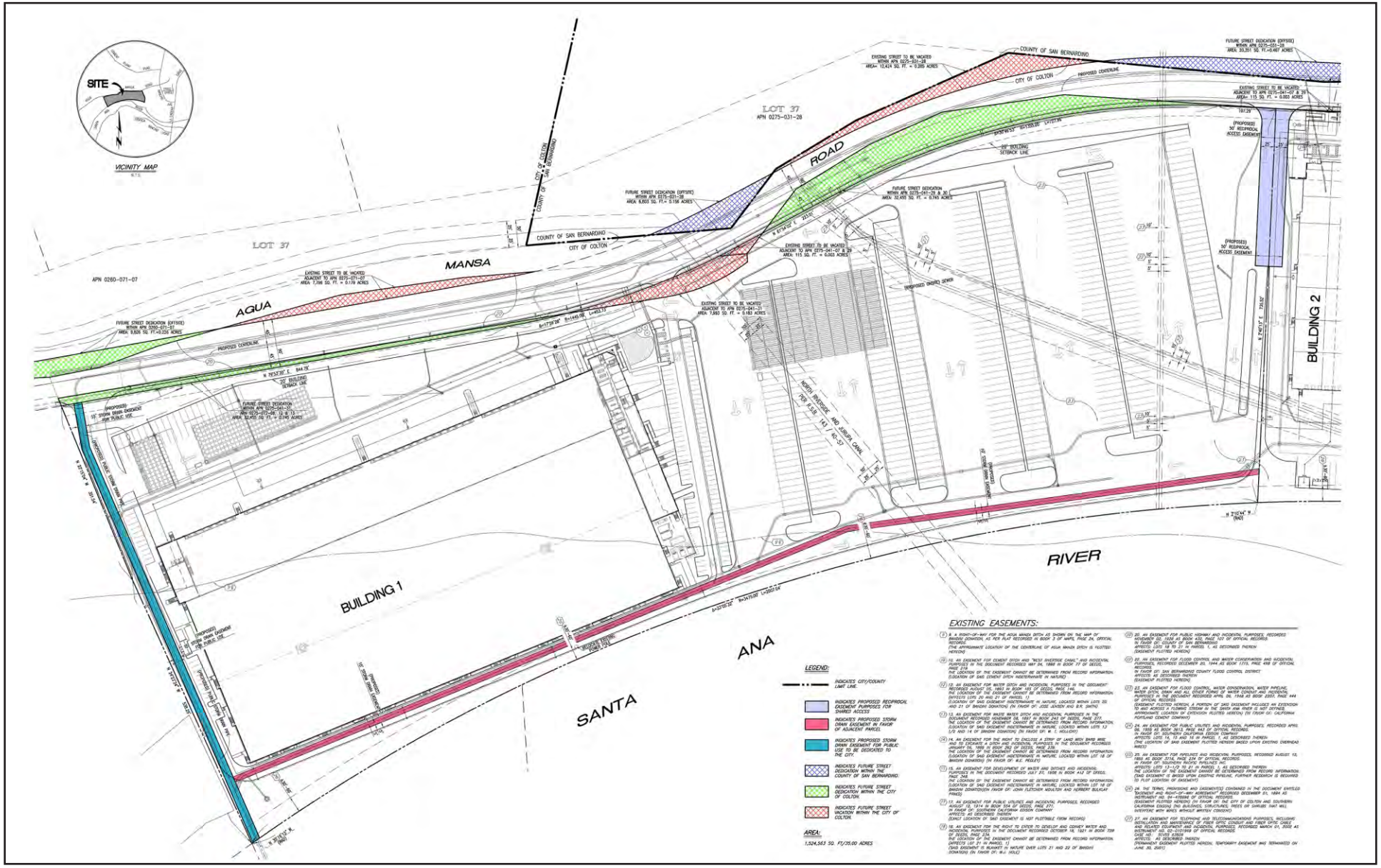


Source: RGA Office of Architectural Design, 5/27/2025.

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Exhibit 5
Overall Site Plan

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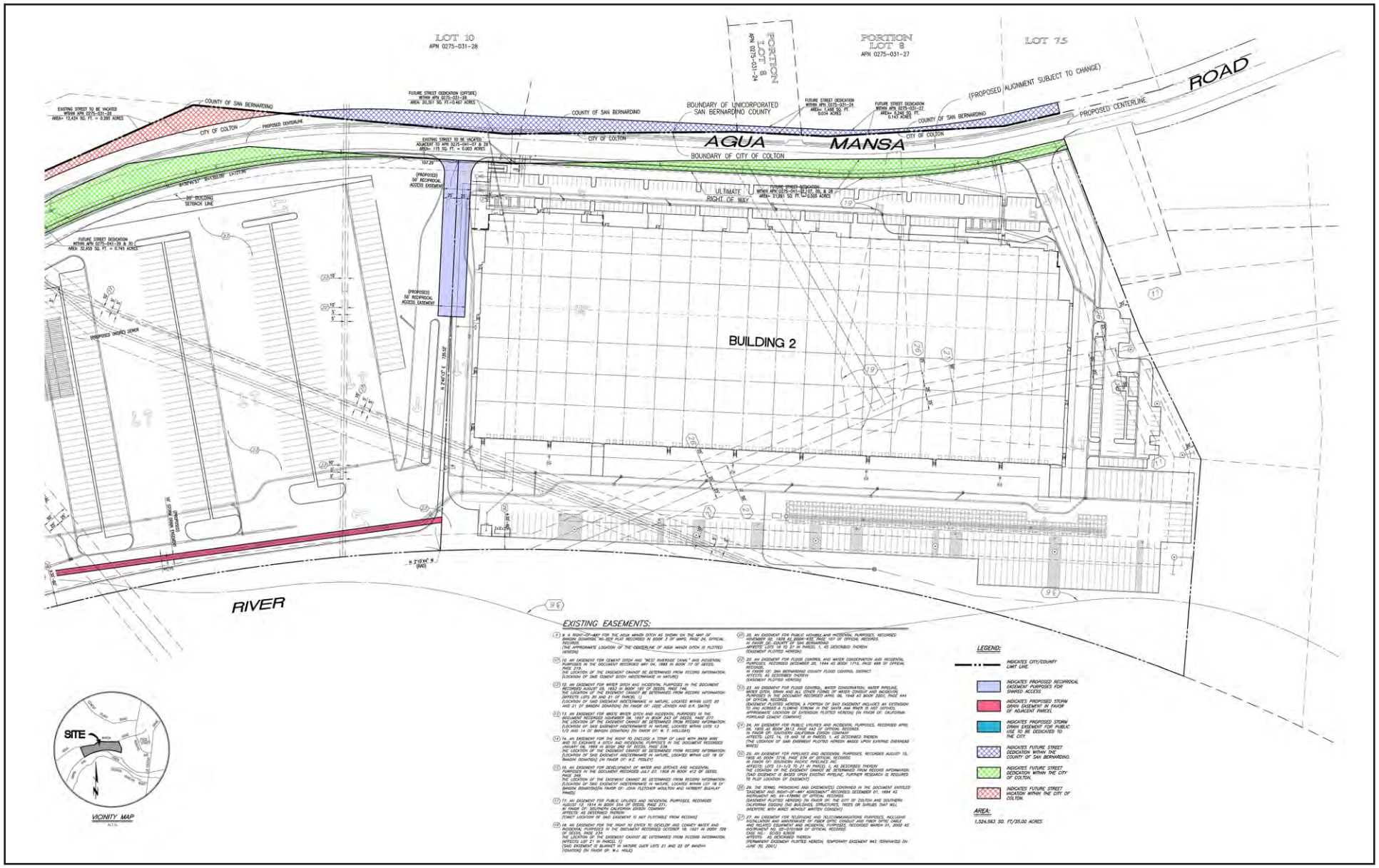


Source: Thienes Engineering, Inc., 09/25/2022.

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Exhibit 6a
Building 1 Easements and Dedications

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Source: Thienes Engineering, Inc., 09/25/2022.

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Exhibit 6b
Building 2 Easements and Dedications

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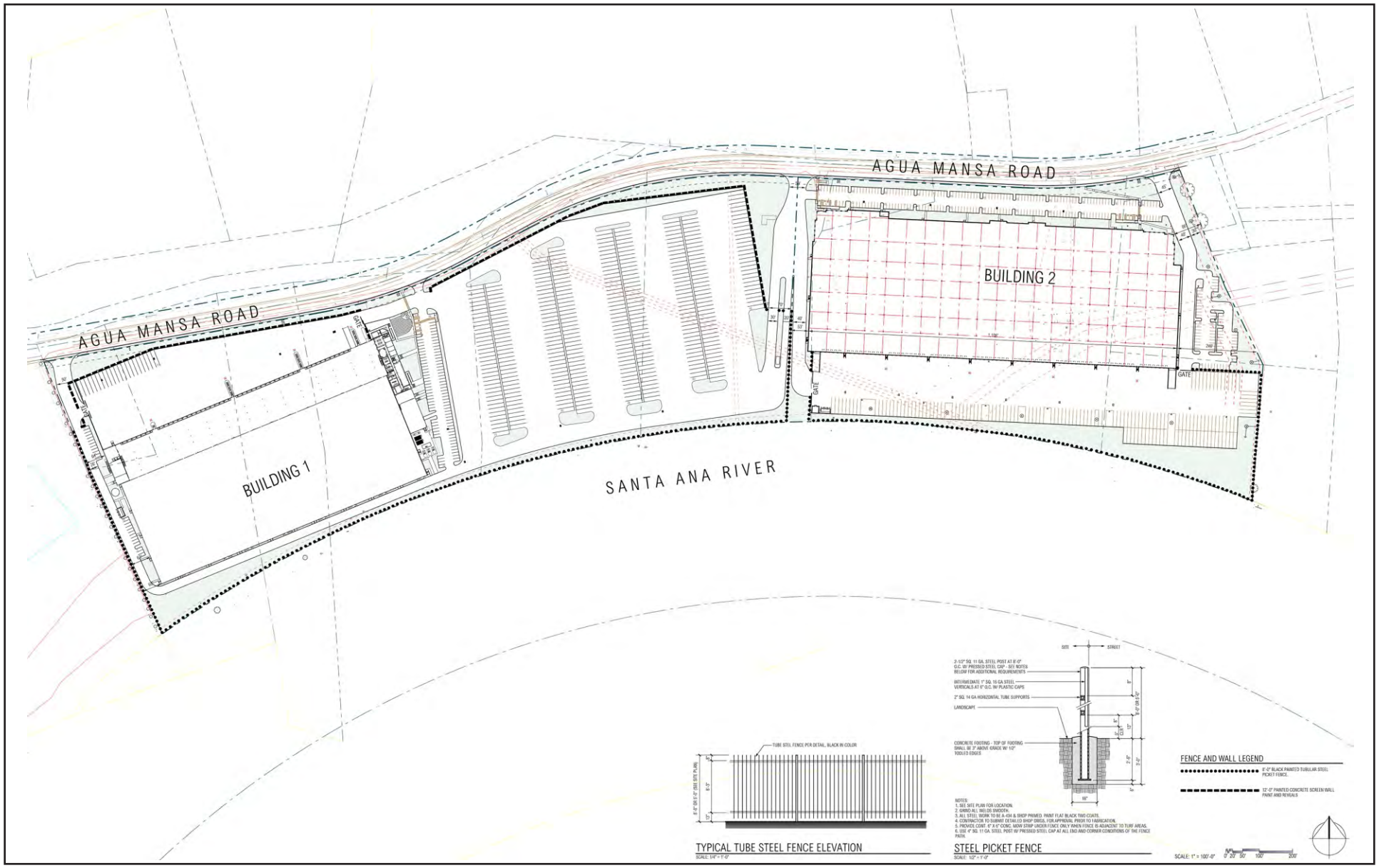


Source: Hunter Landscape, 09/13/2022.

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Exhibit 7
Conceptual Landscape Plan

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Source: RGA Office of Architectural Design, December 16, 2020.

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Exhibit 8
Fencing Plan

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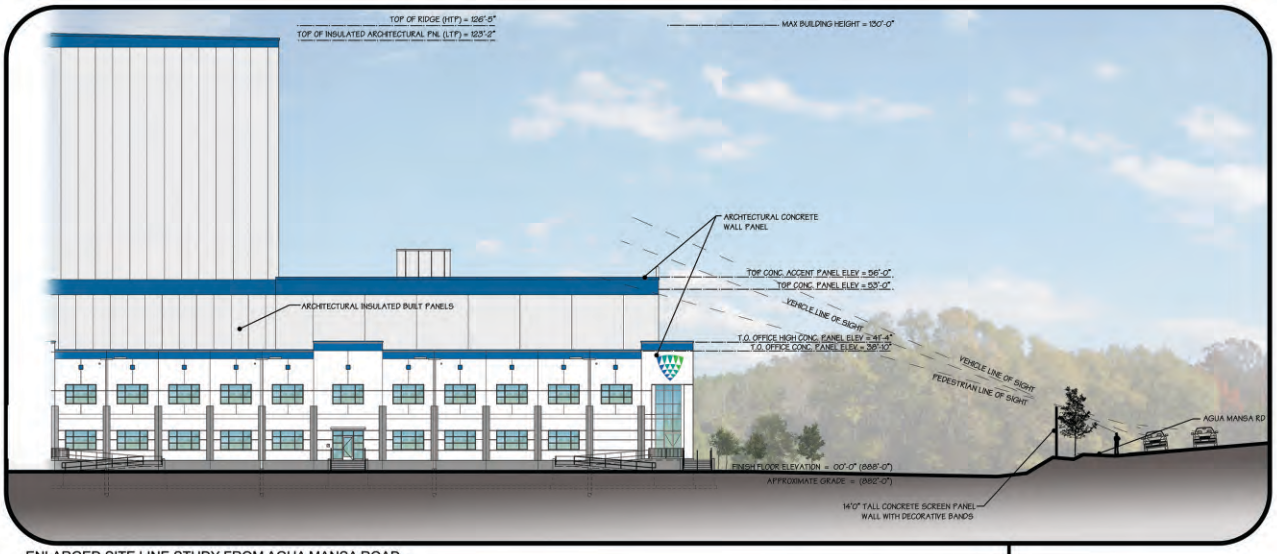
ELEVATION 01 - WITH NO SCREEN WALL 600'-0" AWAY



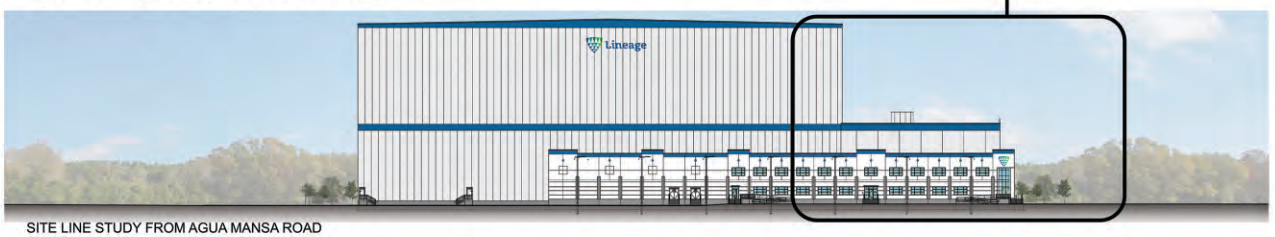
ELEVATION 02 - WITH SCREEN WALL STANDING 600'-0" AWAY(W/ TREES)



ELEVATION 03 - WITH SCREEN WALL STANDING 600'-0" AWAY



ENLARGED SITE LINE STUDY FROM AGUA MANSA ROAD



SITE LINE STUDY FROM AGUA MANSA ROAD

Source: RKB Architects Inc., February 16, 2022.

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Exhibit 9
Elevation Plans

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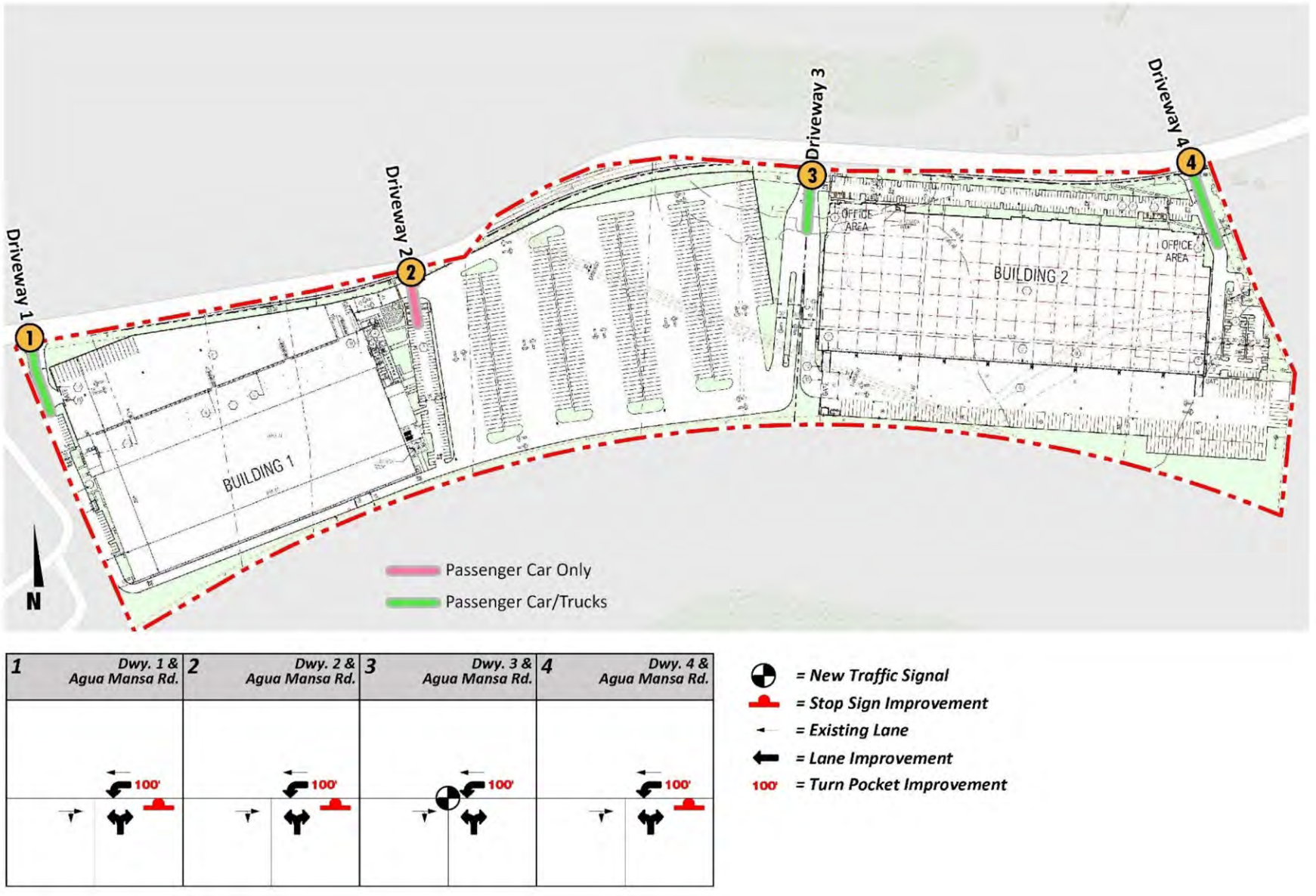


Source: Urban Crossroads.

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Exhibit 10a
Preliminary Site Plan

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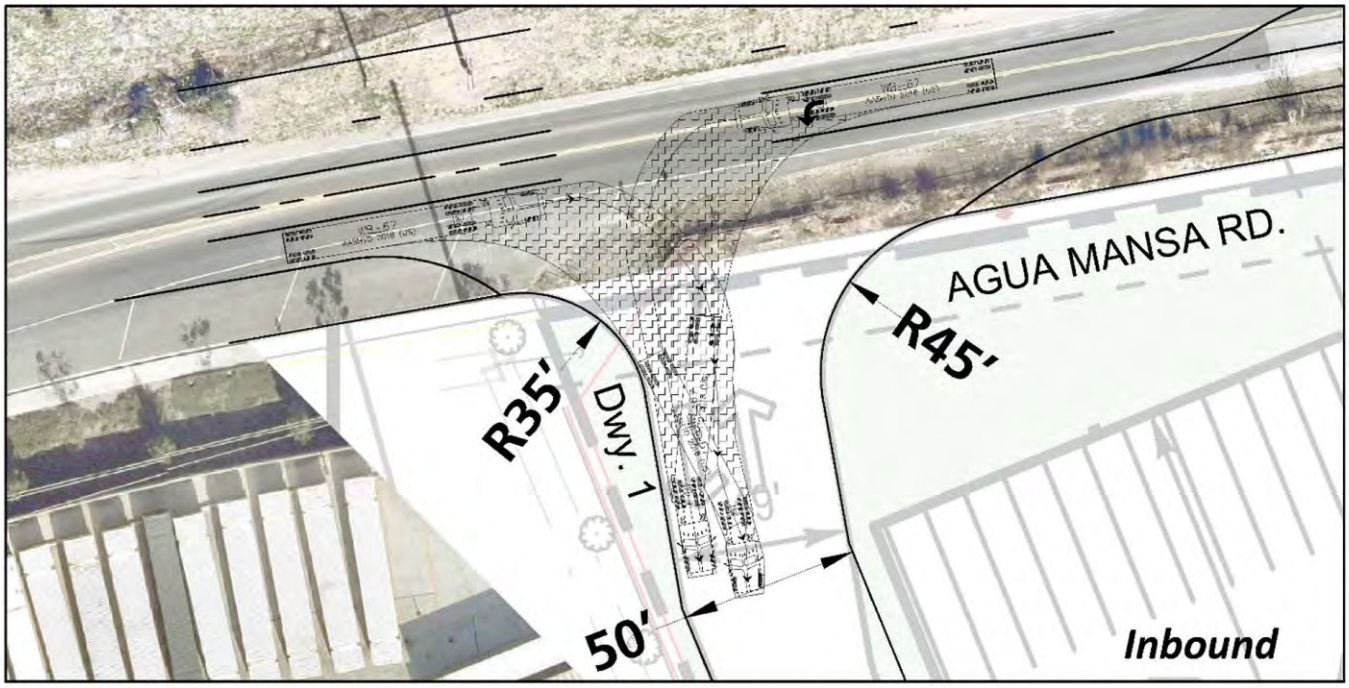


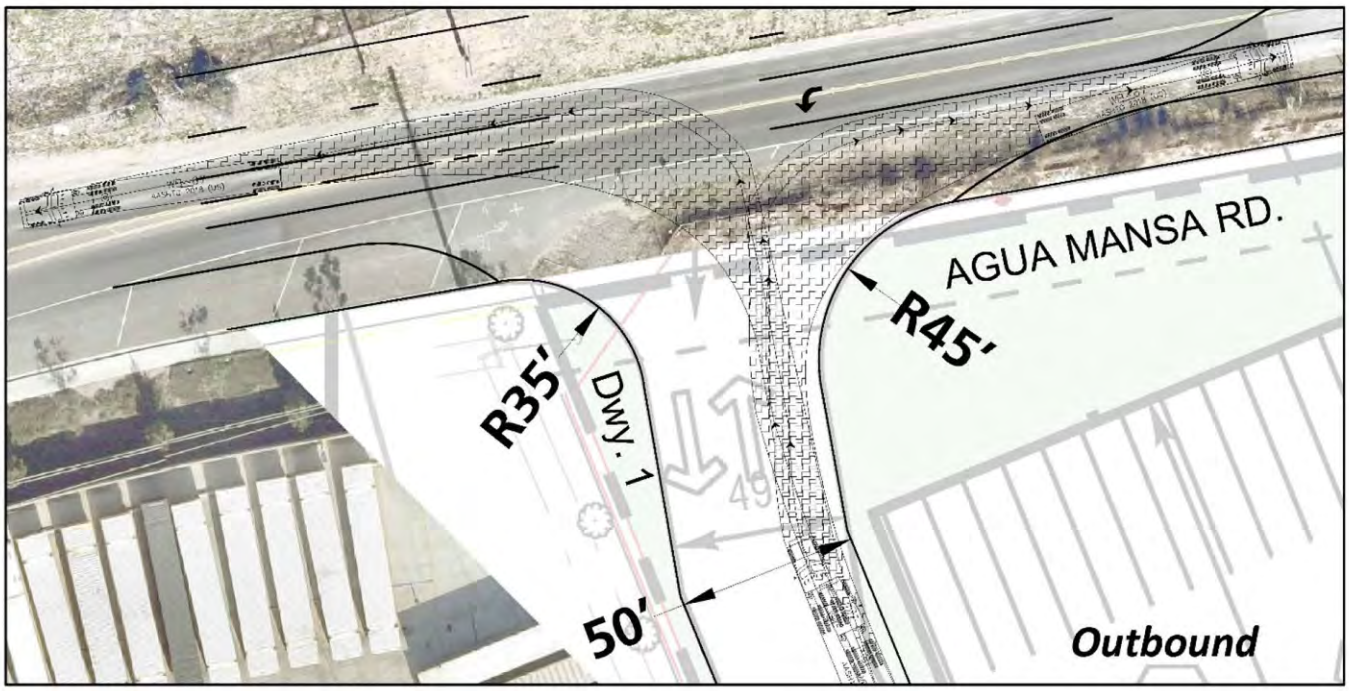
Source: Urban Crossroads.

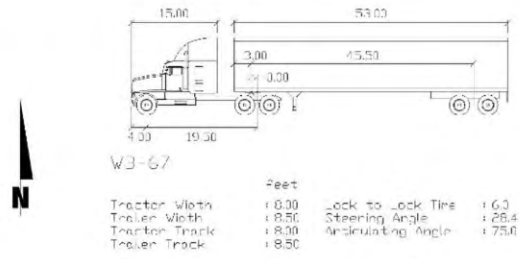
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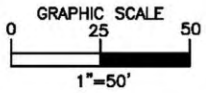
Exhibit 10b
Site Adjacent Roadway and Site Access Recommendation

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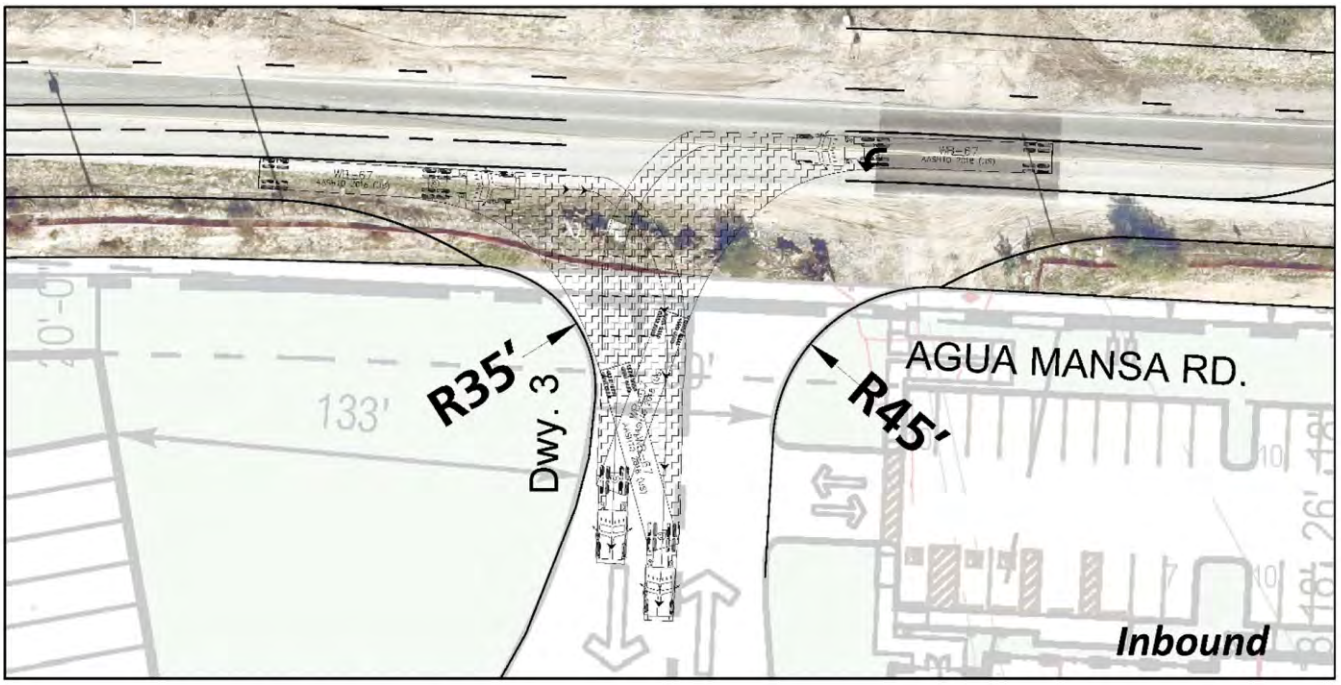


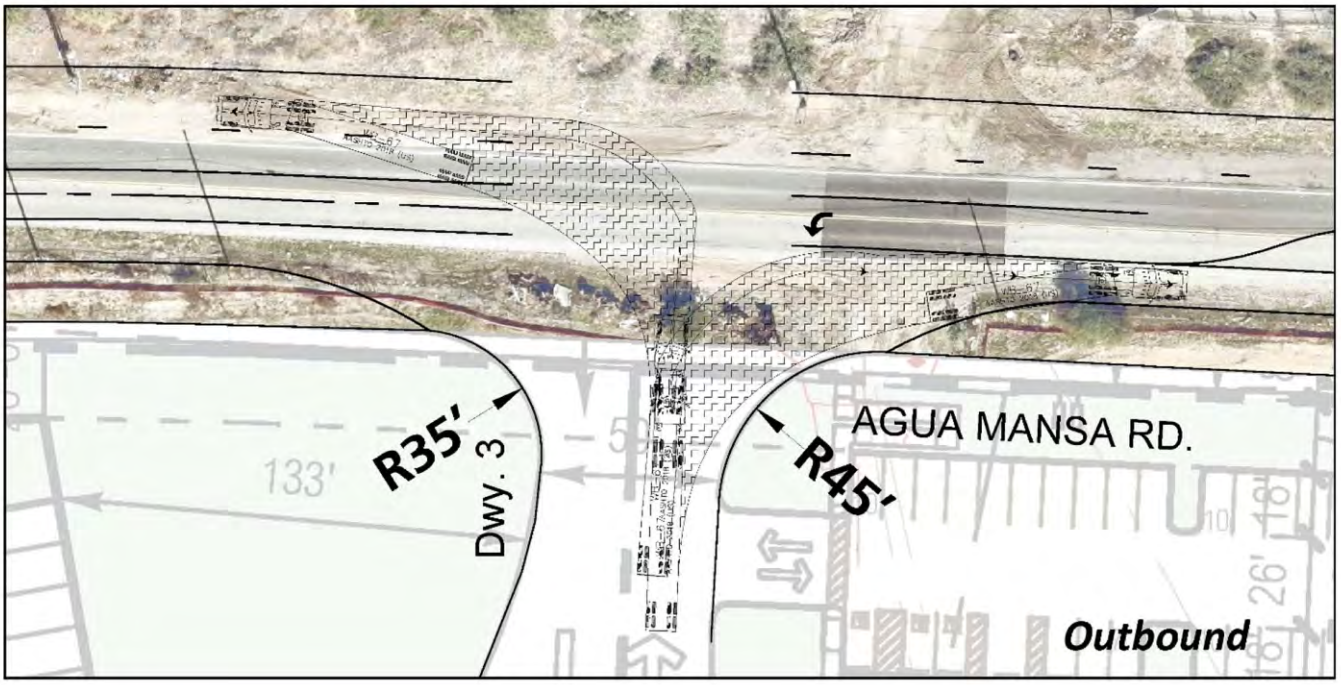
Source: Urban Crossroads.

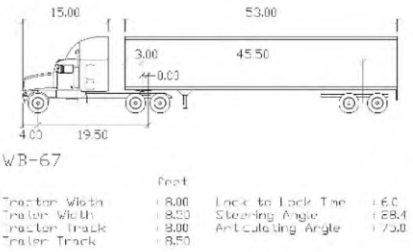
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Exhibit 10c
Truck Access (1 of 3)

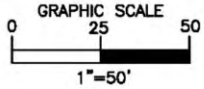
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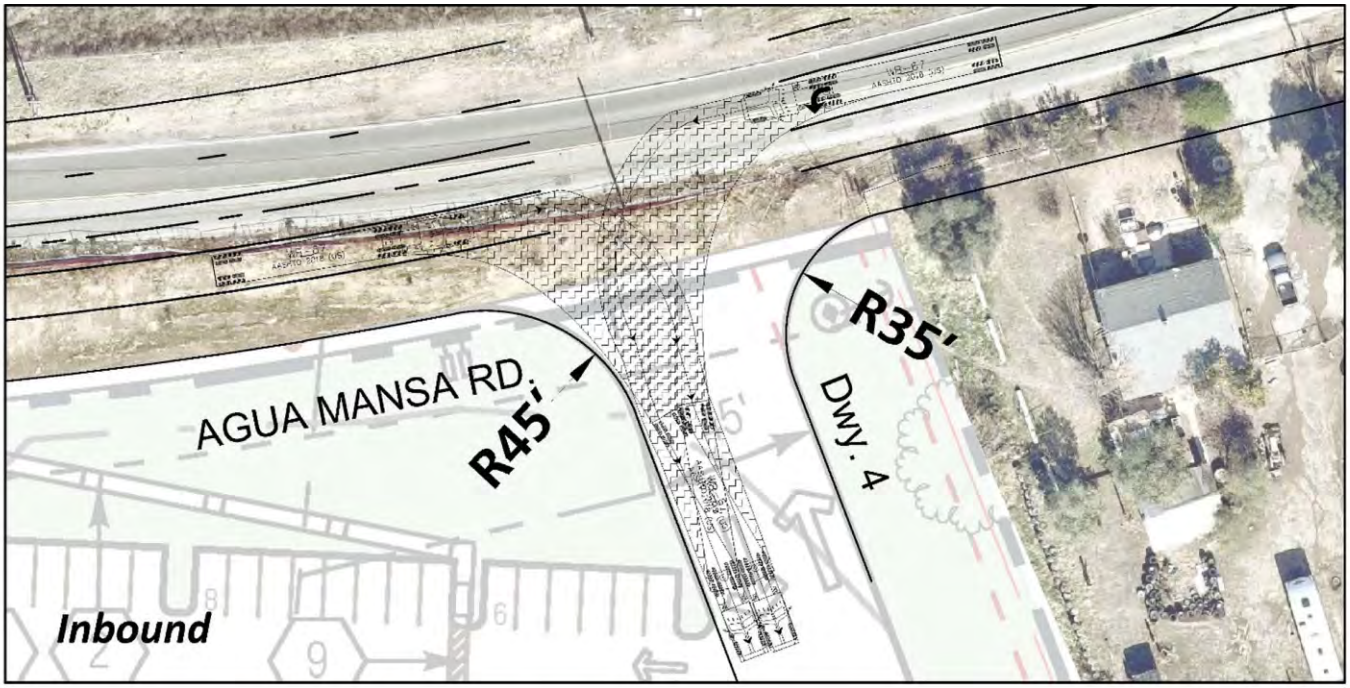


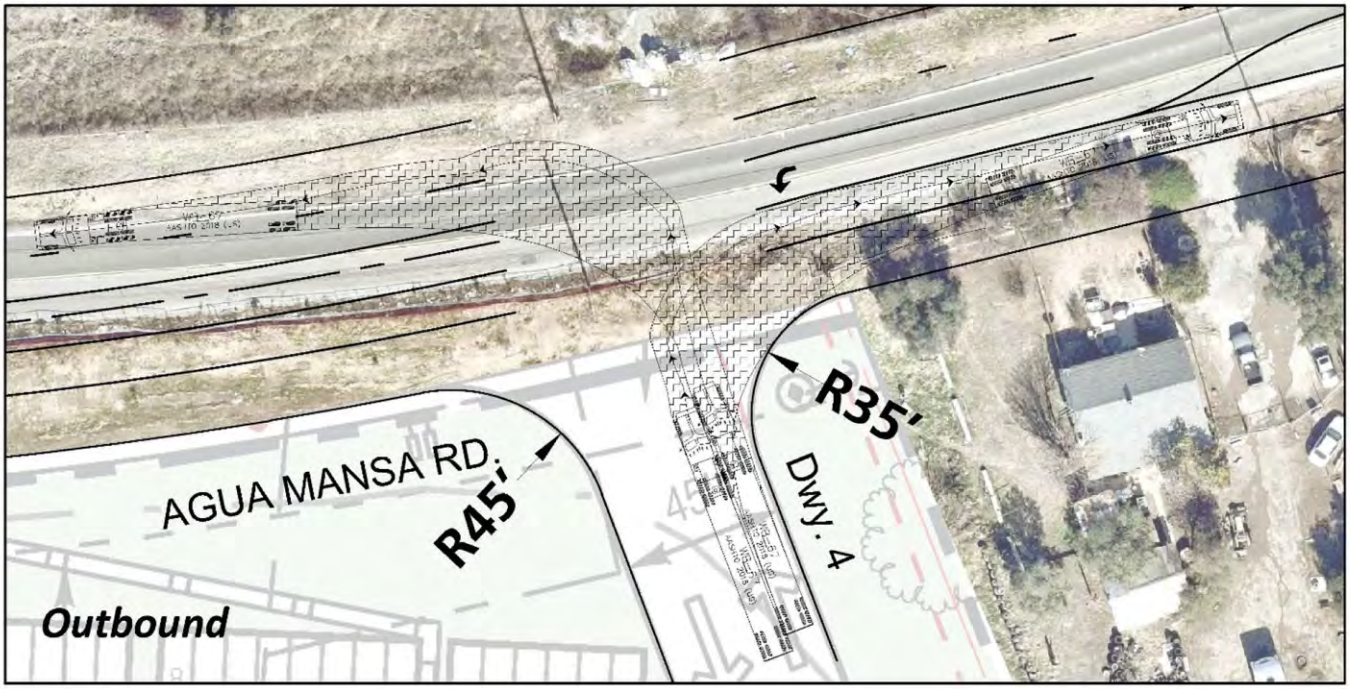
Source: Urban Crossroads.

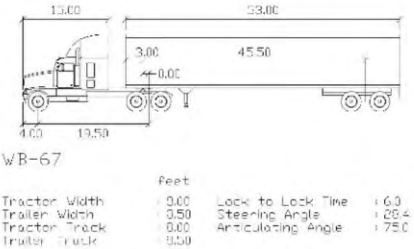
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Exhibit 10d
Truck Access (2 of 3)

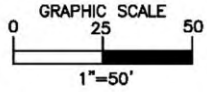
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Source: Urban Crossroads.

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Exhibit 10e
Truck Access (3 of 3)

Section 3, 4, 5 and Appendixes may be viewed electronically at the following Colton, Planning Website:

https://www.coltonca.gov/779/Environmental-Documents

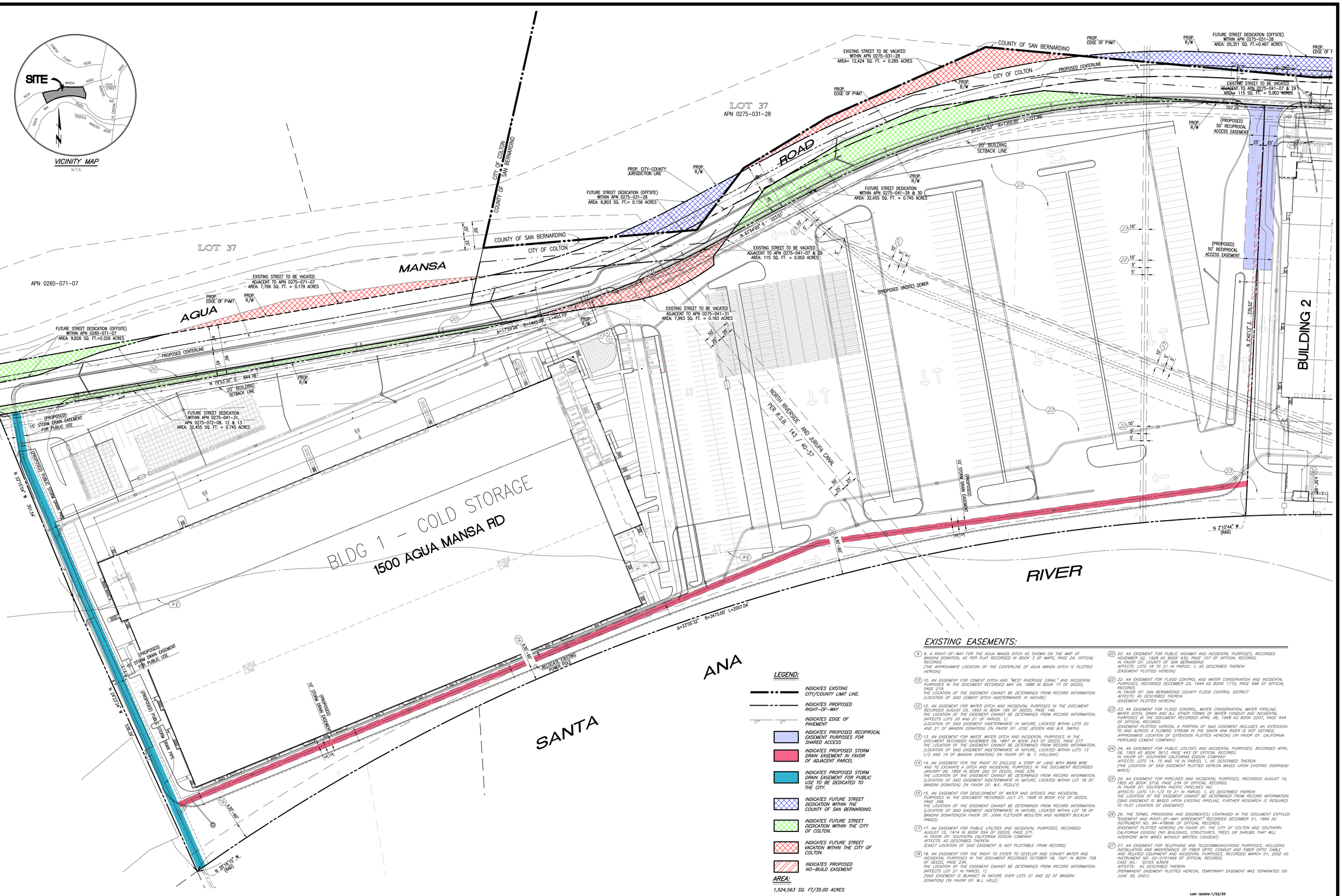
Plans

1400 & 1500 Agua Mansa

Road ATTACHMENT 3

VICINITY MAP

N.T.S.



LEGEND:

- INDICATES EXISTING CITY/COUNTY LIMIT LINE.
- INDICATES PROPOSED RIGHT-OF-WAY
- INDICATES EDGE OF PAVEMENT
- INDICATES PROPOSED RECIPROCAL EASEMENT PURPOSES FOR SHARED ACCESS
- INDICATES PROPOSED STORM DRAIN EASEMENT IN FAVOR OF ADJACENT PARCEL
- INDICATES PROPOSED STORM DRAIN EASEMENT FOR PUBLIC USE TO BE DEDICATED TO THE CITY.
- INDICATES FUTURE STREET DEDICATION WITHIN THE COUNTY OF SAN BERNARDINO.
- INDICATES FUTURE STREET DEDICATION WITHIN THE CITY OF COLTON.
- INDICATES FUTURE STREET VACATION WITHIN THE CITY OF COLTON.
- INDICATES PROPOSED NO-BUILD EASEMENT

AREA:

1,524,563 SQ. FT/35.00 ACRES

EXISTING EASEMENTS:

(9) 9. A RIGHT-OF-WAY FOR THE AGUA MANZA DITCH AS SHOWN ON THE MAP OF BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, OFFICIAL RECORDS.
(THE APPROXIMATE LOCATION OF THE CENTERLINE OF AGUA MANZA DITCH IS PLOTTED HEREON)

(10) 10. AN EASEMENT FOR CEMENT DITCH AND "WEST RIVERSIDE CANAL" AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MAY 04, 1888 IN BOOK 77 OF DEEDS, PAGE 219.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (LOCATION OF SAID CEMENT DITCH INDETERMINATE IN NATURE)

(12) 12. AN EASEMENT FOR WATER DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 05, 1893 IN BOOK 185 OF DEEDS, PAGE 146.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (AFFECTS LOTS 20 AND 21 OF PARCEL 1)
(LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOTS 20 AND 21 OF BANDINI DONATION) (IN FAVOR OF: JOSE JENSEN AND B.R. SMITH)

(13) 13. AN EASEMENT FOR WASTE WATER DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 08, 1897 IN BOOK 243 OF DEEDS, PAGE 277.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOTS 1.3 1/2 AND 14 OF BANDINI DONATION) (IN FAVOR OF: W. T. HOLLIDAY)

(14) 14. AN EASEMENT FOR THE RIGHT TO ENCLOSE A STRIP OF LAND WITH BARB WIRE AND TO EXCAVATE A DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JANUARY 06, 1899 IN BOOK 262 OF DEEDS, PAGE 239.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOT 18 OF BANDINI DONATION) (IN FAVOR OF: W.E. PEDLEY)

(15) 15. AN EASEMENT FOR DEVELOPMENT OF WATER AND DITCHES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 27, 1908 IN BOOK 412 OF DEEDS, PAGE 348.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOT 18 OF BANDINI DONATION)(IN FAVOR OF: JOHN FLETCHER MOULTON AND HERBERT BULKLAY PRAED)

(17) 17. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED AUGUST 12, 1914 IN BOOK 554 OF DEEDS, PAGE 271.
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: AS DESCRIBED THEREIN
(EXACT LOCATION OF SAID EASEMENT IS NOT PLOTTABLE FROM RECORD)

(18) 18. AN EASEMENT FOR THE RIGHT TO ENTER TO DEVELOP AND CONVEY WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED OCTOBER 18, 1921 IN BOOK 728 OF DEEDS, PAGE 234.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (AFFECTS LOT 21 IN PARCEL 1)
(SAID EASEMENT IS BLANKET IN NATURE OVER LOTS 21 AND 22 OF BANDINI DONATION) (IN FAVOR OF: W.J. HOLE)

(20) 20. AN EASEMENT FOR PUBLIC HIGHWAY AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 02, 1928 AS BOOK 432, PAGE 107 OF OFFICIAL RECORDS.
IN FAVOR OF: COUNTY OF SAN BERNARDINO
AFFECTS: LOTS 18 TO 21 IN PARCEL 1, AS DESCRIBED THEREIN
(EASEMENT PLOTTED HEREON)

(22) 22. AN EASEMENT FOR FLOOD CONTROL AND WATER CONSERVATION AND INCIDENTAL PURPOSES, RECORDED DECEMBER 20, 1944 AS BOOK 1715, PAGE 498 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AFFECTS: AS DESCRIBED THEREIN
(EASEMENT PLOTTED HEREON)

(23) 23. AN EASEMENT FOR FLOOD CONTROL, WATER CONSERVATION, WATER PIPELINE, WATER DITCH, DRAIN AND ALL OTHER FORMS OF WATER CONDUIT AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED APRIL 06, 1948 AS BOOK 2207, PAGE 444 OF OFFICIAL RECORDS.
(EASEMENT PLOTTED HEREON, A PORTION OF SAID EASEMENT INCLUDES AN EXTENSION TO AND ACROSS A FLOWING STREAM IN THE SANTA ANA RIVER IS NOT DEFINED, APPROXIMATE LOCATION OF EXTENSION PLOTTED HEREON) (IN FAVOR OF: CALIFORNIA PORTLAND CEMENT COMPANY)

(24) 24. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED APRIL 06, 1955 AS BOOK 3613, PAGE 443 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: LOTS 14, 15 AND 16 IN PARCEL 1, AS DESCRIBED THEREIN
(THE LOCATION OF SAID EASEMENT PLOTTED HEREON BASED UPON EXISTING OVERHEAD WIRES)

(25) 25. AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED AUGUST 15, 1955 AS BOOK 3716, PAGE 234 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN PACIFIC PIPELINES INC.
AFFECTS: LOTS 1.3-1/2 TO 21 IN PARCEL 1, AS DESCRIBED THEREIN
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (SAID EASEMENT IS BASED UPON EXISTING PIPELINE, FURTHER RESEARCH IS REQUIRED TO PLOT LOCATION OF EASEMENT)

(26) 26. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AND RIGHT-OF-WAY AGREEMENT" RECORDED DECEMBER 01, 1994 AS INSTRUMENT NO. 94-478696 OF OFFICIAL RECORDS.
(EASEMENT PLOTTED HEREON) (IN FAVOR OF: THE CITY OF COLTON AND SOUTHERN CALIFORNIA EDISON) (NO BUILDINGS, STRUCTURES, TREES OR SHRUBS THAT WILL INTERFERE WITH WIRES WITHOUT WRITTEN CONSENT)

(27) 27. AN EASEMENT FOR TELEPHONE AND TELECOMMUNICATIONS PURPOSES, INCLUDING INSTALLATION AND MAINTENANCE OF FIBER OPTIC CONDUIT AND FIBER OPTIC CABLE, AND RELATED EQUIPMENT AND INCIDENTAL PURPOSES, RECORDED MARCH 01, 2002 AS INSTRUMENT NO. 02-0101969 OF OFFICIAL RECORDS.
CASE NO.: SCVSS 63609
AFFECTS: AS DESCRIBED THEREIN
(PERMANENT EASEMENT PLOTTED HEREON, TEMPORARY EASEMENT WAS TERMINATED ON JUNE 30, 2001)

Last Update: 1/22/26
G:\3800-3899\3813\EXHIBIT\3813EASEMENT EXHIBIT-BLDG 1 AND 2.dwg

REVISIONS

NO.	DESCRIPTION	DATE
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	-	-

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 5, NORTH AMERICAN DATUM 1983, AS DETERMINED LOCALLY BY THE LINE BETWEEN CSRC CORS STATIONS "SPMS" AND "BBRY", BOTH PUBLISHED ON CSRC DATA SHEETS, BEING N 70°55'51.64420" E (2007.0 EPOCH).

PREPARED FOR:

IDI LOGISTICS
840 APOLLO STREET, SUITE 100
EL SEGUNDO, CA 90245
PHONE: (213) 330-8066

PREPARED BY:

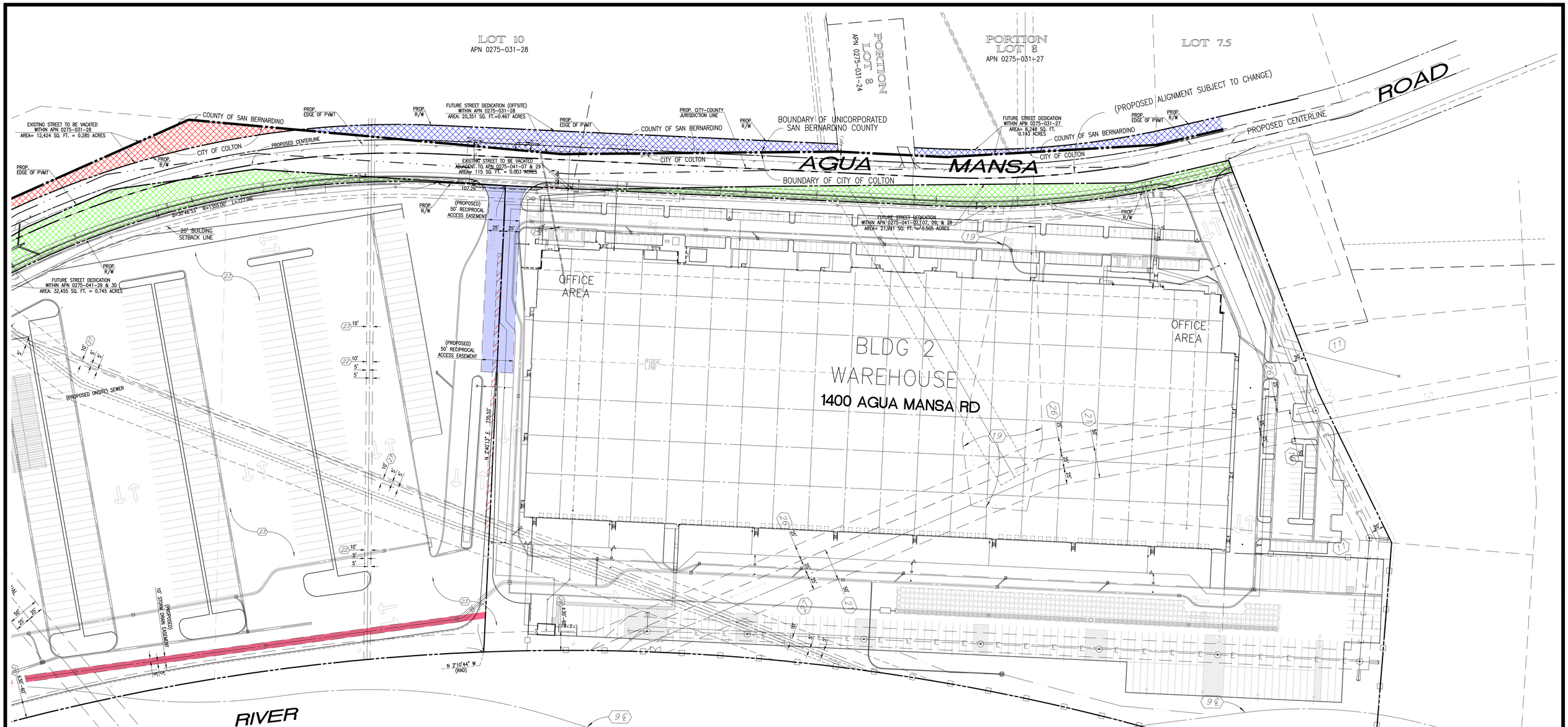
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

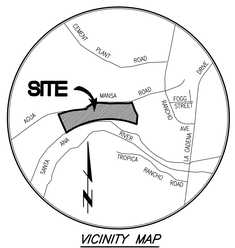
EASEMENT MAP

AGUA MANSA LOGISTIC CENTER
AGUA MANSA RD

COLTON CALIFORNIA

DRAWN BY:	CHECKED BY:	SCALE:	DATE:	J.N.	SHEET
FBC	NGK	1" = 60'	JANUARY, 2026	3813	1 OF 2





VICINITY MAP
N.T.S.

EXISTING EASEMENTS:

(9) 9. A RIGHT-OF-WAY FOR THE AGUA MANZA DITCH AS SHOWN ON THE MAP OF BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, OFFICIAL RECORDS.
(THE APPROXIMATE LOCATION OF THE CENTERLINE OF AGUA MANZA DITCH IS PLOTTED HEREON)

(10) 10. AN EASEMENT FOR CEMENT DITCH AND "WEST RIVERSIDE CANAL" AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MAY 04, 1888 IN BOOK 77 OF DEEDS, PAGE 219.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
(LOCATION OF SAID CEMENT DITCH INDETERMINATE IN NATURE)

(12) 12. AN EASEMENT FOR WATER DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 05, 1893 IN BOOK 185 OF DEEDS, PAGE 146.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
(AFFECTS LOTS 20 AND 21 OF PARCEL 1)
(LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOTS 20 AND 21 OF BANDINI DONATION) (IN FAVOR OF: JOSE JENSEN AND B.R. SMITH)

(13) 13. AN EASEMENT FOR WASTE WATER DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 08, 1897 IN BOOK 243 OF DEEDS, PAGE 277.
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
(LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOTS 13 1/2 AND 14 OF BANDINI DONATION) (IN FAVOR OF: W. T. HOLLIDAY)

(14) 14. AN EASEMENT FOR THE RIGHT TO ENCLOSE A STRIP OF LAND WITH BARB WIRE AND TO EXCAVATE A DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JANUARY 06, 1899 IN BOOK 262 OF DEEDS, PAGE 239.
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(EXACT LOCATION OF SAID EASEMENT IS NOT PLOTTABLE FROM RECORD)

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(20) 20. AN EASEMENT FOR PUBLIC HIGHWAY AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 02, 1928 AS BOOK 457, PAGE 107 OF OFFICIAL RECORDS.
IN FAVOR OF: COUNTY OF SAN BERNARDINO
AFFECTS: LOTS 18 TO 21 IN PARCEL 1, AS DESCRIBED THEREIN
(EASEMENT PLOTTED HEREON)

(22) 22. AN EASEMENT FOR FLOOD CONTROL AND WATER CONSERVATION AND INCIDENTAL PURPOSES, RECORDED DECEMBER 20, 1944 AS BOOK 1715, PAGE 498 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AFFECTS: AS DESCRIBED THEREIN
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(EASEMENT PLOTTED HEREON, A PORTION OF SAID EASEMENT INCLUDES AN EXTENSION TO AND ACROSS A FLOWING STREAM IN THE SANTA ANA RIVER IS NOT DEFINED, APPROXIMATE LOCATION OF EXTENSION PLOTTED HEREON) (IN FAVOR OF: CALIFORNIA PORTLAND CEMENT COMPANY)

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IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: LOTS 14, 15 AND 16 IN PARCEL 1, AS DESCRIBED THEREIN
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CASE NO.: SCVSS 6769
AFFECTS: AS DESCRIBED THEREIN
(PERMANENT EASEMENT PLOTTED HEREON, TEMPORARY EASEMENT WAS TERMINATED ON JUNE 30, 2001)

LEGEND:

- INDICATES EXISTING CITY/COUNTY LIMIT LINE.
- INDICATES PROPOSED RIGHT-OF-WAY.
- INDICATES EDGE OF PAVEMENT
- INDICATES PROPOSED RECIPROCAL EASEMENT PURPOSES FOR SHARED ACCESS
- INDICATES PROPOSED STORM DRAIN EASEMENT IN FAVOR OF ADJACENT PARCEL
- INDICATES PROPOSED STORM DRAIN EASEMENT FOR PUBLIC USE TO BE DEDICATED TO THE CITY.
- INDICATES FUTURE STREET DEDICATION WITHIN THE COUNTY OF SAN BERNARDINO.
- INDICATES FUTURE STREET DEDICATION WITHIN THE CITY OF COLTON.
- INDICATES FUTURE STREET VACATION WITHIN THE CITY OF COLTON.
- INDICATES PROPOSED NO-BUILD EASEMENT

AREA:

1,524,563 SQ. FT/35.00 ACRES

Last Update: 1/22/26
O:\3800-3899\3813\EXHIBIT\3813EASEMENT EXHIBIT-BLDG 1 AND 2.dwg

REVISIONS		
NO.	DESCRIPTION	DATE
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	-	-

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 5, NORTH AMERICAN DATUM 1983, AS DETERMINED LOCALLY BY THE LINE BETWEEN CSRC CORS STATIONS "SPMS" AND "BBRY", BOTH PUBLISHED ON CSRC DATA SHEETS, BEING N 70°55'51.64420" E (2007.0 EPOCH).

PREPARED FOR:

IDI LOGISTICS
840 APOLLO STREET, SUITE 100
EL SEGUNDO, CA 90245
PHONE: (213) 330-8066

PREPARED BY:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

EASEMENT MAP

AGUA MANSA LOGISTIC CENTER
AGUA MANSA RD

COLTON CALIFORNIA

DRAWN BY:	CHECKED BY:	SCALE:	DATE:	J.N.	SHEET
FBC	NGK	1" = 60'	JANUARY, 2026	3813	2 OF 2

SHEET 1 OF 2
SHEET SIZE: 36" x 48"

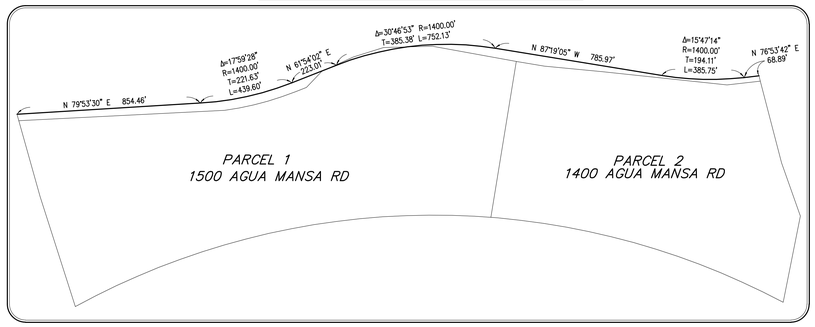
VESTING TENTATIVE PARCEL MAP NO. 20358

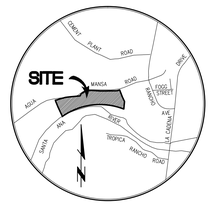
IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

BEING A SUDIVISION OF LOT 15 AND PORTIONS OF LOTS 13 ½, 14, 16, 17, 18, 19, 20, AND 21, ALL LOTS OF SUDIVISION OF THE BANDINI DONATION, AS PER MAP RECORDED IN BOOK 3, PAGE 24 OF MAPS, TOGETHER WITH LOTS 2 AND 3 OF THE MAP OF SUBDIVISION OF LOT 13 BANDINI DONATION OF THE RANCHO JURUPA, AS PER MAP RECORDED IN BOOK 9, PAGE 23 OF MAPS, BOTH MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

0 25 50 100 150
SCALE: 1"=50'

AGUA MANSA ROAD – PROPOSED CENTERLINE





VICINITY MAP
N.T.S.

EXISTING APN's:

APN: 0275-041-07
APN: 0275-041-08
APN: 0275-041-09
APN: 0275-041-27
APN: 0275-041-28
APN: 0275-041-31
APN: 0275-041-37
APN: 0275-041-38
APN: 0260-072-08
APN: 0260-072-12
APN: 0260-072-13

AGUA MANSA ROAD

PROPOSED CONSTRUCTION CENTERLINE
N 80°31'28" E 960.29'
ULT R/W
20' BLDG SETBACK
N 79°53'30" E 844.78'
15.31'
Δ=4°27'17" R=1445.00' L=112.34'
Δ=13°32'11" R=1445.00' L=341.39'
N 61°54'02" E 223.01'
54.78'
N 37°08'29" E 153.27'
N 58°45'44" E 161.38'
N 66°03'24" E 147.59'
N 81°54'16" E 229.59'
N 86°16'29" W 400.80'
Δ=30°46'53" R=1355.00' L=727.96'

PARCEL (1)
35.953 ACRES (GROSS)
35.000 ACRES (NET)
1500 AGUA MANSA RD

BLDG 1
COLD STORAGE
890.30 FF
889.47 PAD
(PAD SUBJECT TO CHANGE)
890.30 FF
TBD PAD
RIDGE LINE

N 27°15'04" W 306.85'
N 24°23'14" W 538.19'
N 35°16'15" W (640)
EXIST PL
Δ=33°05'32" R=3475.00' L=3435.05'
Δ=56°38'13" R=3475.00'

SANTA ANA RIVER

SEE SHEET 2

LEGEND:

CL	CENTERLINE	CONCRETE
CONC	CONCRETE	
DRN	DRAIN	
DRWY	DRIWY	
ELEC MTRS	ELECTRIC METERS	TREE
GA	GUY ANCHOR	
GM	GAS METER	
PA	PLANTER AREA	PALM TREE
PL	PROPERTY LINE	
PP	POWER POLE	IRON FENCE
SDMH	STORM DRAIN MANHOLE	BLOCK WALL
SMH	SEWER MANHOLE	
STLT	STREET LIGHT	
WDF	WOOD FENCE	
WM	WATER METER	
WV	WATER VALVE	

1006 — INDICATES PROPOSED CONTOUR
1006 — INDICATES EXISTING CONTOUR
1006.21 — INDICATES PROPOSED ELEVATION/DESCRIPTION
EC / NG (1006.21) — INDICATES EXISTING DESCRIPTION/ELEVATION

DIGALERT
UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA
DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS
BEFORE YOU DIG

CALL BEFORE YOU DIG
Underground Service Alert
Call: TOLL FREE
1-800
227-2600
TWO WORKING DAYS BEFORE YOU DIG

Last Update:1/22/26
O:\3800-3899\3813\TPM\3813_TPM VESTING.dwg

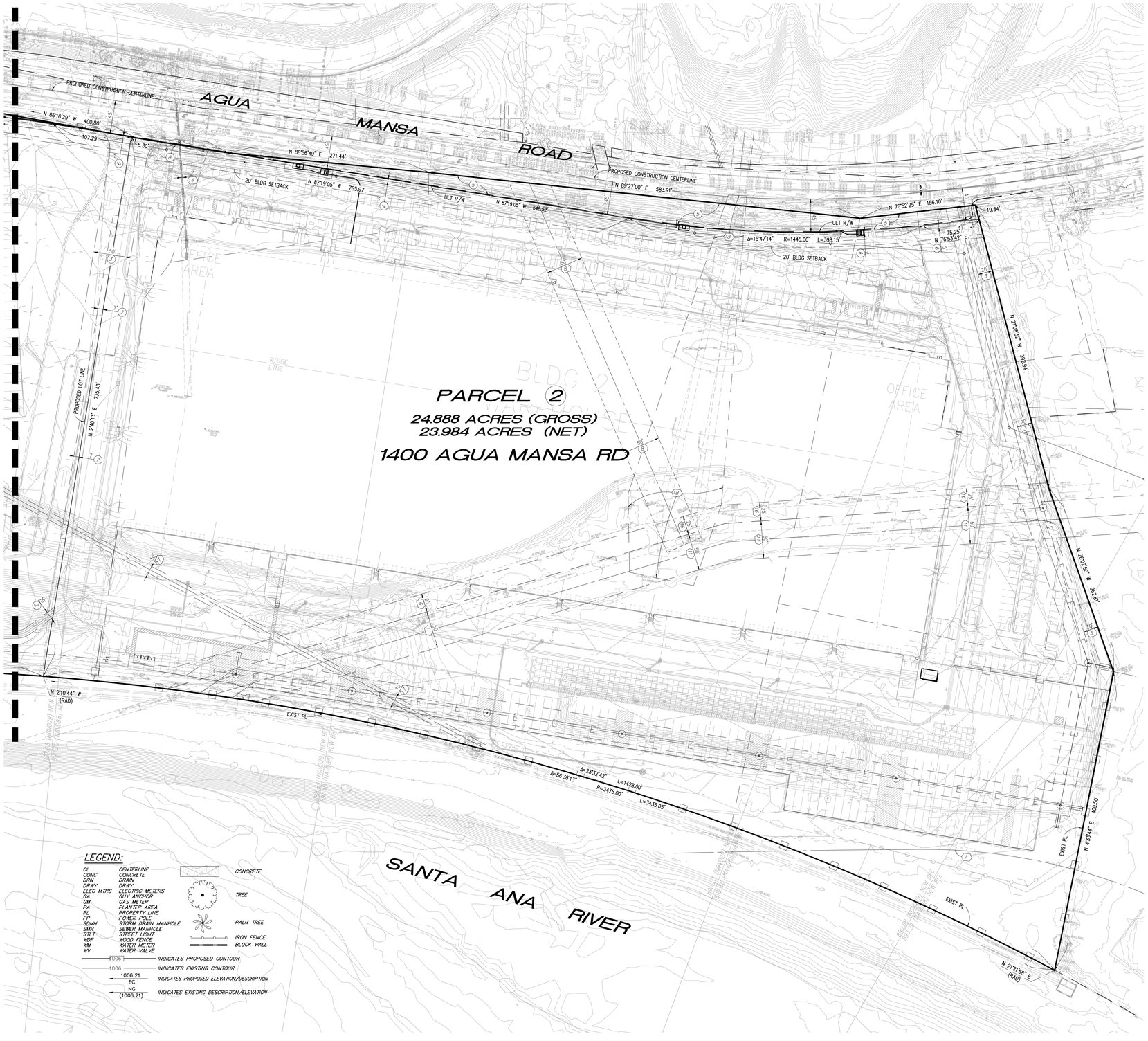
SHEET 2 OF 2
SHEET SIZE: 36" x 48"

VESTING TENTATIVE PARCEL MAP NO. 20358

IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

BEING A SUDIVISION OF LOT 15 AND PORTIONS OF LOTS 13 ½, 14, 16, 17, 18, 19, 20, AND 21, ALL LOTS OF SUDIVISION OF THE BANDINI DONATION, AS PER MAP RECORDED IN BOOK 3, PAGE 24 OF MAPS, TOGETHER WITH LOTS 2 AND 3 OF THE MAP OF SUBDIVISION OF LOT 13 BANDINI DONATION OF THE RANCHO JURUPA, AS PER MAP RECORDED IN BOOK 9, PAGE 23 OF MAPS, BOTH MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

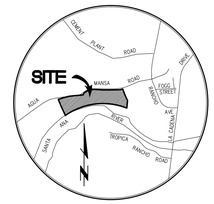
0 25 50 100 150
SCALE: 1"=50'



LEGEND:

CL	CENTERLINE	CONCRETE
CONC	CONCRETE	
DRN	DRAIN	
DRWY	DRWY	TREE
ELEC MTRS	ELECTRIC METERS	
GA	GUY ANCHOR	
GM	GAS METER	PALM TREE
PA	PLANTER AREA	
PL	PROPERTY LINE	
PP	POWER POLE	IRON FENCE
SDMH	STORM DRAIN MANHOLE	
SMH	SEWER MANHOLE	BLOCK WALL
STLT	STREET LIGHT	
WDF	WOOD FENCE	
WM	WATER METER	
WV	WATER VALVE	

1006 — INDICATES PROPOSED CONTOUR
1006 — INDICATES EXISTING CONTOUR
1006.21 EC — INDICATES PROPOSED ELEVATION/DESCRIPTION
NG (1006.21) — INDICATES EXISTING DESCRIPTION/ELEVATION



VICINITY MAP
N.T.S.

ZONING:

ZONING INFORMATION:
THE FOLLOWING ZONE DESIGNATIONS ARE PER CITY OF COLTON DEPARTMENT OF ENGINEERING / MAPPING)
GENERAL PLAN DESIGNATION: HEAVY INDUSTRIAL
ZONING DESIGNATION: M-2 HEAVY INDUSTRIAL
SPECIAL ZONE: AGUA MANSA HISTORIC DISTRICT

LEGAL DESCRIPTION:

PARCEL 1 AND 2 OF LOT LINE ADJUSTMENT NO. _____ IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RECORDED _____ AS DOCUMENT NO. _____ OF OFFICIAL RECORDS OF SAID COUNTY.

PROPOSED EASEMENTS:

1. AN EASEMENT FOR STORM DRAIN PURPOSES TO THE CITY OF COLTON, TO BE RESERVED ON THE PARCEL MAP.
2. AN EASEMENT FOR STORM DRAIN PURPOSES OVER PARCEL 1 IN FAVOR OF PARCEL 2, TO BE RESERVED ON THE PARCEL MAP.
3. AN EASEMENT FOR INGRESS/EGRESS PURPOSES OVER PARCELS 1 AND 2 IN FAVOR OF PARCELS 1 AND 2, TO BE RESERVED ON THE PARCEL MAP.
4. AN EASEMENT FOR LANDSCAPE PURPOSES TO THE CITY OF COLTON, TO BE RESERVED ON THE PARCEL MAP.
5. AN EASEMENT FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES OVER PARCELS 1 AND 2 IN FAVOR OF THE CITY OF COLTON, TO BE RESERVED ON THE PARCEL MAP.
6. AN EASEMENT FOR SIDEWALK PURPOSES TO THE CITY OF COLTON, TO BE RESERVED ON THE PARCEL MAP.
7. A NO-BUILD EASEMENT OVER PARCEL 1 IN FAVOR OF PARCEL 2, TO BE RESERVED ON THE PARCEL MAP.

PROPOSED STREET VACATION:

8. PORTION OF EXISTING STREET TO BE VACATED.

EXISTING EASEMENTS:

1. AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF SUBDIVISION OF THE BANDINI DONATION RECORDED JULY 29, 1886 AND ON FILE IN BOOK 3, PAGE 24, OF TRACT MAPS.
(THE APPROXIMATE LOCATION OF THE CENTERLINE OF AGUA MANZA DITCH IS PLOTTED HEREON)
2. AN EASEMENT FOR CEMENT DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MAY 04, 1888 IN BOOK 77 OF DEEDS, PAGE 219.
(LOCATION OF SAID CEMENT DITCH INDETERMINATE IN NATURE)
3. AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF SUBDIVISION OF LOT 13 BANDINI DONATION FOR PRIVATE ROAD AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 15, 1889 AND ON FILE IN BOOK 9, PAGE 23, OF TRACT MAPS.
(EASEMENT PLOTTED HEREON)
4. AN EASEMENT FOR WATER DITCH AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 05, 1893 IN BOOK 185 OF DEEDS, PAGE 146.
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7. AN EASEMENT FOR DEVELOPMENT OF WATER AND DITCHES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 27, 1908 IN BOOK 412 OF DEEDS, PAGE 348.
(LOCATION OF SAID EASEMENT INDETERMINATE IN NATURE, LOCATED WITHIN LOT 18 OF BANDINI DONATION)(IN FAVOR OF: JOHN FLETCHER MOULTON AND HERBERT BULKLAY PRAED)
8. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED AUGUST 12, 1914 IN BOOK 554 OF DEEDS, PAGE 271.
(SAID EASEMENT TO BE RELOCATED OR QUITCLAIMED BY A SEPARATE INSTRUMENT)
9. AN EASEMENT FOR THE RIGHT TO ENTER TO DEVELOP AND CONVEY WATER AND INCIDENTAL PURPOSES IN FAVOR OF: W.J. HOLE, RECORDED OCTOBER 18, 1921 IN BOOK 728 OF DEEDS, PAGE 234.
(SAID EASEMENT IS BLANKET IN NATURE OVER LOTS 21 AND 22 OF BANDINI DONATION)
10. AN EASEMENT FOR PUBLIC HIGHWAY AND INCIDENTAL PURPOSES IN FAVOR OF COUNTY OF SAN BERNARDINO, RECORDED NOVEMBER 02, 1928 AS BOOK 432, PAGE 107 OF OFFICIAL RECORDS.
11. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED OCTOBER 23, 1941 AS BOOK 1503, PAGE 58 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE RELOCATED OR QUITCLAIMED BY A SEPARATE INSTRUMENT)
12. AN EASEMENT FOR FLOOD CONTROL AND WATER CONSERVATION AND INCIDENTAL PURPOSES IN FAVOR OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, RECORDED DECEMBER 20, 1944 AS BOOK 1715, PAGE 498 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE QUITCLAIMED BY A SEPARATE INSTRUMENT)
13. AN EASEMENT FOR FLOOD CONTROL, WATER CONSERVATION, WATER PIPELINE, WATER DITCH, DRAIN AND ALL OTHER FORMS OF WATER CONDUIT AND INCIDENTAL PURPOSES IN FAVOR OF CALIFORNIA PORTLAND CEMENT COMPANY, RECORDED APRIL 06, 1948 AS BOOK 2207, PAGE 444 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE QUITCLAIMED BY A SEPARATE INSTRUMENT)
14. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED APRIL 06, 1955 AS BOOK 3613, PAGE 443 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE QUITCLAIMED BY A SEPARATE INSTRUMENT)
15. AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN PACIFIC PIPELINES INC., RECORDED AUGUST 15, 1955 AS BOOK 3716, PAGE 234 OF OFFICIAL RECORDS.
(SAID EASEMENT IS BASED UPON EXISTING PIPELINE, FURTHER RESEARCH IS REQUIRED TO PLOT LOCATION OF EASEMENT)
16. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AND RIGHT-OF-WAY AGREEMENT" IN FAVOR OF THE CITY OF COLTON AND SOUTHERN CALIFORNIA EDISON, RECORDED DECEMBER 01, 1994 AS INSTRUMENT NO. 94-428696 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE RELOCATED OR QUITCLAIMED BY A SEPARATE INSTRUMENT)
17. AN EASEMENT FOR TELEPHONE AND TELECOMMUNICATIONS PURPOSES, INCLUDING INSTALLATION AND MAINTENANCE OF FIBER OPTIC CONDUIT AND FIBER OPTIC CABLE AND RELATED EQUIPMENT AND INCIDENTAL PURPOSES, RECORDED MARCH 01, 2002 AS INSTRUMENT NO. 02-0101969 OF OFFICIAL RECORDS. CASE NO.: SCVSS 63609
(SAID EASEMENT TO BE RELOCATED OR QUITCLAIMED BY A SEPARATE INSTRUMENT)
18. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 16, 1928 AS BOOK 361, PAGE 28 OF OFFICIAL RECORDS.
(AFFECTS LOT 14 IN PARCEL 1)
(EASEMENT PLOTTED HEREON) (IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY)
(SAID EASEMENT TO BE QUITCLAIMED BY A SEPARATE INSTRUMENT)

EXISTING APN's:

APN: 0275-041-07
APN: 0275-041-08
APN: 0275-041-09
APN: 0275-041-27
APN: 0275-041-28
APN: 0275-041-31
APN: 0275-041-37
APN: 0275-041-38
APN: 0260-072-08
APN: 0260-072-12
APN: 0260-072-13

UTILITY PROVIDER'S

CABLE:

CHARTER COMMUNICATIONS
17777 CENTER COURT DRIVE NORTH, 8th FLOOR
CERRITOS, CA 90703
PHONE: (562) 667-0259
FAX: (714) 414-9140
CONTACT: JUDY BOWERS

ELECTRIC:

CITY OF COLTON
150 SOUTH 10th STREET
COLTON, CA 92324
PHONE: (909) 370-5104
CONTACT: ARIEL DUNNING

TELEPHONE:

AT&T
3939 E. CORONADO STREET
ANAHEIM, CA 92807
PHONE: (951) 354-5402
CONTACT: RONNY STEWART

GAS:

SO. CALIF. GAS COMPANY
1981 W. LUGONIA AVENUE, P.O. BOX 3003
REDLANDS, CA 92374-9720
PHONE: (800) 427-2200
CONTACT: NICOLE KIYOHIRO

SEWER & WATER

CITY OF COLTON
160 SOUTH 10th STREET
FONTANA, CA 92335
PHONE: (909) 370-5099
CONTACT: HYE JIN LEE

ARCHITECT:

RGA ARCHITECTS
15231 ALTON PARKWAY SUITE 100
IRVINE, CA 92618
PHONE: (949) 341-0920

RKB ARCHITECTS
ZERO CAMPANELLI DRIVE
BRAINTREE, MA 02184
PHONE: 781-775-2778

OWNER/DEVELOPER:

LINEAGE RE, LLC
PARCEL 1
1 PARK PLAZA, SUITE 550
IRVINE, CA 92614
PHONE: 704-221-1143

IDI LOGISTICS
PARCEL 2
840 APOLLO STREET, SUITE 100
EL SEGUNDO, CA 90245
PHONE: (213) 330-8066

ENGINEER:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. 12/31/26

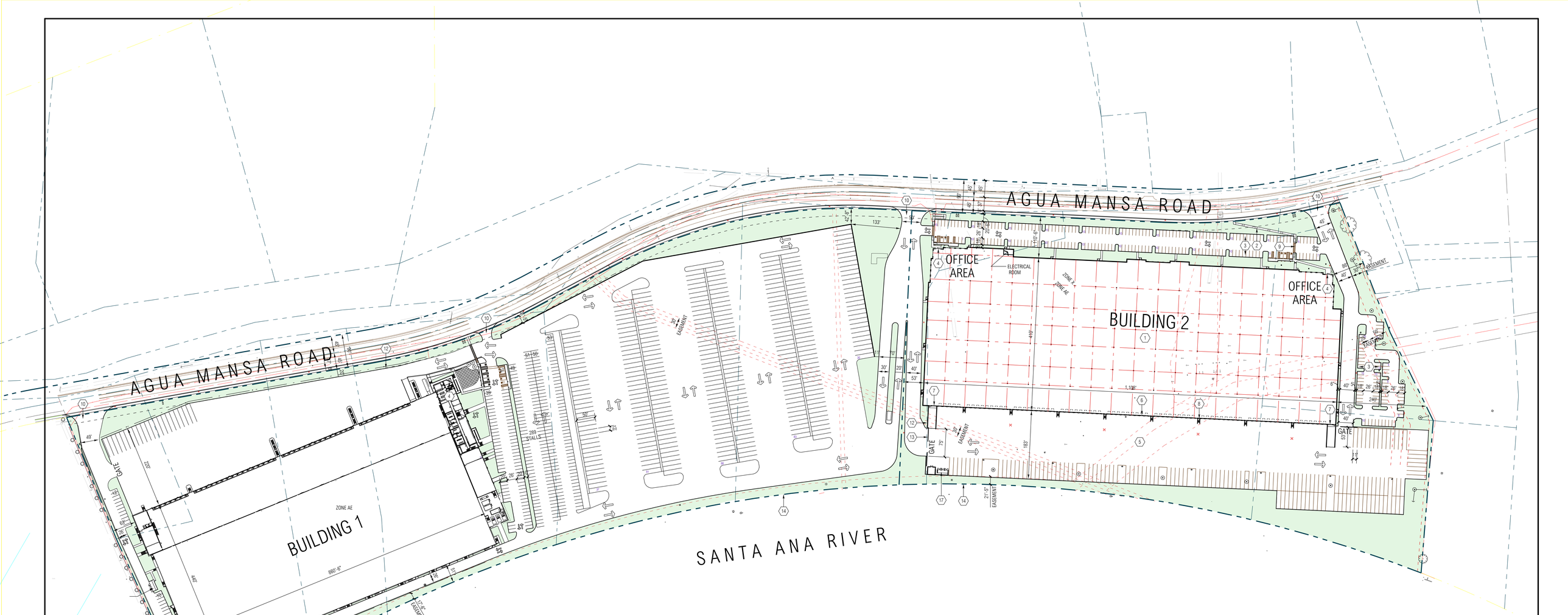
01/22/26
DATE

PROFESSIONAL LAND SURVEYOR BRIAN L. THIENES NO. 5750 STATE OF CALIFORNIA

DIAL TOLL FREE 1-800-422-4133 AT LEAST TWO DAYS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA

Underground Service Alert Call: TOLL FREE 1-800 227-2600 TWO WORKING DAYS BEFORE YOU DIG

Last Update:1/22/26
O:\3800-3899\3813\TPM\3813_TPM VESTING.dwg



PROJECT DATA - BUILDING 1

SITE AREA:	
GROSS	1,524,685 SF / 35.00 AC
BUILDING AREA:	
GROUND FLOOR	396,457 SF
MEZZANINE	77,564 SF
FIRE PUMP HOUSE	0 SF
TOTAL	474,021 SF
COVERAGE:	31.09 %
PARKING REQUIRED:	
20,480 SF OFFICE (1/250)	82 STALLS
0-10K SF WAREHOUSE (1/1000)	10 STALLS
10K SF + WAREHOUSE (1/2000)	222 STALLS
TOTAL REQUIRED	314 STALLS
PARKING PROVIDED:	
PROVIDED STALLS	314 STALLS
LANDSCAPE REQUIRED:	228,703 SF / 15.00%
LANDSCAPE PROVIDED (INCLUDES BASINS):	235,656 SF / 15.46 %
DOCK HIGH DOOR POSITIONS:	49
TRAILER PARKING POSITIONS:	340

PROJECT DATA - BUILDING 2

SITE AREA:	
GROSS	1,045,355 SF / 24.00 AC
BUILDING AREA:	
GROUND FLOOR	456,000 SF
MEZZANINE	0 SF
FIRE PUMP HOUSE	445 SF
TOTAL	456,445 SF
COVERAGE:	43.66 %
PARKING REQUIRED:	
10,000 SF OFFICE (1/250)	40 STALLS
0-10K SF WAREHOUSE (1/1000)	10 STALLS
10K SF + WAREHOUSE (1/2000)	219 STALLS
TOTAL REQUIRED	269 STALLS
PARKING PROVIDED:	
PROVIDED STALLS	270 STALLS
LANDSCAPE REQUIRED:	156,803 SF / 15.00%
LANDSCAPE PROVIDED (INCLUDES BASINS):	181,725 SF / 17.38%
DOCK HIGH DOOR POSITIONS:	79
TRAILER PARKING POSITIONS:	141

KEYNOTES (X)

1. PAINTED CONCRETE TILT-UP WAREHOUSE / OFFICE / MANUFACTURING FACILITY. BUILDING TO BE DESIGNED FOR MIN. 90 MPH WINDS WITH 104 MPH GUSTS.
2. SHADED AREA: PROPOSED IRRIGATED LANDSCAPING PER GUIDELINES WITH MIN 6" CONCRETE CURBS AT ALL INTERIOR PERIMETERS.
3. TYPICAL STANDARD PARKING STALL MIN. 9' X 20' (OR 18' + 2' OVERHANG) - STRIPE PER STANDARDS.
4. ACCESSIBLE BUILDING ENTRY WITH ADJACENT BICYCLE RACKS.
5. PAVED TRUCK YARD.
6. DOCK HIGH TRUCK DOOR. SEE ELEVATIONS FOR ADDITIONAL INFO.
7. GRADE LEVEL RAMP DOOR. SEE ELEVATIONS FOR ADDITIONAL INFO.
8. 3' X 7' METAL EXIT DOOR.
9. ON SITE ACCESSIBLE SIDEWALK AND CURB RAMPS.
10. NEW CURB CUT INSTALLED PER CITY STANDARDS.
11. NOT USED
12. NEW 14'-0" HIGH PAINTED CONCRETE TILT-UP SCREEN WALL.
13. ROLLING / SWINGING TUBULAR STEEL SECURITY GATE WITH KNOX BOX FOR FIRE DEPARTMENT ACCESS.
14. 8'-0" BLACK HIGH TUBULAR STEEL FENCE WHERE NOTED.
15. APPROX. SITE LIGHT STANDARD LOCATION. APPROX. 25 FT. HIGH POLE ON 4' HIGH CONCRETE BASE. POLES AND FIXTURES ARE WHITE. LED LIGHT SOURCE.
16. LOCATION OF COMPACTOR AT DOCK DOOR.
17. LOCATION OF COVERED TRASH ENCLOSURE PER COLTON CITY STANDARDS.

ASSESSORS PARCEL NUMBERS

0260-072-08, 12 & 12
0275-041-07, 08, 09, 27, 28, 29, 30, 31

PROJECT DESCRIPTION

A DISTRIBUTION WAREHOUSE FACILITY CONSISTING OF A WAREHOUSE AND OFFICE FACILITY TOTALING 456,445 SF ON 24 ACRES.

A REFRIDGERATED DISTRIBUTION WAREHOUSE FACILITY CONSISTING OF A WAREHOUSE AND OFFICE FACILITY TOTALING 457,743 SF ON 35 ACRES.

OWNER / DEVELOPER:

IDI LOGISTICS
840 APOLLO STREET, SUITE 100
EL SEGUNDO, CA 90245
PHONE: 714-789-9155
FAX: 714-685-1500
E-MAIL: steve.hollis@idilogistics.com
CONTACT: STEVE HOLLIS

ARCHITECT:

RGA, OFFICE OF ARCHITECTURAL DESIGN
15231 ALTON PARKWAY, SUITE 200
IRVINE, CA 92618
PHONE: 949-341-0920
FAX: 949-341-0922
E-MAIL: jacob@rga-architects.com
CONTACT: JACOB HUBER

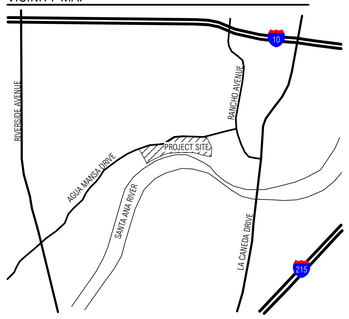
CIVIL ENGINEER:

THIENES ENGINEERS, INC.
14349 FIRESTONE BLVD.
LA MIRADA, CA 90638
PHONE: 714-521-4811
FAX:
E-MAIL: cesar@thieneseng.com
CONTACT: CESAR RAYMUNDO

LANDSCAPE ARCHITECT:

HUNTER LANDSCAPE
711 S. FEE ANA STREET
PLACENTIA, CA 92870
PHONE: 714-986-2400
FAX:
E-MAIL: tomh@hunterlandscape.net
CONTACT: TOM HAYES

VICINITY MAP



SCALE: 1" = 100'-0"
0' 20' 50' 100' 200'

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Innovation Park
Irvine, CA 92618
T 949-341-0920
FX 949-341-0922

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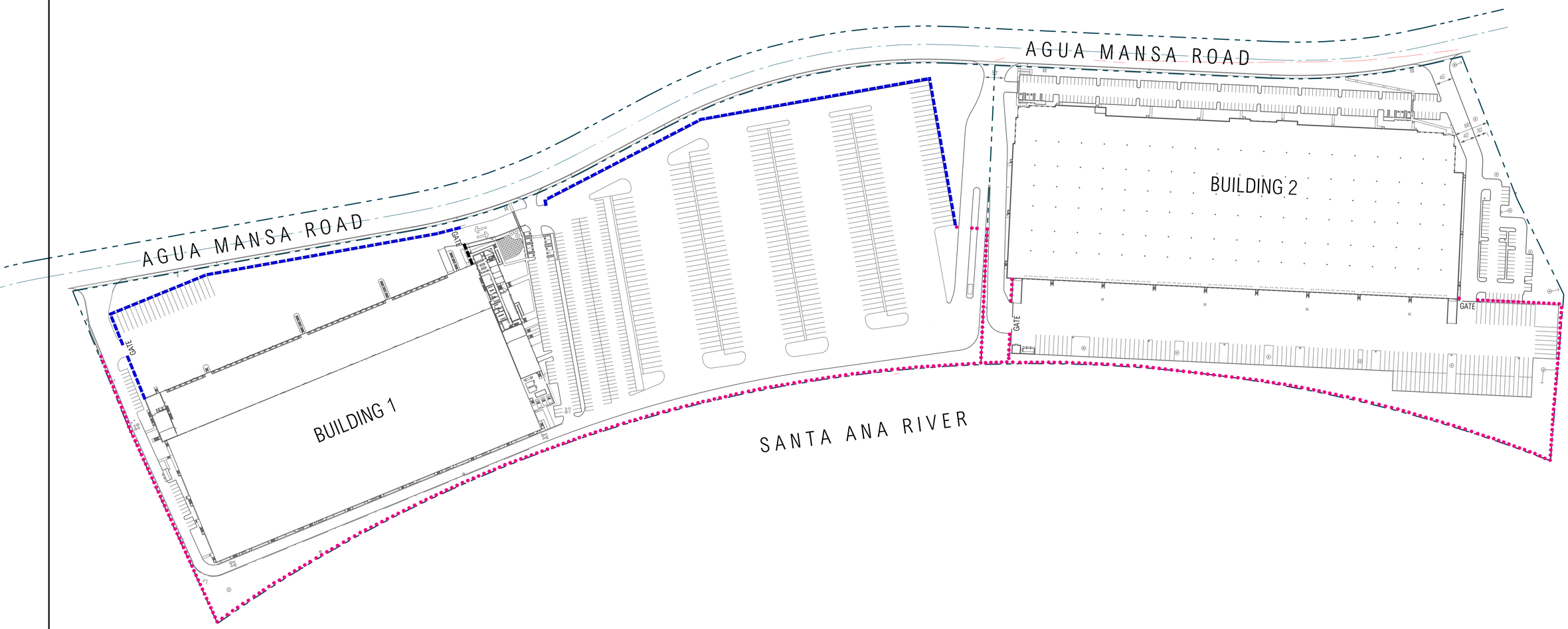
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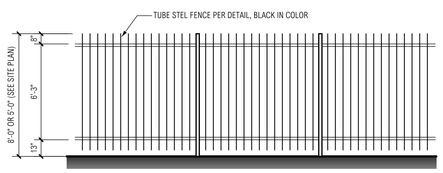
OVERALL SITE PLAN

MARK	DATE	DESCRIPTION
	1/16/26	PC HEARING SET
	5/27/25	PARKING PLAN
	2/25/25	PARKING PLAN
	11/18/24	PARKING PLAN
	12/16/20	PLANNING SUBMITTAL
	7/21/20	CONCEPTUAL SITE PLAN

RGA PROJECT NO:	18107.00
CAD FILE NAME:	18107-00-A1-01-A
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SHEET TITLE	

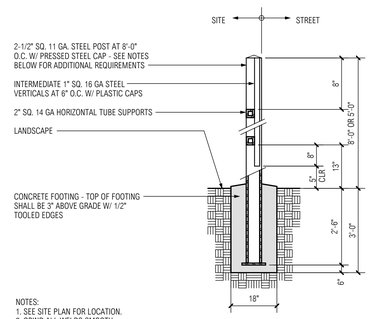
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TYPICAL TUBE STEEL FENCE ELEVATION

SCALE: 1/4" = 1'-0"



NOTES:
1. SEE SITE PLAN FOR LOCATION.
2. GRIND ALL WELDS SMOOTH.
3. ALL STEEL WORK TO BE A-434 & SHOP PRIMED. PAINT FLAT BLACK TWO COATS.
4. CONTRACTOR TO SUBMIT DETAILED SHOP DWGS. FOR APPROVAL PRIOR TO FABRICATION.
5. PROVIDE CONT. 6" X 6" CONC. MOW STRIP UNDER FENCE ONLY WHEN FENCE IS ADJACENT TO TURF AREAS.
6. USE 4" SQ. 11 GA. STEEL POST W/ PRESSED STEEL CAP AT ALL END AND CORNER CONDITIONS OF THE FENCE PATH.

STEEL PICKET FENCE

SCALE: 1/2" = 1'-0"

FENCE AND WALL LEGEND

8'-0" BLACK PAINTED TUBULAR STEEL PICKET FENCE.

12'-0" PAINTED CONCRETE SCREEN WALL PAINT AND REVEALS

SCALE: 1" = 100'-0"

0' 20' 50' 100' 200'

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FX 949-341-0922

AGUA MANSA LOGISTICS CENTER

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FENCE PLAN

MARK	DATE	DESCRIPTION
	1/16/26	PC HEARING SET
	5/27/25	PARKING PLAN
	2/25/25	PARKING PLAN
	11/18/24	PARKING PLAN
	12/16/20	PLANNING SUBMITTAL
	7/21/20	CONCEPTUAL SITE PLAN

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CAD FILE NAME:	18107-00-A1-02-A
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A1-02-A

COLTON FIRE DEPARTMENT ACCESS & WATER PLAN NOTES:

INSPECTION REQUIREMENTS

1. COLTON SITE INSPECTIONS ARE REQUIRED FOR THIS PROJECT. PLEASE SCHEDULE ALL FIELD INSPECTIONS AT LEAST 72 HOURS IN ADVANCE. INSPECTIONS CANCELED AFTER 1 P.M. ON THE DAY BEFORE THE SCHEDULED DATE WILL BE SUBJECT TO A RE-INSPECTION FEE. CALL (909) 370-5553 TO SCHEDULE AN INSPECTION.

2. A LUMBER DROP INSPECTION SHALL BE PERFORMED PRIOR TO BRINGING COMBUSTIBLE MATERIALS (OR COMBUSTIBLE FIXTURES AND FINISHES FOR STRUCTURES OF NON-COMBUSTIBLE CONSTRUCTION). ALL-WEATHER ACCESS ROADS CAPABLE OF SUPPORTING 75,000 LBS., TOPPED WITH ASPHALT, CONCRETE, OR EQUIVALENT SHALL BE IN PLACE AND HYDRANTS OPERATIONAL AT TIME OF LUMBER DROP INSPECTION.
   A. FOR BUILDINGS OF TYPE IV AND TYPE V CONSTRUCTION (AND NON-COMBUSTIBLE STRUCTURES THAT MAY HAVE A PORTION OF THE EXTERIOR WALLS, FACADE OR OTHER BUILDING ELEMENTS COMPRISED OF WOOD OR OTHER COMBUSTIBLE MATERIAL), A LUMBER DROP INSPECTION SHALL OCCUR PRIOR TO BRINGING COMBUSTIBLE BUILDING MATERIALS ON-SITE.
   B. FOR OTHER CONSTRUCTION TYPES (TYPE I,II, III) WITH EXTERIOR WALLS BUILT OF NON-COMBUSTIBLE MATERIALS, AN INSPECTION SHALL OCCUR PRIOR TO COMMENCING INTERIOR CONSTRUCTION INVOLVING COMBUSTIBLE MATERIALS (E.G. WOODEN MEZZANINES OR PARTITION WALLS, CARPET, CABINETRY OR OTHER WOODWORK, FURNITURE, ETC.). IN CONCRETE TILT-UP AND MASONRY BUILDINGS, WOODEN PANELIZED ROOFING SYSTEMS ARE EXEMPT FROM THIS REQUIREMENT.

3. FOR PROJECTS WITH FUEL MODIFICATION, A VEGETATION CLEARANCE INSPECTION IS REQUIRED PRIOR TO A LUMBER DROP INSPECTION. USE THE FUEL MODIFICATION PLAN SERVICE REQUEST NUMBER TO SCHEDULE THE VEGETATION CLEARANCE INSPECTION.

4. PHASED INSTALLATION OF FIRE ACCESS ROADS REQUIRES ADDITIONAL INSPECTIONS NOT COVERED BY THE FEES PAID AT PLAN SUBMITTAL. CONTACT (909) 370-5553 TO ARRANGE FOR ADDITIONAL INSPECTIONS THAT MAY BE NEEDED AND ANY FEES THAT MAY BE DUE.

5. AN ORIGINAL APPROVED, SIGNED, WET-STAMPED COLTON FIRE ACCESS & WATER PLAN SHALL BE AVAILABLE ON-SITE AT TIME OF INSPECTION.

6. ACCESS ROADS AND HYDRANTS SHALL BE MAINTAINED AND REMAIN CLEAR OF OBSTRUCTIONS AT ALL TIMES DURING AND AFTER CONSTRUCTION. AREAS WHERE PARKING IS NOT PERMITTED SHALL BE CLEARLY IDENTIFIED AT ALL TIMES. OBSTRUCTION OF FIRE LANES AND HYDRANTS MAY RESULT IN CANCELLATION OR SUSPENSION OF INSPECTIONS.

7. TEMPORARY FUEL TANKS OF 60 OR MORE GALLONS SHALL BE REVIEWED, INSPECTED, AND PERMITTED BY THE CITY OF COLTON PRIOR TO USE.

8. THE PROJECT ADDRESS SHALL BE CLEARLY POSTED AND VISIBLE FROM THE PUBLIC ROAD DURING CONSTRUCTION.

9. ALL GATES IN CONSTRUCTION FENCING SHALL BE EQUIPPED WITH EITHER A KNOX OR BREAKAWAY PADLOCK.

10. BUILDINGS OF FOUR OR MORE STORIES SHALL BE PROVIDED WITH STAIRS AND A STANDPIPE BEFORE REACHING 40 FEET IN HEIGHT.

GENERAL REQUIREMENTS

11. FIRE LANE WIDTHS SHALL BE MEASURED FROM TOP FACE OF THE CURB TO TOP FACE OF THE CURB FOR FIRE LANES WITH STANDARD CURBS AND GUTTERS AND FROM FLOW-LINE TO FLOW-LINE FOR FIRE LANES WITH MODIFIED CURB DESIGNS (E.G. ROLLED, RAMPED, ETC.). THE DEVELOPER IS RESPONSIBLE TO VERIFY THAT ALL APPROVED PUBLIC WORKS OR GRADING DEPARTMENT STREET IMPROVEMENT PLANS OR PRECISE GRADING PLANS CONFORM TO THE MINIMUM STREET WIDTH MEASUREMENTS PER THE APPROVED COLTON FIRE DEPARTMENT ACCESS & WATER GUIDELINE FOR ALL PORTIONS OF THE FIRE ACCESS ROADS.

12. PERMANENT, TEMPORARY, AND PHASED EMERGENCY ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT AN IMPOSED LOAD OF 75,000 LBS. AND SURFACED TO PROVIDE ALL-WEATHER DRIVING CAPABILITES.

13. FIRE LANE SIGNS AND RED CURBS SHALL MEET THE SPECIFICATIONS SHOWN IN THE COLTON FIRE DEPARTMENT ACCESS & WATER GUIDELINE AND SHALL BE INSTALLED AS DECRIBED THEREIN. ADDITIONAL FIRE LANE MARKINGS MAY BE REQUIRED AT THE TIME OF INSPECTION DEPENDING ON FIELD CONDITIONS.

14. ALL FIRE HYDRANTS SHALL HAVE A "BLUE REFLECTIVE PAVEMENT MARKER" INDICATING THEIR LOCATION PER THE COLTON STANDARD. ON PRIVATE PROPERTY MARKERS ARE TO BE MAINTAINED IN GOOD CONDITION BY THE OWNER.

15. ADDRESS NUMBERS SHALL BE LOCATED AND BE OF A COLOR AND SIZE SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE ROADWAY FROM WHICH THE BUILDING IS ADDRESSED IN ACCORDANCE WITH COLTON FIRE DEPARTMENT ACCESS & WATER GUIDELINE.

16. ACCESS GATES SHALL BE APPROVED PRIOR TO INSTALLATION AND SHALL BE IN COMPLIANCE WIHT CHAPTER 5 OF THE CFC AND COLTON FIRE ACCESS & WATER GUIDELINE.

17. APPROVED ACCESS WALKWAYS SHALL BE PROVIDED TO ALL REQUIRED OPENINGS AND ALL RESCUE WINDOWS.

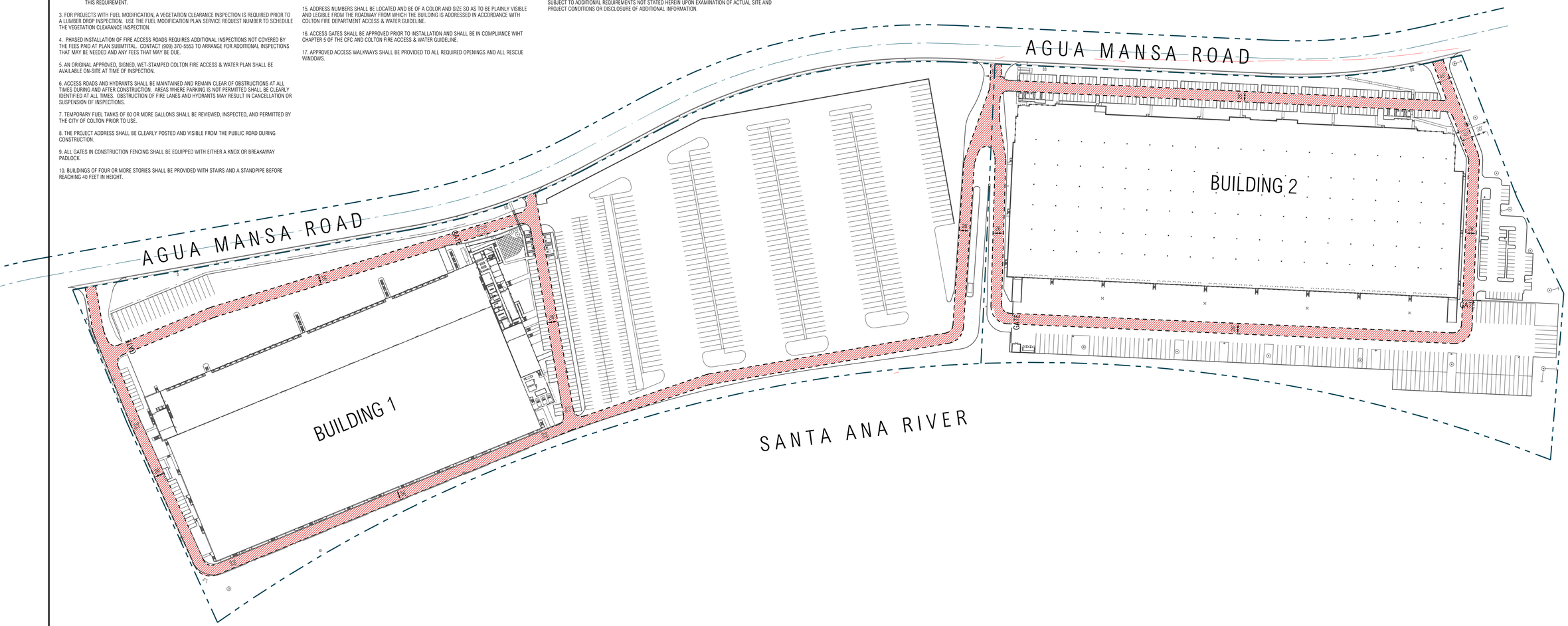
17. APPROVED ACCESS WALKWAYS SHALL BE PROVIDED TO ALL REQUIRED OPENINGS AND ALL RESCUE WINDOWS.

18. VEGETATION SHALL BE SELECTED AND MAINTAINED IN SUCH A MANNER AS TO ALLOW IMMEDIATE ACCESS TO ALL HYDRANTS, VALVES, FIRE DEPARTMENT CONNECTIONS, PULL STATIONS, EXTINGUISHERS, SPRINKLER RISERS, ALARM CONTROL PANELS, RESCUE WINDOWS AND OTHER DEVICES OR AREAS USED FOR FIREFIGHTING PURPOSES. VEGETATION OR BUILDING FEATURES SHALL NOT OBSTRUCT ADDRESS NUMBERS OR INHIBIT THE FUNCTIONING OF ALARM BELLS, HORNS OR STROBES.

19. DUMPSTERS AND TRASH CONTAINERS LARGER THAN 1.5 CUBIC YARDS SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 5 FEET OF COMBUSTIBLE WALLS, OPENINGS OR COMBUSTIBLE ROOF EAVE LINES UNLESS PROTECTED BY AN APPROVED SPRINKLER SYSTEM.

20. ANY FUTURE MODIFICATION TO THE APPROVED FIRE DEPARTMENT ACCESS & WATER PLAN OR APPROVED SITE PLAN, INCLUDING BUT NOT LIMITED TO ROAD WIDTH, GRADE, SPEED HUMPS, TURNING RADII, GATES OR OTHER OBSTRUCTIONS, SHALL REQUIRE REVIEW, INSPECTION, AND APPROVAL BY THE CITY OF COLTON.

21. APPROVAL OF THIS PLAN SHALL NOT BE CONSTRUED AS APPROVAL OF ANY INFORMATION OR PORJECT CONDITIONS OTHER THAN THOSE ITEMS AND REQUIREMENTS IDENTIFIED IN COLTON FIRE DEPARTMENT ACCESS & WATER GUIDELINE AND RELATED PORTIONS OF THE CFC AND CBC. THIS PROJECT MAY BE SUBJECT TO ADDITIONAL REQUIREMENTS NOT STATED HEREIN UPON EXAMINATION OF ACTUAL SITE AND PROJECT CONDITIONS OR DISCLOSURE OF ADDITIONAL INFORMATION.



SCALE: 1" = 100'-0" 0' 20' 50' 100' 200'

RGA
Office of Architectural Design
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Irvine, CA 92618
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FX 949-341-0922

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FIRE ACCESS PLAN

MARK	DATE	DESCRIPTION
	1/16/26	PC HEARING SET
	5/27/25	PARKING PLAN
	2/25/25	PARKING PLAN
	11/18/24	PARKING PLAN
	12/16/20	PLANNING SUBMITTAL
	7/21/20	CONCEPTUAL SITE PLAN

RGA PROJECT NO:	18107.00
CAD FILE NAME:	18107-00-A1-02-A
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SHEET TITLE

A1-04-A



PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	Quantities	WUCOLS
	Acacia stenophylla Shoestring Acacia	15 Gal	60	L
	Cercidium 'Desert Museum' Blue Palo Verde	36" Box	10	L
	Chilopsis linearis Desert Willow	36" Box	16	L
	Chitalpa tashkentensis Chitalpa	24" Box	68	L
	Pinus eldarica Afghan Pine	36" Box	16	L
	Rhus lancea African Sumac	36" Box 24" Box	35 40	L
	Schinus molle California Pepper	24" Box	41	L

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal
	Chondropetalum tectorum Small Cape Rush	5 Gal
	Dianella tasmanica Dianella	5 Gal
	Elaeagnus pungens Silverberry	5 Gal
	Leucophyllum f. 'Green Cloud' Texas Ranger	5 Gal
	Ligustrum j. Texanum Texas Privet	5 Gal
	Muhlenbergia lindheimeri Lindheimer's Muhly	5 Gal
	Salvia greggii Autumn Sage	5 Gal
	Salvia leucantha Mexican Sage	5 Gal
	Senna artemisioides Feathery Cassia	5 Gal

GROUNDCOVER

SYMBOL	BOTANICAL/COMMON NAME	SIZE
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal
	Lonicera j. 'Halliana' Hall's Honeysuckle	1 Gal
	Nassella tenuissima Mexican Feather Grass	1 Gal
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal
	Senecio mandraliscae Blue Fingers	4" Pots
	Tall Fescue 'Marathon II' Sodded Turf	Seed

SHEET 1

N

0 50' 100' 200'

IDI 1500 and 1400 AGUA MANSA

20-054
04.15.20 12.15.20 12.21.22
08.18.20 2.12.21 01.16.26
09.15.20 9.13.22

Colton, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408

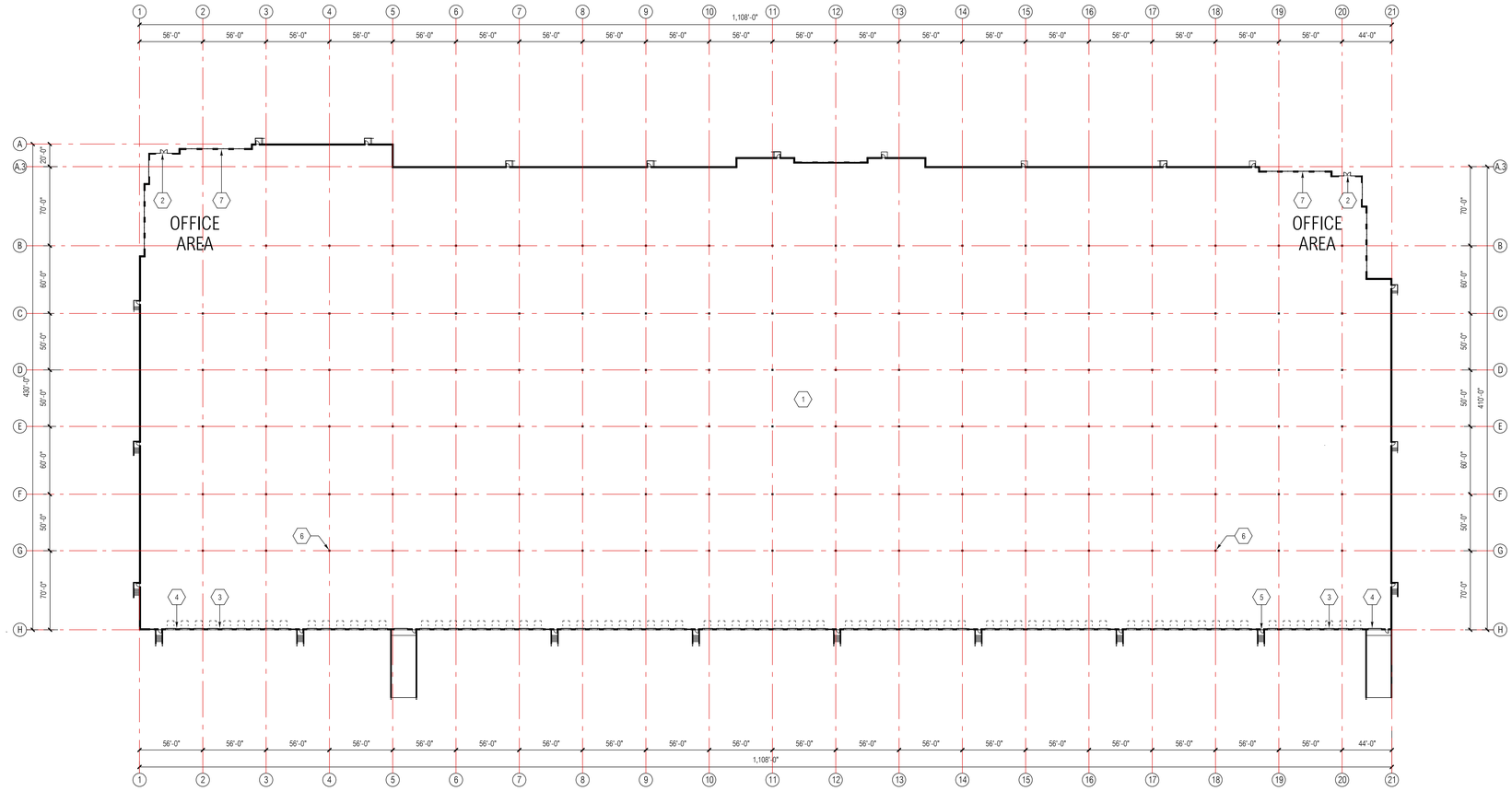
Plans

1400 Agua Mansa Road – Bldg 2

ATTACHMENT 3 (Continued)

KEYNOTES (000)

1. PAINTED CONCRETE TILT-UP EXTERIOR WALL STRUCTURE.
2. PRIMARY ENTRANCE.
3. PAINTED DOCK HIGH METAL TRUCK DOORS.
4. PAINTED GRADE LEVEL METAL TRUCK DOORS.
5. PAINTED 3' X 7' METAL ACCESS MAN DOORS.
6. STRUCTURAL BUILDING COLUMN.
7. STOREFRONT: GLAZING SET IN CLEAR ANODIZED ALUMINUM 2" X 4 1/4" MIN. OFF-SET GLAZING SYSTEM.



SCALE: 1" = 100'-0" 0' 20' 50' 100' 200'

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Irvine, CA 92618
T 949-341-0920
FX 949-341-0922

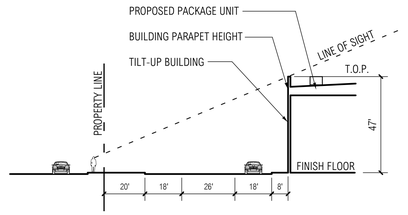
AGUA MANSA INDUSTRIAL WAREHOUSE PROJECT

1400 AGUA MANSA, COLTON
BUILDING 2
FLOOR PLAN

MARK	DATE	DESCRIPTION
	12/16/20	PLANNING SUBMITTAL
	9/16/19	CONCEPTUAL SITE PLAN

RGA PROJECT NO:	18107.00
CAD FILE NAME:	18107-00-A1-01-B
DRAWN BY:	JH
CHK'D BY:	MG
COPYRIGHT: RGA, OFFICE OF ARCHITECTURAL DESIGN	
SHEET TITLE	

A2-02-B



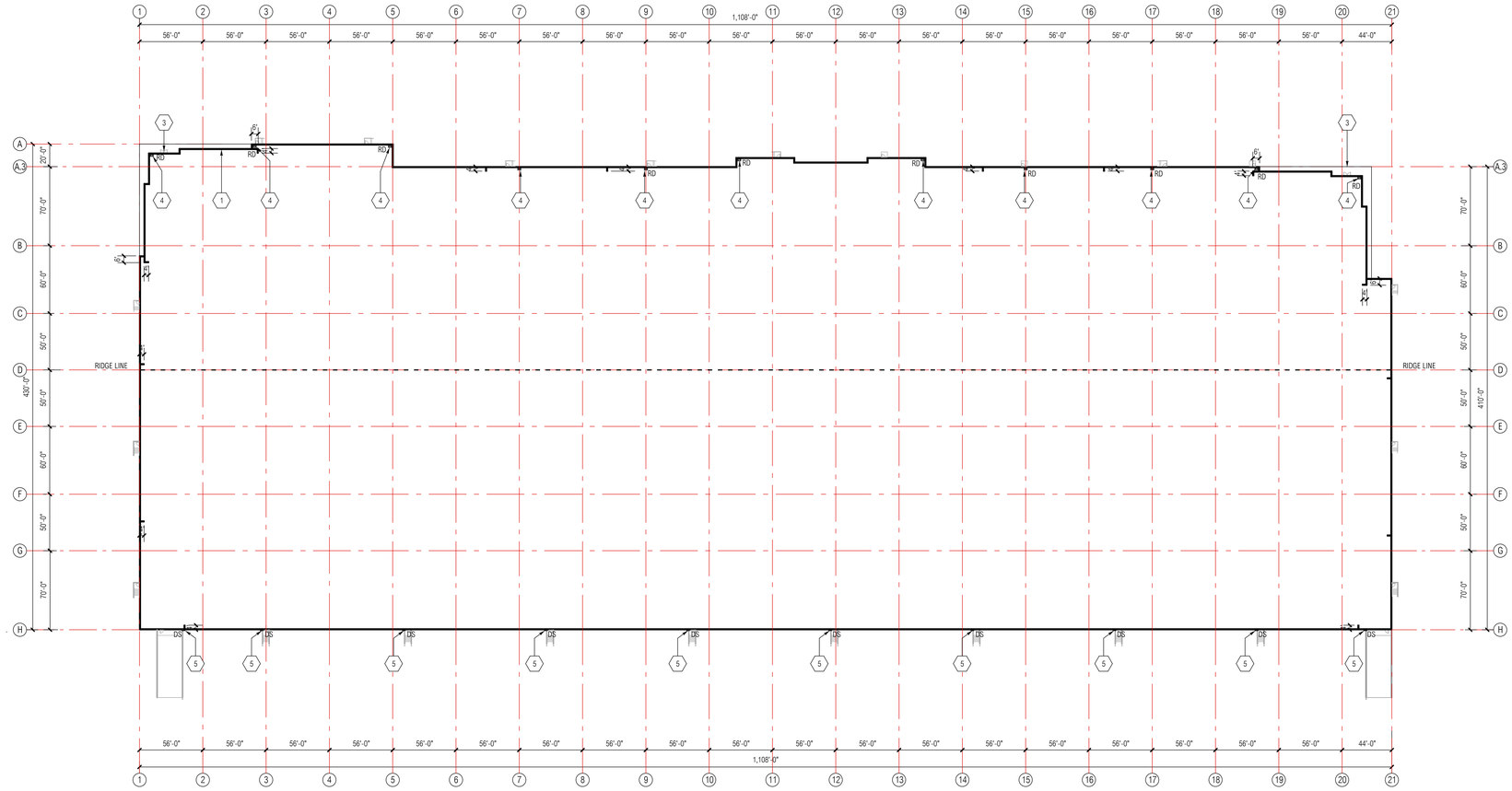
TYPICAL EQUIPMENT SCREEN LINE OF SIGHT 1

SCALE 1" = 30'-0"

NOTE: LINE OF SIGHT TAKEN FROM 6'-0" ABOVE FINISH GRADE

KEYNOTES

1. PAINTED CONCRETE TILT-UP PARAPET.
2. NOT USED.
3. METAL CANOPY STRUCTURE OVER BUILDING ENTRY.
4. INTERIOR ROOF DRAIN AND OVERFLOW DRAINS.
5. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPERS.



SCALE: 1" = 100'-0"

0' 20' 50' 100' 200'

AGUA MANSA INDUSTRIAL WAREHOUSE PROJECT

1400 AGUA MANSA, COLTON

BUILDING 2

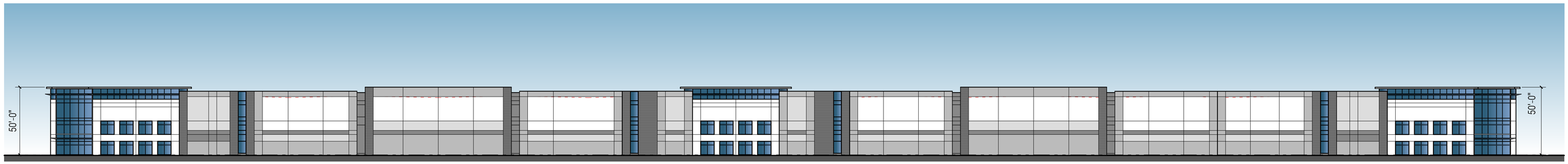
ROOF PLAN

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Innovation Park
Irvine, CA 92618
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FX 949-341-0922

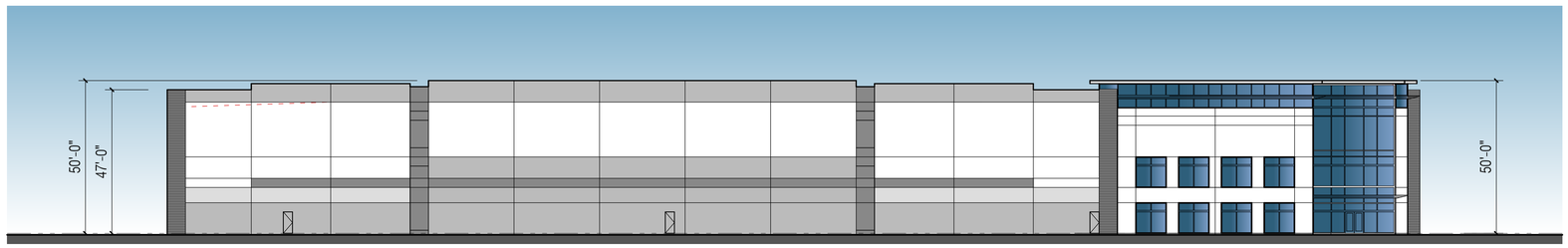
MARK	DATE	DESCRIPTION
	12/16/20	PLANNING SUBMITTAL
	9/16/19	CONCEPTUAL SITE PLAN

RGA PROJECT NO:	18107.00
CAD FILE NAME:	18107-00-A1-01-B
DRAWN BY:	JH
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SHEET TITLE	

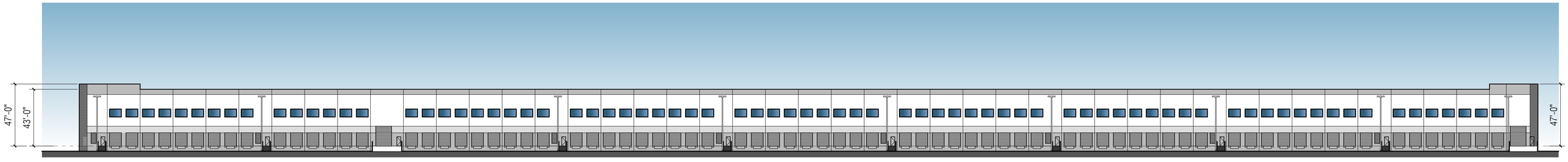
A2-02-B



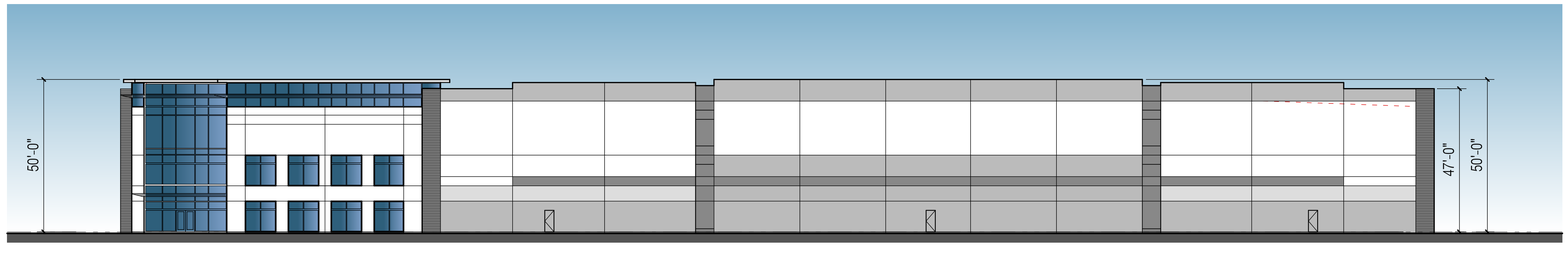
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

KEYNOTES ⟨000⟩

1. PRIMARY ENTRANCE.
2. 2" WIDE X 3/4" DEEP HORIZONTAL / VERTICAL REVEAL.
3. REFLECTIVE GLASS IN STOREFRONT FRAME SYSTEM.
4. ALUMINUM CLAD CANOPY
5. FORMLINER: FITZGERALD FLUTED RIB #14541
6. PAINTED CONCRETE TILT-UP EXTERIOR WALL CONSTRUCTION.
7. PAINTED 12' WIDE X 15' HIGH LEVEL VERTICAL LIFT TRUCK DOOR.
8. PAINTED 9' WIDE X 10' HIGH VERTICAL LIFT TRUCK DOOR.
9. 3' X 7' PAINTED METAL MAN DOOR.

FINISH SCHEDULE:

	1. FIELD COLOR -	FRAZEE PAINTS COLOR "COLORLIFE" CL 3211W WASH BASIN
	2. LIGHT ACCENT COLOR -	FRAZEE PAINTS COLOR "COLORLIFE" CL 3233M CAPRICORN
	3. DARK ACCENT COLOR -	FRAZEE PAINTS COLOR "COLORLIFE" CL 3235D ROCK BOTTOM
	4. DARK ACCENT COLOR 2-	FRAZEE PAINTS COLOR "COLORLIFE" CL 3236A ESTATE
	6. GLASS:	PPG VISTACOOL PACIFICA

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Irvine, CA 92618
T 949-341-0920
FX 949-341-0922

AGUA MANSA LOGISTICS CENTER

1400 AGUA MANSA, COLTON

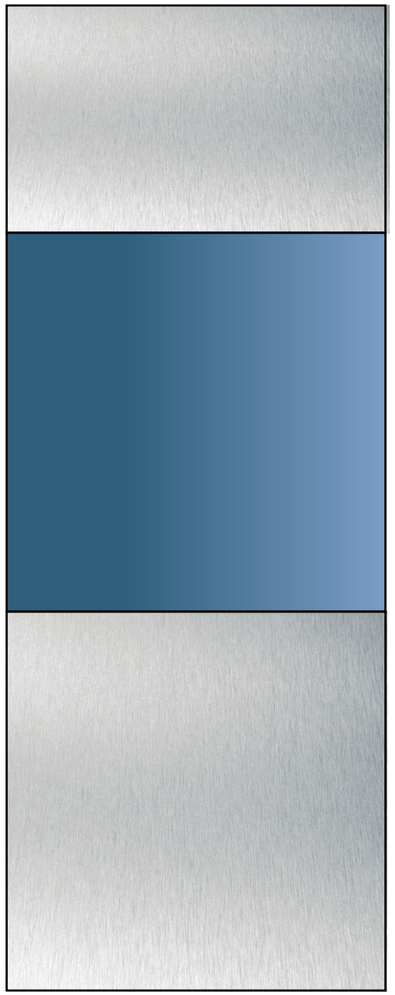
BUILDING 2 ELEVATIONS

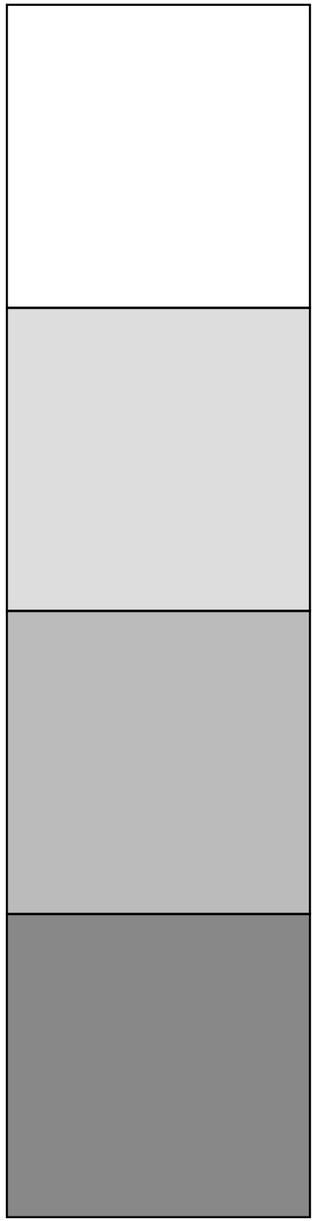
MARK	DATE	DESCRIPTION
	1/16/26	PC HEARING SET
	5/27/25	PARKING PLAN
	2/25/25	PARKING PLAN
	11/18/24	PARKING PLAN
	12/16/20	PLANNING SUBMITTAL
	7/21/20	CONCEPTUAL SITE PLAN

RGA PROJECT NO:	18107.00
CAD FILE NAME:	18107-00-A1-02-A
DRAWN BY:	CS
CHK'D BY:	CS
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SHEET TITLE	

A3-2-P

AGUA MANSA LOGISTICS CENTER - CITY OF COLTON





FINISH SCHEDULE		
CODE	MATERIAL	DESCRIPTION
P-1	BASE COLOR	COLOR: FRAZEE - WASH BASIN - CL 3211W
P-2	ACCENT COLOR	COLOR: FRAZEE - CAPRICORN - CL 3233M
P-3	ACCENT COLOR	COLOR: FRAZEE - ROCK BOTTOM - CL3235D
P-4	ACCENT COLOR	COLOR: FRAZEE - ESTATE - CL 3236A
GL-1	GLAZING	INSULATED BLUE GLAZING
M-1	MULLIONS	LIGHT CHAMPAGNE
MCC-1	METAL CLAD CANOPY	ALUCOBOND "CHAMPAGNE METALLIC" PVDF-2/ GLOSS LEVEL-30



PARTIAL EAST ELEVATION

SCALE 1" =20'-0"

PROJECT DIRECTORY

DEVELOPER:
IDI LOGISTICS
840 APOLLO STREET, SUITE 100
EL SEGUNDO, CA 90245
PH: (714) 769-9155
FAX: (714) 685-1500
E-MAIL: steve.hollis@idilogistics.com
CONTACT: STEVE HOLLIS

ARCHITECT:
RGA, OFFICE OF ARCHITECTURAL DESIGN
15231 ALTON PARKWAY, SUITE 100
IRVINE, CA 92618
PHONE: 949-341-0920
FAX: 949-341-0922
E-MAIL: jacob@rga-architects.com
CONTACT: JACOB HUBER

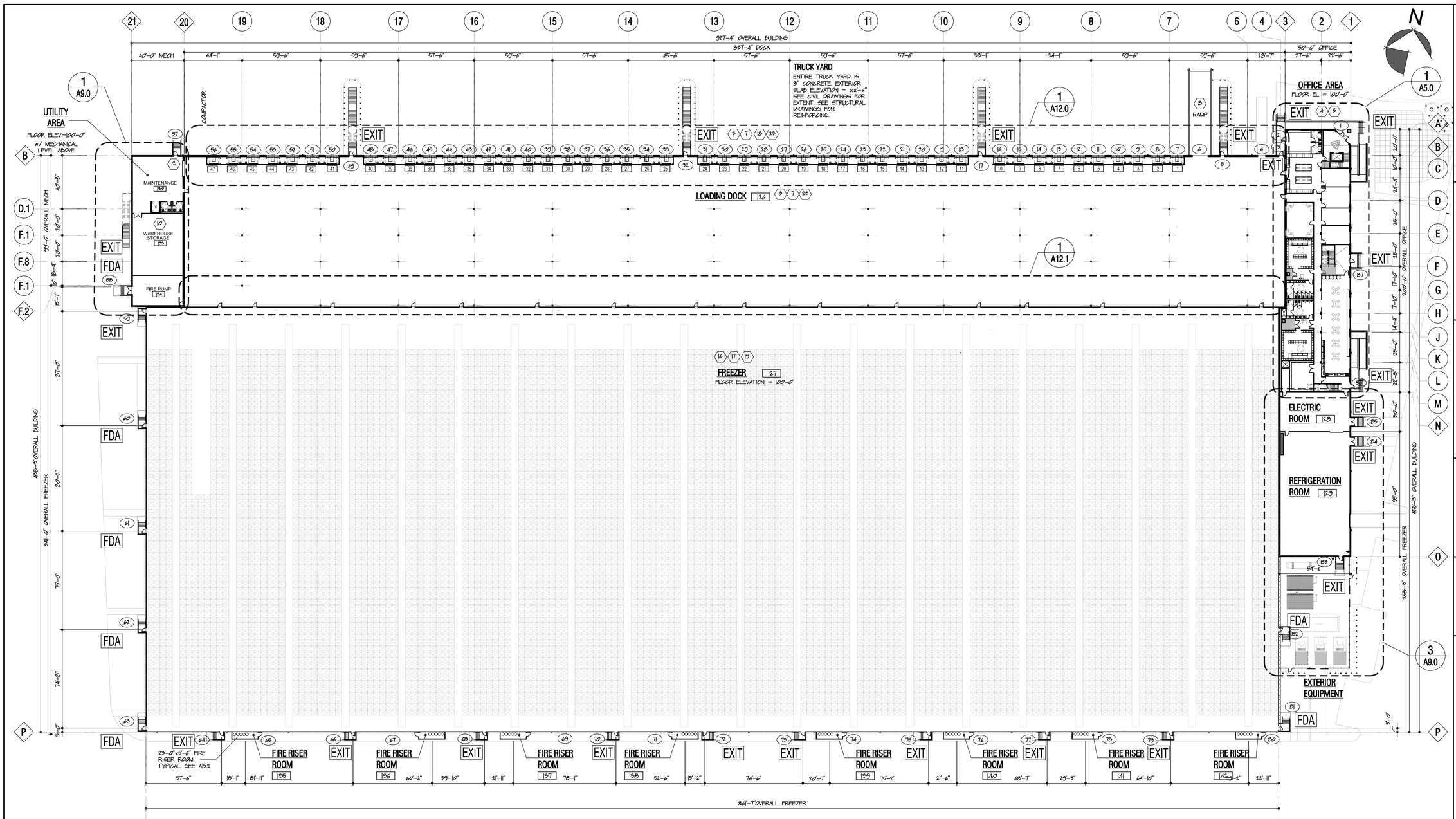
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IDI Logistics

Plans

1500 Agua Mansa Road – Bldg 1

ATTACHMENT 3 (Continued)



PROPOSED OVERALL FLOOR PLAN

SCALE: 1/ 30" = 1'-0"

SPRINKLER NOTES:

- SPRINKLER PIPES PENETRATING THE FREEZER WALL, MUST HAVE A CURB ON THE FLOOR, PROJECTING 1'-0" BEYOND PIPES.
- SPRINKLER PIPE INSULATION MUST BE REMOVABLE AT 'T' INSPECTION LOCATION.

Racking Note

RACKING SHOWN FOR CLARITY, FINAL DESIGN, CONTROL AND CONSTRUCTION BY RACKING CONTRACTOR AND CRANE CONTRACTOR.

Site Note

ALL SITE INFORMATION, INCLUDING SETBACKS, PROPERTY LINES AND ROAD WAYS WERE TAKEN FROM OWNER SUPPLIED PLANS, AND MUST BE ACCURATELY SURVEYED AND CONFIRMED PRIOR TO START OF CONSTRUCTION DRAWINGS.

Curbing Note

ALL CONCRETE CURBS TO BE HELD OFF OF MAN DOORS A MIN OF 1'-8" EACH SIDE PER ADA REQUIREMENTS.

BUILDING CALCULATIONS

FREEZER = 278,505 GROSS S.F.
LOADING DOCK = 96,293 GROSS S.F.
DOCK MEZZANINE = 96,293 GROSS S.F
TOTAL DOCK AREA = 471,091 GROSS S.F.
OFFICE AREA= 10,253 GROSS. S.F.(1ST FLOOR)
OFFICE AREA= 10,253 GROSS. S.F.(2ND FLOOR)
TOTAL OFFICE AREA= 20,506 GROSS S.F.

REFRIGERATION AND ELECTRICAL AREA
TOTAL = 6,813 GROSS. S.F.(1ST FLOOR)
SUPPORT AREA = 4593 GROSS S.F.
ACR AREA MEZZ = 4593 GROSS S.F
TOTAL SUPPORT AREAS = 9,186 GROSS S.F

Total Building Area = 507,596 G.S.F

NOTES

1. 6" DOUBLE FACE 24 GAGE PREFINISHED FOAM PANEL CONCEAL FASTEN.
2. 4" PREFINISHED FOAM LINER PANEL FULL HEIGHT
3. EXTERIOR CONCRETE BEARING PANEL WITH EXTERIOR FACE PAINTED.
4. ALUMINUM FRAMING SYSTEM w/ TINTED INSULATED GLASS CURTIAN WALL w/ CONCEALED FASTEN FRAMING SYSTEM
5. DRYWALL STUDS w/ CONCRETE PANEL BACKER
6. REFRIGERATED INSULATED METAL EXIT DOOR w/ FULL WEATHERSTRIPPING - EQUAL TO JAMISON PLATFORM
7. PREFINISHED INSULATED METAL VERTICAL LIFT OH. DOOR w/ INSULATED VISION PANEL & FULL WEATHERSTRIPPING. 50" TAILGATE HEIGHT
8. NEW ON GRADE CONCRETE RAMP, WITH 3'-6" HIGH CONCRETE WALLS ALONG EDGE OF RAMP.
9. NOT USED
10. 6'x8' INSULATED OVERHEAD DOOR, SHALLOW LIFT
11. SEISMIC BRACING SEE STRUCTURAL DRAWINGS.
12. DEPRESS SLAB 4" IN FIRE PUMP ROOM
13. NOT USED
14. PREFABRICATED STAINLESS STEEL RAIN HOOD OVER EACH DOOR
15. LOADING DOCK SLAB SEE FOUNDATION PLANS BY OTHERS
16. CONCRETE TOP SLAB FINISH EQUAL TO AN FF#50th. SEE DETAILS ON A9.1 AND STRUCTURAL DRAWINGS FOR SLAB DESIGN.
17. GALVANIZED ROOF DECK PAINT WHITE BY OWNER.
18. EXTERIOR CONCRETE TRUCK COURT, SEE STRUCTURAL DRAWINGS FOR REINFORCING & THICKNESS
19. NEW RACKING SYSTEM TO BE DESIGNED AND INSTALLED BY OTHERS
20. CONCRETE TOP SLAB FINISH EQUAL TO AN FMIN 80 SEE DETAILS ON A9.1 AND STRUCTURAL DRAWINGS FOR SLAB DESIGN.
21. PROVIDE INTERIOR FAST FOLD RYTEC DOOR AND HEAT TECH LAMPS
22. PROVIDE INTERIOR INSULATED ROLL UP DOOR
23. VERTICAL DOCK LEVELER, EQUAL TO A KELLY VSL 8T4S VERTICAL LIFT

PROGRESS PRINT
FEBRUARY 07, 2022
NOT FOR BID
NOT FOR CONSTRUCTION

VICTORY UNLIMITED CONSTRUCTION

rkb architects, Inc.
2010 Campanelli drive, Braintree, ma 02184
p 781.843.6000 f 781.843.6001 w rkbarch.com

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Lineage

DATE ISSUED:	DRAWN BY:	SCALE:	CONSULTANT PROJECT NO.:
08/21/2020	RJD	As Noted	1930

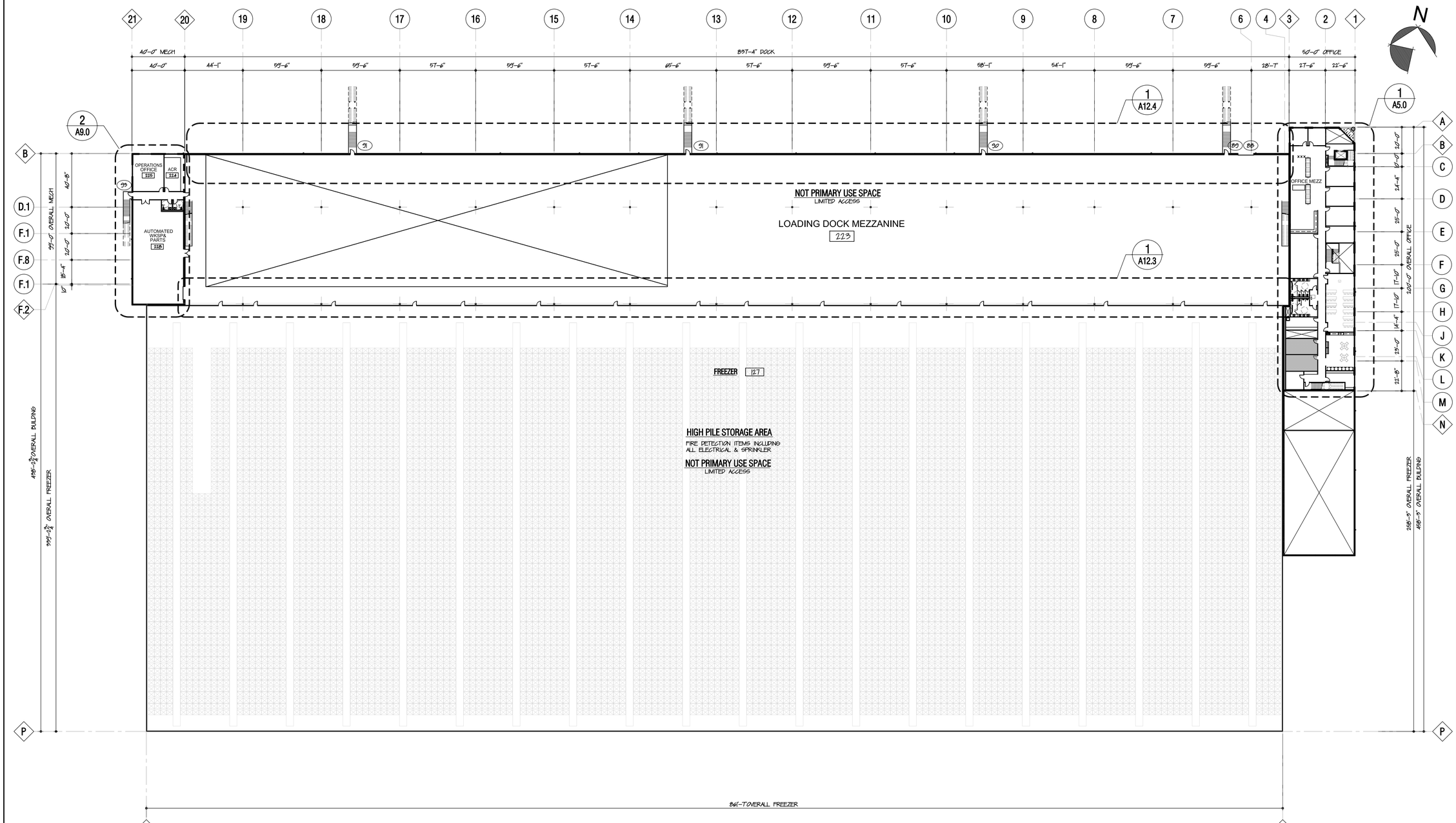
PROJECT:
OVERALL FLOOR PLAN
Lineage Cold Storage Facility
Agua Mansa Road
City of Colton California

REVISION SCHEDULE

REV.	DATE	DESCRIPTION
.	.	.

DRAWING NO.:
A-004.0

TITLE:
OVERALL FLOOR PLAN



1 A4.1 **PROPOSED MEZZANINE FLOOR PLAN**

SCALE: 1/ 30" = 1'-0"

Racking Note

RACKING SHOWN FOR CLARITY, FINAL DESIGN, CONTROL AND CONSTRUCTION BY RACKING CONTRACTOR AND CRANE CONTRACTOR

PROGRESS PRINT
FEBRUARY 07, 2022
NOT FOR BID
NOT FOR CONSTRUCTION

NOTES

1. 6" DOUBLE FACE 24 GAGE PREFINISHED FOAM PANEL CONCEAL FASTEN.
2. 4" PREFINISHED FOAM LINER PANEL FULL HEIGHT
3. EXTERIOR CONCRETE BEARING PANEL, WITH EXTERIOR FACE PAINTED.
4. ALUMINUM FRAMING SYSTEM w/ TINTED INSULATED GLASS CURTIAN WALL w/ CONCEALED FASTEN FRAMING SYSTEM
5. DRYWALL STUDS w/ CONCRETE PANEL BACKER
6. REFRIGERATED INSULATED METAL EXIT DOOR w/ FULL WEATHERSTRIPPING – EQUAL TO JAMISON PLYTOWN
7. PREFINISHED INSULATED METAL VERTICAL LIFT OH DOOR w/ INSULATED VISION PANEL & FULL WEATHERSTRIPPING. 50" TAILGATE HEIGHT
8. NEW ON GRADE CONCRETE RAMP, WITH 3'-6" HIGH CONCRETE WALLS ALONG EDGE OF RAMP.
9. NOT USED
10. 6'x8' INSULATED OVERHEAD DOOR, SHALLOW LIFT
11. SEISMIC BRACING SEE STRUCTURAL DRAWINGS.
12. DEPRESS SLAB 4" IN FIRE PUMP ROOM
13. NOT USED
14. PREFABRICATED STAINLESS STEEL RAIN HOOD OVER EACH DOOR
15. LOADING DOCK SLAB SEE FOUNDATION PLANS BY OTHERS
16. CONCRETE TOP SLAB FINISH EQUAL TO AN FF#35/31, SEE DETAILS ON A5.1 AND STRUCTURAL DRAWINGS FOR SLAB DESIGN.
17. GALVANIZED ROOF DECK. PAINT WHITE BY OWNER.
18. EXTERIOR CONCRETE TRUCK COURT, SEE STRUCTURAL DRAWINGS FOR REINFORCING & THICKNESS
19. NEW RACKING SYSTEM TO BE DESIGNED AND INSTALLED BY OTHERS
20. CONCRETE TOP SLAB FINISH EQUAL TO AN FF#35 SEE DETAILS ON A5.1 AND STRUCTURAL DRAWINGS FOR SLAB DESIGN.
21. PROVIDE INTERIOR FAST FOLD RYTEC DOOR AND HEAT TECH LAMPS
22. PROVIDE INTERIOR INSULATED ROLL UP DOOR
23. VERTICAL DOCK LEVELER, EQUAL TO A KELLY VSL 8745 VERTICAL LIFT

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rkb architects, Inc.
zero campanelli drive, braintree, ma 02184
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Lineage

DATE ISSUED: 12/15/2021
DRAWN BY: RJD
SCALE: As Noted
CONSULTANT PROJECT NO.: 1930

REVISION SCHEDULE

REV.	DATE	DESCRIPTION
-	-	-

PROJECT:

OVERALL MEZZANINE FLOOR PLAN

Lineage Cold Storage Facility
Agua Mansa Road
City of Colton California

DRAWING NO.:

A-004.1

TITLE:

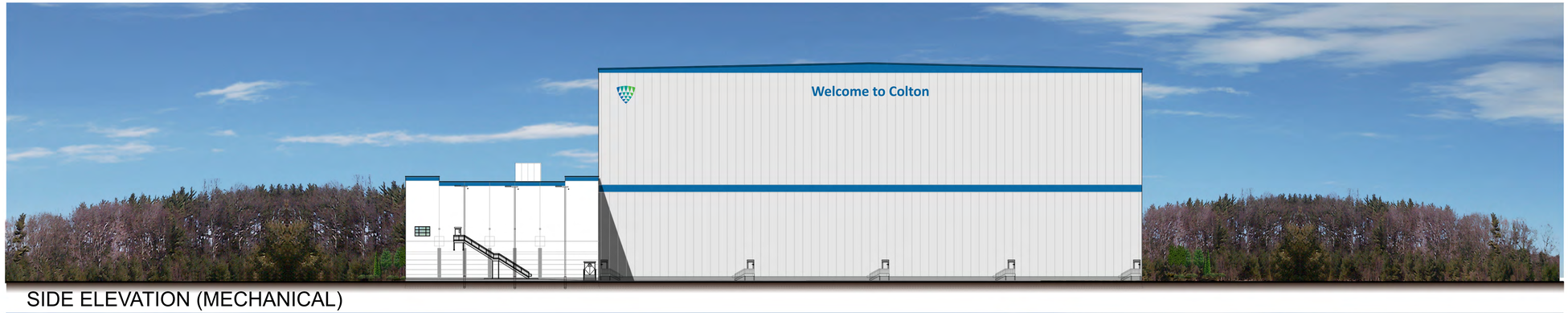
OVERALL MEZZANINE PLAN



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION (MECHANICAL)



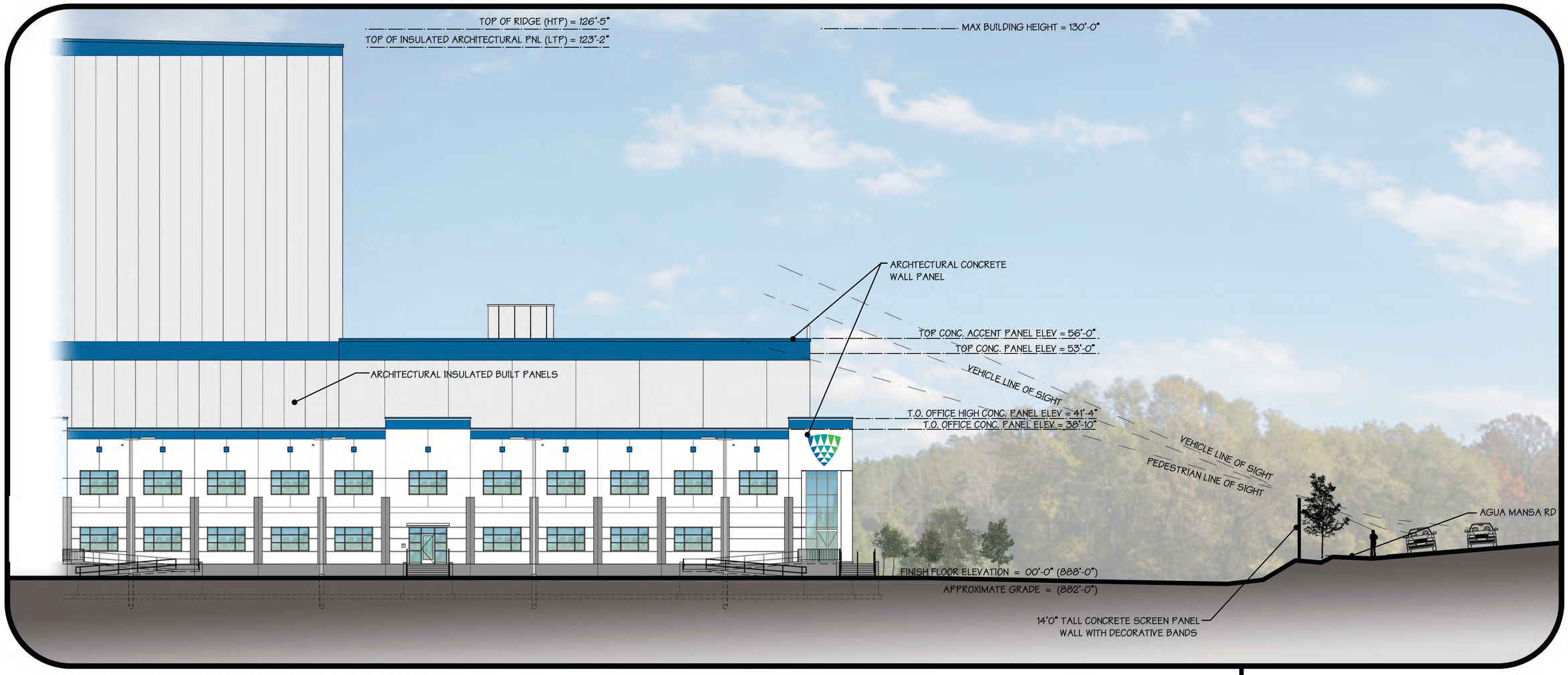
SIDE ELEVATION (OFFICE)

MAX BUILDING
HEIGHT = 130'-0' FROM GRADE

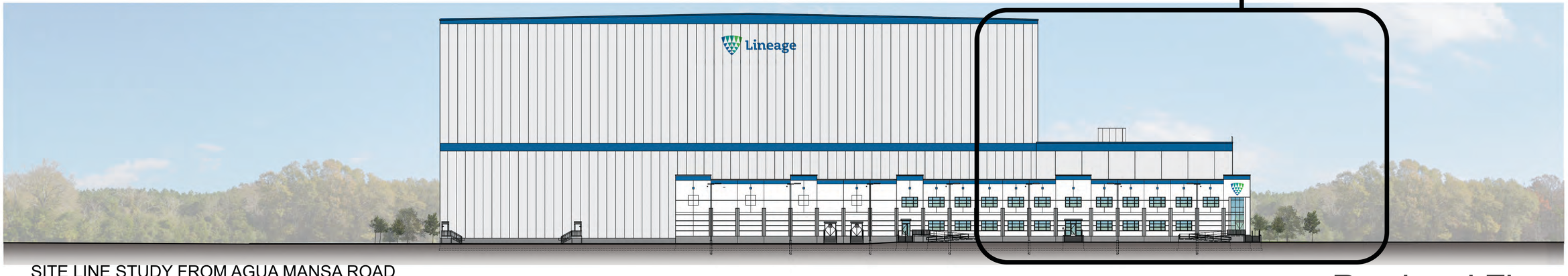
Lineage®

Project Frozen D.C. - CA

Rendered Elevations



ENLARGED SITE LINE STUDY FROM AGUA MANSA ROAD



SITE LINE STUDY FROM AGUA MANSA ROAD

Rendered Elevations

Plans

Rendered Perspectives Bldgs 1 and 2

ATTACHMENT 3 (Continued)



COLTON CA

Rendered Perspective C

2018



ELEVATION 01 - WITH NO SCREEN WALL 600’-0” AWAY



ELEVATION 02 - WITH SCREEN WALL STANDING 600’-0” AWAY(W/ TREES)



ELEVATION 03 - WITH SCREEN WALL STANDING 600’-0” AWAY

Project Frozen D.C. - CA

Rendered Elevations



COLTON CA

Rendered Perspective B

2018



COLTON CA

Rendered Perspective A

2018

RESOLUTION NO. R-10-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING TENTATIVE PARCEL MAP NO. 20358 TO CONSOLIDATE 11 PARCELS INTO 2 PARCELS FOR PROPERTY LOCATED AT 1400 AND 1500 AGUA MANSA ROAD; (FILE INDEX NO: DAP-001-816).

WHEREAS, an application (File Index No. DAP 001-816) was filed with the City of Colton by Pamela Steele of MIG Inc, (hereinafter "Applicant") for **Tentative Parcel Map No. 20358** to consolidate 11 parcels into 2 parcels located at 1400 and 1500 Agua Mansa Road within in the M-2 (Heavy Industrial) Zones the Agua Mansa Historic District; and

WHEREAS, on March 7, 2023, in the form of a letter, the applicant requested to continue the Planning Commission meeting from March 14 2023 to March 28, 2023; and

WHEREAS, on March 14, 2023, the Planning Commission of the City of Colton conducted the continued public hearing at which time all persons wishing to testify in connection with the application were heard, the application was fully examined and continued the meeting to March 28, 2023 at the request of the applicant; and

WHEREAS, the public hearing was continued to April 11, 2023 and subsequently to April 25, 2023; and

WHEREAS, on April 25, 2023 the Planning Commission of the City of Colton held the continued public hearing at which time all persons wishing to testify in connection with the application were heard and the application was fully examined; and

WHEREAS, on August 20, 2013 (Resolution No. R-60-13), the City of Colton, as the lead agency under the California Environmental Quality Act ("CEQA"), certified a General Plan Environmental Impact Report ("General Plan EIR") and approved the General Plan on August 20, 2013; and

WHEREAS, as part of its approval of the General Plan, City adopted Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the General Plan; and

WHEREAS, pursuant to CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, Lineage Logistics is seeking City approval to allow for the construction of a

new warehouse/office building at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has conducted an analysis of the Project, consistent with CEQA Guidelines section 15183 ("Section 15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON:

SECTION 1. RECITALS. The City Council finds that the Section 15183 Analysis has been completed in compliance with CEQA, the CEQA Guidelines, and that the Section 15183 Analysis and supporting materials, taken together, reflect the City Council's independent judgment.

SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Section 15183 updated Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the Commission's independent review and analysis it finds that the Section 15183 updated Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the modified project, and that the Section 15183 updated Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including the Section 15183 updated Analysis, the administrative record, and all other written and oral evidence, the Planning Commission finds that all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Section 15183 updated Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the modified project may result in any significant environmental impacts. The Planning Commission finds that the Section 15183 updated Analysis contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent and analysis of the City Council.

SECTION 4. ADOPTION OF THE SECTION 15183 ANALYSIS. The City Council hereby approves and adopts the Section 15183 updated Analysis **attached hereto as Exhibit "A-1**."

SECTION 5. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the

Planning Commission hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Section 15183 updated Analysis and the MMRP, the MMRP shall control.

SECTION 6. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 7. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

SECTION 8. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council makes the following findings in accordance with the Colton Municipal Code Chapter 16.16 of Title 16 (Division of Land) for **Tentative Parcel Map No. 20358** for Building 1, Parcel 1 at 1500 Agua Mansa Road and Building 2, Parcel 2 at 1400 Agua Mansa Road (File Index Case No. DAP-001-816):

1. ***The proposed map is constant with applicable general and specific plans.***

   The proposed map will consolidate 11 parcels into two parcels to accommodate the development of the two warehouse buildings and associated truck storage and vehicle parking. The proposed parcels exceed the minimum establish lot area, width and depth standards and the site is designated as Heavy Industrial which allows for warehouse facilities. Therefore, the proposed map is consistent with the General Plan. There are no specific plans applicable to the area.

2. ***The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.***

   The General Plan does not contain specific standards, however, the proposed parcels along with the associated improvements (buildings, walls, landscaping, parking, driveways and related off-site improvements) are consistent with the general plan. The subdivision will facilitate the development of two warehouse buildings which are allowed as the site is designated Heavy Industrial in the General Plan. Furthermore, the off-site improvements, including the widening of Agua Mansa Road are consistent with the General Plan as the roadway system will be improved and widened to 90 feet for full-street width and three (3) additional feet for landscaping easement consistent with the goals of the Mobility Element of the General Plan.

3. The site is physically suitable for the type of development.

The site can easily accommodate the two buildings and associated parking, landscaping and internal circulation system as the smallest proposed parcel is 24 acres in area and the lagger proposed parcel is 35 acres in area. The minimum lot area is 15,000 square feet. The site can accommodate the project and the resulting floor area ratio (FAR) will be under 0.5 the maximum anticipated for the area.

4. The site is suitable for the proposed density of development.

As stated in finding #3 above, the floor area ratio (FAR) for Parcel 1 is 0.31 and for Parcel 2 the FAR is 0.44. The maximum allowed FAR is 0.5. The site is large enough to accommodate the buildings and the related parking, landscaping and internal circulation system.

5. ***The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat***.

The design of the subdivision and the proposed improvements have been thoroughly evaluated in compliance with the California Environmental Quality Act (CEQA) to determine if the project (including the subdivision and the proposed improvements) could cause substantial environmental damage or substantially injure fish or wildlife or their habitat. The results of the environmental evaluation (Section 15138 Analysis) show that the overall project is not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision and the type of improvements is not likely to cause serious public health problems as the project will meet the standards and requirement of the Zoning Code and other related regulations designed for the purpose of ensuring that developments not cause serious public health problems. Conditions of approval require measures that ensure the project will not cause serious public health problems.

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Advisory Agency may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Advisory Agency or legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The proposed map identifies easements for various utilities ensuring that such easements will be recorded and maintained. Easements for Southern California Edison (SCE), as well as for storm drains, reciprocal access, water, sewer, pipelines, telecommunications, and County flood control would be located primarily along the east and southeast boundaries of the project site and along the southern boundary. The map has been evaluated and the City Engineer has not identified any conflicts related to easements.

8. The discharge of wastes from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board, pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the Advisory Agency finds that the proposed waste discharge would result in or add to violation of requirements of such Board, it may disapprove the map of the subdivision.

The discharge of waste into an existing sewer system from future development proposed in the Tentative Parcel Map No. 20358 will not cause a violation of existing requirements prescribed by the local water quality control board because the City's Engineering and Water Utilities Divisions of Public Works have reviewed and conditionally approved the proposal to address waste & wastewater requirements, drainage, grading, storm water, NPDES construction activity, Improvement Plans and Final Map submission requirements ensuring that discharge of waste is designed correctly so it does not impact existing water sources.

SECTION 9. Based upon the findings set forth in Sections 3 and 8 of this Resolution, the City Council hereby approves **Tentative Parcel Map No. 20358** to allow the consolidation of 11 parcels into two parcels measuring 35 net acres for Parcel 1, Building 1 and 24 net acres for Parcel 2, Building 2 on property measuring approximately 59 net acres in an area located in the M-2 (Heavy Industrial) Zone (DAP-001-816), subject to the attached conditions of approval (**Exhibit "A-2"**).

SECTION 10. The City Clerk shall certify to the adoption of this Resolution.

SECTION 11. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2026.

_____

FRANK NAVARRO, MAYOR

ATTEST:

_____

ISAAC T. SUCHIL
City Clerk

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT "A-2"

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

1. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

2. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

3. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

   Tentative Parcel Map No. 20358 to allow the consolidation of 11 parcels into two parcels measuring 35 net acres for Parcel 1, Building 1 and 24 net acres for Parcel 2, Building 2 on property measuring approximately 59 net acres in area, Development Agreement between the City of Colton and IDI Agua Mansa, LLC and a separate Development Agreement between the City of Colton and Lineage Logistics, LLC.

4. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

5. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

6. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

7. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents.

8. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

9. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

10. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

11. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

12. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

13. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

14. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

15. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

16. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

17. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

18. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

19. The Tentative Map shall expire two years from the date the map was approved unless addressed and superseded by a Development Agreement approved by the City Council.

20. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    a. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

    b. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

c. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

d. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

e. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

BUILDING & SAFETY DIVISION (909 370-5079

1. Shall comply with the latest adopted edition of the following codes:

   California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

   a. Building Code
   b. Building Security Code
   c. Electrical Code
   d. Energy Efficiency Standards
   e. Fire Code and its appendices and standards
   f. Green Code
   g. Mechanical Code and its appendices and standards

2. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.

3. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
5. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
6. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
7. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
8. All signs shall be Underwriters Laboratories, Listed or equal.
9. The Tract or Parcel map shall record prior to the issuance of certificate of occupancy.
10. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
11. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
12. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
13. The removal and demolition of existing structures requires a Building Permit It shall be as per separate plan review submittal.
14. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:
    a. Precise grading plans shall be approved.
    b. Rough grading completed.
    c. Compaction certification
    d. Pad elevation certification
    e. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

1. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

2. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

3. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

4. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

5. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

6. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

7. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

8. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

9. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

10. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

11. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

12. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

13. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

14. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

15. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

    d. high piled combustible storage

16. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

17. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

18. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

19. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

20. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

1. STREET IMPROVEMENTS

a) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreements,.

b) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches,

handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

c) All fronting improvements must meet ADA accessibility standards.

d) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

e) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

f) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

g) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

h) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

i) Install “No Parking Any Time” R26(CA) signage along the property frontage.

j) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1” = 40.

k) Install traffic signal at Driveway 3 of Agua Mansa Road

l) Ensure final plans show the following regarding driveway #1, #3 and #4:

i. Driveway #1, West RAD = 35’, East RAD = 45’, and shifted by 14’

ii. Driveway #3 West RAD = 35’, East RAD = 45’

iii. Driveway #4, West RAD = 45’, East RAD = 35’, and shifted by 5’

m) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

n) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

2 GRADING

a. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

b. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

c. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

d. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

e. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

f. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

g. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

h. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

i. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

j. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

k. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

l. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

m. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

n. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

o. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

p. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

q. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

r. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

s. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

t. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

3. WATER AND WASTEWATER REQUIREMENTS

a. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

b. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

c. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

d. An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

e. Submit onsite utility plans to the City Engineer for review and approval.

f. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

g. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

h. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

i. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

1. <u>FEES</u>

a) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

b) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

c) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

2. <u>IMPROVEMENT PLANS AND FINAL MAP</u>

a) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.
   i. Rough Grading Plan
   ii. Street and Storm Drain Plans
   iii. Sewer, water, and Onsite Utility Plans
   iv. Precise Grading and Plot Plan
   v. Electrical Improvement Plan
   vi. Landscape Plan
   vii. Final Parcel Map

b) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

c) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

d) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

e) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

f) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

g) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

h) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

i) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

j) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

3. <u>CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS</u>

a. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

b. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

c. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

d. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

e. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

f. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall immediately remove any graffiti present before construction, during construction, and post construction.

g. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

4. <u>STUDIES & REPORTS</u>

a. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

b. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

c. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

   a. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

   b. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

   c. The Auto Cad plans shall include:

      i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
      ii. For private property, plans shall show an easement covering the facilities located on their property.
      iii. Plans shall include any notes pertaining to design/planning of electrical system.
      iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

   d. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

   e. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

2. Conditions and requirements specific to the project:

   a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

   b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

1. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

2. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

3. The business shall engage in one of the following organic recycling activities:

   a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

   b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

   Businesses will be required to show proof of compliance.

4. EV charger ready also to be located on plans.

5. Landscape Plan for Water Conservation-Please shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

6. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

RESOLUTION NO. R-11-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS, FINDING THAT THE PROJECT IS CONSISTENT WITH THE HISTORIC PRESERVATION ORDINANCE, FOR PROPERTY LOCATED AT 1400 AND 1500 AGUA MANSA ROAD; (FILE INDEX NO: DAP-001-816).

WHEREAS, on August 20, 2013 (Resolution No. R-60-13), the City of Colton, as the lead agency under the California Environmental Quality Act ("CEQA"), certified a General Plan Environmental Impact Report ("General Plan EIR") and approved the General Plan on August 20, 2013; and

WHEREAS, as part of its approval of the General Plan, City adopted Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program ("MMRP") for the General Plan; and

WHEREAS, pursuant to State CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, an application (File Index No. DAP 001-816) was filed with the City of Colton by Pamela Steele of MIG Inc, (hereinafter "Applicant") for **Major Certificate of Appropriateness** to consider if the Project (two warehouse buildings (474,021 square feet for Building 1, Parcels 1 and 456,445 square feet for Building 2, Parcel 1 including ancillary office space and site improvements) is consistent with the Historic Preservation Ordinance on property located at 1400 and 1500 Agua Mansa Road within the M-2 (Heavy Industrial) Zones and the Agua Mansa Historic District; and

WHEREAS, previously, on June 20 and July 18, 2023, City Council adopted Resolution Nos. R-6-23 and R-73-23, which approved the Tentative Parcel Map No. 20358 and other related project approvals, including Ordinances Nos. O-06-23 and O-05-23 and the approval and adoption of the Initial Study/15183 Analysis pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 ("15183 Analysis"); and

WHEREAS, subsequently, the San Bernardino Superior Court (Case No. CIVSB2317228) issued a peremptory writ of mandate, directing the City of Colton to void, vacate, and set aside the approvals set forth in Resolution Nos. R-6-23 and R-73-23, and any other resolutions related to the project, and further directed that prior to City Council taking any action with regard to issuance of any approvals related to Resolution Nos. R-60-23 and R-73-23, the City shall conduct a mitigation analysis as it pertains to operational air quality impacts pursuant to the Court's June 3, 2024 ruling and State CEQA Guidelines section 15183; and

WHEREAS, on February 3, 2025, City Council adopted Resolution No. R-04-26, to void, vacate, and set aside the approvals set forth in Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 and Ordinances Nos. O-06-23 and O-05-23; and

WHEREAS, in order to address the peremptory writ of mandate in Case No. CIVSB2317228, the City prepared a revised 15183 Analysis, in accordance with the provisions of the California Environmental Quality Act ("CEQA"); and

WHEREAS, Lineage Logistics is seeking City approval to allow for the construction of a new warehouse/office buildings at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has revised its 15183 Analysis of the Project to address the peremptory writ of mandate issued on November 19, 2025 by the San Bernardino Superior Court related to operational air quality impacts, consistent with State CEQA Guidelines section 15183 ("Revised 15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR..

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON:

SECTION 1.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Revised 15183 Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the City Council's independent review and analysis it finds that the Revised 15183 Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Revised 15183 Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including the Revised 15183 Analysis, the administrative record, and all other written and oral evidence, the City Council finds that the Project will not have an adverse impact on the environment. According to Section 15183(a) (Projects Consistent with a Community Plan or Zoning), of the CEQA Guidelines, additional environmental review is not required for projects "which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified," except as might be necessary to determine whether there are project-specific significant effects. A Revised 15183 Analysis was prepared to evaluate the proposed Project's consistency with the certified 2013 City General Plan

EIR to determine whether it would have new or more severe significant environmental effects beyond those identified in the 2013 General Plan EIR. Environmental impacts associated with the proposed Project would be similar to those anticipated for the project area in the 2013 General Plan EIR. Mitigation beyond that identified in the 2013 General Plan EIR is not required. As such, pursuant to CEQA Guidelines section 15183, no additional environmental review or documentation is required under CEQA because all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Revised 15183 Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts.

SECTION 3. ADOPTION OF THE REVISED 15183 ANALYSIS. The City Council hereby approves and adopts the Revised 15183 Analysis **attached hereto as Exhibit "A-1."**

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SECTION 4. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Revised 15183 Analysis and the MMRP, the MMRP shall control.

SECTION 5. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

SECTION 7. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report and related resolutions, the City Council makes the following findings in accordance with the Colton Municipal Code Chapter 15.40 (Historic Preservation) for Building 1, Parcel 1 at 1500 Agua Mansa Road and Building 2, Parcel 2 1400 Agua Mansa Road (File Case Index No. DAP-001-816):

1. The project is consistent with the Historic Preservation chapter of the Municipal Code.

The project is consistent with the Historic Preservation chapter of the Municipal Code because the proposed development provides a contemporary architectural style and materials that are compatible with existing warehouse facilities and structures to the west of the project site

along Agua Mansa Road. A purpose of this chapter is to retain buildings and their features as well as features of the site, and streetscape and landscape features which are important in defining the historic character of the district (Agua Mansa Historic District) and/or its components. The results of a Phase I Cultural Resources Assessment (Phase 1 CRA) indicates the presence of historic resource at one time within the project site – the Manuel Soares property. This property was designated as a farm/ranch dating from 1848 to 1965 as part of the Juan Bandini Donation. The condition of the property when it was recorded was poor, displaying structural demolitions, disking, grading, and additional earth moving activities. No structures remain within the project boundaries today; however, the remains of historic artifacts and earthen basins were discovered. The historic artifacts were recorded and consisted of glass, ceramics, concrete fragments, bricks, single metal can, tile fragments, a well, rubber, and other concrete pipes and slab/structure. The artifact scatter is considered sparse and negligible. However, the historic resource has been evaluated and determined to be ineligible for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and has since been demolished.

A pedestrian survey, conducted on March 18, 2021, did not identify any historical resources associated with the Manuel Soares property, nor any previously unidentified historic resources. While there were no historical resources identified within the project site, as there is always a possibility of resources being identified during construction activities, a condition of approval requires preservation of historic resources, should they be discovered during construction. In conclusion, the preparation of the Cultural Resources Assessment and the site survey fulfil the purpose of the Historic Preservation chapter and further demonstrate the project's consistency with said chapter.

2. The project will not be detrimental to the Historic District

The project will not be detrimental to the Historic District because the project meets the development standers of the M-2 zone. Furthermore, the findings for the parking variance and the findings for the Conditional Use Permit (to allow Building 1 to exceed the 50 foot height limit of 130 feet in height), can be made in the affirmative. The site layout and the architectural style of the proposed buildings are consistent with the architectural style and material of existing warehouse facilities in the near vicinity of the project site.

As discussed in finding #1 above, the project site has been fully evaluated with regards to any historic resources which could be damaged as a result of the proposed development. The evaluation revealed the absence of historic resources on the site. Therefore, the proposed development of the site will not be detrimental to the Agua Mansa Historic District. However, a standard condition of approval requires the documentation and preservation of historic resources by recovery, identification, and curation, should they be discovered during construction.

3. The proposal is consistent with the General Plan.

For the reasons stated above, the project is consistent with the Cultural Resources Element Policy 2f: "Ensure future development is compatible with existing structures and distinct

characteristics" and Implementation Measure 1.4 "Require adequate mitigation of impacts to archaeological resources." As a condition of approval, should historic resources be discovered during construction, they will be preserved by recovery, identification, and curation.

Furthermore, a goal of the General Plan for industrial districts is to "achieve and maintain a strong and highly competitive industrial base that provides attractive, high-quality developments and varied employment opportunities" (Goal LU-11). Policy LU-11.5 follows this goal and calls on the City to "work with developers to encourage heavy industrial uses and uses incompatible with residential or commercial development to locate along the Agua Mansa Road Corridor (defined as that area along the Santa Ana River south to South Riverside Avenue, with West Agua Mansa Road on the west)." As the proposed use is a warehouse and distribution facility located within the Agua Mansa Road Corridor and the site is designated Heavy Industrial, the proposal is consistent with the General Plan.

SECTION 8. Based upon the findings set forth in Sections 3 and 8 of this Resolution, the City Council hereby approves a **Major Certificate of Appropriateness** determining that said project (site development and subdivision) is consistent with Historic Preservation Ordinance, subject to the attached conditions of approval (**Exhibit "A-2").**

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

SECTION 10. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2026.

_____
FRANK NAVARRO, MAYOR

ATTEST:

_____
ISAAC T. SUCHIL
City Clerk

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT "A-2"

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

SUBJECET TO CONDITIONS OF APPROVAL PLANNING DIVISION (909)370-5079

1. The project is subject to the conditions of approval listed in City Council Resolutions R-10-26, R-12-26, R-13-26, O-03-26, and O-04-26.

2. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

RESOLUTION NO. R-12-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR A 456,445 SQUARE FOOT WAREHOUSE BUILDING INCLUDING ANCILLARY OFFICE SPACE, LOCATED AT 1400 AGUA MANSA ROAD (FILE INDEX NO: DAP-001-816).

WHEREAS, on August 20, 2013 (Resolution No. R-60-13), the City of Colton, as the lead agency under the California Environmental Quality Act ("CEQA"), certified a General Plan Environmental Impact Report ("General Plan EIR") and approved the General Plan on August 20, 2013; and

WHEREAS, as part of its approval of the General Plan, City adopted Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program ("MMRP") for the General Plan; and

WHEREAS, pursuant to State CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, an application (File Index No. DAP 001-816) was filed with the City of Colton by Pamela Steele of MIG Inc, (hereinafter "Applicant") for an **Architectural & Site Plan Review** for a warehouse building located in the M-2 (Heavy Industrial) Zones within the Agua Mansa Historic District; and

WHEREAS, previously, on June 20 and July 18, 2023, City Council adopted Resolution Nos. R-6-23 and R-73-23, which approved the Tentative Parcel Map No. 20358 and other related project approvals, including Ordinances Nos. O-06-23 and O-05-23 and the approval and adoption of the Initial Study/15183 Analysis pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 ("15183 Analysis"); and

WHEREAS, subsequently, the San Bernardino Superior Court (Case No. CIVSB2317228) issued a peremptory writ of mandate, directing the City of Colton to void, vacate, and set aside the approvals set forth in Resolution Nos. R-6-23 and R-73-23, and any other resolutions related to the project, and further directed that prior to City Council taking any action with regard to issuance of any approvals related to Resolution Nos. R-60-23 and R-73-23, the City shall conduct a mitigation analysis as it pertains to operational air quality impacts pursuant to the Court's June 3, 2024 ruling and State CEQA Guidelines section 15183; and

WHEREAS, on February 3, 2025, City Council adopted Resolution No. R-04-26, to void,

vacate, and set aside the approvals set forth in Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 and Ordinances Nos. O-06-23 and O-05-23; and

WHEREAS, in order to address the peremptory writ of mandate in Case No. CIVSB2317228, the City prepared a revised 15183 Analysis, in accordance with the provisions of the California Environmental Quality Act ("CEQA"); and

WHEREAS, Lineage Logistics is seeking City approval to allow for the construction of a new warehouse/office buildings at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has revised its 15183 Analysis of the Project to address the peremptory writ of mandate issued on November 19, 2025 by the San Bernardino Superior Court related to operational air quality impacts, consistent with State CEQA Guidelines section 15183 ("Revised 15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR..

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON:

SECTION 1.. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Revised 15183 Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the City Council independent review and analysis it finds that the Revised 15183 Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Revised 15183 updated Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including the Revised 15183 Analysis, the administrative record, and all other written and oral evidence, the City Council finds that the Project will not have an adverse impact on the environment. According to Section 15183(a) (Projects Consistent with a Community Plan or Zoning), of the CEQA Guidelines, additional environmental review is not required for projects "which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified," except as might be necessary to determine whether there are project-specific significant effects. A Revised 15183 Analysis was prepared to evaluate the proposed Project's consistency with the certified 2013 City General Plan EIR to determine whether it would have new or more severe significant environmental effects beyond those identified in the 2013 General Plan EIR. Environmental impacts associated with the proposed Project would be similar to those anticipated for the project area in the 2013 General Plan EIR. Mitigation beyond that identified in the 2013 General Plan EIR is not required. As such,

pursuant to CEQA Guidelines section 15183, no additional environmental review or documentation is required under CEQA because all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Revised 15183 Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts.

SECTION 3. ADOPTION OF THE REVISED 15183 ANALYSIS. The City Council hereby approves and adopts the Revised 15183 Analysis as attached hereto as **Exhibit "A-1.**".

SECTION 4. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Section 15183 Analysis and the MMRP, the MMRP.

SECTION 5. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. . This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

SECTION 7. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council makes the following findings in accordance with the Colton Municipal Code for **Architectural & Site Plan Review:**

1. ***The provisions for vehicular parking and for vehicular and Pedestrian circulation on the site, and onto adjacent public Right-of-Way will not create safety hazards.***

   The Project is designed with two driveways (Driveways #3 and 4) which will provide truck access to the site. Driveway #3 will be shared with 1500 Agua Mansa Road. The size and location of the driveways have been evaluated by the City's Traffic Engineer and are determined that they will not create safety hazards. Furthermore, the Traffic Impact Analysis (TIA) for the project has evaluated the vehicular circulation onto adjacent public rights-of-ways and contains a list of off-site improvements which will eliminate safety hazards. These improvements include the installation of a traffic signal at Driveway #3 on Agua Mansa Road, the dedication of necessary right of way of 66 feet for full-street width and three (3) additional feet of landscaping easement along the entire south side of the entire project frontage on Agua Mansa Road.

   The TIA also concluded that there are no movements that are anticipated to experience queueing issues during the weekday AM or weekday PM peak traffic flows. As such, the design of the project including the number, spacing, size of the driveways, subject to

conditions of approval, together with the widening of Agua Mansa Road and the installation of the traffic signal at Driveway #3, the project is not anticipated to create safety hazards. The provisions of on-site vehicular parking which consists of 271 passenger parking spaces (269 required) and 123 truck trailer parking spaces, will not create safety hazards as the parking layout conforms to required aisle width and parking space dimensions.

2. ***The bulk, location and height proposed will not be detrimental or injurious to other development in the neighborhood or result in the loss of or damage to unique natural or topographic features of the site that are important to the environmental quality of life for the citizens of Colton, and the Project is feasible in a manner that will avoid such detrimental or injurious results or such loss or damage.***

The project is consistent with the development standards for the M-2 zone which are specifically designed to ensure development within the M-2 zone will not be detrimental or injurious to other development in the neighborhood or result in the loss of or damage to unique natural or topographic features of the site. These standards include setbacks, screening requirements, landscaping, and height and floor area ratios. The site is currently vacant and surrounded by industrial uses. As designed, the project will not be detrimental or injurious to the surrounding area including the two adjacent residential units. Extensive environmental analysis conducted for the project concludes that the project will not have detrimental effects to the surrounding environment related to noise, air quality and traffic impacts. The site does not contain unique or topographic features that are important to the environmental quality of life for the citizens of Colton.

3. ***The provisions for on-site landscaping provide adequate protection to neighboring properties from detrimental features of the proposed Project that could be avoided by adequate landscaping.***

The project exceeds the minimum required landscaping standards for projects within the M-2 zone. Code requires 15 percent of the site to be landscaped and the project provides 17.4 percent landscaping. Under current Code, the project, must provide 90 trees consisting of 23 (36 inch box trees), 22 (24 inch box trees) and 45 (15 gallon trees). The project provides a total of 132 trees including 32 (36 inch box) trees and 67 (24 in box) trees. The project will also provide landscaping along the entire frontage of Agua Mansa Road. Although the surrounding uses are industrial except for two nonconforming residential houses, the amount of landscaping, which exceeds the minimum required by Code, will provide adequate protection to neighboring properties and provide an aesthetically pleasant street frontage with the lush landscaping.

4. ***The provisions for exterior lighting are adequate for human safety and will not diminish the value and/or usability of adjacent property.***

The proposed project is required to meet all lighting standards and requirements of the City of Colton for all proposed exterior lighting along with the provisions of appropriate screening

so lighting does not spill over onto adjacent right-of-way or private property. The Project would include new sources of daytime and nighttime lighting such as streetlights, exterior and interior lighting as part of the proposed two buildings, and new mobile sources of lighting from incoming and outgoing vehicles. The Project would comply with the City's Zoning Code, Chapter 18.42, which regulates glare and outdoor lighting in the Performance Standards chapter. The City would review project plans to ensure all lighting includes the required lighting specifications that would reduce lighting and glare impacts. Therefore, the City's routine plan check procedures would ensure that new light sources associated with the Project is appropriately designed and maintained to minimize impacts.

5. ***The exterior design of the buildings and structures will not be injurious or detrimental to the environmental or historic features of the immediate neighborhood in which the proposed Project is located and will not cause irreparable damage to property in the neighborhood, to the City and to its citizens.***

Because the project is located within Agua Mansa Historic District, no Building Permit may be issued unless a Certificate of Appropriateness issued first. In a separate resolution (R-11-26) under *Certificate of Appropriateness Findings*, the project was analyzed in accordance with the requirements for issuing a Certificate of Appropriateness and was found that the project is consistent with the purpose and intent of the Historic Preservation Ordinance. Specifically, the project was fully evaluated with regards to any historic resources which could be damaged as a result of the proposed development. The evaluation revealed the absence of historic resources on the site. Therefore, the exterior design of the buildings will not be detrimental to the Agua Mansa Historic District. Although not related to the implications of the exterior design of buildings, nonetheless a standard condition of approval requires the documentation and preservation of historic resource by recovery, identification, and curation, should they be discovered during construction.

6. ***The proposed Project will not impose an undue burden upon off-site public services, including sewer, water and streets, which conclusion shall be based upon a written report of the City Engineer; and there is provision in the capital works program of the City to correct the specific burden within a reasonable period after the Project will be completed.***

The proposed project will require various off-site improvements to water, sewer and street systems. These improvements have been evaluated to ensure their construction or requirement will not impose an undue burden upon off-site public services. The City Engineer has evaluated the improvements and has determined that they will not impose undue burden. These improvements were also analyzed as part of the environmental review in support of the Initial Study and Checklist in accordance with the California Environmental Quality Act (CEQA). The Initial Study did not find any evidence that the project will impose undue burden upon off-site public services.

SECTION 8. Based upon the findings set forth in Sections 3, and 8 of this Resolution, the City Council hereby approves an **Architectural and Site Plan Review** to allow the construction of a 456,445 square foot, 50 foot high, warehouse/office building and associated site improvements,

on property measuring approximately 24 acres in an area located at 1400 Agua Mansa Road in the M-2 (Heavy Industrial) Zone, subject to the attached conditions of approval (**Exhibit "A-2")**.

SECTION 9. This land use entitlement shall become null and void if not exercised within one (1) year of this approval and the applicant has not been granted an extension of time by the Planning Commission, pursuant to Section 18.58.070 of the Colton Municipal Code unless addressed and superseded by a separate Development Agreement adopted by the City Council.

SECTION 10. The City Clerk shall certify to the adoption of this Resolution.

SECTION 11. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2026.

_____
FRANK NAVARRO, MAYOR

ATTEST:

_____
ISAAC T. SUCHIL
City Clerk

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT A-2”

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

1. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

2. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

3. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

   An Architectural and Site Plan Review to allow the construction of a new 456,445 square foot, 50 foot high, warehouse building and related site improvements and Development Agreement between the City of Colton and IDI Agua Mansa, LLC.

4. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

5. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

6. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

7. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

8. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

9. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

10. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

11. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

12. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

13. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

14. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

15. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

16. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

17. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

18. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

19. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

20. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

21. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

22. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

23. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

24. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

25. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

26. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

27. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.

28. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

29. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential, educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

30. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

31. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

32. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

33. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

34. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

35. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

36. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

37. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

38. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

39. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

40. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    a. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation, shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

b. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

c. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

d. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

e. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

41. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

42. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier

classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

1. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.
2. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.
3. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily

removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.

4. The applicant shall grant "right of access" by the City or agent to remove graffiti.
5. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.
6. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.
7. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).
8. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.
9. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.
10. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.
11. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities,

and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

12. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.
13. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.
14. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.
15. Both sides of Agua Mansa Road along the subject property shall be maintained free from trash and debris within the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

1. Shall comply with the latest adopted edition of the following codes:

   California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

   a. Building Code
   b. Building Security Code
   c. Electrical Code
   d. Energy Efficiency Standards
   e. Fire Code and its appendices and standards
   f. Green Code
   g. Mechanical Code and its appendices and standards

2. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
3. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
5. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
6. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
7. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
8. All signs shall be Underwriters Laboratories, Listed or equal.
9. The Tract or Parcel map shall record prior to the issuance of Building permits.
10. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
11. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
12. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
13. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.
14. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    a. Precise grading plans shall be approved.
    b. Rough grading completed.
    c. Compaction certification
    d. Pad elevation certification
    e. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

1. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

2. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

3. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

4. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

5. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

6. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

7. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

8. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

9. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

10. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

11. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

12. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

13. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

14. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

15. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

    d. high piled combustible storage

16. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

17. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

18. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

19. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

20. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

1. STREET IMPROVEMENTS

a) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel, as stipulated in the approved Development Agreements.

b) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches,

handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66 feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

c) All fronting improvements must meet ADA accessibility standards.

d) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

e) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

f) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

g) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

h) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

i) Install “No Parking Any Time” R26(CA) signage along the property frontage.

j) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1” = 40.

k) Install traffic signal at Driveway 3 of Agua Mansa Road

l) Ensure final plans show the following regarding shared driveways #3 and driveway #4:

m) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

i. Driveway #3 West RAD = 35', East RAD = 45'

ii. Driveway #4, West RAD = 45', East RAD = 35', and shifted by 5'

n) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

2 GRADING

a. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

b. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

c. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

d. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

e. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

f. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

g. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

h. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

i. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

j. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

k. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

l. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

m. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

n. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

o. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

p. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

q. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

r. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

s. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

3. WATER AND WASTEWATER REQUIREMENTS

a. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

b. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

c. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

d. Submit onsite utility plans to the City Engineer for review and approval.

e. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

f. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

g. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

h. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

1. <u>FEES</u>

a) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

b) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

c) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

2. <u>IMPROVEMENT PLANS AND FINAL MAP</u>

a) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

i. Rough Grading Plan
ii. Street and Storm Drain Plans
iii. Sewer, water, and Onsite Utility Plans
iv. Precise Grading and Plot Plan
v. Electrical Improvement Plan
vi. Landscape Plan
vii. Final Parcel Map

b) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

c) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

d) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

e) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

f) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

g) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

h) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

i) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

j) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

3. <u>CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS</u>

a. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

b. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

c. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

d. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

e. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

f. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

g. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

4. <u>STUDIES & REPORTS</u>

a. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

b. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

c. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

a. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

b. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

c. The Auto Cad plans shall include:

i. proposed building(s) foot print, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
ii. For private property, plans shall show an easement covering the facilities located on their property.
iii. Plans shall include any notes pertaining to design/planning of electrical system.
iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

d. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

e. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

2. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

1. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

2. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

3. The business shall engage in one of the following organic recycling activities:

   a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

   b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

   Businesses will be required to show proof of compliance.

4. EV charger ready also to be located on plans.

5. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

6. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

RESOLUTION NO. R-13-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON APPROVING AN ARCHITECTURAL & SITE PLAN REVIEW FOR A 474,021 SQUARE FOOT WAREHOUSE BUILDING INCLUDING ANCILLARY OFFICE SPACE, CONDITIONAL USE PERMIT TO ALLOW A BUILDING HEIGHT OF 130 FEET FOR PARCEL 1 BUILDING 1, LOCATED AT 1500 AGUA MANSA ROAD WITHIN THE M-2 (HEAVY INDUSTRIAL) ZONE (FILE INDEX NO: DAP-001-816).

WHEREAS, on August 20, 2013 (Resolution No. R-60-13), the City of Colton, as the lead agency under the California Environmental Quality Act ("CEQA"), certified a General Plan Environmental Impact Report ("General Plan EIR") and approved the General Plan on August 20, 2013; and

WHEREAS, as part of its approval of the General Plan, City adopted Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program ("MMRP") for the General Plan; and

WHEREAS, pursuant to State CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, an application (File Index No. DAP 001-816) was filed with the City of Colton by Pamela Steele of MIG Inc, (hereinafter "Applicant") for an **Architectural & Site Plan Review)** for a warehouse building, **Conditional Use Permit** to allow a warehouse building of 130 feet in height located in the M-2 (Heavy Industrial) Zones within the Agua Mansa Historic District; and

WHEREAS, previously, on June 20 and July 18, 2023, City Council adopted Resolution Nos. R-6-23 and R-73-23, which approved the Tentative Parcel Map No. 20358 and other related project approvals, including Ordinances Nos. O-06-23 and O-05-23 and the approval and adoption of the Initial Study/15183 Analysis pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 ("15183 Analysis"); and

WHEREAS, subsequently, the San Bernardino Superior Court (Case No. CIVSB2317228) issued a peremptory writ of mandate, directing the City of Colton to void, vacate, and set aside the approvals set forth in Resolution Nos. R-6-23 and R-73-23, and any other resolutions related to the project, and further directed that prior to City Council taking any action with regard to issuance of any approvals related to Resolution Nos. R-60-23 and R-73-23, the City shall conduct a mitigation analysis as it pertains to operational air quality impacts pursuant to the Court's June 3, 2024 ruling and State CEQA Guidelines section 15183; and

WHEREAS, on February 3, 2025, City Council adopted Resolution No. R-04-26, to void, vacate, and set aside the approvals set forth in Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 and Ordinances Nos. O-06-23 and O-05-23; and

WHEREAS, in order to address the peremptory writ of mandate in Case No. CIVSB2317228, the City prepared a revised 15183 Analysis, in accordance with the provisions of the California Environmental Quality Act ("CEQA"); and

WHEREAS, Lineage Logistics is seeking City approval to allow for the construction of a new warehouse/office buildings at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has revised its 15183 Analysis of the Project to address the peremptory writ of mandate issued on November 19, 2025 by the San Bernardino Superior Court related to operational air quality impacts, consistent with State CEQA Guidelines section 15183 ("Revised 15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON:

SECTION 1. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Revised 15183 updated Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the City Council's independent review and analysis it finds that the Revised 15183 updated Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Revised 15183 Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including the Revised 15183 Analysis, the administrative record, and all other written and oral evidence, the City Council finds that the Project will not have an adverse impact on the environment. According to Section 15183(a) (Projects Consistent with a Community Plan or Zoning), of the CEQA Guidelines, additional environmental review is not required for projects "which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified," except as might be necessary to determine whether there are project-specific significant effects. A Revised 15183 Analysis was prepared to evaluate the proposed Project's consistency with the certified 2013 City General Plan EIR to determine whether it would have new or more severe significant environmental effects beyond those identified in the 2013 General Plan EIR. Environmental impacts associated with the proposed Project would be similar to those anticipated for the project area in the 2013 General Plan

EIR. Mitigation beyond that identified in the 2013 General Plan EIR is not required. As such, pursuant to CEQA Guidelines section 15183, no additional environmental review or documentation is required under CEQA because all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Revised 15183 Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. .

SECTION 3. ADOPTION OF THE REVISED 15183 ANALYSIS. The City Council hereby approves and adopts the Revised 15183 Analysis **attached hereto as Exhibit "A-1."**

SECTION 4. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Section 15183 updated Analysis and the MMRP, the MMRP shall control.

SECTION 5. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. . This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

SECTION 7. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council makes the following findings in accordance with the Colton Municipal Code for **Architectural & Site Plan Review:**

1. The provisions for vehicular parking and for vehicular and Pedestrian circulation on the site, and onto adjacent public Right-of-Way will not create safety hazards.

The Project, 1500 Agua Mans Road, is designed with three driveways (Driveways #1, 2 and 3) which will provide access to the site. One driveway (Driveway #2) will provide access by passenger cars only. Driveway #3 will be shared with 1400 Agua Mansa Road. The size and location of the driveways have been evaluated by the City's Traffic Engineer and are determined that they will not create safety hazards. Furthermore, the Traffic Impact Analysis (TIA) for the project has evaluated the vehicular circulation onto adjacent public rights-of-ways and contains a list of off-site improvements which will eliminate safety hazards. These improvements include the installation of a traffic signal at Driveway #3 on Agua Mansa Road, the dedication of necessary right of way of 66 feet for full-street width and three (3) additional feet of landscaping easement along the entire south side of the entire project frontage on Agua Mansa Road.

The TIA also concluded that there are no movements that are anticipated to experience queueing issues during the weekday AM or weekday PM peak traffic flows. As such, the design of the project including the number, spacing, size of the driveways, subject to conditions of approval, together with the widening of Agua Mansa Road and the installation of the traffic signal at Driveway #3, the project is not anticipated to create safety hazards. The provisions of on-site vehicular parking which consists of 314 passenger parking spaces required will not create safety hazards as the parking layout conforms to required aisle width and parking space dimensions.

2. ***The bulk, location and height proposed will not be detrimental or injurious to other development in the neighborhood or result in the loss of or damage to unique natural or topographic features of the site that are important to the environmental quality of life for the citizens of Colton, and the Project is feasible in a manner that will avoid such detrimental or injurious results or such loss or damage.***

The project is consistent with the development standards for the M-2 zone which are specifically designed to ensure development within the M-2 zone will not be detrimental or injurious to other development in the neighborhood or result in the loss of or damage to unique natural or topographic features of the site. These standards include setbacks, screening requirements, landscaping, and height and floor area ratios. The site is currently vacant and surrounded by industrial uses. As designed, the project will not be detrimental or injurious to the surrounding area including the two adjacent residential units. Extensive environmental analysis conducted for the project concludes that the project will not have detrimental effects to the surrounding environment related to noise, air quality and traffic impacts. The site does not contain unique or topographic features that are important to the environmental quality of life for the citizens of Colton.

The 95 foot tall warehouse (subject to Conditional Use Permit) will not be injurious to other development in the neighborhood or result in the loss of or damage to unique natural or topographic features of the site because view obstruction of the San Bernardino and San Gabriel Mountains will be minimal due to the project's location (surrounded by existing industrial development to the east, west and north). In addition, the project site is not considered a scenic vista or a public viewshed for a scenic vista and there are no scenic resources located on the project site. Although the 130-foot tall building would be located adjacent to the Santa Ana River, it is surrounded by existing industrial development and the project site does not provide a public viewshed of the Santa Ana River.

3. ***The provisions for on-site landscaping provide adequate protection to neighboring properties from detrimental features of the proposed Project that could be avoided by adequate landscaping.***

The project exceeds the minimum required landscaping standards for projects within the M-2 zone. Code requires 15 percent of the site to be landscaped and the project provides 15.6

percent landscaping. Based on the required number of parking spaces, the project must provide 105 trees including 26 (24 in box trees), 26 (36 inch box trees) and 53 (15 gallon trees). The project provides a total of 154 trees consisting of 41 (36 inch box) trees and 84 (24 inch box) trees. The project will also provide landscaping along the entire frontage of Agua Mansa Road. Although the surrounding uses are industrial except for two nonconforming residential houses, the amount of proposed landscaping, which exceeds the minimum required by Code, will provide adequate protection to neighboring properties and provide an aesthetically pleasant street frontage with the lush landscaping.

4. The provisions for exterior lighting are adequate for human safety and will not diminish the value and/or usability of adjacent property.

The proposed project is required to meet all lighting standards and requirements of the City of Colton for all proposed exterior lighting along with the provisions of appropriate screening so lighting does not spill over onto adjacent right-of-way or private property. The Project would include new sources of daytime and nighttime lighting such as streetlights, exterior and interior lighting as part of the proposed two buildings, and new mobile sources of lighting from incoming and outgoing vehicles. The Project would comply with the City's Zoning Code, Chapter 18.42, which regulates glare and outdoor lighting in the Performance Standards chapter. The City would review project plans to ensure all lighting includes the required lighting specifications that would reduce lighting and glare impacts. Therefore, the City's routine plan check procedures would ensure that new light sources associated with the Project is appropriately designed and maintained to minimize impacts.

5. ***The exterior design of the buildings and structures will not be injurious or detrimental to the environmental or historic features of the immediate neighborhood in which the proposed Project is located and will not cause irreparable damage to property in the neighborhood, to the City and to its citizens.***

Because the project is located within Agua Mansa Historic District, no Building Permit may be issued unless a Certificate of Appropriateness is first issued by the Planning Commission. In a separate resolution (R-05-23) under *Certificate of Appropriateness Findings*, the project was analyzed in accordance with the requirements for issuing a Certificate of Appropriateness and was found that the project is consistent with the purpose and intent of the Historic Preservation Ordinance. Specifically, the project was fully evaluated with regards to any historic resources which could be damaged as a result of the proposed development. The evaluation revealed the absence of historic resources on the site. Therefore, the exterior design of the buildings will not be detrimental to the Agua Mansa Historic District. Although not related to the implications of the exterior design of buildings, nonetheless a standard condition of approval requires the documentation and preservation of historic resource by recovery, identification, and curation, should they be discovered during construction.

6. The proposed Project will not impose an undue burden upon off-site public services, including sewer, water and streets, which conclusion shall be based upon a written report

of the City Engineer; and there is provision in the capital works program of the City to correct the specific burden within a reasonable period after the Project will be completed.

The proposed project will require various off-site improvements to water, sewer and street systems. These improvements have been evaluated to ensure their construction or requirement will not impose an undue burden upon off-site public services. The City Engineer has evaluated the improvements and has determined that they will not impose undue burden. These improvements were also analyzed as part of the environmental review in support of the Initial Study and Checklist in accordance with the California Environmental Quality Act (CEQA). The Initial Study did not find any evidence that the project will impose undue burden upon off-site public services.

SECTION 8. Based on the entire record before the City Council and all written and oral evidence presented, including the staff report, the City Council makes the following findings in accordance with the Colton Municipal Code for **Conditional Use Permit** to allow the warehouse building to exceed the established maximum 50-foot height limit for a total height of 130-feet:

1. That the proposed us is in accord with the General Plan, the objectives of Title 18 (Zoning) and the purposes of the zone in which the site is located.

The subject site, 1500 Agua Mansa Road, has a General Plan designation of Heavy Industrial. The designation supports a variety of heavy industrial uses including heavy manufacturing, distribution, assembly, resource mining, storage, and similar activities not normally compatible near residential development due to environmental nuisances such as noise and air pollution. A goal of the General Plan for industrial districts is to "achieve and maintain a strong and highly competitive industrial base that provides attractive, high-quality developments and varied employment opportunities" (Goal LU-11). Policy LU-11.5 follows this goal and calls on the City to "work with developers to encourage heavy industrial uses and uses incompatible with residential or commercial development to locate along the Agua Mansa Road Corridor (defined as that area along the Santa Ana River south to South Riverside Avenue, with West Agua Mansa Road on the west)."

According to Policy LU-1.6, new development projects must be compatible with permitted, well-maintained uses and buildings in the surrounding neighborhood or district. The 130-foot height of Building 1 allows additional storage capacity than otherwise possible in a 50-foot-tall building. Transportation impacts of the proposed project, including the implications of the 130-foot-tall building, have been fully analyzed and addressed. The findings of the Transportation Impact Analysis does not demonstrate greater impacts resulting from a 130 foot tall building compared to a 50-foot-tall building. Furthermore, view obstruction of the San Bernardino and San Gabriel Mountains will be minimal because of the project's location (surrounded by existing industrial development). In addition, the project site is not considered a scenic vista or a public viewshed for a scenic vista and there are no scenic resources located on the project site. Although the 130 foot tall building would be located adjacent to the Santa Ana River, it is surrounded by existing industrial development, and the project site does not provide a public viewshed of the Santa Ana River. Immediately, to the south across the Santa Ana River is the former Colton Sanitary Landfill, which occupies 113 acres of land. The Colton Sanitary Landfill stopped accepting waste on December 31, 2014. The height of the landfill is approximately over 200 feet in height. To the east is the City's 36 acre Wastewater Treatment

Facilities. Similarly, noise impacts from a 130 foot tall freezer storage building are not different than a 50 foot tall freezer building. Noise impacts have also been analyzed and found that the project will not contribute to noise impacts irrespective of the height of the building. Furthermore, the building is adjacent to industrial zoned parcels and not adjacent to residentially zoned areas, schools or residential neighborhoods. The 130 foot tall building and the use it will facilitate, is not inconsistent with the purpose of the General Plan and Zoning.

In summary, the 130-foot-tall Building is a use that conforms to the objectives of Title 18. The project site is zoned M-2 Heavy Industrial Zone, which is intended for heavy manufacturing, distribution, assembly, resource mining, storge and similar activities not normally compatible near residential development due to environmental nuisances such as noise and air pollution.

2. ***That the proposed use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.***

The maximum height of a warehouse building is allowed to be up to 50 feet in height by right. Warehouse buildings can exceed the maximum 50-foot height limit subject to the issuance of a Conditional Use Permit. This request involves the development of a 130-foot tall 2-story 474,021 square-foot automated freezer facility. The majority of the building, the portion which is 130 feet tall contains the freezer unit and utilizes an automated storage and retrieval system (ASRS). The system does not involve employees. The 130-foot-high building can accommodate 62,176 pallet positions that utilize 28 crane aisles to store and retrieve products and bring products to the dock area to be loaded on trucks. The 130-foot-high building does not generate any more noise, traffic or other impacts than a 50-foot-tall conventional warehouse building. The height is simply accommodating the unique operational system that involves the use of pallets and stacking systems unlike conventional warehouse buildings. The increased height does not create conditions that will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity because the operational system (rack supported system), does not create noise, traffic or air quality impacts that are greater than a conventional warehouse operation in a 50-foot-tall building.

3. ***That the proposed use complies with each of the applicable provisions of this title.***

As stated in findings 1 and 2 above, the use, even within a 130-foot-tall building, complies with the applicable provisions of Title 18 including noise, setbacks, landscaping and all other development standards. A *Noise Impact Analysis* was prepared for the project to identify, evaluate, and disclose the off-site and on-site noise impacts associated with the proposed project. Implementation of the proposed project would result in potential short-term construction and long-term operational noise and ground borne vibration impacts including traffic noise from truck traffic. But the anticipated noise impacts are not any greater just because the building is proposed to be 130 feet tall instead of 50 feet. The construction method for the 130-foot-tall building uses a “rack supported system”. This system uses racks to store products on pallets which also support the building walls, roof, refrigeration, and automation system. This construction method is used for single-story, fully automated buildings from 85 feet to 160 feet tall that are not occupied by personnel. This method eliminates the need for structural steel columns, structural roof joist and column foundations. Therefore, noise and

other related construction and operational impacts are not greater than conventional construction involved in concrete title-up 50-foot-tall warehouse buildings.

SECTION 9. Based upon the findings set forth in Sections 3, 8, 9, 10 and 11 of this Resolution, the Planning Commission hereby approves an **Architectural and Site Plan Review** to allow the construction of a 474,021 square foot warehouse/office building and associated site improvements, **Conditional Use Permit** to allow said warehouse/office building to exceed the 50 foot height limit for a total height of 130-feet, on property measuring 35 acres in an area located at 1500 Agua Mansa Road in the M-2 (Heavy Industrial) Zone, subject to the attached conditions of approval (**Exhibit "A-2"**).

SECTION 10. The City Clerk shall certify to the adoption of this Resolution.

SECTION 11. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2026.

_____
FRANK NAVARRO, MAYOR

ATTEST:

_____
ISAAC T. SUCHIL
City Clerk

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT "A-2"

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

1. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

2. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

3. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

   a) An Architectural and Site Plan Review to allow the construction of a new 474,021 square foot, 95 foot high, warehouse building and related site improvements.
   b) Conditional Use Permit to allow said 474,021 square foot warehouse to be over 50 feet in height for a total height of 95 feet.
   c) Variance to allow 114 parking stalls when 314 parking stalls would be required.
   d) Development Agreement between the City of Colton and Lineage Logistics, LLC.

4. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one

hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

5. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

6. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

7. Prior to the issuance of a certificate of occupancy, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

8. Prior to certificate of occupancy, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

9. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

10. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

11. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

12. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

13. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

14. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

15. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

16. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

17. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

18. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

19. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

20. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

21. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the

same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

22. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

23. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

24. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

25. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

26. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

27. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc. subject to the structural limitations of the warehouse structure as reviewed and approved by the Director.

28. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

29. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential,

educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

30. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

31. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

32. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

33. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

34. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

35. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

36. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

37. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

38. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

39. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

40. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

a. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation Cultural Resources Department shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

b. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

c. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

d. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

e. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

41. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

42. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

1. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.
2. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.
3. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.
4. The applicant shall grant "right of access" by the City or agent to remove graffiti.
5. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.
6. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.
7. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).
8. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.
9. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized

by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.

10. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.

11. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

12. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.

13. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

14. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

15. Both sides of public right-of-way of Agua Mansa Road along the subject property shall be maintained free from trash and debris along the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

1. Shall comply with the latest adopted edition of the following codes:

   California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

   a. Building Code
   b. Building Security Code
   c. Electrical Code
   d. Energy Efficiency Standards
   e. Fire Code and its appendices and standards
   f. Green Code

g.Mechanical Code and its appendices and standards

2. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
3. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
5. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
6. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
7. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
8. All signs shall be Underwriters Laboratories, Listed or equal.
9. The Tract or Parcel map shall record prior to the issuance of Building permits.
10. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
11. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
12. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
13. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.

14. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    a. Precise grading plans shall be approved
    b. Rough grading completed
    c. Compaction certification
    d. Pad elevation certification
    e. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

1. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

2. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

3. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

4. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

5. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

6. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

7. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

8. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

9. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

10. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

11. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

12. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

13. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

14. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

15. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

    d. high piled combustible storage

16. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

17. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

18. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

19. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

20. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

1. STREET IMPROVEMENTS

a) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreement.

b) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet in width for street improvements and three (3) additional feet for a landscaping easement along the entire south side of the entire project frontage to be maintained by the developer/owner.

c) All fronting improvements must meet ADA accessibility standards.

d) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

e) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

f) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

g) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

h) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

i) Install “No Parking Any Time” R26(CA) signage along the property frontage.

j) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1” = 40.

k) Install traffic signal at Driveway 3 of Agua Mansa Road

l) Ensure final plans show the following regarding shared driveway #3, and #1:

i. Driveway #1, West RAD = 35', East RAD = 45', and shifted by 14'
ii. Driveway #3 West RAD = 35', East RAD = 45'

m) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

n) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

2 GRADING

a. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

b. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

c. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

d. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

e. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

f. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

g. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

h. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

i. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

j. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

k. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

l. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

m. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

"No contaminated water shall be allowed to discharge on sidewalks, gutter, storm

drains, parkways and driveways at any time."

n. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

o. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

p. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

q. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

r. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

s. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

3. WATER AND WASTEWATER REQUIREMENTS

a. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

b. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

c) Other off-site improvements include sewer system conveyance improvements that serve the project site. The proposed improvement would accommodate the discharge from the Proposed Project and improve the delivery of the flow to the City's Wastewater Treatment Plant. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

d. Submit onsite utility plans to the City Engineer for review and approval.

e. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

f. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

g. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

h. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

4. <u>FEES</u>

a) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

b) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

c) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

5. <u>IMPROVEMENT PLANS AND FINAL MAP</u>

a) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

i. Rough Grading Plan
ii. Street and Storm Drain Plans
iii. Sewer, water, and Onsite Utility Plans
iv. Precise Grading and Plot Plan
v. Electrical Improvement Plan
vi. Landscape Plan

vii. Final Parcel Map

b) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

c) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

d) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

e) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

f) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

g) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

h) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

i) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

j) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

6. <u>CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS</u>

a. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

b. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

c. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

d. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

e. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

f. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

g. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

7. <u>STUDIES & REPORTS</u>

a. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

b. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

c. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

a. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

b. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

c. The Auto Cad plans shall include:

i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
ii. For private property, plans shall show an easement covering the facilities located on their property.
iii. Plans shall include any notes pertaining to design/planning of electrical system.
iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

d. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

e. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

2. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

1. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

2. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

3. The business shall engage in one of the following organic recycling activities:

   a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

   b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

   Businesses will be required to show proof of compliance.

4. EV charger ready also to be located on plans.

5. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not meet MWELO.

https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

6. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

ORDINANCE NO. O-03-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO APPROVE A DEVELOPMENT AGREEMENT NO. O-03-26 BETWEEN THE CITY OF COLTON AND LINEAGE LOGISTICS, LLC FOR THE AGUA MANSA LOGISTICS CENTER PROJECT, FOR PROPERTY GENERALLY LOCATED AT 1500 AGUA MANSA DRIVE IN THE CITY OF COLTON (CASE INDEX NO. DAP-001-816)

WHEREAS, the City of Colton ("City") has found that development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, pursuant to California Government Code Sections 65864 *et seq*. and Colton Municipal Code Section 18.58.102, the City is authorized to enter into development agreements providing for the development of land under terms and conditions set forth therein; and

WHEREAS, Lineage Logistics, LLC, a Delaware limited liability company ("Developer") proposes to develop the Building 1 of the Agua Mansa Logistics Center (Case No. DAP-001-816), more particularly described in Exhibit "B-1", attached hereto and incorporated herein by reference ("Project"); and

WHEREAS, on May 9, 2023, the Planning Commission of the City of Colton approved the Architectural & Site Plan Review, Conditional Use Permit, Major Certificate of Appropriateness and Tentative Parcel Map to provide for the orderly growth and quality development of the Project in accordance with the General Plan; and

WHEREAS, because of the logistics, magnitude of the expenditure and considerable lead time prerequisite to planning and developing the Project, Developer has proposed to enter into a development agreement concerning the Project ("Development Agreement") to provide assurances that the Project can proceed without disruption caused by a change in the City's planning policies and requirements except as provided in the Development Agreement, which assurance will thereby reduce the actual or perceived risk of planning for and proceeding with development of the Project; and

WHEREAS, at a duly noticed public hearing held on May 9, 2023, the Planning Commission considered the Staff Report, the Development Agreement, all recommendations by staff, and public testimony, and adopted Resolution No. R-06-23, recommending to the City Council approval of the Development Agreement; and

WHEREAS, the City desires the timely, efficient, orderly and proper development of the Project in furtherance of the goals and policies of the City's General Plan; and

WHEREAS, the City Council has found that this Development Agreement is consistent with the City's General Plan; and

WHEREAS, the City Council has determined that by entering into the Development Agreement: (i) the City will promote orderly growth and quality development on the Property in accordance with the goals and policies set forth in the General Plan; (ii) significant benefits will be created for City residents and the public generally from increased employment, property tax revenue, and contributions from Developer toward public capital improvements; and

WHEREAS, the City and Developer have reached mutual agreement and desire to voluntarily enter into the Development Agreement to facilitate development of the Project subject to conditions and requirements set for therein; and

WHEREAS, previously, on June 20 and July 18, 2023, City Council adopted Resolution Nos. R-6-23 and R-73-23, which approved the Tentative Parcel Map No. 20358 and other related project approvals, including Ordinances Nos. O-06-23 and O-05-23 and the approval and adoption of the Initial Study/15183 Analysis pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 ("15183 Analysis"); and

WHEREAS, subsequently, the San Bernardino Superior Court (Case No. CIVSB2317228) issued a peremptory writ of mandate, directing the City of Colton to void, vacate, and set aside the approvals set forth in Resolution Nos. R-6-23 and R-73-23, and any other resolutions related to the project, and further directed that prior to City Council taking any action with regard to issuance of any approvals related to Resolution Nos. R-60-23 and R-73-23, the City shall conduct a mitigation analysis as it pertains to operational air quality impacts pursuant to the Court's June 3, 2024 ruling and State CEQA Guidelines section 15183; and

WHEREAS, on February 3, 2025, City Council adopted Resolution No. R-04-26, to void, vacate, and set aside the approvals set forth in Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 and Ordinances Nos. O-06-23 and O-05-23; and

WHEREAS, in order to address the peremptory writ of mandate in Case No. CIVSB2317228, the City prepared a revised 15183 Analysis, in accordance with the provisions of the California Environmental Quality Act ("CEQA"); and

WHEREAS, pursuant to CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, Lineage Logistics is seeking City approval to allow for the construction of a new warehouse/office building at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has conducted an analysis of the Project, consistent with CEQA Guidelines section 15183 ("Section 15183 Analysis"), and found that it is in conformance with

the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR.

WHEREAS, on February 3, 2026, the City Council held a duly noticed public hearing on the Development Agreement No. O-03-26 attached herein as **Exhibit B-1**; and

WHEREAS, at the public hearing, the City Council considered the Staff Report, the Development Agreement, and public testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:

SECTION 1. . **COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Revised 15183 Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the City Council independent review and analysis it finds that the Revised 15183 Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Revised 15183 updated Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. **FINDINGS ON ENVIRONMENTAL IMPACTS**. Based on the whole record before it, including the Revised 15183 Analysis, the administrative record, and all other written and oral evidence, the City Council finds that the Project will not have an adverse impact on the environment. According to Section 15183(a) (Projects Consistent with a Community Plan or Zoning), of the CEQA Guidelines, additional environmental review is not required for projects "which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified," except as might be necessary to determine whether there are project-specific significant effects. A Revised 15183 Analysis was prepared to evaluate the proposed Project's consistency with the certified 2013 City General Plan EIR to determine whether it would have new or more severe significant environmental effects beyond those identified in the 2013 General Plan EIR. Environmental impacts associated with the proposed Project would be similar to those anticipated for the project area in the 2013 General Plan EIR. Mitigation beyond that identified in the 2013 General Plan EIR is not required. As such, pursuant to CEQA Guidelines section 15183, no additional environmental review or documentation is required under CEQA because all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Revised 15183 Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts.

SECTION 3. ADOPTION OF THE REVISED 15183 ANALYSIS. The City Council hereby approves and adopts the Revised 15183 Analysis as attached hereto as **Exhibit "A-1.**".

SECTION 4. ADOPTION OF THE MITIGATION MONITORING AND

REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Section 15183 Analysis and the MMRP, the MMRP.

SECTION 5. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. . This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Ordinance.

SECTION 7. Pursuant to California Government Code Section 65865, the City Council hereby approves the **Development Agreement No. O-03-26**, attached hereto as **Exhibit "B-1",** entitled "**A Development Agreement No. O-03-26** between City of Colton and Lineage Logistics LLC, a Delaware limited liability company" attached herein in **Exhibit B-1** (aka "Agua Mansa Logistics Center, Building 1 Development Agreement") (the "Development Agreement").

SECTION 8. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds this Development Agreement not be detrimental to the health, safety and welfare of the community because the Development Agreement will permit land uses that best reflect community needs, including the need for local employment opportunities and increased property tax revenue to fund City services, and will allow for the most efficient and logical development of the real property governed by the Development Agreement in the City.

SECTION 9. Pursuant to California Government Code Section 65867.5(b), and based on the entire record before the City Council, including all written and oral evidence presented, the City Council hereby finds that the Development Agreement is consistent with the General Plan because the Development Agreement will result in the development of the Property that is consistent with the uses and intensity allowed under the General Plan.

SECTION 10 Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds that: (i) the economic interests of Colton citizens and the public health, safety and welfare will be best served by entering into the Development Agreement; (ii) this Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the area in which the Property is located; (iii) the Development Agreement is in conformity with the public convenience, general welfare and good land use practice; and (iv) the Development Agreement will not adversely affect the orderly development or the preservation of property values for the property it governs or any other property.

The City Council further finds that among the public benefits to accrue to the residents of the City as a result of the Development Agreement are: (a) A one-time payment of $4 million to

the City's general fund; (b) one-time contribution of $350,000 to the City for fire truck apparatus; (c) guaranteed annual payments to the City's general fund in perpetuity should the developer install solar panels; and (d) agreement to annex into the City's Maintenance and Public Safety Community Facilities Districts as fully referenced in Development Agreement No. O-03-26 hereto attached as Exhibit B-2.

SECTION 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted as required by law. Pursuant to Government Code section 65868.5, within 10 days following the entering of the Development Agreement, as evidence by the full execution thereof, the City Clerk shall record the Development Agreement with the San Bernardino County Recorder.

PASSED, APPROVED, AND ADOPTED THIS ____DAY OF FEBRUARY, 2026.

_____
FRANK J. NAVARRO
Mayor

ATTEST:

_____
ISAAC T. SUCHIL
City Clerk

APPROVED AS TO FORM:

_____
Best Best & Krieger LLP
City Attorney

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT “B-1”

Development Agreement No. O-03-26

Recorded at request of:
City Clerk, City of Colton

When recorded return to:
City of Colton
650 North La Cadena Drive
Colton, CA 92324
Attention: City Clerk

Exempt from filing fees pursuant to Government Code §6103

DEVELOPMENT AGREEMENT NO. O-03-26

A DEVELOPMENT AGREEMENT BETWEEN

CITY OF COLTON

and

LINEAGE LOGISTICS, LLC, a Delaware limited liability company

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into as of this **___ day of February, 2023~~3~~6** by and between the City of Colton, California ("City"), and Lineage Logistics, LLC, a Delaware limited liability company ("Lineage" or "Owner"). At times, the City and Owner are referred to jointly within this Agreement as the "Parties" and individually as a "Party."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted the "Development Agreement Statute," Sections 65864 et seq., of the California Government Code. The Development Agreement Statute authorizes the City to enter into development agreements with persons or entities having legal or equitable interests in real property to establish predictability for both City and the property owner in the development process.

B. Owner has requested City to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of City.

C. Owner holds legal title to the real property described in **Exhibit "A**" to this Agreement[1] (the "Property") and depicted on **Exhibit "B**" commonly known as **1500 Aqua Mansa Road, Colton, CA.**

D. The Property consists of approximately 35.95 gross acres designated as Heavy Industrial (M-2) in both the City General Plan and Zoning Code.

E. Owner proposes to develop the Property with a state-of-the-art concrete tilt-up industrial warehouse building of approximately 474,021 square foot state of the art cold storage warehouse, including a storage area constructed of a rack supported, architectural insulated metal panel skin and the balance constructed of conventionally framed steel structure with pre-cast or tilt wall skin (the "Project").

F. Owner is requesting from the City the following discretionary approvals (collectively, the "Initial Development Approvals"):

a. This Agreement;

b. Architectural and Site Plan Approval DAP-001-~~796~~816;

[1] All references within this Agreement to an "Exhibit" refer to an exhibit to this Agreement, unless otherwise specified.

c. Conditional Use Permit No. DAP-001-~~796~~ 816 related to (i) the storage of trailers and/or trucks; and (ii) 24-hour warehouse operation; and (iii) the construction of the Project at a height of 130 feet;

~~d. d. Variance No. DAP-001-796 for the Project, to allow a reduction in the number of required parking spaces;~~

~~e.~~d. Tentative Parcel Map No. 20358 to consolidate multiple legal lots into two separate legal parcels (the "Parcel Map").

~~f.~~e. The Initial Development Approvals include various Project Conditions of Approvals, which are attached hereto and incorporated herein by reference as **Exhibit "F**" ("Project Conditions of Approval").

G. [Intentionally left blank].

H. In addition to the Initial Development Approvals, Owner shall require "Subsequent Development Approvals" [see definition in Section 1.1(jj) below] to complete development of the Project.

I. The City and Owner desire to obtain the binding agreement of each other to permit the development of the Property in accordance with the provisions of this Agreement.

J. The terms and conditions of this Agreement have undergone extensive review by City and Owner and have been found to be fair, just, and reasonable.

K. The City Council has found that the best interests of the citizens of the City and the public health, safety, and welfare will be served by entering into this Agreement.

L. The City Council has found that this Agreement will have a major, beneficial economic impact on the City in that it will provide to the City and its residents the specific and valuable public benefits set forth in Section 5 below (the "Public Benefits").

M. The physical effects, if any, of the Project on the environment have been separately analyzed pursuant to the California Environmental Quality Act ("CEQA").

N. In accordance with Section 18.58.010 of the Colton Municipal Code, the City's Planning Commission and City Council each have (i) given notice of their intention to consider this Agreement, (ii) conducted public hearings on this Agreement as required by the Government Code, and (iii) found the provisions of this Agreement to be consistent with the City's General Plan.

O. On ~~_____~~, May 9, 2023, the Planning Commission held a duly noticed public hearing at which the Planning Commission recommended approval of this Agreement to the City Council.

P. On ~~_____~~, February 3, 202~~3~~6, the City Council adopted a CEQA Section 15183 Consistency Analysis for the Project, approved the Initial Development Approvals, and conducted the first reading of **Ordinance No. ~~_____~~ O-03-26** (the "Adopting Ordinance") approving this Agreement.

Q. On ~~_____~~, **February ____, 202~~3~~6**, the City Council adopted the Adopting Ordinance.

AGREEMENT

The Parties agree as follows:

1. DEFINITIONS AND EXHIBITS

1.1. Definitions. The following terms when used in this Agreement shall be defined as follows:

a. "Adopting Ordinance" means **Ordinance No. ~~_____~~ O-03-26** approved by the City Council adopting this Agreement.

b. "Agreement" means this Development Agreement.

c. "Applicable Rules" means the Existing Land Use Regulations, the Initial Development Approvals, all Subsequent Development Approvals, any Subsequent Land Use Regulations to which Owner has given its written consent, and this Agreement.

d. "Approval Date" means the date on which the City Council conducted the second reading of the Adopting Ordinance. That date is **February ~~_____~~ _____, 202~~3~~6.**

e. "Assignment" means the assignment and assumption of the rights, duties, and obligations arising under or from this Agreement in connection with the Conveyance of some or all of the Property.

f. "Assignment and Assumption Agreement" refers to the agreement required by Section 3.3(b) below.

g. "City Council" means the duly elected city council of the City of Colton.

h. "City" means the City of Colton, a California municipal corporation.

i. "Conveyance" means the sale, transfer, assignment, or other conveyance of the Property in whole or in part to any third party of any nature during the Term.

j. "Development" means the improvement of the Property for the purposes of completing all structures, improvements, and facilities comprising the Project as contemplated by this Agreement. "Development" does not include the maintenance, repair, reconstruction, or redevelopment of any building, structure, improvement, or facility after the completion of its initial construction and its subsequent occupancy.

k. "Development Approvals" means all non-legislative permits, entitlements, and other approvals granted or issued by the City for the use of, construction upon, and/or development of the Property pursuant to this Agreement, including, without limitation, those for site plan review, architectural review, excavation, grading, building, construction,

encroachment or street improvement permits, occupancy certificates, utility connection authorizations, drainage, landscape, and other permits or approvals necessary for the development, construction, marketing, use, and occupancy of the Project. For the purposes of this Agreement, Development Approvals consist of the "Initial Development Approvals" and "Subsequent Development Approvals," as those terms are defined below.

l. "Development Exaction" means any requirement of the City in connection with or pursuant to the implementation or approval of a Land Use Regulation applicable to the Project and/or a Development Approval for the Project which requires Owner, the Property, and/or the Project to either:

(i) Dedicate or otherwise convey land to the City, any other agency, or any third party;

(ii) Construct improvements for the benefit of the City, any other agency, or any third party;

(iii) Pay fees, including but not limited to "Development Impact Fees," or perform other actions in order to lessen, offset, mitigate, or compensate for the effects of the Project; or

(iv) Convey to the City, any other agency, or any third-party funds, commitments, or any other thing of value.

m. "Development Impact Fee" (DIF) means a payment imposed on Owner or the Project pursuant to the requirements of the Mitigation Fee Act set forth in the California Government Code at Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) that are applicable on the Effective Date. For purposes of this Agreement, Development Impact Fees do not include fees paid pursuant to the Mitigation Fee Act which are imposed by agencies, including school districts, other than the City. In addition, Development Impact Fee does not include later-adopted development impact fees that do not currently exist and are uniformly applied to all development projects in the City.

n. "Development Plan" means the plan for development of the Property as set forth in the Applicable Rules.

o. "DIF Freeze Period" means the five (5) year period where existing Development Impact Fees in effect will be frozen, as specified in Exhibit "D".

p. "Effective Date" means the date the ordinance approving and authorizing this Agreement becomes effective.

q. "Existing Land Use Regulations" means all Land Use Regulations in effect on the Approval Date, including the General Plan and applicable zoning. Changes to Land Use Regulations becoming effective from the day after the Approval Date through the Effective Date shall not be considered part of the Existing Land Use Regulations without Owner's prior written consent, except as provided in Section 6.1. This Agreement, a Land Use Regulation which shall not become effective until the Effective Date, has Owner's prior written consent and shall be considered an Existing Land Use Regulation.

r. "Extension" refers to an extension of the Term pursuant to Section 2.1 below.

s. "Financing District" means a special assessment district, community facilities district, or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities which are part of the Development Plan.

t. "Indemnify" means, when used in Section 8 below, to defend, indemnify, and hold harmless.

u. "Initial Development Approvals" means those Development Approvals approved on the Approval Date as listed in Recital F, as well as revisions, addenda, amendments, and modifications to each of these actions that are finally approved in accordance with the Colton Municipal Code.

v. "Land Use Regulations" means all legislative acts, including ordinances, resolutions, codes, rules, regulations, and official policies of the City governing the development and use of land, including the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement, construction, initial occupancy standards and specifications, and impact, building, processing, affordable housing, and all other fees applicable to the development of land within the City. Land Use Regulations include this Agreement, the General Plan and the Colton Municipal Code. "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

(i) the conduct of businesses, professions, and occupations;

(ii) taxes (special or general) and assessments;

(iii) the control and abatement of nuisances;

(iv) the granting of encroachment permits and the conveyance of rights and interests that provide for the use of or the entry upon public property;

(v) the exercise of the power of eminent domain.

w. " [Intentionally left blank]

x. " [Intentionally left blank]

y. "Major Default" means either individual Owner's material and substantial failure to meet that Owner's obligations to provide the Public Benefits contemplated by this Agreement after notice and a reasonable opportunity to cure an alleged Major Default.

z. "Mortgagee" means a lender, a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns providing financing secured by the Property and/or its improvements.

aa. "Notice" means any written communication, request, demand, approval, statement, report, acceptance, consent, waiver, appointment, or similar action required or permitted by this Agreement.

bb. "Owner" means Lineage, and its successors and assigns with respect to the ownership of the Property.

cc. "Owner's Vested Right" means Owner's guaranteed right to develop the Property as set forth in this Agreement, including, but not limited to, the provisions of Section 4 below.

dd. "Processing Fees" means all City application, processing, permit, and similar fees that are generally applicable to all development projects within the City, including those imposed to cover the estimated actual costs to City of processing applications for Development Approvals or for monitoring compliance with Development Approvals granted or issued.

ee. "Parcel Map" means Tentative Parcel Map No. 20358, which is part of the "Initial Development Approvals."

ff. "Project" means the development of the Property as set forth in the Development Plan, as described in Recital E.

gg. "Project Conditions of Approval" means the conditions of approval imposed by the City in the Initial Development Approvals, and specified in Exhibit "F".

hh. "Property" means the real property described on Exhibit "A" and depicted on Exhibit "B".

ii. "Reservation of Authority" means the rights and authority of the City set forth in Section 6 below which limit the assurances and rights provided to Owner under this Agreement.

jj. "Subsequent Development Approvals" means all Development Approvals for the Project which are approved, granted, or issued after the Approval

Date and which are required or permitted by the Applicable Rules and/or this Agreement.

kk. "Subsequent Land Use Regulations" means those Land Use Regulations which are both adopted and effective after the Approval Date and which are not incorporated within the definition of Existing Land Use Regulations.

ll. "Term" means the term of this Agreement as set forth in Section 2.1.

1.2. Exhibits. The following attached Exhibits are a substantive part of this Agreement:

Exhibit "A" – Legal Description.

Exhibit "B" – Property Location.

Exhibit "C" – Assignment and Assumption Agreement Form

Exhibit "D" – Applicable Development Impact Fees

Exhibit "E" – [Intentionally left blank]

Exhibit "F"—Project Conditions of Approval

2. DURATION OF AGREEMENT

2.1. Term. This Agreement shall start on the Effective Date and remain in effect for a term of fifteen (15) years (the "Term"). The Term may be further modified by mutual written agreement of the Parties. All references in this Agreement to the "Term" include any extensions of the Term.

2.2. Termination. Unless otherwise extended pursuant to this Agreement, this Agreement shall terminate upon the first to occur of:

a. The conclusion of the Term and any extensions of the Term;

b. Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits for the Project and Owner's dedication of all required dedications.;

c. Termination by order of a California court of law; and

d. Termination by mutual written agreement of the Parties.

2.3. Agreement Terms Surviving Termination. Upon termination of this Agreement, the only rights or obligations under this Agreement which any Party shall have are those expressly set forth within this Agreement.

2.4. Development Rights Upon Termination. Termination of this Agreement shall not invalidate any Land Use Regulations in effect or terminate any Development Approvals obtained prior to the date of termination of this Agreement.

3. CONVEYANCE, ASSIGNMENT, AND RELEASE

3.1. Right to Assign. Owner shall have the right to sell, transfer, assign, or otherwise convey its Property in whole or in part (provided that no such partial transfer shall

violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any third party of any nature (an "Assignee") at any time during the Term (collectively, a "Conveyance").

3.2. Assignee's Status Under this Agreement. For purposes of this Section 3, Assignees will fall into two categories:

a. *Owner Assignee.* An Assignee who acquires an interest in some or all of the Property and intends to retain the right to complete development of the acquired portion of the Property pursuant to this Agreement shall be referred to as an "Owner's Assignee."

b. *User Assignee*. An Assignee who acquires an interest all of the Property in an improved condition and does not intend to further improve the Property pursuant to this Agreement shall be referred to as a "User Assignee."

3.3. Rights and Obligations of Owner's Assignee. Subject to compliance with this Section 3.3, an Owner Assignee shall succeed to the rights and obligations of the Owner under this Agreement with respect to that portion of the Property conveyed to the Owner Assignee. Any Conveyance to an Owner Assignee shall (i) include both an assignment of all rights ("Assignment of Rights") and a delegation of all obligations ("Delegation of Obligations") existing under this Agreement as of the date of the Conveyance with respect to the portion(s) of the Property conveyed and (ii) be made in strict compliance with the following conditions precedent:

a. No Assignment of Rights or Delegation of Obligations (collectively, an "Assignment") shall be made unless made together with a Conveyance.

b. Concurrent with any Assignment, Owner shall notify City in writing of the Assignment and shall provide City with an "Assignment and Assumption Agreement" in a form reasonably acceptable to City, signed by the purchaser, transferee, or assignee and the City. An "Assignment and Assumption Agreement" in the form of Exhibit "C" shall be deemed acceptable to both Parties. The Assignment and Assumption Agreement shall provide that the Owner Assignee must:

(i) expressly and unconditionally assumes all the duties, obligations, agreements, covenants, waivers of Owner under this Agreement with respect to the portion(s) of the Property conveyed; and

(ii) provide to the City security equivalent to any security previously provided by Owner to secure performance of Owner's obligations under this Agreement with respect to the portion(s) of the Property conveyed and which remain at the time of the Assignment.

Any Conveyance to an Owner Assignee not made in strict compliance with these conditions precedent shall constitute a default by Owner under this Agreement,

which default shall be cured if either (i) the Assignment is terminated, or (ii) the Assignee signs the required Assignment and Assumption Agreement. If an Assignee does not sign an Assignment and Assumption Agreement, the burdens of this Agreement with respect to the portion(s) of the Property conveyed shall bind the Assignee, but the benefits of this Agreement shall not inure to the Assignee unless and until the required Assignment and Assumption Agreement is signed by the Assignee.

3.4. **Rights and Obligations of a User Assignee**. A User Assignee must succeed to the rights and obligations of Owner under this Agreement with respect to the Property conveyed to the User Assignee. The provisions of Section 3.3 above shall apply to the Conveyance of any parcel or lot that has been finally subdivided and is sold or leased to a User Assignee. This Agreement shall not terminate with respect to any such parcel or lot and that parcel or lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document.

3.5. **Release of Transferring Owner**. Upon any Assignment, the City shall release the conveying Owner from any further obligations under this Agreement with respect to the Property conveyed if:

a. Owner provides evidence to the City establishing that Owner no longer has a legal or equitable interest in the Property subject to the Assignment;

b. There is no default under this Agreement on the date of the Assignment or any such default has subsequently been cured; and

c. In the case of a Conveyance to an Owner Assignee, the conveying Owner has provided the City with the required Assignment and Assumption Agreement.

3.6. **Subsequent Assignment**. The provisions of this Section 3 shall apply to all Assignments occurring during the Term.

4. DEVELOPMENT OF THE PROPERTY

4.1. **Owner's Vested Right**. During the Term and subject only to the Reservation of Authority (Section 6 below) and express limitations of this Agreement:

a. Owner shall have a vested right to develop its respective Property in accordance with, and to the full extent permitted by the Existing Land Use Regulations, the Initial Development Approvals, the Project Conditions of Approval, all Subsequent Development Approvals, and any Subsequent Land Use Regulations to which Owner has given its written consent (collectively, the "Applicable Rules"); and

b. The permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the

design, improvement and construction standards and specifications applicable to development of the Property shall be those set forth in the Applicable Rules.

4.2. **Changes to Applicable Rules**. Any change in the Applicable Rules which is adopted or becomes effective after the Approval Date shall not be applicable to or binding upon Owner, the Project, or the Property, unless approved in writing by Owner. A "change in the Applicable Rules" shall include any new ordinance, resolution, policy, or other enactment, no matter how adopted or enacted, which is not contained in the Applicable Rules as of the Approval Date, except such rules described in Section 6.1.

4.3. **Owner's Vested Right Upon Termination**. As set forth in Section 2.4 above, termination of this Agreement shall not invalidate any Land Use Regulations or terminate any Development Approvals obtained prior to the date of termination. Upon any termination, the extent, if any, of Owner's Vested Right as of the date of termination shall be determined by state and federal statutes and case law and the then current factual state of the Project.

4.4. **Term of Map(s) and Other Project Approvals**.

a. *Maps.* Pursuant to Government Code Section 66452.6 and any other applicable provision of the Government Code, the term of the Parcel Map and any other subdivision or parcel map that is approved for the Property shall be extended to a date coincident with the Term and, where not prohibited by State law, with any extension of the Term, unless a longer term would result under otherwise applicable State or local law.

b. *Other Development Approvals.* Pursuant to Government Code Section 65863.9, site plan and architectural review approvals and all other Development Approvals for the Project shall automatically be extended for the longer of (i) the term of the Parcel Map and (ii) the term of any other subdivision or parcel map that is approved for the Property. Pursuant to Section 4.4(a), those terms shall be the same as the Term of this Agreement.

4.5. **Timing of Development**. The Parties acknowledge that Owner cannot at this time predict when or the precise rate at which the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Owner, such as market orientation and demand and other similar factors. Because the California Supreme Court held in *Pardee Construction v. City of Camarillo* (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a latter-enacted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that Owner shall have the right to develop the Property (but not the obligation to develop its applicable Property) in such order and at such rate and at such time as Owner

deems appropriate within the exercise of its sole and absolute subjective business judgment. Owner shall have the right to complete the Project in such order, at such rate, at such times, and in as many development phases and sub-phases as Owner deems appropriate in its sole subjective business judgment.

4.6. Applicable Fees and Exactions.

a. *Development Exactions.* Except as expressly set forth within this Agreement, Owner, the Property, and the Project shall be subject only to those Development Exactions from which Owner is not otherwise exempt and which are (i) set forth within the Applicable Rules and (ii) uniformly applied to all development projects within the City as of the Approval Date.

b. *Development Impact Fees.* The Development Impact Fees set forth in Exhibit "D" shall be frozen for a period of five (5) years from the Effective Date ("DIF Freeze Period"). After the termination of the DIF Freeze Period, the Project shall pay applicable Development Impact Fees at the time and rate in effect for all similar development within the City.

c. *Fee Credits*. The Project shall be entitled to a credit against its Development Impact Fee obligations for the dedication of land and the construction of improvements or the payment of fees.

d. *Processing Fees.* The Project shall be subject to all Processing Fees [see Section 1.1 (aa)]. The Processing Fees shall be assessed on the same basis, according to the same rate schedule, and in the same manner as for all similar property, projects, and development within the City.

4.7. Utilities. Prior to the issuance of a certificate of occupancy for any completed structure within the Project, that structure shall be connected to all utilities necessary to provide adequate water, sewer, gas, electric, and other utility service to that structure.

4.8. Financing of Public Improvements. Owner may propose, and if requested by City shall cooperate in, the formation of any Financing District [see Section 1.1(r)]. To the extent that a Financing District is formed and sells bonds in order to finance reimbursements, the Owner which requested the formation of the Financing District may be reimbursed to the extent the requesting Owner spends funds or dedicates land for the establishment of public facilities. Nothing contained in this Agreement shall be construed as requiring the City or the City Council to form a Financing District.

5. PUBLIC BENEFITS.

5.1. **Contributions to City Facilities and Infrastructure**. As consideration for entering into this Agreement, Lineage agrees to contribute to the City, as a public benefit, the following payment:

- A one-time payment to the City in the amount of **Four Million Dollars ($4,000,000).** This payment shall be made prior to issuance of the Project's first building permit.
- A **one-time payment** in the amount of **Three Hundred Fifty Thousand Dollars ($350,000)** for the City to purchase equipment for its new 100' ladder fire truck. This payment shall be made prior to issuance of a grading permit for the Project.
- Lineage **agrees to be annexed into two existing Community Facilities Districts, the Maintenance CFD and the Public Safety CFD prior to issuance of the Project's first building permit.** As a condition precedent to Lineage's annexation into the CFDs, the City is **required to create a Special Improvement Area for both CFDs at Developer's expense**. The Maintenance CFD shall consist of an **annual special tax of Four Cents ($0.04) per square foot of square footage of the Project** as set forth on the approved building permit, and **the Public Safety CFD shall consist of an annual special tax of Eighteen Cents ($0.18) per square foot of square footage of the Project** as set forth on the approved building permit**. Both CFDs shall be subject to a three percent (3%) annual increase** in the amounts of the special taxes. These special taxes shall be paid by Lineage as long as the Project is in operation, and therefore this obligation shall survive the expiration of the Term of this Agreement.

5.2 **Owner Election to Install Solar.** As further consideration for entering into this Agreement, Lineage **agrees to contribute to the City, as a public benefit, the following if Owner decide to install solar panels to provide electricity to operate the Project**, then Owner shall continue to ensure that the City is "made whole" on the amount of general fund revenue received from the City's Electric Utility Department based on Project electricity usage. **The term "made whole" is herein defined herein as City receiving from the Project the amount of $250,000/year** as will be adjusted annually by the actual City electric rate increases (the "Base City Amount").

The Base City Amount $250,000 shall be paid to City by Owner in two ways:

(1) annual transfer payment from the City Electric Utility Department to the City based on electricity purchased by the Project and the resulting actual amount transferred to the City (Measure D Payment); and

(2) direct payment to City by the Owner in such amount that is the result of the equation of **$250,000** Base City Amount less the actual annual transfer payment received by the City from this Project. The "made whole" requirement shall be pro-rated for any partial year transfer payment.

For example illustrative purposes only, the following examples illustrate the Owner's obligation to have the City "made whole" in year 1 based on the initial Base City Amount:

(i) if actual electricity purchase for the project results in a transfer **of $100,000** to the City, then the direct payment by the Owner would be **$150,000**;

(ii) if actual electricity purchase for the project results in a transfer of **$200,000** to the City, then the direct payment by the Owner would be **$50,000**; and

(iii) if actual electricity purchase for the project results in a transfer of **$300,000** to the City, then the direct payment by the Owner would be $0;

This obligation shall be contained in a Community Benefit Agreement shall be executed by City and Owner prior to issuance of the Project's first building permit and shall remain senior to all debt on the Project. This obligation shall continue so long as the Project is in operation and thus the obligation shall extend beyond the Term of this Agreement.

Notwithstanding any other provision, the Project shall be subject to the City's Net Energy Metering rules and regulations in effect as may be modified from time to time in City's sole discretion. Moreover, in the event that the Project installs any battery storage this shall not reduce the Base City Amount owed to the City.

6. RESERVATION OF AUTHORITY AND OTHER EXCEPTIONS TO OWNER'S VESTED RIGHT

6.1. **City's Reservation of Authority**. Notwithstanding any other provision of this Agreement, the City reserves its authority to apply the following to the Project:

a. Mitigation measures upon Subsequent Development Approvals to the extent that such mitigation measures are required by and consistent with CEQA, and only if further subsequent CEQA documentation is required.

b. New Land Use Regulations which are consistent with the Applicable Rules, do not pertain to the rate or timing of development of the Property, and do not impede, delay, or add costs to the Project.

c. Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals, and any other matter of procedure, provided that those procedural

regulations are of general application to all similar property, projects, and development within the City.

d. New categories of DIFs, to fund public facilities or services previously not funded by the DIF program in effect on the Effective Date.

e. Regulations, policies, and rules governing engineering and construction standards and specifications applicable to all similar public and private improvements, including, without limitation, all uniform codes adopted by the City and any local amendments to those codes adopted by the City, including, without limitation, the City's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Grading Ordinance.

f. Emergency rules, regulations, laws, and ordinances within the City's police power that would limit the exercise of either Owner's Vested Right but are reasonably necessary to protect the immediate community from a condition perilous to its health or safety ("Conflicting Emergency Regulations"). To the extent possible, Conflicting Emergency Regulations shall be applied and construed so as to provide either Owner with the rights and assurances provided under this Agreement. To apply to the Project or the Property, Conflicting Emergency Regulations must:

(i) result from a sudden, unexpected emergency declared by the President of the United States, Governor of California, or the Mayor or City Council of the City; and

(ii) if declared and/or adopted by the City, not primarily or disproportionately impact the Property or the Project relative to other property or land development projects in the City.

Any action challenging the application of a Conflicting Emergency Regulation to the Project shall be subject to de novo review by the court for compliance with the provisions of this Section.

Any delay to the Project caused by a Conflicting Emergency Regulation shall toll the Term and any time periods for performance by Owner and City set forth in this Agreement.

g. Regulations related to the ultimate use of the Property after the completion of development that impose fees or charges upon consumers or end users, including, without limitation, trash can placement, service charges, and limitations on vehicle parking (as opposed to parking requirements for the development of the Property).

6.2. **Changes in Federal and State Law**. The Property and/or the Project may be subject to subsequently enacted state or federal laws or regulations which preempt local regulations or mandate the adoption of local regulations that conflict with the Applicable Rules. Upon discovery of such a subsequently enacted federal or state law, City or either Owner shall provide the other Parties with

written notice containing a copy of the state or federal law or regulation and a written explanation of the legal or regulatory conflict created. Within ten (10) business days after receipt of that notice, City and Owner shall meet and confer in good faith in a reasonable attempt to modify this Agreement, as necessary, to comply with such federal or state law or regulation. In such negotiations, City and Owner agrees to preserve the terms of this Agreement and Owner's Vested Right to the maximum feasible extent while resolving the conflict. City agrees to cooperate with Owner in resolving the conflict in a manner which minimizes any financial impact to Owner. Any delays caused by such changes in state or federal law shall be considered delays beyond the control of City and/or Owner pursuant to Section 11.13 below.

6.3. **Regulation by Other Public Agencies**. Other public agencies not within the control of City may possess authority to regulate aspects of the Project separately from or jointly with City. This Agreement does not limit the authority of such other public agencies.

7. DEFAULTS AND PERIODIC REVIEW.

7.1. **Periodic Review / Due Process Considerations**. Pursuant to Government Code Section 65865.1 ("GC 65865.1") and Colton Municipal Code Section 18.58.102-Q2, at least once during every twelve (12) month period of the Term, City shall review the good faith compliance of Owner with the terms of this Agreement ("Periodic Review").

Because of Owner's commitment to provide its applicable Public Benefits to the City before completion of the Project, Owner would not have entered into this Agreement and made its commitment to provide the Public Benefits without assurances that Owner's Vested Right could not be terminated or modified without a fair and equitable review process and general principles of fairness and due process. Therefore, the Parties agree that, notwithstanding the provisions of GC 65865.1 and Colton Municipal Code Section 18.58.102-V:

a. Any determination by the City that Owner is in default, whether during the Periodic Review or otherwise, shall be based on the preponderance of evidence before the City.

b. In any legal action by an Owner challenging the City's determination of default, the court shall conduct a de novo review of Owner's compliance based on the administrative record and determine if the preponderance of evidence supports the City's determination.

7.2. **Modifications for Owner's Noncompliance**. The terms of GC 65865.1 and Colton Municipal Code Section 18.58.102-T2 allow a local agency to terminate or modify a development agreement if a periodic review of compliance with the terms of the development agreement demonstrates noncompliance by the applicant/developer. The City's right to do so is stated in permissive, rather than

mandatory, terms: "the local agency may terminate or modify the agreement." Therefore, as material consideration for entering into this Agreement, the Parties have agreed that, in the event of a finding of noncompliance, the City shall not modify the terms of this Agreement unless the modification has been agreed to by Owner, as provided in Government Code Section 65868.

7.3. **Termination for Owner's Noncompliance**. Only a "Major Default" by Owner may establish cause for the City to terminate this Agreement. A "Major Default" is limited to the material and substantial failure by Owner to meet Owner's obligations to provide the Public Benefits contemplated by this Agreement after notice and a reasonable opportunity to cure an alleged Major Default.

a. *Notice and* Cure. Before the City may declare a Major Default or a termination of this Agreement or bring a legal action to terminate this Agreement, the City shall provide written notice to Owner setting forth the nature of the Major Default and the actions, if any, required by Owner to cure the Major Default. Owner shall be deemed in Major Default if Owner fails to cure the Major Default within thirty (30) business days after the date of such notice (for monetary defaults) or within sixty (60) business days after the date of such notice (for non-monetary defaults) ("Cure Periods"). If the nature of the alleged Major Default is such that it cannot reasonably be cured within the applicable Cure Period, Owner shall not be deemed to be in Major Default if it has commenced efforts to cure the Major Default within the applicable Cure Period and continues to diligently pursue completion of the cure.

b. *Final City Council Review.* If, after Owner contends that it has timely cured the alleged Major Default, the City continues to allege that Owner is in Major Default, then, before seeking a judicial remedy, the City Council must conduct a final hearing on the existence of a Major Default. If, after this hearing, the City determines that the Major Default has not been cured, the City may, at its option, institute legal action to (i) terminate this Agreement, (ii) compel Owner to cure, correct, or remedy the alleged Major Default, (iii) enjoin any threatened or attempted violation of this Agreement, (iv) enforce the terms of this Agreement through specific performance, or (v) pursue any other equitable remedy.

7.4. **Default by City / Owner's Limited Remedies**.

a. *No Monetary Damages.* The City would not have entered into this Agreement if it were to be liable in damages for a breach of this Agreement or with respect to the application of this Agreement to the Property or the Project. Therefore, the City shall not be liable in damages to Owner or any other party, and Owner covenants not to sue for monetary damages or claim any sort of monetary damages:

(i) For any breach of this Agreement or for any cause of action that arises out of this Agreement; or

(ii) For the taking, impairment, or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(iii) Arising out of or connected with any dispute, controversy, or issue regarding the application or interpretation or effect of the provisions of this Agreement.

b. *Remedies Available to Owner.* The City shall be in default if it materially fails in the performance of any of its obligations under this Agreement, including its material failure to honor any component of Owner's Vested Right as described in Section 4 above. Owner's litigation remedies shall be limited to declaratory and injunctive relief, mandate, and specific performance to compel the City to perform its obligations under this Agreement and/or to remedy the consequences to Owner of the failure of the City's material representations.

(i) *Attorneys' Fees.* Notwithstanding the restrictions on claims for monetary damages set forth in Section 7.4(a) above, in any action, including appeals, brought by Owner pursuant to Section 7.4(b) above, the prevailing Party shall be entitled to the recovery of its attorneys' fees and costs related to that action.

7.5. **Certificate of Compliance**. At any time during which an Owner has not been found to be in Major Default under this Agreement, City shall, upon written request by Owner, provide Owner with a written certificate of good faith compliance within fifteen (15) business days after City's receipt of that request.

7.6. **Release**. Except for non-monetary remedies or as provided in Section 7.4 above, Owner releases City, its officers, agents, and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to claim for monetary damages for a taking of property without just compensation pursuant to Article I, Section 19, of the California Constitution, the Fifth and Fourteenth Amendments to the United States Constitution. Owner acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

> "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

By initialing below, Owner hereby waives the provisions of Section 1542 in connection in making this release.

_____

Owner's Initials

8. LITIGATION

8.1. **Third Party Litigation Concerning Agreement**. If a third party brings an action to attack, set aside, void, or annul the approval of (i) this Agreement or (ii) any Development Approval granted pursuant to this Agreement (a "Third-Party Action"), Owner shall defend, indemnify, and hold the City harmless (collectively within this Section 8, "indemnify"), including the payment of attorneys' fees, with respect to any claims, actions, or proceedings in a Third-Party Action which relate to this Agreement. Owner's obligation to indemnify covers any of the City's agents, officers, or employees named in a Third-Party Action. If a Third-Party Action is filed, City shall notify Owner of the filing within ten (10) business days after being served with the Petition and/or complaint and shall cooperate in the defense until the Third-Party Action has concluded. If the City fails to do so, Owner's obligation to indemnify shall immediately terminate. City may in its discretion participate in the defense of any Third-Party Action. Owner's indemnity obligations contained in this Section shall survive termination of this Agreement. If a Third Party Action is brought, the expiration date of this Agreement and all Development Approvals shall be tolled for the identical number of days the Third Party Action is pending.

8.2. **Environmental Assurances**. Owner shall indemnify City and its officers, agents, and employees from any liability, based or asserted upon any act or omission of Owner, its officers, agents, employees, subcontractors, predecessors in interest, and independent contractors for any violation of any federal, state, or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under, or about its applicable Property, including, but not limited to, soil and groundwater conditions ("Environmental Litigation"). Owner shall defend, at its expense, including attorneys' fees, the City, its officers, agents, and employees in any action based or asserted upon any such alleged act or omission. City may in its discretion participate in the defense of any such action.

8.3. **Selection of Counsel**. With respect to any Third-Party Action or Environmental Litigation, City may either (1) approve the attorney(s) that Owner selects to defend the action, which approval shall not be unreasonably withheld, or (2) conduct its own defense with counsel of its choosing. If the City conducts its own defense:

a. *Owner Shall Indemnify.* Owner shall indemnify the City and other indemnified parties for any and all reasonable expenses incurred for such defense, including attorneys' fees, within sixty (60) calendar days of

receiving an accurate itemized statement detailing those reasonable expenses.

b. *Owner Shall Proceed with Own Counsel.* Owner shall defend itself with counsel of its own choosing, without needing to obtain the City's approval of counsel.

8.4. **Challenge to Existing Land Use Approvals**. Owner shall not sue, challenge, or encourage or support a third-party challenge of any of the Applicable Rules. Owner does not, however, waive its right to challenge the application to Owner, the Property, or the Project of (i) an Applicable Rule in a manner which Owner contends is not consistent with the terms of the Applicable Rule or (ii) any Land Use Regulation or Development Approval which Owner contends is not within this Agreement's definition of the "Applicable Rules."

8.5. **Survival**. The provisions of this Section 8 shall survive the termination of this Agreement.

9. **INSURANCE**. In order to protect the City and its commissions, agents, attorneys, officers, employees and authorized representatives (collectively, "Additional Insureds") against any and all claims and liability for death, injury, loss, and damage resulting from either Owner's actions in connection with this Agreement, the Property, and the Project, Owner shall secure and maintain the insurance coverage as described in and required by this Section 9 prior to any on-site construction activities at the Property by or on behalf of the Owner. Owner shall pay any deductibles and self-insured retentions under all insurance policies issued in satisfaction of the terms of this Agreement. Owner shall retain all insurance policies as set forth in this Section 9 until a Certificate of Completion for the Project has been filed and recorded pursuant to the applicable provisions of the California Civil Code (the "Certificate of Compliance").

9.1. **Workers' Compensation Insurance Requirement**. Owner shall submit written proof that the Owner is insured against liability for workers' compensation to the extent necessary in order to comply with the provisions of Section 3700 of the Labor Code. By executing this Agreement, the Owner makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of the Agreement."

The Owner shall require each contractor and sub-contractor performing work on the Project to provide workers' compensation coverage for all of such contractor's or sub-contractor's employees, unless the contractor's or sub-contractor's employees are covered by workers' compensation insurance provided by the Owner. If any class of employees engaged in work or services performed in

connection with the Project is not covered by Labor Code Section 3700, Owner shall provide and/or require each contractor or sub-contractor to provide adequate workers' compensation insurance covering such employees. Each workers' compensation policy procured pursuant to this Section shall contain a full waiver of subrogation clause in favor of the Additional Insureds.

9.2. <u>Liability and Permanent Insurance Requirements</u>.

a. Owner shall maintain in full force and effect, until the issuance of the Certificate of Completion, subject to Section 9.2(d), the following insurance coverage:

(i) Commercial General Liability Insurance coverage, including, but not limited to, Premises-Operations, Contractual Liability Insurance (specifically covering all indemnity obligations of the Owner pursuant to this Agreement), Products-Completed Operations Hazards, Personal Injury (including bodily injury and death), and Property Damage for liability arising out of the construction of the Project and/or the Owner's operations concerning the Property or the Project. The commercial general liability insurance coverage shall have minimum limits for Bodily Injury and Property Damage liability of TWO MILLION DOLLARS ($2,000,000) each occurrence and FOUR MILLION DOLLARS ($4,000,000) aggregate.

(ii) Automobile Liability Insurance against claims of Personal Injury (including bodily injury and death) and Property Damage covering all owned, leased, hired and non-owned vehicles used by the Owner with minimum limits for Bodily Injury and Property Damage of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. Such insurance shall be provided by a business or commercial vehicle policy.

(iii) If Owner hires a consultant to provide design services, such as architectural or engineering services in connection with the Project then Owner shall require each such consultant to provide Professional Liability (Errors and Omissions) Insurance, for liability arising out of, or in connection with, the performance of such design services, with limits of not less than ONE MILLION DOLLARS ($1,000,000).

(iv) Upon acceptance of the Project, from each contractor, Owner shall maintain Fire and Extended Coverage Insurance on the Project on a blanket basis or with an agreed amount clause in amounts not less than 100% of the replacement value of the Project so accepted.

b. During the construction of the Project, Owner shall require that each contractor performing work on the Project maintain the following insurance coverage, as specified below, at all times during the

performance of said work, or Owner shall provide for such contractors "wrap" coverage, as specified below, at all times during the performance of said work:

(i) Owner shall maintain Builder's Risk Insurance to be written on an All Risk Completed Value form, in an aggregate amount equal to 100% of the completed insurable value of the Project or portion of the Project on which such contractor is performing work.

(ii) Each general contractor and each sub-contractor shall maintain Commercial General Liability Insurance with limits of not less than ONE MILLION DOLLARS ($1,000,000) per occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate to protect the Owner during the construction of the Project from claims involving bodily injury and/or death and damage to the property of others.

(iii) Each general contractor and each sub-contractor shall maintain Automobile Liability Insurance against claims of personal injury (including bodily injury and death) and property damage covering all owned, leased, hired and non-owned vehicles used in the performance of the contractor's obligations with minimum limits for bodily injury and property damage of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. Such automobile liability insurance shall be provided by a business or commercial vehicle policy.

c. The insurance required in Section 9.2(a) and Section 9.2(b) above shall include endorsements naming the Additional Insureds as additional insured for liability arising out of this Agreement and any operation related to this Agreement.

d. Any insurance coverage required under this Agreement shall not be written on a "claims made" basis. The applicable certificate of insurance must clearly provide that the coverage is on an "occurrence" basis. The requirements of this Section shall survive any expiration or termination of this Agreement and the Certificate of Completion.

e. Receipt by the City of evidence of insurance that does not comply with the above requirements shall not constitute a waiver of the insurance requirements of this Agreement.

f. Subject to Section 9.2(d), all of the insurance coverage required under this Section shall be maintained by Owner or its contractors, as required by the terms of this Agreement, until the issuance of the Certificate of Completion and shall not be reduced, modified, or canceled without, at least, thirty (30) days prior written notice to the City. Also, phrases such as "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company" shall not be included

in the cancellation wording of any certificates of insurance or any coverage for the Additional Insureds. Owner shall immediately obtain replacement coverage for any insurance policy that is terminated, canceled, non-renewed, or whose policy limits are exhausted or upon insolvency of the insurer that issued the policy.

g. All insurance to be obtained and maintained by Owner under this Section shall be issued by a company or companies listed in the then current "Best's Key Rating Guide" publication with a minimum of an "A:VII" rating and be admitted to conduct business in the State of California by the State of California Department of Insurance.

h. The City will not accept self-insurance in satisfaction of the insurance requirements of this Section 9.

i. All insurance obtained and maintained by Owner in satisfaction of the requirements of this Agreement shall be primary to and not contributing to any insurance maintained by the Additional Insureds.

j. Insurance coverage in the minimum amounts set forth in this Section 9 shall not be construed to relieve Owner of any liability, whether within, outside, or in excess of such coverage, and regardless of solvency or insolvency of the insurer that issues the coverage; nor shall it preclude the Additional Insureds from taking such other actions as are available to them under any other provision of this Agreement or otherwise at law.

9.3. <u>Prevailing Wage Indemnity</u>

a. *Responsibility*. Owner agrees with City that Owner shall assume any and all responsibility and be solely responsible for determining whether or not laborers employed relative to the construction of the Project must be paid the prevailing per diem wage rate for their labor classification, as determined by the State, pursuant to Labor Code Section 1720, et. seq., or pursuant to applicable Federal Law.

b. *Waivers and Release*. Owner, on behalf of itself, its successors, and assigns, waives and releases City from any right of action that may be available to any of them pursuant to State Labor Code Section 1781 or applicable Federal Law. Relative to the waivers and releases contained in this section, Owner acknowledges the protections of Civil Code Section 1542, which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

c. Initials. By initialing below, Owner knowingly and voluntarily waives the provisions of Section 1542 solely in connection with the Waivers and Releases of this Section:

_____
Initials of Authorized Representative

d. Indemnity, Defend and Hold Harmless. Additionally, Owner shall indemnify, defend and hold harmless City, against any claims pursuant to State Labor Code Section 1781 or any other law requiring payment of minimum or prevailing wage amounts arising from this Agreement of the Construction of the Project, to which Owner is the Owner.

9.4. Failure by Owner to maintain all insurance coverage required by this Section 9 in effect shall be an Event of Default by Owner. The City, at its sole option, may exercise any remedy available to them in connection with such an Event of Default. Alternatively, the City may, at its sole option, purchase any such required insurance coverage and the City shall be entitled to immediate payment from the Owner for any premiums and associated costs paid by the City for such insurance coverage. Any election by the City to purchase or not to purchase insurance otherwise required to be carried by Owner shall not relieve Owner of their obligation to obtain and maintain the insurance coverage required by this Agreement.

10. MORTGAGEE PROTECTION.

10.1. **Discretion to Encumber**. This Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering some or all of the Property and/or any improvement on the Property by any mortgage, deed of trust, or other security device securing financing related to the Property or the Project.

10.2. **Lender Protection**. A lender, a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns providing financing secured by the Property and/or its improvements (collectively, "Mortgagees") may require certain Agreement interpretations and modifications. At any time requested by Owner or a Mortgagee, City shall meet with Owner and the Mortgagee to negotiate in good faith any such interpretation or modification. City will not unreasonably withhold its consent to any requested interpretation or modification that is consistent with the intent and purposes of this Agreement.

10.3. **Additional Mortgagee Rights**. Any Mortgagee shall be entitled to the following:

a. Neither Owner's entry into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any Mortgagee made in good faith and for value, unless otherwise required by law.

b. A Mortgagee who has submitted a request in writing to the City to receive Notices in the manner set forth in Section 11.2 below shall be entitled to receive Notice from the City of any alleged default by Owner in the performance of Owner's obligation under this Agreement. City shall provide a copy of that notice to the Mortgagee within ten (10) calendar days of sending the notice of default to Owner. The Mortgagee shall have the right, but not the obligation, to cure the default during the Cure Period set forth within this Agreement.

c. Any Mortgagee who comes into possession of some or all of the Property shall succeed to Owner's Vested Right and the benefits of this Agreement if, within ten (10) calendar days after coming into possession, the Mortgagee provides Notice to the City of that possession. At any time after receipt of that Notice, the City may provide Notice to the Mortgagee of alleged defaults in the performance of Owner's obligation under this Agreement pursuant to the provisions of Section 7, above. The Mortgagee shall then have the right, but not the obligation, to cure the alleged default in the manner provided in Section 7. If the Mortgagee fails to cure the default, however, the remedies available to the City are the same as they would have been under Section 7 if the Owner remained in possession.

d. The Mortgagee shall not be liable for any defaults or monetary obligations of Owner arising prior to acquisition of title to the Property by the Mortgagee, except that the Mortgagee may not pursue Development pursuant to this Agreement until all delinquent and current fees and other monetary obligations due under this Agreement for the portions of the Property acquired by the Mortgagee have been paid to City.

11. GENERAL PROVISIONS

11.1. **Amendment of Agreement**. Notwithstanding any other provision of this Agreement, this Agreement may be amended by written consent of the Parties in the manner provided for in Government Code Section 65868.

11.2. **Operating Memoranda**. The provisions of this Agreement require a close degree of cooperation and flexibility between the City and Owner. The development of the Project may demonstrate that clarifications or modifications to this Agreement are appropriate with respect to the details of performance of the City and Owner; except for changes to monetary obligations of City or Owner. If and when, from time to time during the Term of this Agreement, City and Owner agrees that such clarifications are necessary or appropriate, City and Owner shall effectuate such clarifications through operating memoranda approved in writing by the Parties ("Operating Memoranda"), which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further clarified from time to time as necessary with future approval by City and Owner. No such Operating Memoranda shall constitute an amendment to this Agreement

requiring public notice or hearing. The City Manager shall make the determination on behalf of the City whether a requested clarification may be effectuated pursuant to this Section 11.2 or whether the requested clarification is of such a character to constitute an amendment hereof pursuant to Section 11.1 above. The City Manager shall be authorized to execute any Operating Memoranda hereunder on behalf of City.

11.3. **Notices**. All notices which are allowed or required to be given under this Agreement ("Notices") shall be in writing and (i) shall be deemed given and received when personally delivered or (ii) shall be deemed given when deposited in the United States mail, with postage prepaid, to be sent by registered or certified mail or overnight mail service, addressed as set forth below and be deemed received on the second business day after such mailing.

The addresses for Notices are as follows and may be changed by delivery of a Notice to these addresses:

If to City:

City of Colton
650 North La Cadena Drive
Colton, CA 92324
Attention: City Manager

With a copy to:

Carlos L. Campos
Colton City Attorney
Best, Best & Krieger, LLP
74-760 Highway 111, Suite 200
Indian Wells, CA 92210

If to Owner:

Lineage Logistics LLC
4600 Humboldt Drive
Novi, MI 48377
Attn: Real Estate Department

and

With copies of each to:

Lineage Logistics, LLC
1 Park Plaza, Suite 550
Irvine, CA 92614
Attn: General Counsel

11.4. **Execution and Recording**. The City Clerk shall cause a copy of this Agreement to be signed by the appropriate representatives of the City and recorded with the Office of the County Recorder of San Bernardino, California, within ten (10) days following the effective date of the Adopting Ordinance. The failure of the City to timely sign and/or record this Agreement shall not affect the validity of and binding obligations set forth within this Agreement.

11.5. **Entire Agreement**. This Agreement constitutes the entire understanding and agreement of City and Owner with respect to the matters set forth in this Agreement. This Agreement supersedes all negotiations or previous agreements between City and Owner respecting the subject matter of this Agreement.

11.6. **Severability**. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the rest of this Agreement, provided that Owner's Vested Right and the Public Benefits are not materially diminished.

11.7. **Recitals**. Each Recital set forth at the beginning of this Agreement is a substantive part of this Agreement for the purpose of defining the context of this Agreement.

11.8. **Interpretation and Governing Law**.

a. *Governing Law.* In any dispute regarding this Agreement, the Agreement shall be governed and interpreted in accordance with the laws of the State of California.

b. *Fair Meaning.* This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties.

c. *No Drafting Party.* Both Parties have been represented by counsel in the negotiation of this Agreement and neither Party should be considered the drafting party for purposes of resolving ambiguities.

d. *Section Headings.* Section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.9. **Jurisdiction and Venue**. Venue of any action filed by either Party with respect to this Agreement shall be in the County of San Bernardino.

11.10. **Cooperation**. City and Owner shall cooperate and deal with each other in good faith and assist each other in the performance of the provisions of this Agreement. Where the consent or approval of City or Owner is needed to achieve the purposes of this Agreement, that consent or approval shall not be unreasonably withheld, delayed, or conditioned.

11.11. **Time of Essence**. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.12. **Waiver**. All waivers of performance must be in a writing signed by the Party granting the waiver. There are no implied waivers. Failure by City or Owner to

insist upon the strict performance of any provision of this Agreement, irrespective of the length of time for which such failure continues, shall not constitute a waiver of the right to demand strict compliance with the same or any other provision of this Agreement in the future. A written waiver affects only the specific matter waived and defines the performance waived and the duration of the waiver.

11.13. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.14. **Delay, Extension of Time for Performance**. Performance by either Party of its obligations under this Agreement shall be excused and the Term shall be tolled during any period of delay caused at any time by reason of any event beyond the control of City or Owner which prevents or delays performance by City or Owner of obligations under this Agreement (an "Intervening Act"). Intervening Acts shall include, by way of example and not limitation, acts of nature, enactment of new conflicting federal or state laws or regulations (example: listing of a species as threatened or endangered), judicial actions such as the issuance of restraining orders and injunctions, third-party litigation challenging an Applicable Rule, and riots, strikes, pandemics, or damage to work in process by reason of fire, floods, earthquake, or similar casualties, and emergency orders of local, state, or federal agencies or officials. If City or Owner seeks excuse from performance due to an Intervening Act, it shall provide written notice of the Intervening Act and the resulting delay to the other Party within thirty (30) days of the commencement of the delay. If the Parties disagree as to the existence or duration of a delay resulting from an Intervening Act, either Party may seek judicial review of the need for the delay, including requests for injunctive relief.

11.15. **Successors and Assigns**. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

11.16. **Counterparts**. This Agreement may be executed by the Parties in counterparts, which will have the same effect as if both Parties had executed the same Agreement.

11.17. **Project as a Private Undertaking**. The Project is a private development undertaken by Owner. The City has no interest in or responsibilities for or duty to third parties concerning the Project. The only relationship between City and Owner is that of a government entity regulating the development of private property.

11.18. **Eminent Domain**. No provision of this Agreement shall be construed to limit or restrict the exercise by City of its power of eminent domain.

11.19. **Authority to Execute**. The person or persons executing this Agreement on behalf of each of the Parties represents that he or she is authorized by that Party to bind that Party to this Agreement.

This Agreement has been signed by the Parties on the dates indicated below.

OWNER

LINEAGE LOGISTICS, LLC
a Delaware limited liability company

By: _____
Name: _____
Title: _____

CITY

CITY OF COLTON, a California municipal corporation

By: _____
Frank J. Navarro, Mayor

Date: _____

Attest: _____
Isaak T. Suchil, City Clerk

APPROVED AS TO LEGAL FORM:

Best Best & Krieger LLP

By: _____
Carlos L. Campos, City Attorney

EXHIBIT "A"

(Legal Description)

EXHIBIT "A"

LINEAGE LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 21 AND THOSE PORTIONS OF LOTS 18, 19 AND 20 OF SUBDIVISION OF THE BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, RECORDS OF SAID COUNTY TOGETHER WITH PARCEL 1 OF LOT LINE ADJUSTMENT DOCUMENT NO. 2020-0511599, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION, AS CONVEYED TO SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, OF THAT PART OF LOTS 13-1/2, 14, 16, 17, 18, 19, 20 AND 22, BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, RECORDS OF SAID COUNTY, DESCRIBED IN DEED RECORDED JUNE 2, 1954 IN BOOK 3394 PAGE 373, OFFICIAL RECORDS, SAID PORTION BEING ALL OF SAID PART LYING WITHIN A STRIP OF LAND 1050 FEET IN WIDTH, BEING 525 FEET ON EACH SIDE OF, MEASURED AT RIGHT ANGLES TO, THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE WESTERLY LINE OF RANCHO SAN BERNARDINO, AS PER PLAT RECORDED IN BOOK 7 OF MAPS, PAGE 2, RECORDS OF SAID COUNTY, DISTANT NORTH 19° 36' 20" WEST ALONG SAID WESTERLY LINE, 2083.09 FEET FROM A 1" IRON PIPE MARKING THAT CERTAIN CORNER OF SAID RANCHO SAN BERNARDINO COMMONLY KNOWN AS R. S. B. NO. 2; THENCE NORTHWESTERLY 902.41 FEET ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2000 FEET AND A CENTRAL ANGLE OF 25° 51' 08", THE BEGINNING TANGENT THEREOF BEARING NORTH 84° 06' 56" WEST; THENCE NORTH 58° 15' 48" WEST, 1542.71 FEET; THENCE WESTERLY 5321.53 FEET ALONG A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2950 FEET AND A CENTRAL ANGLE OF 103° 21' 22"; THENCE SOUTH 18° 22' 50" WEST, 2713.73 FEET; THENCE SOUTHWESTERLY, 1534.19 FEET ALONG A TANGENT CURVE CONCAVE TO NORTHWEST, HAVING A RADIUS OF 5000 FEET AND A CENTRAL ANGLE OF 17° 34' 50"; THENCE SOUTH 35° 57' 40" WEST, 3253.02 FEET TO THE POINT OF TERMINATION IN THE CENTER LINE OF RIVERSIDE- RIALTO ROAD (A 66-FOOT STREET), DISTANT ALONG SAID CENTER LINE 12° 57' 07" EAST, 4753.39 FEET FROM THE INTERSECTION OF SAID CENTER LINE OF RIVERSIDE-RIALTO ROAD WITH THE CENTER LINE OF AGUA MANSA ROAD (A 50- FOOT STREET).

ALSO EXCEPTING THEREFROM THAT PORTION, AS CONVEYED TO THE COUNTY OF SAN BERNARDINO BY DEED RECORDED NOVEMBER 2, 1928 IN BOOK 432, PAGE 107, OFFICIAL RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LEGAL DESCRIPTION

PARALLEL TO AND THIRTY (30) FEET DISTANT FROM THE FOLLOWING DESCRIBED LINE OF ROAD:

BEGINNING AT A POINT IN THE PRESENT ROAD KNOWN AS AGUA MANSA ROAD, 28 FEET N. 87° 37' N OF THE NE CORNER OF AFORESAID LOT 18, THENCE WESTERLY ON A CURVE TO THE RIGHT WHOSE RADIUS IS 300 FEET, FROM A TANGENT WHOSE BEARING IS S. 55° 12' W. A DISTANCE OF 134.9 FEET; THENCE RUNNING S. 87° 06' W., A DISTANCE OF 1198.3 FEET; CROSSING THE WEST LINE OF SAID LOT 18 AT A POINT 62 FEET, MORE OR LESS, S. 10° E., FROM THE N.W. CORNER OF SAID LOT 18, CROSSING THE WEST LINE OF LOT 19, AT A POINT 68 FEET, MORE OR LESS S. 9° 30' E., FROM THE NW CORNER OF SAID LOT, CROSSING THE WEST LINE OF SAID LOT 20 AT A POINT 30 FEET, MORE OR LESS, S. 20° 30' E., FROM THE NW CORNER OF SAID LOT, AND CROSSING THE WEST LINE OF SAID LOT 21, AT A POINT 8 FEET, MORE OR LESS, S. 20° 45' E., FROM THE NW CORNER OF SAID LOT; THENCE RUNNING ON A CURVE TO THE LEFT WHOSE RADIUS IS 1273.57 FEET, A DISTANCE OF 611.5 FEET CROSSING THE WEST LINE OF AFORESAID LOT 22, AT A POINT 50 FEET, MORE OR LESS S. 32° E., FROM THE NW CORNER OF SAID LOT; THENCE RUNNING S. 53° 35' W., A DISTANCE OF 967.3 FEET, CROSSING THE WETS LINE OF AFORESAID LOT 23 AT A POINT 10 FEET MORE OR LESS, FROM THE NW CORNER OF SAID LOT, TO A POINT IN THE PRESENT NAMED AGUA MANSA ROAD, SAID POINT BEING N. 37° 15' W., AND 12 FEET, MORE OR LESS, DISTANT FROM THE NW CORNER OF AFORESAID LOT 24.

EXHIBIT "B"

(Property Location)

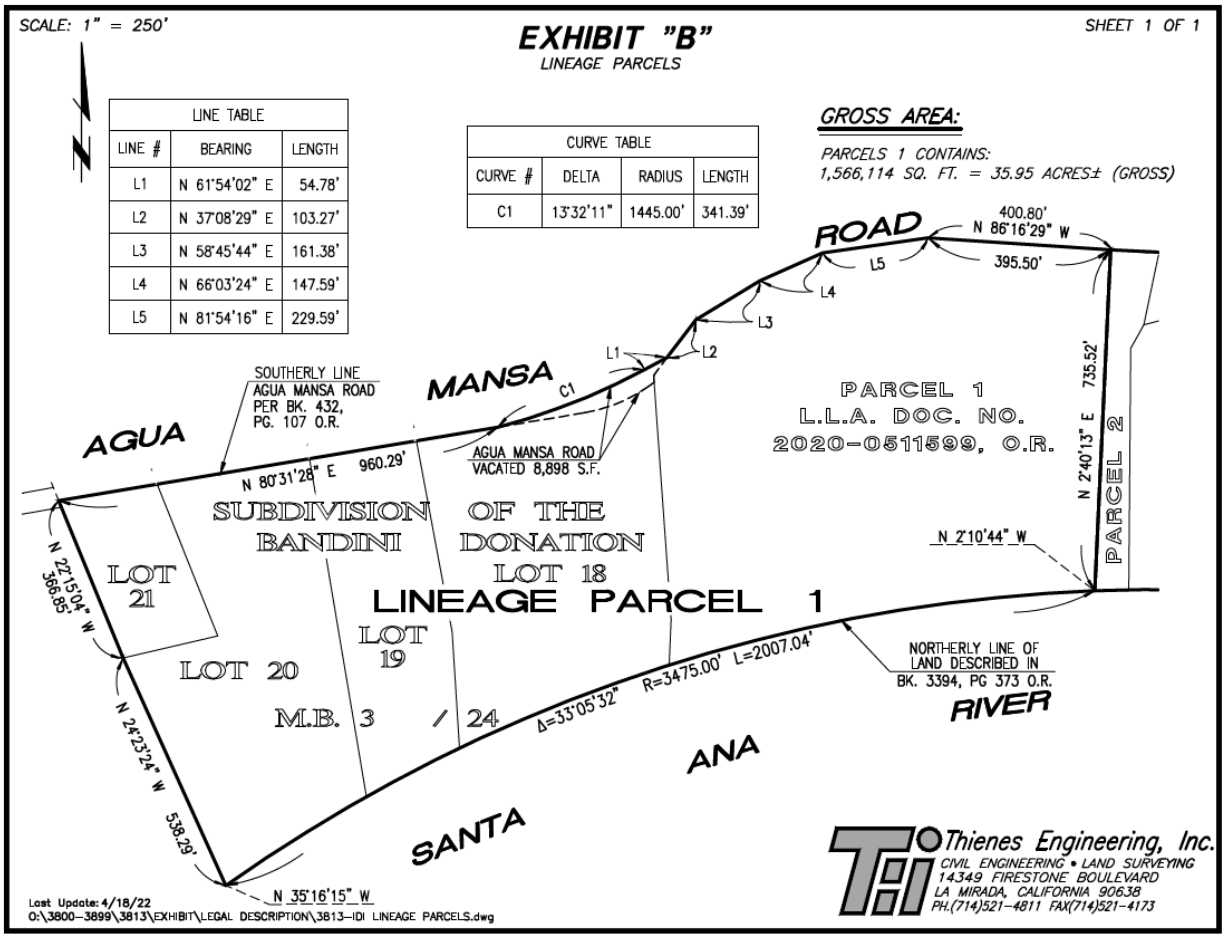


EXHIBIT "C"

(Assignment and Assumption Agreement Form)

ASSIGNMENT AND ASSUMPTION OF SPECIFIED RIGHTS AND OBLIGATIONS UNDER THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLTON AND IDI AGUA MANSA, LLC AND LINEAGE LOGISTICS, LLC

This Assignment and Assumption of Specified Rights and Obligations ("Assignment and Assumption Agreement") is entered into between Lineage Logistics, LLC ("Owner") and _____ ("Assignee") as of _____, _____ (the "Effective Date").

RECITALS

A. Owner and the City of Colton (the "City") entered into a Development Agreement **dated _____, 202~~3~~6** (the "Development Agreement") for real property consisting of approximately 35.95 acres within the City (the "Property"). The Property is more particularly described in Exhibit A and depicted on Exhibit B.

B. This Assignment and Assumption Agreement is entered into pursuant to Section 3.1 of the Development Agreement.

C. Owner has conveyed to Assignee that portion of its interest in the Property which is set forth in Paragraph 1 below (the "Conveyance").

D. In connection with the Conveyance, Owner has assigned to Assignee certain rights (set forth in Paragraph 2 below) under the Development Agreement (the "Assignment of Rights").

E. In connection with the Conveyance, Owner also has delegated to Assignee certain obligations (set forth in Paragraph 3 below) under the Development Agreement (the "Delegation of Obligations").

F. When delivered to the City, this Assignment and Assumption Agreement is intended to serve as the notice to the City required by Section 3.3(b) of the Development Agreement.

G. As of the Effective Date of this Assignment and Assumption Agreement, Owner is not in Major Default, of the Development Agreement, as defined in Section 1.1(y).

AGREEMENT

Owner and Assignee agree as follows:

1. Conveyance. The Conveyance pertains to and is limited to the Property described as follows (the "Transferred Property"):

[Insert description of Transferred Property by tract, parcel, and/or lot number]

2. Assignment of Rights. In connection with the Conveyance, Owner has assigned to Assignee the following rights under the Development Agreement:

a. The right to build 474,021square feet of commercial structures.

b. The vested right to complete the development of the Transferred Property pursuant to the "Development Plan" defined in the Development Agreement.

c. The right to $_____ in _____ Fee Credit, $_____ in Fee Credit, $_____ in _____ Fee Credit, and $ _____ in other credit toward *[specify other Development Impact Fee],* as those terms are defined in the Development Agreement.

d. The following right to reimbursement as provided in the Development Agreement:

[Insert the basis for and the amount of (or applicable formula) the reimbursement.]

e. Community Benefit Agreement

3. Assumption of Obligations. Owner has delegated to Assignee and Assignee unconditionally agrees to assume all duties and obligations of Owner under the Development Agreement remaining to be performed with respect to the Transferred Property on the effective date of this Assignment and Assumption Agreement.

4. Execution. Owner, the Assignee and the City have signed this Assignment and Assumption Agreement on the dates indicated below. As such, this assignment is deemed fully completed.

OWNER LINEAGE LOGISTICS, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

CITY **City of Colton**, a California municipal corporation

By: _____

Date: _____

Assignee:

By: _____
Name: _____
Its: _____

Date: _____

EXHIBIT A

LINEAGE LEGAL DESCRIPTION:

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EXHIBIT B

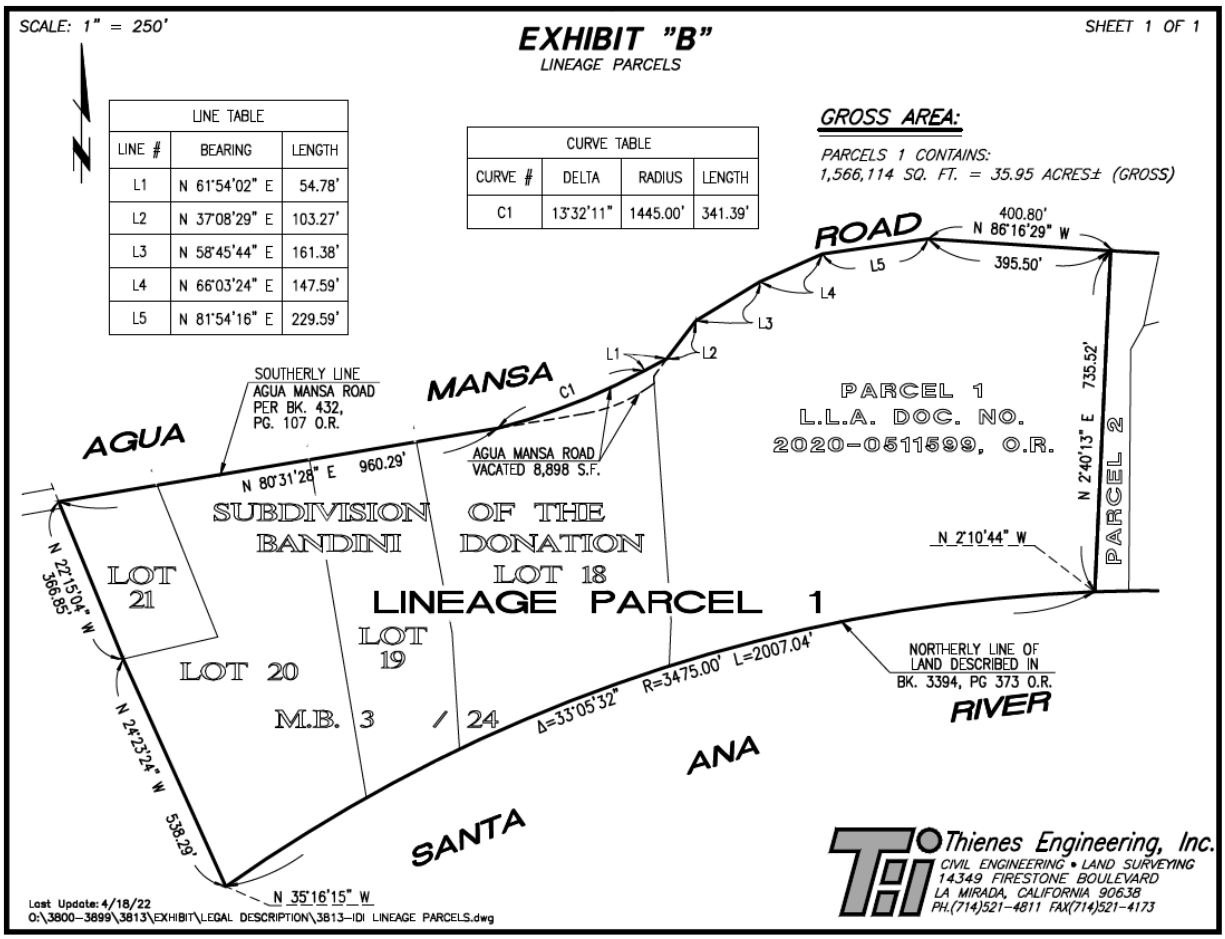

SCALE: 1" = 250'
EXHIBIT "B"
LINEAGE PARCELS
SHEET 1 OF 1
LINE TABLE
LINE # | BEARING | LENGTH
L1 | N 61°54'02" E | 54.78'
L2 | N 37°08'29" E | 103.27'
L3 | N 58°45'44" E | 161.38'
L4 | N 66°03'24" E | 147.59'
L5 | N 81°54'16" E | 229.59'
CURVE TABLE
CURVE # | DELTA | RADIUS | LENGTH
C1 | 13°32'11" | 1445.00' | 341.39'
GROSS AREA:
PARCELS 1 CONTAINS:
1,566,114 SQ. FT. = 35.95 ACRES± (GROSS)
ROAD
400.80'
N 86°16'29" W
395.50'
L5
L4
L3
L2
L1
C1
MANSA
AGUA
SOUTHERLY LINE
AGUA MANSA ROAD
PER BK. 432,
PG. 107 O.R.
N 80°31'28" E 960.29'
AGUA MANSA ROAD
VACATED 8,898 S.F.
PARCEL 1
L.L.A. DOC. NO.
2020-0511599, O.R.
735.52'
N 2°40'13" E
PARCEL 2
N 2°10'44" W
SUBDIVISION OF THE
BANDINI DONATION
LOT 18
LOT 21
LOT 20
LOT 19
LINEAGE PARCEL 1
M.B. 3 / 24
N 22°15'04" W
366.85'
N 24°23'24" W
538.29'
N 35°16'15" W
Δ=33°05'32" R=3475.00' L=2007.04'
NORTHERLY LINE OF
LAND DESCRIBED IN
BK. 3394, PG 373 O.R.
RIVER
ANA
SANTA
Last Update: 4/18/22
O:\3800-3899\3813\EXHIBIT\LEGAL DESCRIPTION\3813-IDI LINEAGE PARCELS.dwg
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

EXHIBIT "D"

Development Impact Fees	**Fee**	**Multiplier**
Infrastructure Fee - SBCTA fee	$1,967.00	Per 1K s.f.
Traffic Facilities Fee	$147.00	Per 1K s.f.
Civic Center Fee	$16.00	Per 1K s.f.
Fire Station Fee	$79.00	Per 1K s.f.
Library Fee	$46.00	Per 1K s.f.
Police Station Fee	$102.00	Per 1K s.f.
Park Development Fee	$0.28	Per s.f.
Industrial Water-Waste Water Fee	Flat Fee per Ordinance No. O-020-20	[depends on meter size]

(Applicable Development Impact Fees)

Building SF: 474,021 SF
*above SF includes 10,000 SF Office

EXHIBIT "E"

[Intentionally left blank]

EXHIBIT "F"

Project Conditions of Approval

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-13-26 for 1500 Agua Mansa Road:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

1. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

2. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

3. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

   a) An Architectural and Site Plan Review to allow the construction of a new 474,021 square foot, 95 foot high, warehouse building and related site improvements.
   b) Conditional Use Permit to allow said 474,021 square foot warehouse to be over 50 feet in height for a total height of 95 feet.
   c) Variance to allow 114 parking stalls when 314 parking stalls would be required.
   d) Development Agreement between the City of Colton and Lineage Logistics, LLC.

4. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

5. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

6. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

7. Prior to the issuance of a certificate of occupancy, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

8. Prior to certificate of occupancy, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

9. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

10. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more

of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

11. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

12. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

13. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

14. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

15. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

16. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

17. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

18. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

19. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

20. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

21. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

22. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

23. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

24. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

25. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

26. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

27. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc. subject to the structural limitations of the warehouse structure as reviewed and approved by the Director.

28. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

29. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the

proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential, educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

30. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

31. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

32. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

33. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

34. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

35. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

36. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

37. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

38. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

39. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

40. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    a. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation Cultural Resources Department shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

    b. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

    c. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

    d. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

    e. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency

and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

41. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

42. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

1. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.
2. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.
3. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.
4. The applicant shall grant "right of access" by the City or agent to remove graffiti.
5. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.
6. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.

7. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).

8. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.

9. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.

10. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.

11. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

12. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.

13. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

14. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

15. Both sides of public right-of-way of Agua Mansa Road along the subject property shall be maintained free from trash and debris along the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

1. Shall comply with the latest adopted edition of the following codes:

   California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

   a. Building Code

   b. Building Security Code

   c. Electrical Code

   d. Energy Efficiency Standards

   e. Fire Code and its appendices and standards

   f. Green Code

   g. Mechanical Code and its appendices and standards

2. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
3. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
5. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
6. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
7. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
8. All signs shall be Underwriters Laboratories, Listed or equal.
9. The Tract or Parcel map shall record prior to the issuance of Building permits.

10. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
11. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
12. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
13. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.
14. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    a. Precise grading plans shall be approved
    b. Rough grading completed
    c. Compaction certification
    d. Pad elevation certification
    e. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

1. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

2. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

3. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

4. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

5. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

6. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

7. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

8. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

9. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

10. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

11. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

12. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

13. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

14. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

15. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

d. high piled combustible storage

16. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

17. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

18. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

19. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

20. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

1. STREET IMPROVEMENTS

a) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreement.

b) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet in width for street improvements and three (3) additional feet for a landscaping easement along the entire south side of the entire project frontage to be maintained by the developer/owner.

c) All fronting improvements must meet ADA accessibility standards.

d) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

e) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

f) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

g) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

h) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

i) Install "No Parking Any Time" R26(CA) signage along the property frontage.

j) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

k) Install traffic signal at Driveway 3 of Agua Mansa Road

l) Ensure final plans show the following regarding shared driveway #3, and #1:

i. Driveway #1, West RAD = 35', East RAD = 45', and shifted by 14'
ii. Driveway #3 West RAD = 35', East RAD = 45'

m) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

n) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

2 GRADING

a. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

b. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

c. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

d. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

e. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

f. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

g. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

h. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County

Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

i. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

j. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

k. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

l. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

m. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

n. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

o. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

p. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

q. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

r. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

s. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

12. 3. WATER AND WASTEWATER REQUIREMENTS

a. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

b. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

c) Other off-site improvements include sewer system conveyance improvements that serve the project site. The proposed improvement would accommodate the discharge from the Proposed Project and improve the delivery of the flow to the City's Wastewater Treatment Plant. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

d. Submit onsite utility plans to the City Engineer for review and approval.

e. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

f. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

g. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

h. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

13.

1. FEES

a) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

b) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

c) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

2. IMPROVEMENT PLANS AND FINAL MAP

a) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

i. Rough Grading Plan
ii. Street and Storm Drain Plans
iii. Sewer, water, and Onsite Utility Plans
iv. Precise Grading and Plot Plan
v. Electrical Improvement Plan
vi. Landscape Plan
vii. Final Parcel Map

b) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

c) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

d) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

e) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

f) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

g) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

h) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

i) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

j) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

3. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

a. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

b. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

c. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

d. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

e. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

f. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

g. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

4. STUDIES & REPORTS

a. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

b. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the

pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

c. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

a. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

b. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

c. The Auto Cad plans shall include:

i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.

ii. For private property, plans shall show an easement covering the facilities located on their property.

iii. Plans shall include any notes pertaining to design/planning of electrical system.

iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

d. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall

provide utility easements for all existing and proposed utility owned electric facilities within private property.

e. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

2. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

1. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

2. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

3. The business shall engage in one of the following organic recycling activities:

a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide

(https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

Businesses will be required to show proof of compliance.

4. EV charger ready also to be located on plans.

5. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not meet MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

6. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-12-26 for 1400 Agua Mansa Road:

HOLD HARMLESS

2. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

43. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

44. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

45. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

An Architectural and Site Plan Review to allow the construction of a new 456,445 square foot, 50 foot high, warehouse building and related site improvements and Development Agreement between the City of Colton and IDI Agua Mansa, LLC.

46. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

47. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

48. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

49. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

50. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

51. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public

safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

52. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

53. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

54. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

55. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

56. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

57. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

58. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

59. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

60. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

61. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property

permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

62. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

63. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

64. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

65. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

66. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

67. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

68. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

69. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.

70. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

71. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential, educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

72. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

73. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

74. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

75. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

76. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

77. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

78. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

79. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

80. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

81. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

82. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    f. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation, shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

    g. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

    h. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

    i. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

    j. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant

and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

83. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

84. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

16. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.

17. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.

18. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.

19. The applicant shall grant "right of access" by the City or agent to remove graffiti.

20. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.

21. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.

22. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).

23. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.

24. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.

25. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.

26. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

27. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.

28. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

29. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

30. Both sides of Agua Mansa Road along the subject property shall be maintained free from trash and debris within the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

15. Shall comply with the latest adopted edition of the following codes:

    California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

    h.Building Code

    i. Building Security Code

    j. Electrical Code

    k.Energy Efficiency Standards

    l. Fire Code and its appendices and standards

    m. Green Code

    n.Mechanical Code and its appendices and standards

16. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
17. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
18. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
19. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
20. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
21. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
22. All signs shall be Underwriters Laboratories, Listed or equal.
23. The Tract or Parcel map shall record prior to the issuance of Building permits.

24. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
25. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
26. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
27. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.
28. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    f. Precise grading plans shall be approved.
    g. Rough grading completed.
    h. Compaction certification
    i. Pad elevation certification
    j. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

21. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

22. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

23. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

24. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

25. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

26. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

27. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

28. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

29. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

30. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

31. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

32. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

33. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

34. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

35. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

d. high piled combustible storage

36. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

37. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

38. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

39. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

40. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

2. STREET IMPROVEMENTS

o) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel, as stipulated in the approved Development Agreements.

p) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66 feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

q) All fronting improvements must meet ADA accessibility standards.

r) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

s) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

t) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

u) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

v) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

w) Install "No Parking Any Time" R26(CA) signage along the property frontage.

x) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

y) Install traffic signal at Driveway 3 of Agua Mansa Road

z) Ensure final plans show the following regarding shared driveways #3 and driveway #4:

aa) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

iii. Driveway #3 West RAD = 35', East RAD = 45'

iv. Driveway #4, West RAD = 45', East RAD = 35', and shifted by 5'

bb) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

3 GRADING

t. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

u. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

v. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

w. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

x. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

y. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

z. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

aa. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County

Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

bb. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

cc. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

dd. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

ee. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

ff. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

gg. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

hh. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

ii. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

jj. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

kk. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

ll. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

14. 3. WATER AND WASTEWATER REQUIREMENTS

c. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

d. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

e. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site

directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

f. Submit onsite utility plans to the City Engineer for review and approval.

g. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

h. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

i. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

j. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

15.

5. FEES

d) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

e) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

f) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

6. IMPROVEMENT PLANS AND FINAL MAP

k) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

viii. Rough Grading Plan
ix. Street and Storm Drain Plans
x. Sewer, water, and Onsite Utility Plans
xi. Precise Grading and Plot Plan
xii. Electrical Improvement Plan
xiii. Landscape Plan
xiv. Final Parcel Map

l) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

m) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

n) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

o) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

p) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

q) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

r) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

s) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

t) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

7. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

h. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

i. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

j. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

k. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

l. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

m. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

n. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

8. STUDIES & REPORTS

d. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

e. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the

pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

f. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

d. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

e. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

f. The Auto Cad plans shall include:

i. proposed building(s) foot print, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
ii. For private property, plans shall show an easement covering the facilities located on their property.
iii. Plans shall include any notes pertaining to design/planning of electrical system.
iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

g. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

h. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

3. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

7. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

8. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

9. The business shall engage in one of the following organic recycling activities:

a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

Businesses will be required to show proof of compliance.

10. EV charger ready also to be located on plans.
11. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL
12. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-11-26 for 1400 and 1500 Agua Mansa Road:

HOLD HARMLESS

3. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

SUBJECET TO CONDITIONS OF APPROVAL PLANNING DIVISION (909)370-5079

85. The project is subject to the conditions of approval listed in City Council Resolutions R-10-26, R-12-26, R-13-26, O-03-26, and O-04-26.

86. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-10-26 for 1400 and 1500 Agua Mansa Road:

HOLD HARMLESS

4. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

87. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

88. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

89. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

Tentative Parcel Map No. 20358 to allow the consolidation of 11 parcels into two parcels measuring 35 net acres for Parcel 1, Building 1 and 24 net acres for Parcel 2, Building 2 on property measuring approximately 59 net acres in area, Development Agreement between the City of Colton and IDI Agua Mansa, LLC and a separate Development Agreement between the City of Colton and Lineage Logistics, LLC.

90. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

91. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

92. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

93. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents.

94. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

95. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

96. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

97. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

98. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

99. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

100. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

101. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

102. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

103. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

104. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

105. The Tentative Map shall expire two years from the date the map was approved unless addressed and superseded by a Development Agreement approved by the City Council.

106. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

k. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

l. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall

develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

m. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

n. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

o. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

BUILDING & SAFETY DIVISION (909 370-5079

29. Shall comply with the latest adopted edition of the following codes:

California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

o. Building Code
p. Building Security Code
q. Electrical Code
r. Energy Efficiency Standards
s. Fire Code and its appendices and standards
t. Green Code
u. Mechanical Code and its appendices and standards

30. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.

31. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

32. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.

33. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

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

35. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.

36. All signs shall be Underwriters Laboratories, Listed or equal.

37. The Tract or Parcel map shall record prior to the issuance of certificate of occupancy.

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

39. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.

40. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).

41. The removal and demolition of existing structures requires a Building Permit It shall be as per separate plan review submittal.

42. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

k. Precise grading plans shall be approved.
l. Rough grading completed.
m. Compaction certification
n. Pad elevation certification
o. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

41. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

42. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

43. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

44. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

45. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

46. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

47. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

48. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

49. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

50. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

51. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

52. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

53. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

54. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

55. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

    d. high piled combustible storage

56. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

57. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

58. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

59. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

60. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material

disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

3. STREET IMPROVEMENTS

cc) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreements,.

dd) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

ee) All fronting improvements must meet ADA accessibility standards.

ff) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

gg) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

hh) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

ii) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

jj) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

kk) Install "No Parking Any Time" R26(CA) signage along the property frontage.

ll) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

mm) Install traffic signal at Driveway 3 of Agua Mansa Road

nn) Ensure final plans show the following regarding driveway #1, #3 and #4:

v. Driveway #1, West RAD = 35', East RAD = 45', and shifted by 14'

vi. Driveway #3 West RAD = 35', East RAD = 45'

vii. Driveway #4, West RAD = 45', East RAD = 35', and shifted by 5'

oo) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

pp) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

4 GRADING

mm. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

nn. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

oo. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

pp. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

qq. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

rr. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

ss. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

tt. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

uu. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

vv. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ww. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

xx. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

yy. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

zz. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

aaa. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

bbb. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

ccc. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

ddd. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

eee. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

fff. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

16. 3. WATER AND WASTEWATER REQUIREMENTS

k. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

l. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

m. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

n. An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

o. Submit onsite utility plans to the City Engineer for review and approval.

p. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

q. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

r. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

s. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

17.

9. FEES

g) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

h) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

i) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

10. IMPROVEMENT PLANS AND FINAL MAP

u) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

xv. Rough Grading Plan
xvi. Street and Storm Drain Plans
xvii. Sewer, water, and Onsite Utility Plans
xviii. Precise Grading and Plot Plan
xix. Electrical Improvement Plan
xx. Landscape Plan
xxi. Final Parcel Map

v) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

w) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

x) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

y) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

z) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

aa) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

bb) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

cc) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

dd) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

11. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

o. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

p. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

q. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

r. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

s. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

t. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall immediately remove any graffiti present before construction, during construction, and post construction.

u. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

12. STUDIES & REPORTS

g. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

h. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

i. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

d. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

e. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

f. The Auto Cad plans shall include:

i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.

ii. For private property, plans shall show an easement covering the facilities located on their property.

iii. Plans shall include any notes pertaining to design/planning of electrical system.

iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

g. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

h. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

4. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

13. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

14. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

15. The business shall engage in one of the following organic recycling activities:

    a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

    b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

    Businesses will be required to show proof of compliance.

16. EV charger ready also to be located on plans.

17. Landscape Plan for Water Conservation-Please shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

18. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

~~[INSERT PROJECT COA]~~

ORDINANCE NO. O-04-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT NO. O-04-26 BETWEEN THE CITY OF COLTON AND IDI AGUA MANSA, LLC FOR THE AGUA MANSA LOGISTICS CENTER PROJECT FOR PROPERTY GENERALLY LOCATED AT 1400 AGUA MANSA ROAD IN THE CITY OF COLTON (CASE INDEX NO. DAP-001-816)

WHEREAS, the City of Colton ("City") has found that development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, pursuant to California Government Code Sections 65864 *et seq*. and Colton Municipal Code Section 18.58.102, the City is authorized to enter into development agreements providing for the development of land under terms and conditions set forth therein; and

WHEREAS, IDI Agua Mansa, LLC, a Delaware limited liability company, proposes to develop the Building 2 of the Agua Mansa Logistics Center (Case Nos. DAP-001-816), more particularly described in Exhibit "B-1", attached hereto and incorporated herein by reference ("Project"); and

WHEREAS, on May 9, 2023, the Planning Commission of the City of Colton approved the Architectural & Site Plan Review, Certificate of Appropriateness and Tentative Parcel Map to provide for the orderly growth and quality development of the Project in accordance with the General Plan; and

WHEREAS, because of the logistics, magnitude of the expenditure and considerable lead time prerequisite to planning and developing the Project, Developer has proposed to enter into a development agreement concerning the Project ("Development Agreement") to provide assurances that the Project can proceed without disruption caused by a change in the City's planning policies and requirements except as provided in the Development Agreement, which assurance will thereby reduce the actual or perceived risk of planning for and proceeding with development of the Project; and

WHEREAS, at a duly noticed public hearing held on May 9, 2023, the Planning Commission considered the Staff Report, the Development Agreement, all recommendations by staff, and public testimony, and adopted Resolution No. R-07-23, recommending to the City Council approval of the Development Agreement; and

WHEREAS, the City desires the timely, efficient, orderly and proper development of the Project in furtherance of the goals and policies of the City's General Plan; and

WHEREAS, the City Council has found that this Development Agreement is consistent with the City's General Plan; and

WHEREAS, the City Council has determined that by entering into the Development Agreement: (i) the City will promote orderly growth and quality development on the Property in accordance with the goals and policies set forth in the General Plan; (ii) significant benefits will be created for City residents and the public generally from increased employment, property tax revenue, and contributions from Developer toward public capital improvements; and

WHEREAS, the City and Developer have reached mutual agreement and desire to voluntarily enter into the Development Agreement to facilitate development of the Project subject to conditions and requirements set for therein; and

WHEREAS, previously, on June 20 and July 18, 2023, City Council adopted Resolution Nos. R-6-23 and R-73-23, which approved the Tentative Parcel Map No. 20358 and other related project approvals, including Ordinances Nos. O-06-23 and O-05-23 and the approval and adoption of the Initial Study/15183 Analysis pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 ("15183 Analysis"); and

WHEREAS, subsequently, the San Bernardino Superior Court (Case No. CIVSB2317228) issued a peremptory writ of mandate, directing the City of Colton to void, vacate, and set aside the approvals set forth in Resolution Nos. R-6-23 and R-73-23, and any other resolutions related to the project, and further directed that prior to City Council taking any action with regard to issuance of any approvals related to Resolution Nos. R-60-23 and R-73-23, the City shall conduct a mitigation analysis as it pertains to operational air quality impacts pursuant to the Court's June 3, 2024 ruling and State CEQA Guidelines section 15183; and

WHEREAS, on February 3, 2025, City Council adopted Resolution No. R-04-26, to void, vacate, and set aside the approvals set forth in Resolution Nos. R-60-23, R-73-23, R-15-24, R-16-24, and R-17-24 and Ordinances Nos. O-06-23 and O-05-23; and

WHEREAS, in order to address the peremptory writ of mandate in Case No. CIVSB2317228, the City prepared a revised 15183 Analysis, in accordance with the provisions of the California Environmental Quality Act ("CEQA"); and

WHEREAS, pursuant to CEQA Guidelines section 15183, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, IDI Agua Mansa, LLCis seeking City approval to allow for the construction of a new warehouse/office building at 1400 Agua Mansa Road and developer IDI Logistics is seeking City approval to allow for the construction and operation of a new warehouse/office buildings at 1500 Agua Mansa Road ("Project");and

WHEREAS, the City has conducted an analysis of the Project, consistent with CEQA Guidelines section 15183 ("Section 15183 Analysis"), and found that it is in conformance with the analysis and conclusions of the General Plan EIR, that there are no new significant off-site or cumulative impacts that were not analyzed in the General Plan EIR, that there are no adverse impacts that are more severe than those previously identified in the General Plan EIR.

WHEREAS, on February 3, 2026, the City Council held a duly noticed public hearing on the Development Agreement No. O-04-26 attached herein as **Exhibit B-1**; and

WHEREAS, at the public hearing, the City Council considered the Staff Report, the Development Agreement, and public testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:

SECTION 1. . COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As a decision-making body for the Project, the City Council has reviewed and considered the information contained in the Revised 15183 Analysis, comments received, and other documents contained in the administrative record for the Project. Based on the City Council independent review and analysis it finds that the Revised 15183 Analysis and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Revised 15183 updated Analysis has been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. **FINDINGS ON ENVIRONMENTAL IMPACTS**. Based on the whole record before it, including the Revised 15183 Analysis, the administrative record, and all other written and oral evidence, the City Council finds that the Project will not have an adverse impact on the environment. According to Section 15183(a) (Projects Consistent with a Community Plan or Zoning), of the CEQA Guidelines, additional environmental review is not required for projects "which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified," except as might be necessary to determine whether there are project-specific significant effects. A Revised 15183 Analysis was prepared to evaluate the proposed Project's consistency with the certified 2013 City General Plan EIR to determine whether it would have new or more severe significant environmental effects beyond those identified in the 2013 General Plan EIR. Environmental impacts associated with the proposed Project would be similar to those anticipated for the project area in the 2013 General Plan EIR. Mitigation beyond that identified in the 2013 General Plan EIR is not required. As such, pursuant to CEQA Guidelines section 15183, no additional environmental review or documentation is required under CEQA because all environmental impacts of the Project (DAP-001-816) are either less than significant or can be mitigated to a level of less than significant under the mitigation measures outlined in the Revised 15183 Analysis, alternatively, there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts.

SECTION 3. ADOPTION OF THE REVISED 15183 ANALYSIS. The City Council hereby approves and adopts the Revised 15183 Analysis as attached hereto as **Exhibit "A-1.**".

SECTION 4. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP previously adopted for the General Plan EIR as it pertains to the Project. In the event of any inconsistencies between the Mitigation Measures as set forth in the Section 15183 Analysis and the MMRP, the MMRP.

SECTION 5. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at 659 N La Cadena Drive, Colton, CA 92324. The custodian for these records is Development Services Department. . This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare, execute, and file a Notice of Determination with the County Clerk's office and the Office of Planning and Research within five (5) working days of adoption of this Ordinance.

SECTION 7. Pursuant to California Government Code Section 65865, the City Council hereby approves the **Development Agreement No. O-04-26**, attached hereto as **Exhibit "B-1",** entitled "**A Development Agreement No. O-04-26** between City of Colton and IDI Agua Mansa, LLC, a Delaware limited liability company" attached herein in **Exhibit B-1** (aka "Agua Mansa Logistics Center, Building 2 Development Agreement") (the "Development Agreement").

SECTION 8. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds this Development Agreement not be detrimental to the health, safety and welfare of the community because the Development Agreement will permit land uses that best reflect community needs, including the need for local employment opportunities and increased property tax revenue to fund City services, and will allow for the most efficient and logical development of the real property governed by the Development Agreement in the City.

SECTION 9. Pursuant to California Government Code Section 65867.5(b), and based on the entire record before the City Council, including all written and oral evidence presented, the City Council hereby finds that the Development Agreement is consistent with the General Plan because the Development Agreement will result in the development of the Property that is consistent with the uses and intensity allowed under the General Plan.

SECTION 10. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds that: (i) the economic interests of Colton citizens and the public health, safety and welfare will be best served by entering into the Development Agreement; (ii) this Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the area in which the Property is located; (iii) the Development Agreement is in conformity with the public convenience, general welfare and good land use practice; and (iv) the Development Agreement will not adversely affect the orderly development or the preservation of property values for the property it governs or any other property.

The City Council further finds that among the public benefits to accrue to the residents of the City as a result of the Development Agreement are: (a) A one-time payment of $2 million to the general fund; (b) one-time capital contribution of $245,000 toward widening of the Rialto Channel Bridge; and (c) minimum solar offset payment to the general fund; and (d) agreement to annex into the City's Maintenance and Public Safety Community Facilities Districts as fully referenced in Development Agreement No. O-04-26 hereto attached as Exhibit B-1.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted as required by law. Pursuant to Government Code section 65868.5, within 10 days following the entering of the Development Agreement, as evidence by the full execution thereof, the City Clerk shall record the Development Agreement with the San Bernardino County Recorder.

PASSED, APPROVED, AND ADOPTED THIS ____DAY OF FEBRUARY, 2026.

_____
FRANK J. NAVARRO
Mayor

ATTEST:

_____
ISAAC T. SUCHIL
City Clerk

APPROVED AS TO FORM:

_____
Best Best & Krieger LLP
City Attorney

EXHIBIT "A-1"

Final Initial Study/Consistency Checklist
Sections 1 through 5 and Appendixes are available electronically at the following Colton, Planning Website:
https://www.coltonca.gov/779/Environmental-Documents

EXHIBIT "B-1"

Development Agreement No. O-04-26

Recorded at request of:
City Clerk, City of Colton

When recorded return to:
City of Colton
650 North La Cadena Drive
Colton, CA 92324
Attention: City Clerk

Exempt from filing fees pursuant to Government Code §6103

DEVELOPMENT AGREEMENT NO.~~-~~ O-04-26

A DEVELOPMENT AGREEMENT BETWEEN

CITY OF COLTON

and

IDI AGUA MANSA, LLC a Delaware limited liability company

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into as of this ___ **day of February, 2026~~3~~** by and between the City of Colton, California ("City"), and IDI Agua Mansa, LLC, a Delaware limited liability company ("IDI" or "Owner"). At times, the City and Owner are referred to jointly within this Agreement as the "Parties" and individually as a "Party."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted the "Development Agreement Statute," Sections 65864 et seq., of the California Government Code. The Development Agreement Statute authorizes the City to enter into development agreements with persons or entities having legal or equitable interests in real property to establish predictability for both City and the property owner in the development process.

B. Owner has requested City to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of City.

C. Owner holds legal title to the real property described in **Exhibit "A"** to this Agreement[1] (the "Property") and is depicted on **Exhibit "B"** commonly known as **1400 Aqua Mansa Road, Colton, CA.**

D. The Property consists of approximately 24.49 acres designated as Heavy Industrial (M-2) in both the City General Plan and Zoning Code.

E. Owner proposes to develop the Property with a state-of-the-art concrete tilt-up industrial warehouse building of approximately 456,000 square feet (the "Project").

F. Owner is requesting from the City the following discretionary approvals (collectively, the "Initial Development Approvals"):

a. This Agreement;

b. Architectural and Site Plan Approval ;

c. Conditional Use Permit No. DAP-001-~~668~~ 816 related to (i) the storage of trailers and/or trucks; and (ii) 24-hour warehouse operation; and

d. Tentative Parcel Map No. 20146 to consolidate multiple legal lots into two separate legal parcels (the "Parcel Map").

[1] All references within this Agreement to an "Exhibit" refer to an exhibit to this Agreement, unless otherwise specified.

e. The Initial Development Approvals include various Project Conditions of Approvals, which are attached hereto and incorporated herein by reference as **Exhibit "F"** ("Project Conditions of Approval").

G. [Intentionally left blank].

H. In addition to the Initial Development Approvals, Owner shall require "Subsequent Development Approvals" [see definition in Section 1.1(jj) below] to complete development of the Project.

I. The City and Owner desire to obtain the binding agreement of each other to permit the development of the Property in accordance with the provisions of this Agreement.

J. The terms and conditions of this Agreement have undergone extensive review by City and Owner and have been found to be fair, just, and reasonable.

K. The City Council has found that the best interests of the citizens of the City and the public health, safety, and welfare will be served by entering into this Agreement.

L. The City Council has found that this Agreement will have a major, beneficial economic impact on the City in that it will provide to the City and its residents the specific and valuable public benefits set forth in Section 5 below (the "Public Benefits").

M. The physical effects, if any, of the Project on the environment have been separately analyzed pursuant to the California Environmental Quality Act ("CEQA").

N. In accordance with Section 18.58.010 of the Colton Municipal Code, the City's Planning Commission and City Council each have (i) given notice of their intention to consider this Agreement, (ii) conducted public hearings on this Agreement as required by the Government Code, and (iii) found the provisions of this Agreement to be consistent with the City's General Plan.

O. On ~~_____~~, May 9, 2023, the Planning Commission held a duly noticed public hearing at which the Planning Commission recommended approval of this Agreement to the City Council.

P. On ~~_____~~, **February 3, 202~~3~~,** the City Council adopted a **Revised Section 15183 Consistency Analysis**, for the Project, approved the Initial Development Approvals, and conducted the first reading of **Ordinance No. ~~_____~~ O-04-26** (the "Adopting Ordinance") approving this Agreement.

Q. On **February ~~_____~~ ____, 202~~3~~**, the City Council adopted the Adopting Ordinance.

AGREEMENT

The Parties agree as follows:

1. DEFINITIONS AND EXHIBITS

1.1. Definitions. The following terms when used in this Agreement shall be defined as follows:

a. "Adopting Ordinance" means **Ordinance No. ~~_____~~ O-04-26** approved by the City Council adopting this Agreement.

b. "Agreement" means this Development Agreement.

c. "Applicable Rules" means the Existing Land Use Regulations, the Initial Development Approvals, all Subsequent Development Approvals, any Subsequent Land Use Regulations to which Owner has given its written consent, and this Agreement.

d. "Approval Date" means the date on which the City Council conducted the second reading of the Adopting Ordinance. That date is **~~_____~~ February ____, 2026~~3~~**.

e. "Assignment" means the assignment and assumption of the rights, duties, and obligations arising under or from this Agreement in connection with the Conveyance of some or all of the Property.

f. "Assignment and Assumption Agreement" refers to the agreement required by Section 3.3(b) below.

g. "City Council" means the duly elected city council of the City of Colton.

h. "City" means the City of Colton, a California municipal corporation.

i. "Conveyance" means the sale, transfer, assignment, or other conveyance of the Property in whole or in part to any third party of any nature during the Term.

j. "Development" means the improvement of the Property for the purposes of completing all structures, improvements, and facilities comprising the Project as contemplated by this Agreement. "Development" does not include the maintenance, repair, reconstruction, or redevelopment of any building, structure, improvement, or facility after the completion of its initial construction and its subsequent occupancy.

k. "Development Approvals" means all non-legislative permits, entitlements, and other approvals granted or issued by the City for the use of, construction upon, and/or development of the Property pursuant to this Agreement, including, without limitation, those for site plan review, architectural review, excavation, grading, building, construction,

encroachment or street improvement permits, occupancy certificates, utility connection authorizations, drainage, landscape, and other permits or approvals necessary for the development, construction, marketing, use, and occupancy of the Project. For the purposes of this Agreement, Development Approvals consist of the "Initial Development Approvals" and "Subsequent Development Approvals," as those terms are defined below.

l. "Development Exaction" means any requirement of the City in connection with or pursuant to the implementation or approval of a Land Use Regulation applicable to the Project and/or a Development Approval for the Project which requires Owner, the Property, and/or the Project to either:

(i) Dedicate or otherwise convey land to the City, any other agency, or any third party;

(ii) Construct improvements for the benefit of the City, any other agency, or any third party;

(iii) Pay fees, including but not limited to "Development Impact Fees," or perform other actions in order to lessen, offset, mitigate, or compensate for the effects of the Project; or

(iv) Convey to the City, any other agency, or any third-party funds, commitments, or any other thing of value.

m. "Development Impact Fee" (DIF) means a payment imposed on Owner or the Project pursuant to the requirements of the Mitigation Fee Act set forth in the California Government Code at Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) that are applicable on the Effective Date. For purposes of this Agreement, Development Impact Fees do not include fees paid pursuant to the Mitigation Fee Act which are imposed by agencies, including school districts, other than the City. In addition, Development Impact Fee does not include later-adopted development impact fees that do not currently exist and are uniformly applied to all development projects in the City.

n. "Development Plan" means the plan for development of the Property as set forth in the Applicable Rules.

o. "DIF Freeze Period" means the five (5) year period where existing Development Impact Fees in effect will be frozen, as specified in Exhibit "D".

p. "Effective Date" means the date the ordinance approving and authorizing this Agreement becomes effective.

q. "Existing Land Use Regulations" means all Land Use Regulations in effect on the Approval Date, including the General Plan and applicable zoning. Changes to Land Use Regulations becoming effective from the day after the Approval Date through the Effective Date shall not be considered part of the Existing Land Use Regulations without Owner's prior written consent, except as provided in Section 6.1. This Agreement, a Land Use Regulation which shall not become effective until the Effective Date, has Owner's prior written consent and shall be considered an Existing Land Use Regulation.

r. "Extension" refers to an extension of the Term pursuant to Section 2.1 below.

s. "Financing District" means a special assessment district, community facilities district, or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities which are part of the Development Plan.

t. "Indemnify" means, when used in Section 8 below, to defend, indemnify, and hold harmless.

u. "Initial Development Approvals" means those Development Approvals approved on the Approval Date as listed in Recital F, as well as revisions, addenda, amendments, and modifications to each of these actions that are finally approved in accordance with the Colton Municipal Code.

v. "Land Use Regulations" means all legislative acts, including ordinances, resolutions, codes, rules, regulations, and official policies of the City governing the development and use of land, including the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement, construction, initial occupancy standards and specifications, and impact, building, processing, affordable housing, and all other fees applicable to the development of land within the City. Land Use Regulations include this Agreement, the General Plan and the Colton Municipal Code. "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

(i) the conduct of businesses, professions, and occupations;

(ii) taxes (special or general) and assessments;

(iii) the control and abatement of nuisances;

(iv) the granting of encroachment permits and the conveyance of rights and interests that provide for the use of or the entry upon public property;

(v) the exercise of the power of eminent domain.

w. [Intentionally left blank]

x. [Intentionally left blank]

y. "Major Default" means either individual Owner's material and substantial failure to meet that Owner's obligations to provide the Public Benefits contemplated by this Agreement after notice and a reasonable opportunity to cure an alleged Major Default.

z. "Mortgagee" means a lender, a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns providing financing secured by the Property and/or its improvements.

aa. "Notice" means any written communication, request, demand, approval, statement, report, acceptance, consent, waiver, appointment, or similar action required or permitted by this Agreement.

bb. "Owner" means, individually and/or collectively as the context may require, (i) IDI and (ii) Lineage, and their successors and assigns with respect to the ownership of the Property.

cc. "Owner's Vested Right" means, with respect to each Owner, such Owner's guaranteed right to develop the Property as set forth in this Agreement, including, but not limited to, the provisions of Section 4 below.

dd. "Processing Fees" means all City application, processing, permit, and similar fees that are generally applicable to all development projects within the City, including those imposed to cover the estimated actual costs to City of processing applications for Development Approvals or for monitoring compliance with Development Approvals granted or issued.

ee. "Parcel Map" means Tentative Parcel Map No. 20358, which is part of the "Initial Development Approvals."

ff. "Project" means the development of the Property as set forth in the Development Plan, as described in Recital E.

gg. "Project Conditions of Approval" means the conditions of approval imposed by the City in the Initial Development Approvals, and specified in Exhibit "F".

hh. "Property" means the real property described on Exhibit "A" and depicted on Exhibit "B".

ii. "Reservation of Authority" means the rights and authority of the City set forth in Section 6 below which limit the assurances and rights provided to Owner under this Agreement.

jj. "Subsequent Development Approvals" means all Development Approvals for the Project which are approved, granted, or issued after the Approval

Date and which are required or permitted by the Applicable Rules and/or this Agreement.

kk. "Subsequent Land Use Regulations" means those Land Use Regulations which are both adopted and effective after the Approval Date and which are not incorporated within the definition of Existing Land Use Regulations.

ll. "Term" means the term of this Agreement as set forth in Section 2.1.

1.2. Exhibits. The following attached Exhibits are a substantive part of this Agreement:

Exhibit "A" – Legal Description.

Exhibit "B" – Property Location.

Exhibit "C" – Assignment and Assumption Agreement Form

Exhibit "D" – Applicable Development Impact Fees

Exhibit "E" – [Intentionally left blank]

Exhibit "F"—Project Conditions of Approval

2. DURATION OF AGREEMENT

2.1. Term. This Agreement shall start on the Effective Date and remain in effect for a term of fifteen (15) years (the "Term"). The Term may be further modified by mutual written agreement of the Parties. All references in this Agreement to the "Term" include any extensions of the Term.

2.2. Termination. Unless otherwise extended pursuant to this Agreement, this Agreement shall terminate upon the first to occur of:

a. The conclusion of the Term and any extensions of the Term;

b. Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits for the Project and acceptance by City or applicable public agency of all required dedications.;

c. Termination by order of a California court of law; and

d. Termination by mutual written agreement of the Parties.

2.3. Agreement Terms Surviving Termination. Upon termination of this Agreement, the only rights or obligations under this Agreement which any Party shall have are those expressly set forth within this Agreement.

2.4. Development Rights Upon Termination. Termination of this Agreement shall not invalidate any Land Use Regulations in effect or terminate any Development Approvals obtained prior to the date of termination of this Agreement.

3. CONVEYANCE, ASSIGNMENT, AND RELEASE

3.1. Right to Assign. Each Owner shall have the right to sell, transfer, assign, or otherwise convey its Property in whole or in part (provided that no such partial

transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any third party of any nature (an "Assignee") at any time during the Term (collectively, a "Conveyance").

3.2. Assignee's Status Under this Agreement. For purposes of this Section 3, Assignees will fall into two categories:

a. *Owner Assignee.* An Assignee who acquires an interest in some or all of the Property and intends to retain the right to complete development of the acquired portion of the Property pursuant to this Agreement shall be referred to as an "Owner's Assignee."

b. *User Assignee*. An Assignee who acquires an interest in some or all of the Property in an improved condition and does not intend to further improve the Property pursuant to this Agreement shall be referred to as a "User Assignee."

3.3. Rights and Obligations of Owner's Assignee. Subject to compliance with this Section 3.3, an Owner Assignee shall succeed to the rights and obligations of the Owner under this Agreement with respect to that portion of the Property conveyed to the Owner Assignee. Any Conveyance to an Owner Assignee shall (i) include both an assignment of all rights ("Assignment of Rights") and a delegation of all obligations("Delegation of Obligations") existing under this Agreement as of the date of the Conveyance with respect to the portion(s) of the Property conveyed and (ii) be made in strict compliance with the following conditions precedent:

a. No Assignment of Rights or Delegation of Obligations (collectively, an "Assignment") shall be made unless made together with a Conveyance.

b. Concurrent with any Assignment, Owner shall notify City in writing of the Assignment and shall provide City with an "Assignment and Assumption Agreement" in a form reasonably acceptable to City, signed by the purchaser, transferee, or assignee and the City. An "Assignment and Assumption Agreement" in the form of Exhibit "C" shall be deemed acceptable to both Parties. The Assignment and Assumption Agreement shall provide that the Owner Assignee must:

(i) expressly and unconditionally assumes all the duties, obligations, agreements, covenants, waivers of Owner under this Agreement with respect to the portion(s) of the Property conveyed; and

(ii) provide to the City security equivalent to any security previously provided by Owner to secure performance of such Owner's obligations under this Agreement with respect to the portion(s) of the Property conveyed and which remain at the time of the Assignment.

Any Conveyance to an Owner Assignee not made in strict compliance with these conditions precedent shall constitute a default by Owner under this Agreement, which default shall be cured if either (i) the Assignment is terminated, or (ii) the Assignee signs the required Assignment and Assumption Agreement. If an Assignee does not sign an Assignment and Assumption Agreement, the burdens of this Agreement with respect to the portion(s) of the Property conveyed shall bind the Assignee, but the benefits of this Agreement shall not inure to the Assignee unless and until the required Assignment and Assumption Agreement is signed by the Assignee.

3.4. **Rights and Obligations of a User Assignee**. A User Assignee must succeed to the rights and obligations of Owner under this Agreement with respect to the Property conveyed to the User Assignee. The provisions of Section 3.3 above shall apply to the Conveyance of any parcel or lot that has been finally subdivided and is sold or leased to a User Assignee. This Agreement not shall terminate with respect to any such parcel or lot and that parcel or lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document.

3.5. **Release of Transferring Owner**. Upon any Assignment, the City shall release the conveying Owner from any further obligations under this Agreement with respect to the Property conveyed if:

a. Owner provides evidence to the City establishing that Owner no longer has a legal or equitable interest in the Property subject to the Assignment;

b. There is no default under this Agreement on the date of the Assignment or any such default has subsequently been cured; and

c. In the case of a Conveyance to an Owner Assignee, the conveying Owner has provided the City with the required Assignment and Assumption Agreement.

3.6. **Subsequent Assignment**. The provisions of this Section 3 shall apply to all Assignments occurring during the Term.

4. DEVELOPMENT OF THE PROPERTY

4.1. **Owner's Vested Right**. During the Term and subject only to the Reservation of Authority (Section 6 below) and express limitations of this Agreement:

a. Owner shall have a vested right to develop its respective Property in accordance with, and to the full extent permitted by the Existing Land Use Regulations, the Initial Development Approvals, the Project Conditions of Approval, all Subsequent Development Approvals, and any Subsequent Land Use Regulations to which Owner has given its written consent (collectively, the "Applicable Rules"); and

b. The permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the

design, improvement and construction standards and specifications applicable to development of the Property shall be those set forth in the Applicable Rules.

4.2. **Changes to Applicable Rules**. Any change in the Applicable Rules which is adopted or becomes effective after the Approval Date shall not be applicable to or binding upon Owner, the Project, or the Property, unless approved in writing by Owner. A "change in the Applicable Rules" shall include any new ordinance, resolution, policy, or other enactment, no matter how adopted or enacted, which is not contained in the Applicable Rules as of the Approval Date, except such rules described in Section 6.1.

4.3. **Owner's Vested Right Upon Termination**. As set forth in Section 2.4 above, termination of this Agreement shall not invalidate any Land Use Regulations or terminate any Development Approvals obtained prior to the date of termination. Upon any termination, the extent, if any, of Owner's Vested Right as of the date of termination shall be determined by state and federal statutes and case law and the then current factual state of the Project.

4.4. **Term of Map(s) and Other Project Approvals**.

a. *Maps.* Pursuant to Government Code Section 66452.6 and any other applicable provision of the Government Code, the term of the Parcel Map and any other subdivision or parcel map that is approved for Property shall be extended to a date coincident with the Term and, where not prohibited by State law, with any extension of the Term, unless a longer term would result under otherwise applicable State or local law.

b. *Other Development Approvals.* Pursuant to Government Code Section 65863.9, site plan and architectural review approvals and all other Development Approvals for the Project shall automatically be extended for the longer of (i) the term of the Parcel Map and (ii) the term of any other subdivision or parcel map that is approved for the Property. Pursuant to Section 4.4(a), those terms shall be the same as the Term of this Agreement.

4.5. **Timing of Development**. The Parties acknowledge that each Owner cannot at this time predict when or the precise rate at which the Property will be developed. Such decisions depend upon numerous factors which are not within the control of such Owner, such as market orientation and demand and other similar factors. Because the California Supreme Court held in *Pardee Construction v. City of Camarillo* (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a latter-enacted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that each Owner shall have the right to develop the Property (but not the obligation to develop its applicable Property) in such order and at such rate and at such time as such Owner

deems appropriate within the exercise of its sole and absolute subjective business judgment. Each Owner shall have the right to complete the Project in such order, at such rate, at such times, and in as many development phases and sub-phases as such Owner deems appropriate in its sole subjective business judgment.

4.6. Applicable Fees and Exactions.

a. *Development Exactions.* Except as expressly set forth within this Agreement, Owner, the Property, and the Project shall be subject only to those Development Exactions from which Owner is not otherwise exempt and which are (i) set forth within the Applicable Rules and (ii) uniformly applied to all development projects within the City as of the Approval Date.

b. *Development Impact Fees.* The Development Impact Fees set forth in Exhibit "D" shall be frozen for a period of five (5) years from the Effective Date ("DIF Freeze Period"). After the termination of the DIF Freeze Period, the Project shall pay applicable Development Impact Fees at the time and rate in effect for all similar development within the City.

c. *Fee Credits*. The Project shall be entitled to a credit against its Development Impact Fee obligations for the dedication of land and the construction of improvements or the payment of fees

d. *Processing Fees.* The Project shall be subject to all Processing Fees [see Section 1.1 (aa)]. The Processing Fees shall be assessed on the same basis, according to the same rate schedule, and in the same manner as for all similar property, projects, and development within the City.

4.7. Utilities. Prior to the issuance of a certificate of occupancy for any completed structure within the Project, that structure shall be connected to all utilities necessary to provide adequate water, sewer, gas, electric, and other utility service to that structure.

4.8. Financing of Public Improvements. Each Owner may propose, and if requested by City shall cooperate in, the formation of any Financing District [see Section 1.1(r)]. To the extent that a Financing District is formed and sells bonds in order to finance reimbursements, the Owner which requested the formation of the Financing District may be reimbursed to the extent the requesting Owner spends funds or dedicates land for the establishment of public facilities. Nothing contained in this Agreement shall be construed as requiring the City or the City Council to form a Financing District.

5. PUBLIC BENEFITS.

5.1. Contributions to City Facilities and Infrastructure. As consideration for entering into this Agreement, IDI agrees to contribute to the City, as public benefits, the following payments:

- A one-time payment to the City in the amount of **Two Million Dollars ($2,000,000)**. This payment shall be prior to issuance of the Project's first building permit.
- A one-time payment of **Two Hundred Forty Five Thousand Sixty One Dollars ($245,000)** ("Bridge Payment") to partially fund construction of a bridge spanning Rialto Channel west of Agua Mansa Road ("Bridge"). The Bridge Payment shall be disbursed to the City upon the later of (i) City's issuance of the final certificate of occupancy for the Project; or (ii) City's preparation and approval of improvement plans for the Bridge.
- **A one-time payment of Ten Thousand Dollars ($10,000),** with the proceeds of this payment to be used solely for historic district monumentation ("Monumentation Payment"). IDI shall pay the Monumentation Payment to the City prior to issuance of the first building permit issued for the Project.
- IDI **agrees to be annexed into two existing Community Facilities Districts, the Maintenance CFD and the Public Safety CFD prior to issuance of the Project's first building permit.** As a condition precedent to IDI's annexation into the CFDs, the City is **required to create a Special Improvement Area for both CFDs as Developer's expense**. The Maintenance CFD shall consist of an annual special tax of Four Cents ($0.04) per square foot of square footage of the Project as set forth on the approved building permit, and **the Public Safety CFD shall consist of an annual special tax of Eighteen Cents ($0.18) per square foot of square footage of the Project, as set forth on the approved building permit. Both CFDs shall be subject to a three percent (3%) annual increase** in the amounts of the special taxes. These special taxes shall be paid by IDI as long as the Project is in operation, and therefore this obligation shall survive the expiration of the Term of this Agreement.

5.2 **Owner Election to Install Solar.** As further consideration for entering into this Agreement, IDI **agrees to contribute to the City, as a public benefit, the following if Owner decide to install solar panels to provide electricity to operate the Project**, then Owner shall continue to ensure that the City is "made whole" on the amount of general fund revenue received from the City's Electric Utility Department based on Project electricity usage. The term "made whole" is herein defined herein as **City receiving from the Project the amount of not less than $75,000/year as will be adjusted annually by the actual City electric rate increases (the "Base City Amount").** The Base City Amount only applies if Owner constructs a basic warehouse/distribution and office facility and shall need to be adjusted through agreement of the parties in the event the Project involves any use that will require additional electric demands, such as but not limited to manufacturing, cold storage or truck recharging

The **Base City Amount of $75,000 shall be paid to City by Owner in two ways**:

(1) annual transfer payment from the City Electric Utility Department to the City based on electricity purchased by the Project and the resulting actual amount transferred to the City (Measure D Payment); and

(2) direct payment to City by the Owner in such amount that is the result of the equation of **$75,000 Base** City Amount less the actual annual transfer payment received by the City from this Project. The "made whole" requirement shall be pro-rated for any partial year transfer payment.

For example illustrative purposes only, the following examples illustrate the Owner's obligation to have the City "made whole" in year 1 based on the initial Base City Amount:

(i) if actual electricity purchase for the project results in a transfer of **$20,000** to the City, then the direct payment by the Owner would be **$55,000**;

(ii) if actual electricity purchase for the project results in a transfer of **$40,000** to the City, then the direct payment by the Owner would be **$35,000**; and

(iii) if actual electricity purchase for the project results in a transfer of **$100,000** to the City, then the direct payment by the Owner would be $0;

This obligation shall be contained in a Community Benefit Agreement shall be executed by City and Owner prior to issuance of the first building permit related to the solar installation and shall remain senior to all debt on the Project. This obligation shall continue so long as the Project is in operation and thus the obligation shall extend beyond the Term of this Agreement.

Notwithstanding any other provision, the Project shall be subject to the City's Net Energy Metering rules and regulations in effect as may be modified from time to time in City's sole discretion. Moreover, in the event that the Project installs any battery storage this shall not reduce the Base City Amount owed to the City.

6. RESERVATION OF AUTHORITY AND OTHER EXCEPTIONS TO OWNER'S VESTED RIGHT

6.1. **City's Reservation of Authority**. Notwithstanding any other provision of this Agreement, the City reserves its authority to apply the following to the Project:

a. Mitigation measures upon Subsequent Development Approvals to the extent that such mitigation measures are required by and consistent with CEQA, and only if further subsequent CEQA documentation is required.

b. New Land Use Regulations which are consistent with the Applicable Rules, do not pertain to the rate or timing of development of the Property, and do not impede, delay, or add costs to the Project.

c. Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals, and any other matter of procedure, provided that those procedural regulations are of general application to all similar property, projects, and development within the City.

d. New categories of DIFs, to fund public facilities or services previously not funded by the DIF program in effect on the Effective Date.

e. Regulations, policies, and rules governing engineering and construction standards and specifications applicable to all similar public and private improvements, including, without limitation, all uniform codes adopted by the City and any local amendments to those codes adopted by the City, including, without limitation, the City's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Grading Ordinance.

f. Emergency rules, regulations, laws, and ordinances within the City's police power that would limit the exercise of either Owner's Vested Right but are reasonably necessary to protect the immediate community from a condition perilous to its health or safety ("Conflicting Emergency Regulations"). To the extent possible, Conflicting Emergency Regulations shall be applied and construed so as to provide either Owner with the rights and assurances provided under this Agreement. To apply to the Project or the Property, Conflicting Emergency Regulations must:

(i) result from a sudden, unexpected emergency declared by the President of the United States, Governor of California, or the Mayor or City Council of the City; and

(ii) if declared and/or adopted by the City, not primarily or disproportionately impact the Property or the Project relative to other property or land development projects in the City.

Any action challenging the application of a Conflicting Emergency Regulation to the Project shall be subject to de novo review by the court for compliance with the provisions of this Section.

Any delay to the Project caused by a Conflicting Emergency Regulation shall toll the Term and any time periods for performance by Owner and City set forth in this Agreement.

g. Regulations related to the ultimate use of the Property after the completion of development that impose fees or charges upon consumers or end users, including, without limitation, trash can placement, service

charges, and limitations on vehicle parking (as opposed to parking requirements for the development of the Property).

6.2. **Changes in Federal and State Law**. The Property and/or the Project may be subject to subsequently enacted state or federal laws or regulations which preempt local regulations or mandate the adoption of local regulations that conflict with the Applicable Rules. Upon discovery of such a subsequently enacted federal or state law, City or either Owner shall provide the other Parties with written notice containing a copy of the state or federal law or regulation and a written explanation of the legal or regulatory conflict created. Within ten (10) business days after receipt of that notice, City and Owner shall meet and confer in good faith in a reasonable attempt to modify this Agreement, as necessary, to comply with such federal or state law or regulation. In such negotiations, City and Owner agrees to preserve the terms of this Agreement and each Owner's Vested Right to the maximum feasible extent while resolving the conflict. City agrees to cooperate with each Owner in resolving the conflict in a manner which minimizes any financial impact to each Owner. Any delays caused by such changes in state or federal law shall be considered delays beyond the control of City and/or Owner pursuant to Section 11.13 below.

6.3. **Regulation by Other Public Agencies**. Other public agencies not within the control of City may possess authority to regulate aspects of the Project separately from or jointly with City. This Agreement does not limit the authority of such other public agencies.

7. **DEFAULTS AND PERIODIC REVIEW**.

7.1. **Periodic Review / Due Process Considerations**. Pursuant to Government Code Section 65865.1 ("GC 65865.1") and Colton Municipal Code Section 18.58.102-Q2, at least once during every twelve (12) month period of the Term, City shall review the good faith compliance of Owner with the terms of this Agreement ("Periodic Review").

Because of Owner's commitment to provide its applicable Public Benefits to the City before completion of the Project, Owner would not have entered into this Agreement and made its commitment to provide the Public Benefits without assurances that Owner's Vested Right could not be terminated or modified without a fair and equitable review process and general principles of fairness and due process. Therefore, the Parties agree that, notwithstanding the provisions of GC 65865.1 and Colton Municipal Code Section 18.58.102-V:

a. Any determination by the City that Owner is in default, whether during the Periodic Review or otherwise, shall be based on the preponderance of evidence before the City.

b. In any legal action by an Owner challenging the City's determination of default, the court shall conduct a de novo review of Owner's compliance

based on the administrative record and determine if the preponderance of evidence supports the City's determination.

7.2. **Modifications for Owner's Noncompliance**. The terms of GC 65865.1 and Colton Municipal Code Section 18.58.102-T2 allow a local agency to terminate or modify a development agreement if a periodic review of compliance with the terms of the development agreement demonstrates noncompliance by the applicant/developer. The City's right to do so is stated in permissive, rather than mandatory, terms: "the local agency may terminate or modify the agreement." Therefore, as material consideration for entering into this Agreement, the Parties have agreed that, in the event of a finding of noncompliance, the City shall not modify the terms of this Agreement unless the modification has been agreed to by Owner, as provided in Government Code Section 65868.

7.3. **Termination for Owner's Noncompliance**. Only a "Major Default" by Owner may establish cause for the City to terminate this Agreement. A "Major Default" is limited to the material and substantial failure by Owner to meet Owner's obligations to provide the Public Benefits contemplated by this Agreement after notice and a reasonable opportunity to cure an alleged Major Default.

a. *Notice and* Cure. Before the City may declare a Major Default or a termination of this Agreement or bring a legal action to terminate this Agreement, the City shall provide written notice to Owner setting forth the nature of the Major Default and the actions, if any, required by Owner to cure the Major Default. Owner shall be deemed in Major Default if Owner fails to cure the Major Default within thirty (30) business days after the date of such notice (for monetary defaults) or within sixty (60) business days after the date of such notice (for non-monetary defaults) ("Cure Periods"). If the nature of the alleged Major Default is such that it cannot reasonably be cured within the applicable Cure Period, Owner shall not be deemed to be in Major Default if it has commenced efforts to cure the Major Default within the applicable Cure Period and continues to diligently pursue completion of the cure.

b. *Final City Council Review.* If, after Owner contends that it has timely cured the alleged Major Default, the City continues to allege that such Owner is in Major Default, then, before seeking a judicial remedy, the City Council must conduct a final hearing on the existence of a Major Default. If, after this hearing, the City determines that the Major Default has not been cured, the City may, at its option, institute legal action to (i) terminate this Agreement, (ii) compel Owner to cure, correct, or remedy the alleged Major Default, (iii) enjoin any threatened or attempted violation of this Agreement, (iv) enforce the terms of this Agreement through specific performance, or (v) pursue any other equitable remedy.

7.4. **Default by City / Owner's Limited Remedies**.

a. *No Monetary Damages.* The City would not have entered into this Agreement if it were to be liable in damages for a breach of this Agreement or with respect to the application of this Agreement to the Property or the Project. Therefore, the City shall not be liable in damages to Owner or any other party, and Owner covenants not to sue for monetary damages or claim any sort of monetary damages:

(i) For any breach of this Agreement or for any cause of action that arises out of this Agreement; or

(ii) For the taking, impairment, or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(iii) Arising out of or connected with any dispute, controversy, or issue regarding the application or interpretation or effect of the provisions of this Agreement.

b. *Remedies Available to Owner.* The City shall be in default if it materially fails in the performance of any of its obligations under this Agreement, including its material failure to honor any component of Owner's Vested Right as described in Section 4 above. Owner's litigation remedies shall be limited to declaratory and injunctive relief, mandate, and specific performance to compel the City to perform its obligations under this Agreement and/or to remedy the consequences to Owner of the failure of the City's material representations.

(i) *Attorneys' Fees.* Notwithstanding the restrictions on claims for monetary damages set forth in Section 7.4(a) above, in any action, including appeals, brought by Owner pursuant to Section 7.4(b) above, the prevailing Party shall be entitled to the recovery of its attorneys' fees and costs related to that action.

7.5. **Certificate of Compliance**. At any time during which an Owner has not been found to be in Major Default under this Agreement, City shall, upon written request by Owner, provide Owner with a written certificate of good faith compliance within fifteen (15) business days after City's receipt of that request.

7.6. **Release**. Except for non-monetary remedies or as provided in Section 7.4 above, Owner releases City, its officers, agents, and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to claim for monetary damages for a taking of property without just compensation pursuant to Article I, Section 19, of the California Constitution, the Fifth and Fourteenth Amendments to the United States Constitution. Owner acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

By initialing below, Owner hereby waives the provisions of Section 1542 in connection in making this release.

_____

Owner's Initials

8. LITIGATION

8.1. **Third Party Litigation Concerning Agreement**. If a third party brings an action to attack, set aside, void, or annul the approval of (i) this Agreement or (ii) any Development Approval granted pursuant to this Agreement (a "Third-Party Action"), Owner shall defend, indemnify, and hold the City harmless (collectively within this Section 8, "indemnify"), including the payment of attorneys' fees, with respect to any claims, actions, or proceedings in a Third-Party Action which relate to this Agreement. Owner's obligation to indemnify covers any of the City's agents, officers, or employees named in a Third-Party Action. If a Third-Party Action is filed, City shall notify Owner of the filing within ten (10) business days after being served with the Petition and/or complaint and shall cooperate in the defense until the Third-Party Action has concluded. If the City fails to do so, Owner's obligation to indemnify shall immediately terminate. City may in its discretion participate in the defense of any Third-Party Action. Owner's indemnity obligations contained in this Section shall survive termination of this Agreement. If a Third Party Action is brought, the expiration date of this Agreement and all Development Approvals shall be tolled for the identical number of days the Third Party Action is pending.

8.2. **Environmental Assurances**. Owner shall indemnify the City and its officers, agents, and employees from any liability, based or asserted upon any act or omission of Owner, its officers, agents, employees, subcontractors, predecessors in interest, and independent contractors for any violation of any federal, state, or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under, or about its applicable Property, including, but not limited to, soil and groundwater conditions ("Environmental Litigation"). Owner shall defend, at its expense, including attorneys' fees, the City, its officers, agents, and employees in any action based or asserted upon any such alleged act or omission. City may in its discretion participate in the defense of any such action.

8.3. **Selection of Counsel**. With respect to any Third-Party Action or Environmental Litigation, City may either (1) approve the attorney(s) that Owner selects to defend the action, which approval shall not be unreasonably withheld, or (2) conduct its own defense with counsel of its choosing. If the City conducts its own defense:

a. *Owner Shall Indemnify.* Owner shall indemnify the City and other indemnified parties for any and all reasonable expenses incurred for such defense, including attorneys' fees, within sixty (60) calendar days of receiving an accurate itemized statement detailing those reasonable expenses.

b. *Owner Shall Proceed with Own Counsel.* Owner shall defend itself with counsel of its own choosing, without needing to obtain the City's approval of counsel.

8.4. **Challenge to Existing Land Use Approvals**. Owner shall not sue, challenge, or encourage or support a third-party challenge of any of the Applicable Rules. Owner does not, however, waive its right to challenge the application to Owner, the Property, or the Project of (i) an Applicable Rule in a manner which Owner contends is not consistent with the terms of the Applicable Rule or (ii) any Land Use Regulation or Development Approval which Owner contends is not within this Agreement's definition of the "Applicable Rules."

8.5. **Survival**. The provisions of this Section 8 shall survive the termination of this Agreement.

9. **INSURANCE**. In order to protect the City and its commissions, agents, attorneys, officers, employees and authorized representatives (collectively, "Additional Insureds") against any and all claims and liability for death, injury, loss, and damage resulting from either Owner's actions in connection with this Agreement, the Property, and the Project, each Owner shall secure and maintain the insurance coverage as described in and required by this Section 9 prior to any on-site construction activities at the Property by or on behalf of the Owner. Owner shall pay any deductibles and self-insured retentions under all insurance policies issued in satisfaction of the terms of this Agreement. Owner shall retain all insurance policies as set forth in this Section 9 until a Certificate of Completion for the Project has been filed and recorded pursuant to the applicable provisions of the California Civil Code (the "Certificate of Compliance").

9.1. **Workers' Compensation Insurance Requirement**. Owner shall submit written proof that the Owner is insured against liability for workers' compensation to the extent necessary in order to comply with the provisions of Section 3700 of the Labor Code. By executing this Agreement, the Owner makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to

undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of the Agreement."

The Owner shall require each contractor and sub-contractor performing work on the Project to provide workers' compensation coverage for all of such contractor's or sub-contractor's employees, unless the contractor's or sub-contractor's employees are covered by workers' compensation insurance provided by the Owner. If any class of employees engaged in work or services performed in connection with the Project is not covered by Labor Code Section 3700, Owner shall provide and/or require each contractor or sub-contractor to provide adequate workers' compensation insurance covering such employees. Each workers' compensation policy procured pursuant to this Section shall contain a full waiver of subrogation clause in favor of the Additional Insureds.

9.2. Liability and Permanent Insurance Requirements.

a. Owner shall maintain in full force and effect, until the issuance of the Certificate of Completion, subject to Section 9.2(d), the following insurance coverage:

(i) Commercial General Liability Insurance coverage, including, but not limited to, Premises-Operations, Contractual Liability Insurance (specifically covering all indemnity obligations of the Owner pursuant to this Agreement), Products-Completed Operations Hazards, Personal Injury (including bodily injury and death), and Property Damage for liability arising out of the construction of the Project and/or the Owner's operations concerning the Property or the Project. The commercial general liability insurance coverage shall have minimum limits for Bodily Injury and Property Damage liability of TWO MILLION DOLLARS ($2,000,000) each occurrence and FOUR MILLION DOLLARS ($4,000,000) aggregate.

(ii) Automobile Liability Insurance against claims of Personal Injury (including bodily injury and death) and Property Damage covering all owned, leased, hired and non-owned vehicles used by the Owner with minimum limits for Bodily Injury and Property Damage of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. Such insurance shall be provided by a business or commercial vehicle policy.

(iii) If Owner hires a consultant to provide design services, such as architectural or engineering services in connection with the Project, then Owner shall require each such consultant to provide Professional Liability (Errors and Omissions) Insurance, for liability arising out of, or in connection with, the performance of such

design services, with limits of not less than ONE MILLION DOLLARS ($1,000,000).

(iv) Upon acceptance of the Project from each contractor, Owner shall maintain Fire and Extended Coverage Insurance on the Project on a blanket basis or with an agreed amount clause in amounts not less than 100% of the replacement value of the Project so accepted.

b. During the construction of the Project, Owner shall require that each contractor performing work on the Project maintain the following insurance coverage, as specified below, at all times during the performance of said work, or Owner shall provide for such contractors "wrap" coverage, as specified below, at all times during the performance of said work:

(i) Owner shall maintain Builder's Risk Insurance to be written on an All Risk Completed Value form, in an aggregate amount equal to 100% of the completed insurable value of the Project or portion of the Project on which such contractor is performing work.

(ii) Each general contractor and each sub-contractor shall maintain Commercial General Liability Insurance with limits of not less than ONE MILLION DOLLARS ($1,000,000) per occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate to protect the Owner during the construction of the Project from claims involving bodily injury and/or death and damage to the property of others.

(iii) Each general contractor and each sub-contractor shall maintain Automobile Liability Insurance against claims of personal injury (including bodily injury and death) and property damage covering all owned, leased, hired and non-owned vehicles used in the performance of the contractor's obligations with minimum limits for bodily injury and property damage of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. Such automobile liability insurance shall be provided by a business or commercial vehicle policy.

c. The insurance required in Section 9.2(a) and Section 9.2(b) above shall include endorsements naming the Additional Insureds as additional insured for liability arising out of this Agreement and any operation related to this Agreement.

d. Any insurance coverage required under this Agreement shall not be written on a "claims made" basis. The applicable certificate of insurance must clearly provide that the coverage is on an "occurrence" basis. The requirements of this Section shall survive any expiration or termination of this Agreement and the Certificate of Completion.

e. Receipt by the City of evidence of insurance that does not comply with the above requirements shall not constitute a waiver of the insurance requirements of this Agreement.

f. Subject to Section 9.2(d), all of the insurance coverage required under this Section shall be maintained by Owner or its contractors, as required by the terms of this Agreement, until the issuance of the Certificate of Completion and shall not be reduced, modified, or canceled without, at least, thirty (30) days prior written notice to the City. Also, phrases such as "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company" shall not be included in the cancellation wording of any certificates of insurance or any coverage for the Additional Insureds. Owner shall immediately obtain replacement coverage for any insurance policy that is terminated, canceled, non-renewed, or whose policy limits are exhausted or upon insolvency of the insurer that issued the policy.

g. All insurance to be obtained and maintained by Owner under this Section shall be issued by a company or companies listed in the then current "Best's Key Rating Guide" publication with a minimum of an "A:VII" rating and be admitted to conduct business in the State of California by the State of California Department of Insurance.

h. The City will not accept self-insurance in satisfaction of the insurance requirements of this Section 9.

i. All insurance obtained and maintained by Owner in satisfaction of the requirements of this Agreement shall be primary to and not contributing to any insurance maintained by the Additional Insureds.

j. Insurance coverage in the minimum amounts set forth in this Section 9 shall not be construed to relieve Owner of any liability, whether within, outside, or in excess of such coverage, and regardless of solvency or insolvency of the insurer that issues the coverage; nor shall it preclude the Additional Insureds from taking such other actions as are available to them under any other provision of this Agreement or otherwise at law.

9.3. <u>Prevailing Wage Indemnity</u>

a. *Responsibility*. Owner agrees with City that Owner shall assume any and all responsibility and be solely responsible for determining whether or not laborers employed relative to the construction of the Project must be paid the prevailing per diem wage rate for their labor classification, as determined by the State, pursuant to Labor Code Section 1720, et. seq., or pursuant to applicable Federal Law.

b. *Waivers and Release*. Owner, on behalf of itself, its successors, and assigns, waives and releases City from any right of action that may be

available to any of them pursuant to State Labor Code Section 1781 or applicable Federal Law. Relative to the waivers and releases contained in this section, Owner acknowledges the protections of Civil Code Section 1542, which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

c. Initials. By initialing below, Owner knowingly and voluntarily waives the provisions of Section 1542 solely in connection with the Waivers and Releases of this Section:

_____
Initials of Authorized Representative

d. Indemnity, Defend and Hold Harmless. Additionally, Owner shall indemnify, defend and hold harmless City, against any claims pursuant to State Labor Code Section 1781 or any other law requiring payment of minimum or prevailing wage amounts arising from this Agreement of the Construction of the Project, to which Owner is the Owner.

9.4. Failure by Owner to maintain all insurance coverage required by this Section 9 in effect shall be an Event of Default by Owner. The City, at its sole option, may exercise any remedy available to them in connection with such an Event of Default. Alternatively, the City may, at its sole option, purchase any such required insurance coverage and the City shall be entitled to immediate payment from the Owner for any premiums and associated costs paid by the City for such insurance coverage. Any election by the City to purchase or not to purchase insurance otherwise required to be carried by Owner shall not relieve Owner of their obligation to obtain and maintain the insurance coverage required by this Agreement.

10. MORTGAGEE PROTECTION.

10.1. **Discretion to Encumber**. This Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering some or all of the Property and/or any improvement on the Property by any mortgage, deed of trust, or other security device securing financing related to the Property or the Project.

10.2. **Lender Protection**. A lender, a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns providing financing secured by the Property and/or its improvements (collectively, "Mortgagees") may require certain Agreement interpretations and modifications. At any time requested by Owner or a Mortgagee, City shall meet with Owner and

the Mortgagee to negotiate in good faith any such interpretation or modification. City will not unreasonably withhold its consent to any requested interpretation or modification that is consistent with the intent and purposes of this Agreement.

10.3. **Additional Mortgagee Rights**. Any Mortgagee shall be entitled to the following:

a. Neither Owner's entry into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any Mortgagee made in good faith and for value, unless otherwise required by law.

b. A Mortgagee who has submitted a request in writing to the City to receive Notices in the manner set forth in Section 11.2 below shall be entitled to receive Notice from the City of any alleged default by Owner in the performance of Owner's obligation under this Agreement. City shall provide a copy of that notice to the Mortgagee within ten (10) calendar days of sending the notice of default to Owner. The Mortgagee shall have the right, but not the obligation, to cure the default during the Cure Period set forth within this Agreement.

c. Any Mortgagee who comes into possession of some or all of the Property shall succeed to Owner's Vested Right and the benefits of this Agreement if, within ten (10) calendar days after coming into possession, the Mortgagee provides Notice to the City of that possession. At any time after receipt of that Notice, the City may provide Notice to the Mortgagee of alleged defaults in the performance of Owner's obligation under this Agreement pursuant to the provisions of Section 7, above. The Mortgagee shall then have the right, but not the obligation, to cure the alleged default in the manner provided in Section 7. If the Mortgagee fails to cure the default, however, the remedies available to the City are the same as they would have been under Section 7 if the Owner remained in possession.

d. The Mortgagee shall not be liable for any defaults or monetary obligations of Owner arising prior to acquisition of title to the Property by the Mortgagee, except that the Mortgagee may not pursue Development pursuant to this Agreement until all delinquent and current fees and other monetary obligations due under this Agreement for the portions of the Property acquired by the Mortgagee have been paid to City.

11. GENERAL PROVISIONS

11.1. **Amendment of Agreement**. Notwithstanding any other provision of this Agreement, this Agreement may be amended by written consent of the Parties in the manner provided for in Government Code Section 65868.

11.2. **Operating Memoranda**. The provisions of this Agreement require a close degree of cooperation and flexibility between the City and Owner. The development of the Project may demonstrate that clarifications or modifications to this Agreement are appropriate with respect to the details of performance of the City

and Owner; except for changes to monetary obligations of City or Owner. If and when, from time to time during the Term of this Agreement, City and Owner agrees that such clarifications are necessary or appropriate, City and Owner shall effectuate such clarifications through operating memoranda approved in writing by the Parties ("Operating Memoranda"), which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further clarified from time to time as necessary with future approval by City and Owner. No such Operating Memoranda shall constitute an amendment to this Agreement requiring public notice or hearing. The City Manager shall make the determination on behalf of the City whether a requested clarification may be effectuated pursuant to this Section 11.2 or whether the requested clarification is of such a character to constitute an amendment hereof pursuant to Section 11.1 above. The City Manager shall be authorized to execute any Operating Memoranda hereunder on behalf of City.

11.3. **Notices**. All notices which are allowed or required to be given under this Agreement ("Notices") shall be in writing and (i) shall be deemed given and received when personally delivered or (ii) shall be deemed given when deposited in the United States mail, with postage prepaid, to be sent by registered or certified mail or overnight mail service, addressed as set forth below and be deemed received on the second business day after such mailing.

The addresses for Notices are as follows and may be changed by delivery of a Notice to these addresses:

If to City:

City of Colton
650 North La Cadena Drive
Colton, CA 92324
Attention: City Manager

With a copy to:

Carlos L. Campos
Colton City Attorney
Best, Best & Krieger, LLP
74-760 Highway 111, Suite 200
Indian Wells, CA 92210

If to Owner:

Charles McPhee, Senior Vice President and Regional Director
IDI Logistics

840 Apollo St, Suite 343
El Segundo, CA 90245

and

~~IDI Agua Mansa, LLC~~

~~_____~~
~~_____~~
~~_____~~

~~*and*~~

With copies of each to:

John Condas, Esq.
Allen Matkins Leck Gamble
Mallory & Natsis LLP
2010 Main Street, Eighth Fl.
Irvine, CA 92614

11.4. **Execution and Recording**. The City Clerk shall cause a copy of this Agreement to be signed by the appropriate representatives of the City and recorded with the Office of the County Recorder of San Bernardino, California, within ten (10) days following the effective date of the Adopting Ordinance. The failure of the City to timely sign and/or record this Agreement shall not affect the validity of and binding obligations set forth within this Agreement.

11.5. **Entire Agreement**. This Agreement constitutes the entire understanding and agreement of City and Owner with respect to the matters set forth in this Agreement. This Agreement supersedes all negotiations or previous agreements between City and Owner respecting the subject matter of this Agreement.

11.6. **Severability**. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the rest of this Agreement, provided that Owner's Vested Right and the Public Benefits are not materially diminished.

11.7. **Recitals**. Each Recital set forth at the beginning of this Agreement is a substantive part of this Agreement for the purpose of defining the context of this Agreement.

11.8. **Interpretation and Governing Law**.

a. *Governing Law.* In any dispute regarding this Agreement, the Agreement shall be governed and interpreted in accordance with the laws of the State of California.

b. *Fair Meaning.* This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties.

c. *No Drafting Party.* Both Parties have been represented by counsel in the negotiation of this Agreement and neither Party should be considered the drafting party for purposes of resolving ambiguities.

d. *Section Headings.* Section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.9. **Jurisdiction and Venue**. Venue of any action filed by either Party with respect to this Agreement shall be in the County of San Bernardino.

11.10. **Cooperation**. City and Owner shall cooperate and deal with each other in good faith and assist each other in the performance of the provisions of this Agreement. Where the consent or approval of City or Owner is needed to achieve the purposes of this Agreement, that consent or approval shall not be unreasonably withheld, delayed, or conditioned.

11.11. **Time of Essence**. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.12. **Waiver**. All waivers of performance must be in a writing signed by the Party granting the waiver. There are no implied waivers. Failure by City or Owner to insist upon the strict performance of any provision of this Agreement, irrespective of the length of time for which such failure continues, shall not constitute a waiver of the right to demand strict compliance with the same or any other provision of this Agreement in the future. A written waiver affects only the specific matter waived and defines the performance waived and the duration of the waiver.

11.13. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.14. **Delay, Extension of Time for Performance**. Performance by either Party of its obligations under this Agreement shall be excused and the Term shall be tolled during any period of delay caused at any time by reason of any event beyond the control of City or Owner which prevents or delays performance by City or Owner of obligations under this Agreement (an "Intervening Act"). Intervening Acts shall include, by way of example and not limitation, acts of nature, enactment of new conflicting federal or state laws or regulations (example: listing of a species as threatened or endangered), judicial actions such as the issuance of restraining orders and injunctions, third-party litigation challenging an Applicable Rule, and riots, strikes, pandemics, or damage to work in process by reason of fire, floods, earthquake, or similar casualties, and emergency orders of local, state, or federal agencies or officials. If City or Owner seeks excuse from performance due to an Intervening Act, it shall provide written notice of the Intervening Act and the resulting delay to the other Party within thirty (30) days of the commencement of the delay. If the Parties disagree as to the existence or duration of a delay resulting

from an Intervening Act, either Party may seek judicial review of the need for the delay, including requests for injunctive relief.

11.15. **Successors and Assigns**. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

11.16. **Counterparts**. This Agreement may be executed by the Parties in counterparts, which will have the same effect as if both Parties had executed the same Agreement.

11.17. **Project as a Private Undertaking**. The Project is a private development undertaken by Owner. The City has no interest in or responsibilities for or duty to third parties concerning the Project. The only relationship between City and Owner is that of a government entity regulating the development of private property.

11.18. **Eminent Domain**. No provision of this Agreement shall be construed to limit or restrict the exercise by City of its power of eminent domain.

11.19. **Authority to Execute**. The person or persons executing this Agreement on behalf of each of the Parties represents that he or she is authorized by that Party to bind that Party to this Agreement.

This Agreement has been signed by the Parties on the dates indicated below.

OWNER

IDI AGUA MANSA, LLC
a Delaware limited liability company

By: _____
Name: Charles McPhee
Title: Senior Vice President and Regional Manager

Date: _____

City

CITY OF COLTON, a California municipal corporation

By: _____
Frank J. Navarro, Mayor

Date: _____

Attest: _____
Isaak T. Suchil, City Clerk

APPROVED AS TO LEGAL FORM:

Best Best & Krieger LLP

By: _____
Carlos L. Campos, City Attorney

EXHIBIT "A"
(Legal Description)

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 15 AND THOSE PORTIONS OF LOTS 14 AND 13 ½ OF SUBDIVISION OF THE BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, RECORDS OF SAID COUNTY AND LOTS 2 AND 3 OF SUBDIVISION OF LOT 13 BANDINI DONATION OF THE RANCHO JURUPA TOGETHER WITH PARCEL 2 OF LOT LINE ADJUSTMENT DOCUMENT NO. 2020-0511599, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION, AS CONVEYED TO SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, OF THAT PART OF LOTS 13-1/2, 14, 16, 17, 18, 19, 20 AND 22, BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, RECORDS OF SAID COUNTY, DESCRIBED IN DEED RECORDED JUNE 2, 1954 IN BOOK 3394 PAGE 373, OFFICIAL RECORDS, SAID PORTION BEING ALL OF SAID PART LYING WITHIN A STRIP OF LAND 1050 FEET IN WIDTH, BEING 525 FEET ON EACH SIDE OF, MEASURED AT RIGHT ANGLES TO, THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE WESTERLY LINE OF RANCHO SAN BERNARDINO, AS PER PLAT RECORDED IN BOOK 7 OF MAPS, PAGE 2, RECORDS OF SAID COUNTY, DISTANT NORTH 19° 36' 20" WEST ALONG SAID WESTERLY LINE, 2083.09 FEET FROM A 1" IRON PIPE MARKING THAT CERTAIN CORNER OF SAID RANCHO SAN BERNARDINO COMMONLY KNOWN AS R. S. B. NO. 2; THENCE NORTHWESTERLY 902.41 FEET ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2000 FEET AND A CENTRAL ANGLE OF 25° 51' 08", THE BEGINNING TANGENT THEREOF BEARING NORTH 84° 06' 56" WEST; THENCE NORTH 58° 15' 48" WEST, 1542.71 FEET; THENCE WESTERLY 5321.53 FEET ALONG A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2950 FEET AND A CENTRAL ANGLE OF 103° 21' 22"; THENCE SOUTH 18° 22' 50" WEST, 2713.73 FEET; THENCE SOUTHWESTERLY, 1534.19 FEET ALONG A TANGENT CURVE CONCAVE TO NORTHWEST, HAVING A RADIUS OF 5000 FEET AND A CENTRAL ANGLE OF 17° 34' 50"; THENCE SOUTH 35° 57' 40" WEST, 3253.02 FEET TO THE POINT OF TERMINATION IN THE CENTER LINE OF RIVERSIDE- RIALTO ROAD (A 66-FOOT STREET), DISTANT ALONG SAID CENTER LINE 12° 57' 07" EAST, 4753.39 FEET FROM THE INTERSECTION OF SAID CENTER LINE OF RIVERSIDE-RIALTO ROAD WITH THE CENTER LINE OF AGUA MANSA ROAD (A 50- FOOT STREET).

EXHIBIT "B"
(Property Location)

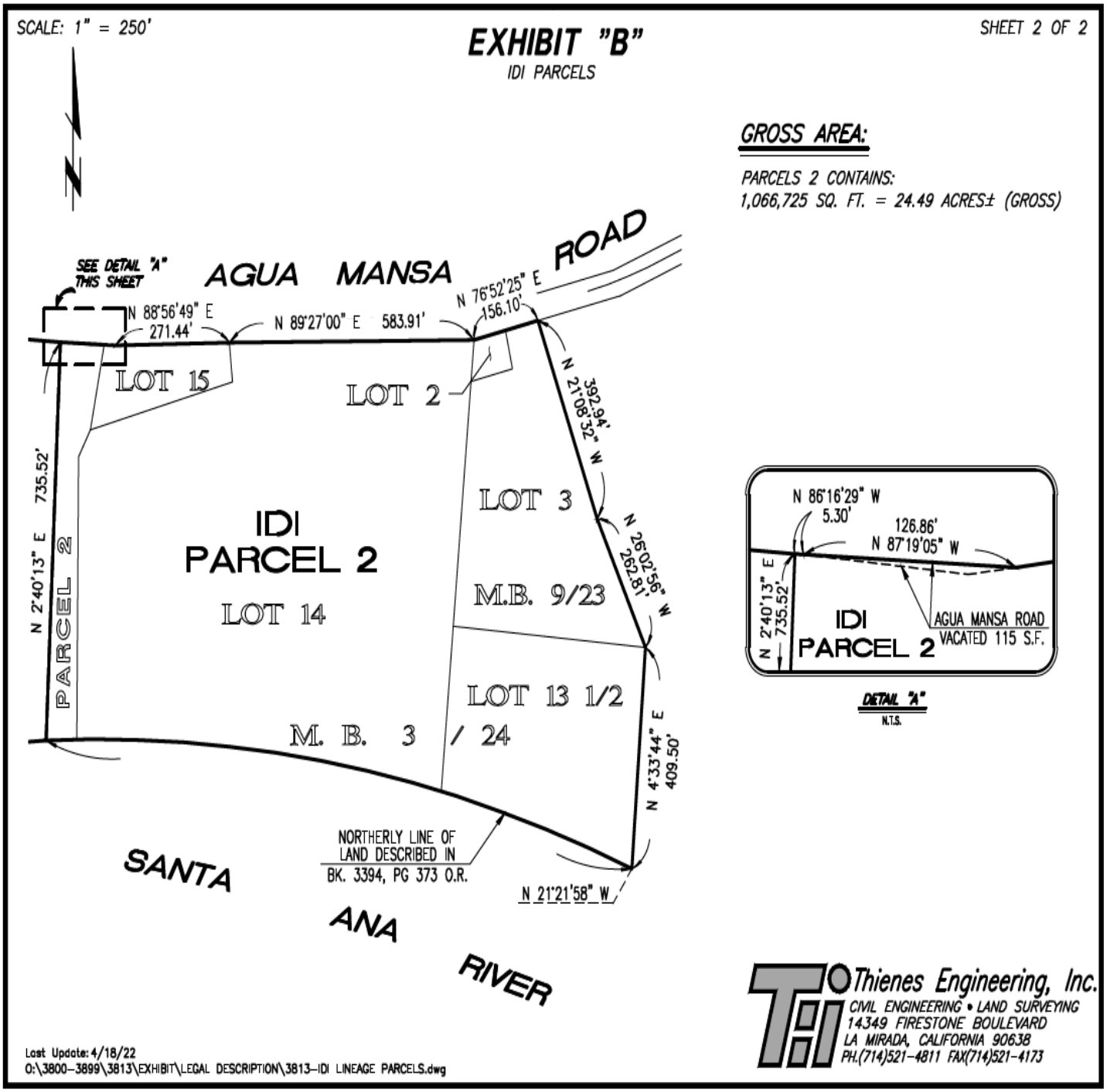


EXHIBIT "C"

(Assignment and Assumption Agreement Form)

ASSIGNMENT AND ASSUMPTION OF SPECIFIED RIGHTS AND OBLIGATIONS UNDER THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLTON AND IDI AGUA MANSA, LLC AND LINEAGE LOGISTICS, LLC

This Assignment and Assumption of Specified Rights and Obligations ("Assignment and Assumption Agreement") is entered into between IDI Agua Mansa, LLC, ("Owner") and _____ ("Assignee") as of _____, _____ (the "Effective Date").

RECITALS

A. Owner and the City of Colton (the "City") entered into a Development Agreement **dated _____, 202~~3~~6** (the "Development Agreement") for real property consisting of approximately 24.49 acres within the City (the "Property"). The Property is more particularly described in Exhibit A and depicted on **Exhibit B**.

B. This Assignment and Assumption Agreement is entered into pursuant to Section 3.1 of the Development Agreement.

C. Owner has conveyed to Assignee that portion of its interest in the Property which is set forth in Paragraph 1 below (the "Conveyance").

D. In connection with the Conveyance, Owner has assigned to Assignee certain rights (set forth in Paragraph 2 below) under the Development Agreement (the "Assignment of Rights").

E. In connection with the Conveyance, Owner also has delegated to Assignee certain obligations (set forth in Paragraph 3 below) under the Development Agreement (the "Delegation of Obligations").

F. When delivered to the City, this Assignment and Assumption Agreement is intended to serve as the notice to the City required by Section 3.3(b) of the Development Agreement.

G. As of the Effective Date of this Assignment and Assumption Agreement, Owner is not in Major Default, of the Development Agreement, as defined in Section 1.1(y).

AGREEMENT

Owner and Assignee agree as follows:

1. Conveyance. The Conveyance pertains to and is limited to that Property described as follows (the "Transferred Property"):

[Insert description of Transferred Property by tract, parcel, and/or lot number]

2. Assignment of Rights. In connection with the Conveyance, Owner has assigned to Assignee the following rights under the Development Agreement:

a. The right to build approximately 456,000 square feet of commercial structures.

b. The vested right to complete the development of the Transferred Property pursuant to the "Development Plan" defined in the Development Agreement.

c. The right to $_____ in _____ Fee Credit, $_____ in Fee Credit, $_____ in _____ Fee Credit, and $ _____ in other credit toward *[specify other Development Impact Fee],* as those terms are defined in the Development Agreement.

d. The following right to reimbursement as provided in the Development Agreement:

[Insert the basis for and the amount of (or applicable formula) the reimbursement.]

3. Assumption of Obligations. Owner has delegated to Assignee and Assignee unconditionally agrees to assume all duties and obligations of Owner under the Development Agreement remaining to be performed with respect to the Transferred Property on the effective date of this Assignment and Assumption Agreement.

4. Execution. Owner, the Assignee and the City have signed this Assignment and Assumption Agreement on the dates indicated below. As such, this assignment is deemed fully completed.

OWNER

IDI AGUA MANSA, LLC
a Delaware limited liability company

By: _____
Name:
Charles McPhee
Title:
Senior Vice President and Regional Manager

Date: _____

CITY City of Colton, a California municipal corporation

By: _____
Frank J. Navarro, Mayor

Date: _____

Attest: _____
Isaak T. Suchil, City Clerk

~~**Assignee:**~~**APPROVED AS TO LEGAL FORM:**

By: _____
Name: _____
Its: _____

Date: _____

EXHIBIT A

:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 15 AND THOSE PORTIONS OF LOTS 14 AND 13 ½ OF SUBDIVISION OF THE BANDINI DONATION, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 24, RECORDS OF SAID COUNTY AND LOTS 2 AND 3 OF SUBDIVISION OF LOT 13 BANDINI DONATION OF THE RANCHO JURUPA TOGETHER WITH PARCEL 2 OF LOT LINE ADJUSTMENT DOCUMENT NO. 2020-0511599, OFFICIAL RECORDS OF SAID COUNTY.

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EXHIBIT B

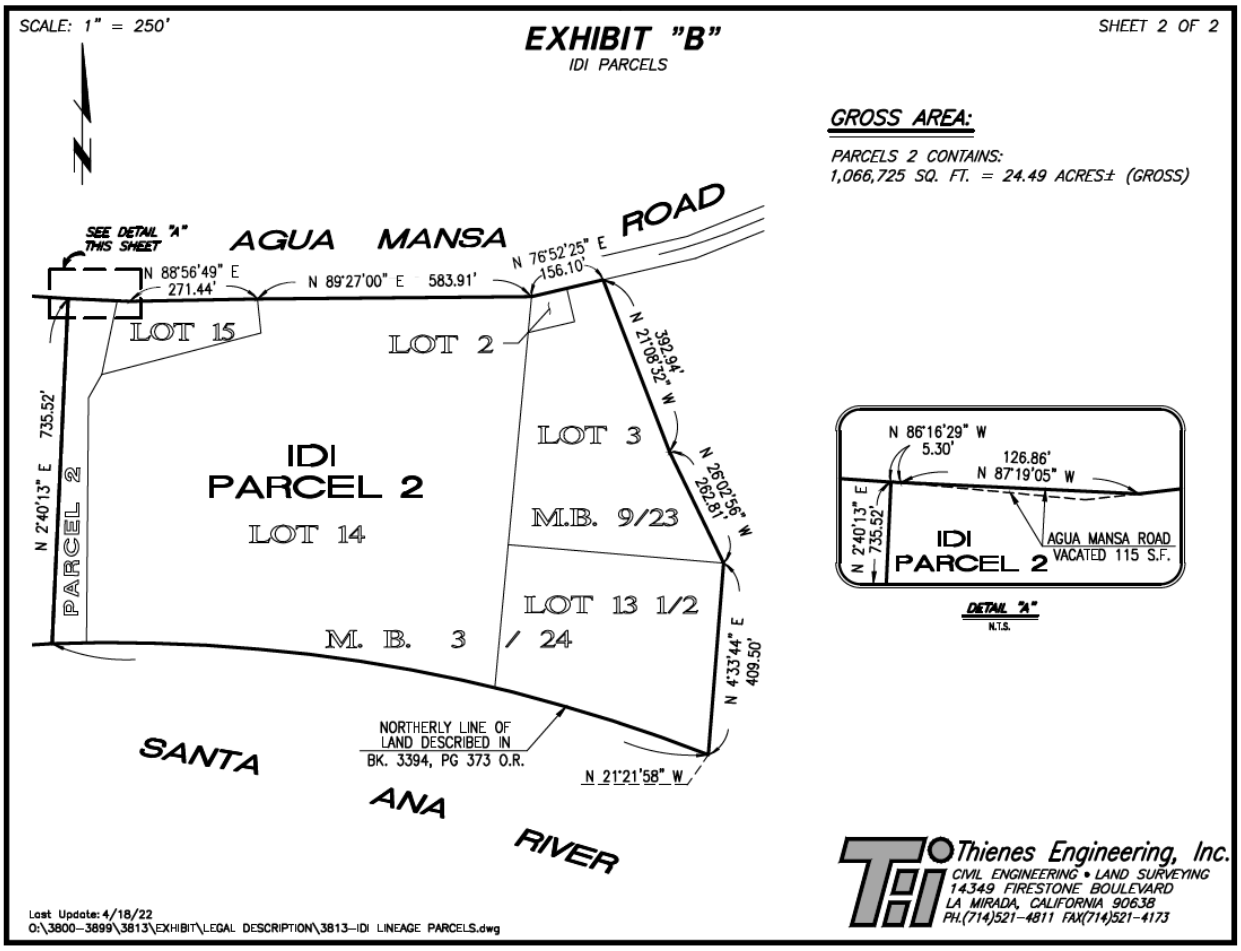

SCALE: 1" = 250'
EXHIBIT "B"
IDI PARCELS
SHEET 2 OF 2
GROSS AREA:
PARCELS 2 CONTAINS:
1,066,725 SQ. FT. = 24.49 ACRES± (GROSS)
SEE DETAIL "A" THIS SHEET
AGUA MANSA ROAD
N 88°56'49" E 271.44'
N 89°27'00" E 583.91'
N 76°52'25" E 156.10'
LOT 15
LOT 2
LOT 3
N 21°08'32" W 392.94'
N 26°02'56" W 262.81'
N 2°40'13" E 735.52'
PARCEL 2
IDI PARCEL 2
LOT 14
M.B. 9/23
LOT 13 1/2
M. B. 3 / 24
N 4°33'44" E 409.50'
NORTHERLY LINE OF LAND DESCRIBED IN BK. 3394, PG 373 O.R.
N 21°21'58" W
SANTA ANA RIVER
N 86°16'29" W 5.30'
126.86'
N 87°19'05" W
N 2°40'13" E 735.52'
IDI PARCEL 2
AGUA MANSA ROAD VACATED 115 S.F.
DETAIL "A" N.T.S.
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173
Last Update: 4/18/22
O:\3800-3899\3813\EXHIBIT\LEGAL DESCRIPTION\3813-IDI LINEAGE PARCELS.dwg

EXHIBIT C

[TO BE INSERTED]

EXHIBIT "D"

Development Impact Fees	Fee	Multiplier
Infrastructure Fee - SBCTA fee	$1,967.00	Per 1K s.f.
Traffic Facilities Fee	$147.00	Per 1K s.f.
Civic Center Fee	$16.00	Per 1K s.f.
Fire Station Fee	$79.00	Per 1K s.f.
Library Fee	$46.00	Per 1K s.f.
Police Station Fee	$102.00	Per 1K s.f.
Park Development Fee	$0.19	Per s.f.
Industrial Water-Waste Water Fee	Flat Fee Per Ordinance No. O-020-20	[depends on meter size]

(Applicable Development Impact Fees)

Building SF: 456,000
*above SF includes 10,000 SF Office

Exhibit "F"

Project Conditions of Approval

~~[TO BE INSERTED]~~

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-13-26 for 1500 Agua Mansa Road:

HOLD HARMLESS

1. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

1. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

2. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

3. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

   a) An Architectural and Site Plan Review to allow the construction of a new 474,021 square foot, 95 foot high, warehouse building and related site improvements.
   b) Conditional Use Permit to allow said 474,021 square foot warehouse to be over 50 feet in height for a total height of 95 feet.
   c) Variance to allow 114 parking stalls when 314 parking stalls would be required.

d) Development Agreement between the City of Colton and Lineage Logistics, LLC.

4. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

5. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

6. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

7. Prior to the issuance of a certificate of occupancy, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

8. Prior to certificate of occupancy, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

9. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

10. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

11. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

12. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

13. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

14. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

15. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

16. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

17. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

18. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

19. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

20. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

21. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

22. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

23. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

24. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

25. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

26. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

27. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc. subject to the structural limitations of the warehouse structure as reviewed and approved by the Director.

28. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

29. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential, educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

30. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

31. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

32. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

33. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

34. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

35. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

36. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

37. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

38. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

39. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

40. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    a. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation Cultural Resources Department shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

    b. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

    c. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

    d. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

    e. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency

and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

41. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

42. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

1. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.
2. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.
3. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.
4. The applicant shall grant "right of access" by the City or agent to remove graffiti.
5. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.
6. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.

7. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).

8. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.

9. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.

10. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.

11. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

12. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.

13. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

14. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

15. Both sides of public right-of-way of Agua Mansa Road along the subject property shall be maintained free from trash and debris along the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

1. Shall comply with the latest adopted edition of the following codes:

   California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

   a. Building Code

   b. Building Security Code

   c. Electrical Code

   d. Energy Efficiency Standards

   e. Fire Code and its appendices and standards

   f. Green Code

   g. Mechanical Code and its appendices and standards

2. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
3. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
5. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
6. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
7. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
8. All signs shall be Underwriters Laboratories, Listed or equal.
9. The Tract or Parcel map shall record prior to the issuance of Building permits.

10. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
11. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
12. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
13. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.
14. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    a. Precise grading plans shall be approved
    b. Rough grading completed
    c. Compaction certification
    d. Pad elevation certification
    e. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

1. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

2. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

3. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

4. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

5. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

6. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

7. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

8. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

9. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

10. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

11. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

12. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

13. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

14. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

15. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

d. high piled combustible storage

16. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

17. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

18. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

19. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

20. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

1. STREET IMPROVEMENTS

a) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreement.

b) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet in width for street improvements and three (3) additional feet for a landscaping easement along the entire south side of the entire project frontage to be maintained by the developer/owner.

c) All fronting improvements must meet ADA accessibility standards.

d) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

e) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

f) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

g) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

h) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

i) Install "No Parking Any Time" R26(CA) signage along the property frontage.

j) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

k) Install traffic signal at Driveway 3 of Agua Mansa Road

l) Ensure final plans show the following regarding shared driveway #3, and #1:

i. Driveway #1, West RAD = 35', East RAD = 45', and shifted by 14'
ii. Driveway #3 West RAD = 35', East RAD = 45'

m) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

n) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

2 GRADING

a. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

b. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

c. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

d. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

e. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

f. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

g. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

h. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County

Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

i. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

j. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

k. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

l. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

m. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

n. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

o. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

p. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

q. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

r. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

s. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

12. 3. WATER AND WASTEWATER REQUIREMENTS

a. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

b. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

c) Other off-site improvements include sewer system conveyance improvements that serve the project site. The proposed improvement would accommodate the discharge from the Proposed Project and improve the delivery of the flow to the City's Wastewater Treatment Plant. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

d. Submit onsite utility plans to the City Engineer for review and approval.

e. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

f. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

g. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

h. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

13.

1. FEES

a) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

b) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

c) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

2. IMPROVEMENT PLANS AND FINAL MAP

a) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

i. Rough Grading Plan
ii. Street and Storm Drain Plans
iii. Sewer, water, and Onsite Utility Plans
iv. Precise Grading and Plot Plan
v. Electrical Improvement Plan
vi. Landscape Plan
vii. Final Parcel Map

b) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

c) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

d) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

e) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

f) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

g) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

h) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

i) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

j) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

3. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

a. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

b. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

c. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

d. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

e. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

f. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

g. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

4. STUDIES & REPORTS

a. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

b. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the

pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

c. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

a. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

b. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

c. The Auto Cad plans shall include:

i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
ii. For private property, plans shall show an easement covering the facilities located on their property.
iii. Plans shall include any notes pertaining to design/planning of electrical system.
iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

d. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall

provide utility easements for all existing and proposed utility owned electric facilities within private property.

e. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

2. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

1. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

2. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

3. The business shall engage in one of the following organic recycling activities:

a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide

(https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

Businesses will be required to show proof of compliance.

4. EV charger ready also to be located on plans.

5. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not meet MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

6. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-12-26 for 1400 Agua Mansa Road:

HOLD HARMLESS

2. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

43. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

44. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

45. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

An Architectural and Site Plan Review to allow the construction of a new 456,445 square foot, 50 foot high, warehouse building and related site improvements and Development Agreement between the City of Colton and IDI Agua Mansa, LLC.

46. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement. In the case of any conflict between the Development Agreement and the Community Benefit Agreement, on the one hand, and these Conditions of Approval on the other hand, the Development Agreement or the Community Benefit Agreement shall control.

47. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

48. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

49. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents with the Director of Development Services or designee assuming ultimate authority to determine whether or not on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods.

50. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

51. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public

safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

52. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

53. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

54. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.

55. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping plans, and grading plans on file in the City, the conditions contained herein, and the Zoning Code.

56. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

57. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

58. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

59. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

60. Prior to the submittal of applications for building permits for tenant occupancy, start of business operations and/or issuance of a certificate of occupancy and/or issuance of a business license, future occupants shall obtain a business occupancy permit (BOP) form the Development Services Department.

61. All signs shall conform to the City of Colton Sign Ordinance (Chapter 18.50 of the Colton Municipal Code). Prior to the installation of any signs, the applicant shall obtain property

permits form the Development Services Department. The development Services Director shall review and shall have sole responsibility to approve or deny said signs.

62. The Applicant and/or Property Owner shall, at all times, operate and maintain the property so as not to constitute a nuisance in the community.

63. All heating and air conditioning equipment, including ducts, meters, plumbing lines and tanks, shall be architecturally screen form public view with the use of masonry wall when mounted at grade or with the use of parapet wall when roof mounted. Plumbing vent pipers, all heater flues and all roof penetrations shall be gathered and concealed from view in the same manner and painted to match roof color. The Applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

64. Electrical and other services facilities shall be located within an interior electrical room or approved comparable location. All electrical services facilities shall be totally screened from public view and as approved by the Planning Division.

65. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

66. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

67. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

68. The applicant shall be responsible for the development of two public electric vehicle charging stations per the Climate Action Plans Screening Tables completed for the project. Charging stations shall be placed in locations at the project immediately accessible to the public, or at off-site locations determined in consultation with the Planning Division, with input from the Sustainability Division. The applicant shall provide the funding for these charging stations prior to the issuance of the project's first building permit.

69. All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.

70. All passenger vehicle parking lots, drive aisles, truck and trailer parking lots or truck courts shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.

71. Prior to issuance of building permit, submit an Operations and Truck Route Plan for review and approval by Public Works. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, projected number of employees, types of items permitted to be stored (outdoors) at the site, and the proposed truck routing to and from the facility to the designated truck routes that avoids passing residential, educational, park and recreational use areas to the greatest extent feasible. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets. The operator of the warehouse, storage and/or trucking use shall be responsible for implementing and monitoring the Operations and Truck Route Plan during all operations, including but not limited to posting the plan and educating truck drivers on the approved routes.

72. Truck drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.

73. Idling of trucks queued or operated on-site shall not exceed 5 minutes.

74. All on-site equipment, such as forklifts and yard trucks, shall be electric with necessary electric charging stations provided.

75. All facility or tenant-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards are currently defined in the California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025

76. Operators shall address any parking, traffic, noise or safety issues within forty-eight hours of being notified by the City that an issue exists.

77. Prior to the issuance of a Business Occupancy Permit or Business License, any new tenant or operator of a warehouse or truck, trailer storage facility shall submit a new or revised Operations and Truck Route Plan prepared by a licensed traffic engineer associated with the new tenant for review and approval by the Development Services Department, demonstrating that the proposed operations and project traffic associated with the new tenant or operator is the same or less than the project traffic and operations assume in the approved entitlements for the facility.

78. Where transport by temperature-controlled trucks or trailers is proposed, on-site electrical hookups shall be provided at loading docks. Idling or use of auxiliary truck engine power to power climate-control equipment shall be prohibited.

79. Nesting bird surveys shall be conducted prior to any construction activities during the nesting season to avoid potentially taking any birds or active nests. The survey should be submitted to the Planning Division for review.

80. Landscape and Irrigation plans shall be revised to show code conforming number of trees and size of trees in a table on the cover page of the plans for the project site.

81. The site plan submitted for Plan Check Review shall identify code required motorcycle parking spaces and identify Electrical Vehicle (EV) parking stalls and EV infrastructure for future charging stations for standard parking spaces and van accessible parking spaces.

82. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

    f. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation, shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

    g. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

    h. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

    i. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI and Kizh Nation elect to place a monitor on-site.

    j. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant

and Lead Agency for dissemination to SMBMI and Kizh Nation. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

83. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the General Plan Update Environmental Impact Report for the City of Colton (SCH No. No. 2012031037).

84. Pursuant to the California Attorney General, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), the following shall apply:

a. No parking shall be allowed on Agua Mansa Road.

b. The project shall provide electrical hookups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

c. During project construction, the project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, on-site or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

d. The project owner shall require facility operators to hire experienced employees or to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

e. The project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

f. The project applicant/developer/owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets, should that tenant have a Fleet.

g. For the warehouse/industrial portion of the project, the buildings' electrical room shall be sufficiently sized to hold additional future panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor- trailer parking spaces in a logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available, is proven economically viable, an available source of acceptable, adjacent/off-site power is available, and the buildings are being served by trucks with electric-powered engines.

h. Prior to issuance of a building permit, the project proponent shall provide the City with an on-site signage program that clearly identifies the required on-site circulation system, for the industrial portion of the project. This shall be accomplished through posted signs and painting on driveways and internal roadways.

CODE ENFORCEMENT/POLICE DEPARTMENT (909) 370-5114

16. Landscaping: Property manager or tenant will maintain all approved landscaping in good condition, including but not limited to adequate irrigation, mowing of grass, replacing dead trees and shrubs. Above ground landscaping controls or backflow valves will be secured in a locked metal cage to prevent theft or vandalism.

17. Loitering: Loitering is prohibited on or about the premises. No exterior fixtures or furnishings at or adjacent to the location that encourage loitering and nuisance behavior, including exterior pay telephones.

18. Litter/Graffiti: The exterior of the business and areas adjacent to the business over which the owner/tenant has control, including all signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-eight (48) hours with a color-matching paint. The expectation for graffiti cover up is an appearance that the graffiti never existed.

19. The applicant shall grant "right of access" by the City or agent to remove graffiti.

20. Exterior Lighting: All lighting will be maintained in good working order. All lighting shall be shown on the required plot plans. Lighting shall be designed and installed in such a manner that provides adequate lamination to all parking spaces, stalls, walkways, corridors, and stairways, ensuring there are no dim, dark, or shadowed areas (other than shadows naturally cast beneath the actual vehicles.). Lighting level will be a minimum footcandles as required by ordinance. The placement of the lighting fixtures shall be such that the angle of projected light does not interfere or hinder the vision of police officers or security personnel patrolling the areas. All lighting will be property shielded so as to not trespass or disturb neighboring residences, adjacent businesses, or persons while driving vehicles upon the roadway. In the event a lighting fixture becomes inoperable, the property management will have the lighting repaired within seventy-tow (72) hours.

21. General Parking: Parking lot shall be maintained in accordance with Title 18 of the Colton Municipal Code, zoning ordinance requirements for paving and striping. Parking shall include the required amount of Disabled parking to ADA specifications and dimensions. All parking lot entrances will be posted in compliance with Vehicle Code 22658 which minimally includes: A substantive statement prohibiting public parking, states vehicles will be towed at owner's expense, references Vehicle Code 22658, and must be a minimum of 17"X22"with a minimum of 1" letters. In addition, the sign will indicate the name of the private towing company and phone number above the police department name and phone.

22. Disabled Parking: All disabled parking spaces will comply with Americans with Disabilities Act (ADA) requirements and Vehicle Code 22511.8. In addition, disabled parking will be clearly indicated by all three indicia: 1) blue wheel stop and/or curb, 2) blue sign with white wheelchair symbol at head of space, and 3) blue field with wheelchair symbol and blue striping painted on the ground. All parking lot entrances will be posted in accordance with Vehicle Code 22511.8(d).

23. Storage: Parking and trash areas will not be used for storage of materials including hazardous materials, including but not limited to tires, waste oil, and inoperable or unregistered vehicles.

24. Signage: Applicant will fully comply with Colton Municipal Code Section 18.50 Sign Ordinance as amended. Temporary promotional signs require a permit and must be authorized by Development Services prior to display. Refer to Code Section 18.50 for additional signage permitting and requirements.

25. Advertisements: Handbills or advertisements may be distributed in public places person-to-person but will not be placed or left upon unoccupied vehicles or otherwise left unattended in public places.

26. Special Events: Per Colton Municipal Code Chapter 5.44, applicant shall not conduct, operate, maintain, organize, advertise, or sell or furnish tickets for a special event or permit the subject property to be used for any special event without first obtaining a special event permit. Special events include, but are not limited to, sales events where merchandise, goods, or vehicles are displayed for sale on the property, political functions, fundraising events by non-profit entities, and events featuring motivational or educational speakers. The Special Event Committee may expressly grant a minor variance of conditions specific to individual special events.

27. Surveillance Monitoring: Should permittee install a video surveillance monitoring system, the video system shall be capable of recording a clear view of all areas of the subject property including, but not limited to, parking lots, walkways, corridors, all sides of buildings, the perimeter landscape areas. Recordings shall be retained for a minimum of 30 days. Copies of recordings will be provided to the Colton Police Department upon request.

28. After hours Contact Information: Permittee will ensure after hours contact person information is kept current and on file with the Colton Police Department dispatch center. Ideally there should be several responsible persons available to respond in case of emergency; each should be a key holder with knowledge of alarm reset codes, available to respond within 20-30 minutes, and of sufficient authority to facilitate a board up or other emergency repair measures.

29. Right of Access: Permittee shall grant "right of access" to the City of Colton and its employees or agents for the purposes of monitoring compliance with these Conditions of Approval, patrolling, investigating crimes and enforcing laws and ordinances on the subject property. Permittee shall grant "right of access" to the City of Colton and its employees or agents to remove graffiti and to determine if the applicant is in compliance with these conditions.

30. Both sides of Agua Mansa Road along the subject property shall be maintained free from trash and debris within the public right-of-way.

BUILDING & SAFETY DIVISION (909 370-5079

15. Shall comply with the latest adopted edition of the following codes:

    California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

    h.Building Code

    i. Building Security Code

    j. Electrical Code

    k.Energy Efficiency Standards

    l. Fire Code and its appendices and standards

    m. Green Code

    n.Mechanical Code and its appendices and standards

16. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.
17. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
18. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.
19. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
20. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
21. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.
22. All signs shall be Underwriters Laboratories, Listed or equal.
23. The Tract or Parcel map shall record prior to the issuance of Building permits.

24. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
25. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.
26. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).
27. The removal and demolition of existing structures requires a Building Permit. It shall be as per separate plan review submittal.
28. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

    f. Precise grading plans shall be approved.
    g. Rough grading completed.
    h. Compaction certification
    i. Pad elevation certification
    j. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

21. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

22. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

23. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

24. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

25. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

26. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

27. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

28. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

29. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

30. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

31. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

32. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

33. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

34. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

35. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

a. automatic fire suppression/sprinkler systems/standpipes

b. fire alarms

c. onsite fire mains and fire hydrants

d. high piled combustible storage

36. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

37. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

38. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

39. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

40. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

2. STREET IMPROVEMENTS

o) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel, as stipulated in the approved Development Agreements.

p) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66 feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

q) All fronting improvements must meet ADA accessibility standards.

r) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

s) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

t) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

u) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

v) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

w) Install "No Parking Any Time" R26(CA) signage along the property frontage.

x) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

y) Install traffic signal at Driveway 3 of Agua Mansa Road

z) Ensure final plans show the following regarding shared driveways #3 and driveway #4:

aa) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

iii. Driveway #3 West RAD = 35', East RAD = 45'

iv. Driveway #4, West RAD = 45', East RAD = 35', and shifted by 5'

bb) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

3 GRADING

t. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

u. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

v. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

w. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

x. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

y. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

z. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

aa. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County

Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

bb. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

cc. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

dd. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

ee. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

ff. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

gg. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

hh. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

ii. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

jj. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

kk. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

ll. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

14. 3. WATER AND WASTEWATER REQUIREMENTS

c. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

d. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

e. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site

directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

f. Submit onsite utility plans to the City Engineer for review and approval.

g. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

h. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

i. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

j. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

15.

5. FEES

d) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

e) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

f) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

6. IMPROVEMENT PLANS AND FINAL MAP

k) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

viii. Rough Grading Plan
ix. Street and Storm Drain Plans
x. Sewer, water, and Onsite Utility Plans
xi. Precise Grading and Plot Plan
xii. Electrical Improvement Plan
xiii. Landscape Plan
xiv. Final Parcel Map

l) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

m) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

n) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

o) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

p) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

q) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

r) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

s) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

t) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

7. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

h. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

i. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

j. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

k. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

l. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

m. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall remove any graffiti present before construction, during construction, and post construction within forty-eight (48) hours.

n. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

8. STUDIES & REPORTS

d. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

e. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the

pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

f. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

d. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

e. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

f. The Auto Cad plans shall include:

i. proposed building(s) foot print, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.
ii. For private property, plans shall show an easement covering the facilities located on their property.
iii. Plans shall include any notes pertaining to design/planning of electrical system.
iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

g. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

h. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

3. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

7. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

8. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

9. The business shall engage in one of the following organic recycling activities:

a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

Businesses will be required to show proof of compliance.

10. EV charger ready also to be located on plans.
11. Landscape Plan for Water Conservation- Shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL
12. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-11-26 for 1400 and 1500 Agua Mansa Road:

HOLD HARMLESS

3. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

SUBJECET TO CONDITIONS OF APPROVAL PLANNING DIVISION (909)370-5079

85. The project is subject to the conditions of approval listed in City Council Resolutions R-10-26, R-12-26, R-13-26, O-03-26, and O-04-26.

86. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

CONDITIONS OF APPROVAL

THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL FOR DAP-001-816 as provided in City Council Resolution R-10-26 for 1400 and 1500 Agua Mansa Road:

HOLD HARMLESS

4. The Applicant shall defend, indemnify, and hold harmless the City of Colton and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Colton, its officers, employees, or agents to attacks, set aside, void, or annul any approval or condition of approval of the City of Colton concerning this project, including but not limited to any approval or condition of approval of the city council, planning commission, or development services director. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

PLANNING DIVISION (909)370-5079

87. The Applicant shall meet and comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

88. All conditions are final unless appealed to the City Council within 10 days of the issuance of the conditions in accordance with the provisions of Colton Municipal Code Section 18.58.100. This approval is not considered final until the Applicant signs the attached acknowledgement of conditions of approval and submits the executed form to the Development Services Department.

89. This approval is for the following discretionary actions associated with the Agua Mansa Industrial project:

Tentative Parcel Map No. 20358 to allow the consolidation of 11 parcels into two parcels measuring 35 net acres for Parcel 1, Building 1 and 24 net acres for Parcel 2, Building 2 on property measuring approximately 59 net acres in area, Development Agreement between the City of Colton and IDI Agua Mansa, LLC and a separate Development Agreement between the City of Colton and Lineage Logistics, LLC.

90. Applicant, operators and/or property owner shall, at all times, satisfy the obligations of the Development Agreement and the Community Benefit Agreement.

91. The site operation shall be limited to warehouse use with ancillary office uses. A change of use to another permitted or conditionally permitted use allowed within the M-2 zone may require new or amended discretionary permits.

92. Prior to certificate of occupancy for the first building, the site will be posted with signs stating that no truck or trailer parking shall be allowed on public streets. All truck and trailer parking shall be on-site, or at another parking truck/trailer parking facility.

93. Prior to the issuance of a certificate of occupancy for the first building, to reduce potential noise impacts from operation of backup alarms on trucks, "yard goats" and forklifts, future tenants shall incorporate an alternative warning system to the sound-based backup alarm to ensure that operation of this type of on-site equipment would not result in a substantial permanent increase in ambient noise levels in excess of the City's noise performance threshold, or otherwise cause a nuisance to the surrounding residential neighborhoods. Such an alternative warning system may consist of flashing lights on yard goats or the use of a flag person to direct the yard goat operator. The alternative warning system shall be implemented during operation of the third shift (10:00 pm to 7:00 am) Monday through Saturday and all day Sunday. The effectiveness of this condition shall be monitored based on input from the surrounding residents.

94. Prior to certificate of occupancy of the first building, the applicant or future tenant shall submit a Traffic Management Plan for review and approval by the City Engineer that states how truck drivers are to avoid use of local streets.

95. Prior to issuance of the first building permit, the applicant shall annex to Community Facilities District (CFD) No. 2021-1 for Public Safety Operations and to Community Facilities District (CFD) No. 2021-2 for Maintenance Services for public facilities and public safety operations, as provided by Section 53313 of the Mello Roos Community Facilities Act of 1982. The applicant shall make a non-refundable deposit toward the cost of CFD annexation, as applicable.

96. Any plans submitted for building plan check and construction plans for this project shall contain an exact reproduction of the signed Resolution of Approval (full size) on one or more of its sheets. The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.

97. Any requests for modification, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Planning Commission. The applicant requesting the modifications shall supply information deemed necessary by the Director and/or Planning Commission to make a determination.

98. All site, grading, landscape, irrigation and street improvement plan shall be coordinated for consistency prior to issuance of any permits.

99. Prior to implementation of the first building permit, the applicant shall submit a perimeter wall/fence plan to the Development Services Department.

100. Prior to issuance of grading or building permits, provide a precise lighting plan including a photometric diagram, site plan, elevations, and fixture information showing the location, height, and design of wall-mounted and building-mounted lighting, and method of shielding.

101. Prior to issuance of building permits, the applicant shall submit a landscape and irrigation plan that meets all the requirements of the Colton Zoning Code (CMC 18.24.130).

102. The Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

103. During grading and construction phases, the construction manager shall serve as the contract person in the event that dust or noise levels become disruptive to surrounding businesses. A sign shall be posted at the project site with the contact information.

104. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the developer shall be inconspicuously located and screened, as approved by the Development Services Director. Location of this equipment shall be clearly noted on landscape construction documents.

105. The Tentative Map shall expire two years from the date the map was approved unless addressed and superseded by a Development Agreement approved by the City Council.

106. The project and the development of the site is subject to the following conditions of approval regarding Tribal Cultural Resources:

k. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified Archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians (SMBMI) and Gabrielino Band of Mission Indians/Kizh Nation shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

l. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Archaeologist shall

develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and Kizh Nation for review and comment, as detailed within TCR-1. The Archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

m. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.

n. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Kizh Nation, shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the Archaeologist, in coordination with SMBMI and Kizh Nation, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

o. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and Kizh Nation The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and Kizh Nation throughout the life of the project.

BUILDING & SAFETY DIVISION (909 370-5079

29. Shall comply with the latest adopted edition of the following codes:

California Building Standards Code (Title 24, California Code of Regulations) Building Code and its appendices and standards. The 2019 edition of the California Codes became effective for all permit applications submitted after January 1, 2020.

o. Building Code
p. Building Security Code
q. Electrical Code
r. Energy Efficiency Standards
s. Fire Code and its appendices and standards
t. Green Code
u. Mechanical Code and its appendices and standards

30. The project developer/applicant shall comply with the City of Colton Water Efficient landscape Ordinance. The developer shall provide the Building and Safety division with all information regarding with the project's water efficient requirements and compliance and methods.

31. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

32. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code and Regulations.

33. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

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

35. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include all project revisions and changes to original design. The CD will also include the projects energy calculations (Title 24) structural calculations, all additional supporting documents and all other pertinent information. It will be the responsibility of the developer and/or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review and approval prior to final inspection and building occupancy. The CD will become the property of the Colton Building and Safety Division at that time.

36. All signs shall be Underwriters Laboratories, Listed or equal.

37. The Tract or Parcel map shall record prior to the issuance of certificate of occupancy.

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

39. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any property line and complies with all requirements of the California Building Code, prior to any building permits being issue.

40. Applicant shall submit tenant improvement plans for review and approval prior to construction and occupancy. Tenant improvement plans shall show furniture arrangement and all life safety components. (I.e. Accessible path of travel, aisles, emergency lights, and emergency exit sings, exits, etc.).

41. The removal and demolition of existing structures requires a Building Permit It shall be as per separate plan review submittal.

42. Prior to issuance of building/construction permits, the following items shall be completed and/or submitted to Building & Safety – as applicable:

k. Precise grading plans shall be approved.
l. Rough grading completed.
m. Compaction certification
n. Pad elevation certification
o. Rough grade inspection signed off by a Public Works Inspector

FIRE DEPARTMENT (909) 370-5100

41. Show nearest fire hydrant locations and locations for proposed on-site fire hydrants.

42. Provide a Fire Department Access Plan showing shaded access lanes, red curbing, locations of proposed on-site fire hydrants, PIV, FDC, DDC.

43. The development shall conform with all the requirements of the city of Colton's Municipal Code requiring on-site fire protection prior to construction.

44. Access roadways (minimum 26 feet clear width) shall be provided in accordance with the City's Municipal Code.

45. A municipal water supply system (public fire hydrants) shall be provided, capable of providing the required fire flow for the proposed type of construction. Minimum fire flow for this project shall calculated when construction type is known or applicant can refer to Appendix B of the California Fire Code)

46. On-site fire hydrants shall be required for this project and installed prior to construction. Detailed drawings with supporting calculations shall be submitted to the Fire Department/Fire Safety Division for review, approval, and permit issuance prior to installation.

47. An engineered automatic fire sprinkler system is required for this project. Detailed drawings and calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to installation.

48. Premise identification shall be provided in accordance with the City's' Security Ordinance #0-13-89, Section XIV (residential), Section XV (commercial). Address shall be internally lit during the hours of darkness.

49. Where access to or within a structure is restricted due to secured openings, a "Knox" rapid entry key system will be required. The key box or switch shall be located in an accessible location, as determined by the Fire Department. Building size will determine number of Knox boxes needed. These buildings will require (4) Knox boxes, installation height will be no higher than 6'.

50. If temporary fencing is used to enclose the construction site, at least two (2) means of unobstructed access must be installed and maintained in locations as to give maximum access to all parts of the site, and in accordance with the Fire Departments' requirements.

51. All interior/exterior utility doors shall be marked to function i.e. Electrical Room etc.

52. Portable fire extinguishers shall be required for this project. Size, type, and locations shall be determined by the fire department's field inspector.

53. The proposed facility's use and/or operations shall be designed and maintained in accordance with the 2018/2019 editions of the International Fire and Building Codes / California Fire and Building Codes (Title 24).

54. A fire alarm system designed; installed and maintained in accordance with National Fire Protection Association's Standard #72 (N.F.P.A. 72) shall be provided. Detailed drawings with supporting calculations shall be submitted to the fire department for review, approval and permit issuance, and prior to the installation.

55. Deferred plan submittals to the Fire Department and separate permits from the Fire Department are required on the following:

    a. automatic fire suppression/sprinkler systems/standpipes

    b. fire alarms

    c. onsite fire mains and fire hydrants

    d. high piled combustible storage

56. A "Knox" vault shall be provided for the retention of the facility's pre-fire plan, business plan, and material safety data sheets (M.S.D.S.). Location shall be determined by the fire prevention field inspector.

57. The applicant shall comply with all Fire Department requirements as noted during the business occupancy process. (B.O.P.)

58. Visible hazard identification signs (placards) in accordance with the International Fire Code and as specified by N.F.P.A 704 shall be provided and placed at the entrances to locations where hazardous materials are stored, dispensed, or used in quantities.

59. A Fire Department Permit will be required for your operations in accordance with Section 105 of the International Fire Code. The fire permit shall be obtained from the Fire Safety Division of the Fire Department.

60. Chapter 6.95 of the California Health and Safety Code requires that facilities that handle hazardous materials or generate hazardous wastes must comply with hazardous material

disclosure laws. a "business emergency /contingency plan" will be required for this project prior to occupancy.

PUBLIC WORKS DEPARTMENT (909) 370-5065

3. STREET IMPROVEMENTS

cc) The proposed project shall contribute a fair-share towards the cost of constructing the Agua Mansa Road Bridge crossing at Rialto Channel as stipulated in the approved Development Agreements,.

dd) Construct missing street improvements along the project frontage (along Agua Mansa Rd.) consisting of curb, gutter, sidewalk, A.C. pavement, driveway approaches, handicap access ramps, streetlights, street signs, and roadway striping, etc., as per the approved Street Improvement Plans and City of Colton Standard Specifications. This includes dedication of necessary right of way of 66-feet for street improvements and three (3) additional feet for landscaping easement along the south side of the entire project frontage to be maintained by the developer/owner.

ee) All fronting improvements must meet ADA accessibility standards.

ff) An automatic sprinkler system shall be installed within any landscaped open space areas, including between the sidewalk and the right-of-way line along the property frontage.

gg) The developer shall landscape and maintain all parkway and unpaved areas within the public right-of-way fronting the project. An irrigation system with automatic sprinklers shall be installed within any landscaped open areas, including between the sidewalk.

hh) The Developer shall construct facilities to mitigate traffic impacts as identified by the traffic impact study or pay fair share of proposed mitigations.

ii) In the event road right-of-way or off-site easements are required to comply with these Conditions of Approval, the Developer shall obtain such right-of-way or easements. In the event the City is required to condemn the right-of-way or easement, the Developer shall enter into an agreement with the City for the acquisition of such right-of-way or easement pursuant to Government Code Section 66462.5, and pay for all costs associated with the condemnation process.

jj) On-Site Precise Grading Plans shall be designed so that enough on-site truck queuing can be accommodated to prevent queuing overflow onto the public right of way.

kk) Install "No Parking Any Time" R26(CA) signage along the property frontage.

ll) Submit (3) sets of street improvement plans for the off-site improvements (including signing and striping), prepared by a licensed civil engineer. The scale of this plan shall be no less than 1" = 40.

mm) Install traffic signal at Driveway 3 of Agua Mansa Road

nn) Ensure final plans show the following regarding driveway #1, #3 and #4:

v. Driveway #1, West RAD = 35', East RAD = 45', and shifted by 14'

vi. Driveway #3 West RAD = 35', East RAD = 45'

vii. Driveway #4, West RAD = 45', East RAD = 35', and shifted by 5'

oo) Applicant is responsible for contacting Omnitrans regarding potential or proposed bus stop and any applicable required public improvements associated with the proposed Bus Stop, including ADA compliant improvements.

pp) Public Improvement plans should be concurrently submitted to the County of San Bernardino for review and approval as the project site lies along the city boundary limits with that of the County's. The project's public improvement plans will need the signature title block of both the County and the City.

4 GRADING

mm. Submit to the City Public Works Department a preliminary grading plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The grading plan shall include a topographic contour map of the site and 15 feet beyond the property lines, with a one-foot contour interval. This contour map shall be prepared within the last 12 months.

nn. The applicant shall submit a preliminary and final Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system.

oo. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

pp. A note shall be placed on the plan that states "All block walls and fencing shall be shown on the grading plan for reference only and shall be separately permitted by the City Building Department.

qq. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Colton for review prior to the recordation of the final map.

rr. Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance at all street intersections, in a manner meeting the approval of the City Engineer. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the City Engineer.

ss. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

tt. Provide plan and profile for all storm drainage work. The Storm Drain Plan for the proposed subdivision shall be accompanied by hydrology and hydraulic analysis prepared by a licensed engineer and shall be designed per the San Bernardino County Hydrology Manual employing the rational method. The project may only discharge downstream an amount of storm run-off equivalent to the historic flow discharged prior to project development. The storm drain design shall incorporate the drainage from the existing tracts along boundary of the proposed project. If required, all of the sheet flow shall be collected onsite in a detention/retention basin within the development and shown on the Final Map. The detention/retention basin and open space areas shall be landscaped and maintained by the Developer.

uu. Submit to the City Engineering Department a separate Erosion Control plan of a scale of 1" = 20' prepared by a civil engineer registered in the State of California. The final drainage plan shall be a 4 mil mylar, which the City Engineer will sign and retain at the City Engineer Office for record.

vv. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ww. Owner/Developer shall notify adjacent property owners about the impact of the proposed development on drainage configuration of existing adjacent properties. Such notification shall be pre-approved by the City Engineer. These drainage issues shall be resolved prior to issuance of a grading permit.

xx. The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed.

yy. Submit a letter to the Office of the City Engineer certifying that the owner is responsible for complying with the National Pollutant Discharge Elimination System Ordinance, during and after construction. In the letter, the following statement shall be included:

> "No contaminated water shall be allowed to discharge on sidewalks, gutter, storm drains, parkways and driveways at any time."

zz. File a Notice of Intent and obtain an NPDES Construction Activity General Permit from the State Regional Water Quality Control Board and submit a copy of each to the Engineering Division. Ensure that Best Management Practices (BMPs) are followed, per NPDES requirements to reduce storm water runoff during, construction and thereafter. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris into downstream properties or drainage facilities.

aaa. Submit a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters for review.

bbb. A pad certification prepared by a licensed Civil Engineer registered in the State of California shall be submitted prior to issuance of building permits.

ccc. Prior to final project acceptance, the applicant shall submit an as-built set of grading plans. No final will be authorized until as-builts are submitted to the Public Works Department.

ddd. All parking lots shall be surfaced with A.C. to a minimum thickness of 4 inches over a minimum aggregate base of 6 inches or surfaced with P.C.C. with a minimum thickness of 6 inches over 3 inch aggregate base. These thicknesses may be waived upon submittal of an R value and pavement thickness testing and analysis submitted by a registered geologist or geotechnical engineer.

eee. Offsite drainage facilities shall be located within publicly dedicated drainage easements obtained from the affected property owner(s). The document(s) shall be recorded and a copy submitted to the City of Colton prior to recordation of the final map.

fff. In accordance with Section 15.22 (Floodplain Management Regulations) of the City of Colton Municipal Code, the applicant shall be responsible for submitting a Conditional Letter of Map Revision (CLOMR) directly to FEMA to revise the floodplain maps as the site or portions of the site are within varying flood zones of the Flood Insurance Rate Map (FIRM). Additionally, the applicant shall comply with Section 15.22 of the municipal code to ensure the public health, safety, and general welfare of the City's citizenry.

16. 3. WATER AND WASTEWATER REQUIREMENTS

k. The Development shall meet all the requirements as set forth by the water/wastewater department for water, sewer and pretreatment facilities.

l. All construction shall conform to the current edition of the specifications for Public Works Construction (Green Book), and the current standards and specifications of the City of Colton Water/ Wastewater Department.

m. Submit Sewer Improvement Plans to the City Engineer that demonstrates the following:

n. An off-site sewer system conveyance that would accommodate the discharge from the proposed project and improve the delivery of the flow to the City's Wastewater Treatment Plan. The improvements include extension of the existing 8-inch force main at Agua Mansa Road and Rancho to the nearest manhole at South Fogg Street around 800 feet. This improvement will divert all the flow from the project site directly to the main plant sump and lift station to avoid Sanitary Sewer Overflow (SSO) on the 21-inch line.

o. Submit onsite utility plans to the City Engineer for review and approval.

p. All sewer lines shall be extra strength vitrified clay pipes, and the sewer main line shall be a minimum of 8" diameter or the size will be finalized during the design phase.

q. A sewer check valve shall be provided with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

r. Show on the plans the location of sewer mainline, nearest manhole, lateral serving the project and configuration of tie-in mainline.

s. A note shall be placed on the plans stating the lateral location shall be marked on the curb with "S" for sewer.

17.

9. FEES

g) A Plan Check fee for the proposed improvements shall be paid prior to plan checking proceedings in accordance with the fee schedule in effect at the time the fees are paid.

h) Public Works Inspection Permits and fees are required prior to construction within the project site and the public right-of-way.

i) Sewer and water connection fees shall be paid prior to issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

10. IMPROVEMENT PLANS AND FINAL MAP

u) Improvement Plans for the proposed development shall be prepared as a separate set of drawing for each of the following categories.

xv. Rough Grading Plan
xvi. Street and Storm Drain Plans
xvii. Sewer, water, and Onsite Utility Plans
xviii. Precise Grading and Plot Plan
xix. Electrical Improvement Plan
xx. Landscape Plan
xxi. Final Parcel Map

v) In accordance with the Subdivision Map Act, the applicant can submit a lot line adjustment while the Tentative and Final Map is processed.

w) Submit a Rough and Precise Grading Plan to the City for review and approval. All of the grading shall conform to the latest edition of the Uniform Building Code (U.B.C.) and the grading permit must be obtained prior to the commencement of any grading activity. Submit a soil analysis report prepared by a licensed engineer, along with a grading plan.

x) The Developer shall repair any areas of existing improvements that become damaged during any phase of construction of the project, as determined by the Office of the City Engineer. The contractor working in the right-of-way must submit proof of a Class "A" Contractor License, City of Colton Business License, and liability insurance.

y) Submit a copy of the Title Report to the Engineering Division, not older than 90 days.

z) All plans, including grading plans shall be drawn on 24" x 36" 4 mil Mylar.

aa) Original drawings shall be revised to reflect As-Built conditions by the Design Engineer prior to final acceptance of the work by the City. Water service lines, water meters, sewer laterals and electric, irrigation lines, etc., within the street right-of-way and 5' outside of the street right-of-way shall be shown on the As-Built Water/Sewer Plans. Construction plans for gas, telephone, electric and cable TV etc., shall be submitted to the City for records.

bb) A small index map shall be included on the title sheet of each set of plans, showing the overall layout of the public improvements.

cc) Contact all affected agencies, (Army Corps of Engineers, California Department of Fish & Wildlife, Regional Water Quality Control Board, and San Bernardino County Flood Control & Water Conservation District, etc.), and obtain the necessary approvals with regards to the proposed development. Submit copies of correspondence with the agencies to the Engineering Division.

dd) Submit improvements plans to all affected utilities, including the Gas Company, Cable Companies, Verizon California, etc., prior to issuance of the Building Permit and transmit correspondence to the Engineering Division.

11. CONSTRUCTION & MAINTENANCE OF PUBLIC IMPROVEMENTS

o. All required water lines and fire hydrants shall be installed and made operable before any building permits for framing are issued. This may be completed in phases if the construction work is in progress for emergency vehicles.

p. Vehicular access shall be maintained at all times to all parts of the proposed development, where construction work is in progress, for emergency vehicles.

q. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Developer.

r. The Owner/Developer shall provide pavement condition index of the route/road (before and after the project) that will be used in hauling operation. If there is any deterioration after the completion of the project, the Owner/Developer shall be responsible for restoring the pavement to original condition or better.

s. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to the issuance of any Certificate of Occupancy.

t. In accordance with § 9.27.190 (E) of the City of Colton Municipal Code, the applicant shall immediately remove any graffiti present before construction, during construction, and post construction.

u. In accordance with Rule 403 of the South Coast AQMD, active operations must implement Best Available Control Measures to reduce fugitive dust. Therefore, all construction activities with site disturbance shall install the following signage: "Project Name, Permit #, WDID No. (where applicable), IF YOU SEE DUST COMING FROM THIS PROJECT CALL: NAME (XXX) XXX-XXXX, If you do not receive a response, please call the South Coast AQMD at 1-800-CUT-SMOG/1-800-288-7664" The sign size shall be 48" x 96".

12. STUDIES & REPORTS

g. Submit a soils report prepared by a registered geologist or soils engineer. This report should be based on soil samples taken from the site and should analyze the existing geotechnical conditions of the site to determine if the existing soil is adequate for the development and safe from hazardous or deleterious materials. The report should also satisfactorily address the compaction and soil stability characteristics of the site. The number of soil borings performed on the site shall be strategically located throughout the site.

h. The applicant shall submit a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to reduce the pollutants into the storm drain system prior to issuance of grading permit. Forms are available at the City of Colton Public Works Department.

i. Submit drainage/hydrology study calculations and a hydraulic analysis for both developed and undeveloped conditions to the City of Colton for review and approval. All of the drainage from each individual lot shall drain into the public right-of-way and not impact surrounding properties, or a drainage easement acceptance letter from the adjacent landowner must be obtained.

ELECTRICAL UTILITY DEPARTMENT (909) 370-5104

1. General Conditions and Requirements (New Service):

d. It has been determined that the City of Colton will provide service to this project. The project applicant/developer shall comply with all customer service policies and service requirements of the City of Colton Electric Utility Department.

e. The developer shall, when electric service is required, provide the Colton Electric Utility Department with all information necessary to determine the project's electric distribution and service requirements, including continuous load calculations and single line diagram. Developer shall provide the electric site AUTOCAD plans to the Electric Department when a new service design is necessary. Send AUTOCAD plans to adunning@coltonca.gov

f. The Auto Cad plans shall include:

i. proposed building(s) footprint, existing utilities, utilities pole, proposed transformers, address, vicinity map, center lines, contact person, property / right of way lines, set back lines, station numbers, address, and assessor's parcel number. 1"=20' scale.

ii. For private property, plans shall show an easement covering the facilities located on their property.

iii. Plans shall include any notes pertaining to design/planning of electrical system.

iv. Customer / Developer shall email approved plan(s) and/or contact Electric Utility Planning/Engineering Department for any design / planning information.

g. The developer shall, when required, and at their own expense, install all conduit and vault systems associated with underground electric line extensions and street-lighting as per the Electric Utility's approved design. The developer shall pay all fees and charges associated with the Electric Utility's cost to provide electric service, including underground and overhead line extensions and street-lighting. The developer shall provide utility easements for all existing and proposed utility owned electric facilities within private property.

h. The developer is required to follow Colton Electric Utility Approved Electric Utility plan and meet all of Colton Electric Utility Standards.

4. Conditions and requirements specific to the project:

a. The Electric Department shall be notified if any interconnection (Solar, generator etc.) being made prior to construction.

b. Plans will only be approved via electronic copies along with the hardcopy. Please send PDF plans to adunning@coltonca.gov. This is during plan check phase.

c. There is currently an existing 66 kVa power line that belongs to the City Electric Department that partially runs north of the Santa Ana River on 1500 Agua Mansa lot and then partially alongside the existing Southern California Electric (SCE) lines on the 1400 lot The applicant will work with the City Electric Department and SCE to design and relocate the City line subject to a reimbursement agreement with the City or City Electric Department.

SUSTAINABILITY DIVISION

13. Submit for review and approval a completed site and building recycling plan to the City's Building and Safety Division in accordance with Chapter 6.16 (GARBAGE, REFUSE, AND RECYCLING) of the City's Municipal Code. The site and building recycling plan shall be based upon the application form of the building and safety department and consists of two (2) components (site plan and building recycling plan). The plan shall include the location and design of all existing and proposed recycling and trash enclosures, design of site access points for solid waste, green/organic waste and recycling collection vehicles and a design of the grading of the site, operational criteria for the proposed use of the property and capacity requirements for the waste generation of the building.

14. Complete the Self Reporting form for Organics Recycling. 6.16.300 – Commercial Organic Waste Recycling Program.

15. The business shall engage in one of the following organic recycling activities:

    a. Source separate organic waste from other waste and participate in a waste recycling service provided through the City's waste hauler that includes collection and recycling of organic waste.

    b. Recycle its organic waste on site making sure the trash enclosure includes room for trash, recycling and organics bin by following the City's Trash Enclosure guide (https://www.ci.colton.ca.us/DocumentCenter/View/6791/Colton-Space-Enclosure-Guidelines-with-Organics---FINALx?bidId=)

    Businesses will be required to show proof of compliance.

16. EV charger ready also to be located on plans.

17. Landscape Plan for Water Conservation-Please shall meet the City's ordinance for Water conservation Landscape design – Currently specified on plans is Marathon tall fescue grass, which does not mee MWELO. https://library.municode.com/ca/colton/codes/code_of_ordinances?nodeId=TIT13UT_CH13. 30WAEFLAOR_13.30.100LADEPL

18. Abide by the City's Tree palate as specified in the Urban Forestry Management Plan. http://www.coltononline.com/DocumentCenter/View/4004