

# Chapter 10: Implementation

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## 10.1 General Implementation Provisions

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The Specific Plan is in conformance with the City of Fontana General Plan, as required by State law and the Fontana Municipal Code Division 9, Specific Plans. The Specific Plan will be adopted and may, from time to time, be amended by Fontana City Council by ordinance. Once the Specific Plan is approved, all buildings and roadways are to be constructed in accordance with the approved Site Plan, Design Regulations, and Development Standards set forth in this Specific Plan.

## 10.2 Specific Plan Administration

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### 10.2.1 Specific Plan Amendment Procedures

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Any proposed changes to this Specific Plan that would substantially alter the Conceptual Master Site Plan contained in this document, or would modify its development standards or design guidelines shall require an amendment to the Specific Plan. Modifications to Specific Plan provisions addressing the design of streets, water, sewer, and drainage systems may be approved by the City Engineer as part of infrastructure improvement plans.

The Planning Commission and City Council shall find, in approving or conditionally approving an amendment, that there is not a conflict with the purpose and intent of this Specific Plan or the City of Fontana General Plan. Any amendment to this Specific Plan shall be processed pursuant to the following provisions:

- An amendment to a specific plan by an applicant shall require preliminary review by the Director of Community Development, filing an official application and required materials supporting the amendment, submittal of a fee deposit, Planning Commission review and recommendation, City Council review and final decision.
- The applicant's Specific Plan amendment shall be subject to the City's approval.

However, minor modifications and/or deviations to the Specific Plan may be approved by the Community Development Director.

## **10.2.2 Substantial Conformance Determination**

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### **Substantial Conformance Determination - Purpose**

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The Substantial Conformance Determination is a mechanism to allow the approval of minor modifications for development under the Specific Plan. Substantial Conformance Determinations may include, but are not limited to, minor modifications to the Master Site Conceptual Plan, inclusion of land uses not specifically listed in the Specific Plan; modifications that might be necessary to comply with applicable infrastructure, public services and facilities requirements, and landscape palette; and other issues. Substantial Conformance Determinations shall not include significant modifications in the basic design of the Specific Plan area; significant changes to the height or bulk of the approved uses; or increases in the density or intensity of the approved uses, unless specifically permitted by the provisions of this Specific Plan.

The use of Substantial Conformance Determinations is intended to ensure orderly development, quality aesthetic design, and safe and harmonious placement of uses within the Specific Plan area. Substantial Conformance Determination (unless specifically noted otherwise) shall be made by the Community Development Director or designee administratively, without the need for a public hearing. Furthermore, the Substantial Conformance Determination will be final and not subject to appeal. In making a Substantial Conformance Determination, the Community Development Director or designee shall first make all of the required findings set forth in this section.

### **Guidelines for Substantial Conformance Determination**

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The following guidelines define the provisions of the Specific Plan subject to Substantial Conformance Determination, and the limits placed on the degree of variance from the provisions of the Specific Plan that can occur through the Substantial Conformance Determination procedure.

#### **Permitted Land Uses**

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Land uses not listed as permitted in this Specific Plan may be permitted, subject to a Substantial Conformance Determination, provided that:

- The proposed use is compatible with the uses permitted described in this Specific Plan; and
- The proposed use is similar to and will not cause environmental impacts substantially greater than the other permitted uses set forth within this Specific Plan.

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## **Infrastructure**

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Any modifications to the alignment of access roads; parking lot configurations, or adjustments to individual infrastructure facilities plans such as drainage, sewer, water, and utilities shall be subject to Substantial Conformance Determination by the Community Development Director or designee. Prior to a Substantial Conformance Determination, the Community Development Director or designee shall make the finding that the proposed modification will not result in any environmental impacts substantially greater than those which would occur in the absence of the Substantial Conformance Determination.

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## **Mitigation Monitoring and Reporting Program**

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The Community Development Director or designee may approve minor variations from the Mitigation Monitoring and Reporting Program set forth in Appendix A-6 of this Specific Plan, subject to a Substantial Conformance Determination. In making such a determination, the Community Development Director or designee shall first find that the proposed variation provides substantially equivalent environmental protection as the originally approved standard.

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## **Conceptual Plans and Other Specific Plan Provision**

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Provisions of the Specific Plan including, but not limited to, minor modifications to the conceptual plans, architectural details; landscape palette; building size, height, bulk, and orientation; parking lot layout; and other plan details may be modified utilizing a Substantial Conformance Determination. In making such a determination, the Community Development Director or designee shall be required to find that the revisions requested under a Substantial Conformance Determination are consistent with the provisions of the General Plan, and will not create impacts substantially greater than those that would have resulted from the original approval of the Specific Plan.

A maximum 10 percent modification to permitted lot coverage, setbacks, floor area (other than the maximum allowable with the Specific Plan area site), and fence and wall heights may be permitted subject to a Substantial Conformance Determination by the Community Development Director or designee. In making such a determination, the Community Development Director or designee shall be required to find that the revisions requested under Substantial Conformance Determination are consistent with the provisions of the General Plan, and will not create impacts substantially greater than those that would have resulted from the original approval of the Specific Plan.

The required parking spaces may be reduced by the Community Development Director or designee subject to a Substantial Conformance Determination following preparation of a parking study that demonstrates the proposed reduction in parking spaces is justified based on the mix of uses within the Specific Plan area and the use of shared parking between those uses.

A comprehensive sign program may be submitted to the Community Development Director for a Substantial Conformance Determination. Upon approval by the Community Development Director as set forth above, any subsequent sign permit application that substantially complies with the comprehensive sign program shall be processed as a ministerial building permit and/or construction plan review. Any modifications to the sign program may be effectuated through a Substantial Conformance Determination.

### **10.2.3 Specific Plan Enforcement**

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The enforcement of the provisions of this Specific Plan shall be by the following:

- The City of Fontana Community Development Department shall enforce the site development standards and design guidelines set forth herein.
- The Planning Commission may review the appeal of any administrative interpretation of this Specific Plan. Likewise, any decision by the Planning Commission is subject to appeal to the City Council.
- The City of Fontana shall administer the provisions of this Specific Plan in accordance with the State of California Government Code, Subdivision Map Act, the City of Fontana General Plan, and the City of Fontana Municipal Code.
- The Specific Plan development procedures, regulations, standards, and specifications shall supersede the relevant provisions of the City's Municipal Code, as they currently exist or may be amended in the future.
- All regulations, conditions, and programs contained herein shall be deemed separate, distinct, and independent provisions of this Specific Plan. In the event that any such provision is held invalid or unconstitutional, the validity of all the remaining provisions of this Specific Plan shall not be affected.
- Any development regulation and building requirement not addressed in the Specific Plan shall be subject to all relevant City of Fontana ordinances, codes, and regulations.

**Figure 10-1 Development Areas**

### 10.3 Project Phasing

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Implementation of the Specific Plan will be accomplished in four general areas (see Figure 10-1):

- North of Alder Avenue, West of Locust Avenue (Buildings 1 and 2)
- South of Alder Avenue, West of Locust Avenue (Buildings 3 and 4)
- South of Alder Avenue, East of Locust Avenue (Buildings 5 and 6)
- South of Jurupa Avenue, East of Locust Avenue (Building 7)

The development order of these areas is not chronologically fixed, and may occur in any order. Individual building sites within each of these areas need not be constructed concurrently, and may occur in any order.

#### 10.3.1 General Requirements for Development Phasing

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The following requirements apply to each increment of development within the Specific Plan area.

- Because of the interrelated nature of site grading, a mass grading program for the Specific Plan area is required. Thus, the development areas for Buildings 1-6 within the West Valley Logistics Center Specific Plan will be graded and readied for construction at a single time.
- Once grading is completed and infrastructure is installed, development of individual building sites within the Specific Plan area may proceed in any order as the market demands.
- Prior to issuance of the first certificate of occupancy within any of the Specific Area development areas, the following improvements shall be completed:
  - Roadway improvements along:
    - Jurupa Avenue
    - Locust Avenue
    - Offsite roadways connecting the Specific Plan area to area freeways as specified in the Specific Plan Traffic Management Plan
  - All required water and sewer improvements outside of the Specific Plan
    - Detention basins necessary to retain runoff within the Specific Plan area
- Adequate water, sewer, drainage, and other utilities facilities shall be installed to serve each increment of development to the satisfaction of the City Engineer.
- Required streetscape improvements along Specific Plan roadways shall be installed concurrent with roadway improvements.

- Detention basins required to eliminate increased runoff from individual buildings sites shall be installed as part of the development of those individual buildings sites.
- Appropriate deed restrictions shall be recorded to ensure that the Open Space-Natural Area portion of the site is retained in permanent open space, and that the avian movement area described in Chapter 7 is maintained.

### **10.3.2 North of Alder Ave., West of Locust Ave. (Buildings 1 and 2)**

In addition to the general phasing requirements set forth in Section 10.3.1, the following improvements shall be provided as part of the development of the area North of Alder Avenue, West of Locust Avenue:

- Roadway improvements along Alder Avenue, unless already installed.
- Adequate water, sewer, drainage, and other utilities facilities shall be installed to serve Buildings 1 and 2 to the satisfaction of the City Engineer. These facilities shall be completed and operational prior to issuance of the first certificate of occupancy.

### **10.3.3 South of Alder Ave., West of Armstrong Rd. (Buildings 3 and 4)**

- Roadway improvements along Alder Avenue, unless already installed.
- Adequate water, sewer, drainage, and other utilities facilities shall be installed to serve Buildings 3 and 4 to the satisfaction of the City Engineer. These facilities shall be completed and operational prior to issuance of the first certificate of occupancy.

### **10.3.4 Area South of Alder Avenue, East of Armstrong Rd. (Buildings 5 and 6)**

- Adequate water, sewer, drainage, and other utilities facilities shall be installed to serve Buildings 5 and 6 to the satisfaction of the City Engineer. These facilities shall be completed and operational prior to issuance of the first certificate of occupancy.

### **10.3.5 Area South of Jurupa Avenue, East of Locust Avenue (Building 7)**

- Adequate water, sewer, drainage, and other utilities facilities shall be installed to serve Building 7 to the satisfaction of the City Engineer. These facilities shall be completed and operational prior to issuance of the first certificate of occupancy.

## **10.4 Project Maintenance**

A Maintenance District is to be established to provide maintenance for Alder Avenue, onsite detention basins and streetscape landscaping.

## **10.5 Financing of Project Infrastructure**

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The financing of construction, operation and maintenance of public improvements and facilities may include funding through a combination of financing mechanisms. In order for development of the Specific Plan area to be fiscally self-sufficient, the following financing options can be considered for implementation.

### **Facilities and Services**

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- Private capital investment for the construction of facilities.
- Community Facilities District (CFD) or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.

### **Maintenance of Alder Avenue and Streetscape Landscaping**

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- By private property owners' association.
- Landscape maintenance district.

## **10.6 Mitigation Requirements**

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Mitigation requirements will be established through the environmental documentation process. Pending completion of the Final EIR, relevant sections will be incorporated into the West Valley Logistics Center Specific Plan, as included in Appendix A-6, CEQA Compliance.