

## **EXHIBIT D**

### **Tentative Tract Conditions of Approval**

## CONDITIONS OF APPROVAL

### Coastal Commercial Properties Tentative Tract 18902

#### **GENERAL REQUIREMENTS**

#### Conditions of Operation and Procedures

#### LAND USE SERVICES / Current Planning Division (909) 387-8311

1. Project Description - Tentative Tract 18902 is approved to be recorded and constructed in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved stamped tentative map as designed, the required Composite Development Plan (CDP) and any Covenants, Conditions and Restrictions (C,C & R's) required by this approval. This approval includes the requirements of any approved displays (e.g. slope analysis, landscape plans) and/or approved reports. TT18582 is approved to create 36 lots for residential purposes on 6.86 acres.  
Project Site APN: 1016-521-03, 04, 05. Project No. P201300324
2. Project Location: The project site is located on the west side of Pipeline Avenue, approximately 860 feet north of Riverside Drive in the Fourth Supervisorial District. The current zoning designation for this project is RS-20M.
3. Concurrent Applications. A Concurrently Filed General Plan Amendment proposes to change the site from RS-20M to SD (PRD-2014-02) and a Preliminary and Final Development Plan to create 36 residential detached units. The Developer should review and be prepared to comply with all conditions for Tract 18902 and the Preliminary and Final Development Plan before preparing plans or the construction process commences.
4. Revisions/TT. Any proposed change to the approved Tentative Tract Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted for review and approval obtained from County Planning.

5. Development Standards. The proposed Official Land Use Zoning District is PRD-2014-02. The following development standards shall apply to this PRD upon approval of the zone change and recordation of the tract:
  - Maximum lot coverage (impervious area) shall be sixty percent (60%) of net lot area.
  - Maximum building height shall be thirty five (35) feet.
  - Minimum Yard Setbacks are: Front – 20 Ft.; Side – 5 ft.; Street Side – 10 ft; Rear – 15 ft.
6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
7. Expiration/TT. This conditional approval of the Tentative Tract Map shall become null and void unless all conditions have been completed and the Final Map has been deemed complete by the County Surveyor for purposes of recordation within thirty-six (36) months following the approval effective date, unless an extension of time is granted.  
PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The “developer” is responsible for initiation of any extension request.
8. Extension of Time/TT. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Planning may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.

9. “Developer” Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
  
10. Indemnification. In compliance with SBCC §81.01.070, the “developer” shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” {herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body} from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

11. NOD/MND/CDFG Fees. The California Environmental Quality Act (CEQA) requires that an environmental determination be prepared for this project. County staff completed an environmental initial study for this project and properly circulated it for review. This study represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be issued indicating that all identified impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Game (CDFG) requires that an additional fee (currently \$2181.25) be paid with the NOD filing, unless CDFG issues a determination of “No Biological Effect”. The combined fees (\$2,231.25) are required to be paid to the Clerk of the Board with the NOD filing. The project approval does not become effective, until these fees are paid and the filing is posted.
12. Development Fees. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201400324. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and a minimum balance of \$1000.00 must be in the project account at the time the County Surveyor initiates Condition Compliance Review for recordation. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation. There shall be sufficient funds (\$250.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. mitigation performance).
14. Condition Compliance. Condition compliance confirmation for purposes of Final Map recordation will be coordinated by the County Surveyor.
15. Additional Permits. The “developer” is responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State,

County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include but are not limited to:

- a) FEDERAL: Army Corps of Engineers (ACOE), US Fish and Wildlife (USFS)
  - b) STATE: Fish and Game (CDFG), State Fire Marshall. South Coast Air Quality Management District (AQMD), Regional Water Quality Control Board (RWQMB) Colorado River Basin Region
  - c) COUNTY: Land Use Services - Building and Safety/Code Enforcement, County Fire - HazMat and County Fire/Community Safety; Public Health-Environmental Health Services (DEHS), Public Works – Land Development, Traffic, County Surveyor, Solid Waste, AND
  - d) LOCAL: Local Agency Formation Commission (LAFCO); City of Chino
16. Underground Utilities. Utility lines, including electric, telephone, communications, and street lighting, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this Subsection without expense to the County, and shall make necessary arrangements with the utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
17. Street Lighting. The subdivision shall provide street lighting facilities designed and constructed in compliance with the County's infrastructure standards and specifications.

LAND USE SERVICES - Code Enforcement Division (909) 387-4044

18. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner/ “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

PUBLIC HEALTH – Environmental Health Services [DEHS] (909) 387-4666

19. Water. The water purveyor shall be City of Chino.
20. Sewer. The water purveyor shall be City of Chino.
21. Noise. Noise levels of any project use or activity shall be maintained at or below adopted County noise standards (*SBCC 83.01.080*). For information, call DEHS/Land Use at (909) 387-4666.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

22. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.
23. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
24. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
25. Continuous BMP Maintenance. The property owner and "developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
26. BMP Enforcement. In the event the property owner and "developer" (including any successors or assigns) fail to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County may cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

LAND USE SERVICES - Land Development - Roads (909) 387-8311

27. Road Standards. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.



**PRIOR TO RECORDATION OF TENTATIVE TRACT MAP 18902**

*The following conditions shall be completed:*

PUBLIC WORKS - Surveyor Division (909) 387-8145

28. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
29. Non-Interference. Subdivider shall present evidence that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
30. Monumentation. Final Monumentation, not set prior to recordation, shall be bonded with a cash amount deposited with the County Surveyor's Office as established per the County fee schedule 16.0215B (c)(6).
31. Surveyor Fees. Prior to approval for recordation, all fees required under actual cost job number TR. 18902 shall be paid in full.

Chino Valley Independent Fire District (909) 902-5280

32. Fire Flow. Fire flow for the residential sites shall be a minimum of 1500 gpm.

PUBLIC HEALTH - Environmental Health Services (909) 387-4666

32. Water Verification. The water purveyor shall be City of Chino. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the File Index Number and Assessor's Parcel Number.
33. Sewage Verification. Method of sewage disposal shall be City of Chino. Applicant shall procure a verification letter from the sewer agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer agency. The letter shall reference the File Index Number and Assessor's Parcel Number.
34. Service Area. Submit verification of service area jurisdiction to LAFCO and DEHS for water or sewer services to be provided. For information, contact LAFCO at (909) 387-5866.

35. System Installation. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system.
- A. Where the water and/or sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the County Surveyor, a copy of the approved plan and a signed statement from the utility of jurisdiction confirming that the improvement has been installed and accepted.
  - B. Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit the approved plans and determined amount or a signed statement from an acceptable governmental entity, that financial arrangements have been completed and submitted to the County Surveyor
36. Acoustical. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4666\* Specifically for Recreation area onsite and all offsite noise sources.
37. Wells. If wells are found onsite, evidence shall be provided that all wells are (1) properly destroyed under permit from that County OR (2) constructed to DEHS standards, properly sealed and certified to the County as inactivated OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS/Water Section for approval. Contact DEHS/Water Section for approval. Contact DEHS/Water Section for more information at 909-387-4666.

SPECIAL DISTRICTS DEPARTMENT (909) 387-9612

38. Streetlights. The developer shall establish a Homeowners' Association or enter into an Improvement Zone that shall be responsible for the maintenance of streetlights throughout the development. Street lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please

submit plans to Special Districts Department, 157 W. 5<sup>th</sup> St., 2<sup>nd</sup> Floor, San Bernardino, CA 92415-0450.

LAND USE SERVICES - Building & Safety Division (909) 387-4246

39. Soil Report. Per the Subdivision Map Act, a geotechnical (soils) report is required. The report must be submitted with appropriate fees to the County Geologist for review and approval prior to issuance of grading permits and prior to recordation of the tract.

LAND USE SERVICES - PLANNING DIVISION (909) 387-4115

40. CDP/Planning. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the Planning Division prior to recordation of the Final Map (Statements in quotations shall be verbatim):

- *Delineate all Setbacks.*

41. Fees. All fees required under actual cost job number P201300324 shall be paid in full.
42. Landscaping Plans. Submit three (3) copies of a landscape plan that is prepared in accordance with Section 83.10.020 of the County Development Code. Landscape plans shall also include all proposed walls, fencing, screening and hardscape.

LAND USE SERVICES - Land Development Division – Roads (909) 387-8311

43. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Use Services Department, located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8311.

### **Pipeline Ave (Secondary Highway – 88')**

- Road Dedication. An 11 foot grant of easement is required to provide a half-width right-of-way of 44'.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of Pipeline and "A" Street.
- Street Improvements. Design curb and gutter with match up paving 32' feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Sidewalk Ramp. Design sidewalk ramp per County Standard 110.
- Curb Returns. Curb Returns shall be designed per County Standard 110.

### **"A" St (Local Street – 60')**

- Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development per County Standard 119.
- Curb Return Dedication. 35 foot radius return grants of easement are required at the intersection of "A" St and Pipeline Ave.

### **"A" St, "B" St, "C" St, and "D" St (Local Streets – 60')**

- Road Dedication. A 60 foot grant of easement is required to provide a full-width right-of-way of 60'.
- Curb Return Dedication. 20 foot radius return grants of easement are required at the intersections of "A", "B", "C", and "D".
- Street Improvements. Design curb and gutter with up paving 36 foot total width at 18 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type B.
- Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

- Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=12' min – 34' max), and located per San Bernardino County Standard 130.
  - Curb Returns. Curb Returns shall be designed per County Standard 110.
44. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
  45. Improvement Securities. All required public road, drainage, WQMP, and utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. Submit necessary fees, per the latest fee schedule, for new securities.
  46. Maintenance Bond. Once all required public road, drainage, WQMP, and utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
  47. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to recordation.
  48. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
  49. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.
  50. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

51. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
52. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
53. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
54. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
55. CDP/LDD - Roads. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD prior to recordation of the Final Map (Statements in quotations shall be verbatim):

NOTES. The following notes shall be placed on the CDP:

“Encroachment Permit. At the time each lot/parcel is developed, an encroachment permit or other authorized clearance from each affected agency shall be required for all construction in the right-of-way of any jurisdiction, including the County and State. A copy of each permit shall be submitted to Public Works for review and approval obtained, prior to any project construction in any affected right-of-way of any jurisdiction.”

“Cash Deposit. At the time each lot/parcel is developed, a cash deposit shall be paid to Public Works prior to issuance of a County encroachment permit. The cash deposit is to assure completion of the required grading and paving in County right-of-way. The deposit shall cover all costs, including administration, contracting, construction and inspection. Upon completion of the County road and drainage improvements to the satisfaction of County Public Works, the cash deposit can be refunded.”

“Improvements Constructed. Prior to final approval or occupancy of any structure on any lot/parcel, all required on-site and off-site road and drainage improvements (public and private) shall be fully constructed by

the applicant, inspected and approved by County Public Works. However, completion of road and drainage improvements does not imply acceptance for maintenance by the County.”

“Open Roads. At the time each lot/parcel is developed, existing County roads which require reconstruction by the project shall remain open for traffic at all times, with adequate Public Works approved detours, during actual construction.”

“Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works.”

#### LAND USE SERVICES - Land Development - Drainage (909) 387- 8311

56. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off site and on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed. Submit drainage study for review and obtain approval.
57. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities at the time the site is developed.
58. Grading Plans. Grading plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
59. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
60. Permit. A permit, or authorized clearance, shall be obtained from Land Development Division prior to issuance of a grading permit by County Building and Safety.
61. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at:  
(<http://www.sbcounty.gov/dpw/land/npdes.asp>)

62. CDP/LDD - Drainage. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Final Map (Statements in quotations shall be verbatim):

NOTES. The following notes shall be placed on the CDP:

"Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by Land Development Division/Drainage Section for each lot/parcel."

"Grading Plans. Grading plans shall be submitted to Land Development Division for review and approval obtained prior to issuance of grading permits for each parcel. Submit necessary fees per the latest fee schedule for review, inspection and approval."

"Additional Drainage Improvements. At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall prepare/design complete drainage improvement plans and profiles. After these are submitted for review and approval additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time."

"Drainage and WQMP Improvements. Prior to issuance of Building Permit, all required drainage and WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. Submit necessary fees per the latest fee schedule for review, inspection and approval."

"WQMP Operations and Maintenance. Operation and maintenance (O&M) requirements for all Source Control, Site Design, and Treatment Control BMPs shall be identified within the Water Quality Management Plan (WQMP). All maintenance or replacement of BMPs proposed as part of the WQMP are the sole responsibility of the Owner in accordance with the terms of the WQMP Agreement."



“WQMP Final File. Prior to Occupancy, an electronic file of the final and approved WQMP shall be submitted to the Land Development Division, Drainage Section.

**END OF CONDITIONS – Tract 18902**