

**RESOLUTION NO. PC 2026-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING TENTATIVE TRACT MAP NO. 24-0003 (TTM 20704) TO ESTABLISH A CONDOMINIUM MAP, APPROVING VARIANCE NO. 25-0001 TO REDUCE THE REQUIRED LANDSCAPE SETBACK ALONG BARBEE STREET FROM FIVE FEET TO TWO FEET, AND APPROVING DESIGN REVIEW NO. 24-0015 FOR SITE AND ARCHITECTURAL REVIEW OF 265 CONDOMINIUM UNIT AND ASSOCIATED SITE IMPROVEMENTS ON APPROXIMATELY 8.1 ACRES LOCATED AT THE NORTHWEST CORNER OF FOOTHILL BOULEVARD AND MAPLE AVENUE, (APNS: 0243-142-01 THRU -06) AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION.**

**WHEREAS**, Assessor Parcel Numbers (“APNs”) 0243-142-01, -02, -03, -04, -05, and -06 (“Project Site” were annexed from San Bernardino County into the City of Fontana on February 3, 1964); and

**WHEREAS**, on April 29, 2024, the City of Fontana (City”) received an application from Diversified Pacific Investment Group, LLC (“Applicant”), for Tentative Tract Map No. 24-0003 (“TTM No. 20704”) for a condominium map, a Variance (“VAR No. 25-0001”) to reduce a required landscape setback, and a Design Review (“DRP No. 24-0015”) for the development of a 265 unit residential development with associated site improvements at the project site (“The Project”); and

**WHEREAS**, the Project Site has a General Plan Land Use designation of Multiple Family Residential (R-MFMH) and is located within the Multi-Family Residential (R-4) zoning district, which allows for such projects; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14 Section §15000 et seq.) (“CEQA”), a Mitigated Negative Declaration (“MND”) analyzing all potential impacts of the Project was prepared for the City’s consideration as lead agency under State CEQA Guidelines Section 15063; and

**WHEREAS**, the Mitigated Negative Declaration (“MND”) indicated that all potential environmental impacts from the Project would be less than significant with the incorporation of the identified mitigation measures in the Mitigation Monitoring and Reporting Program (“MMRP”); and

**WHEREAS**, the Draft MND was prepared in accordance with CEQA and circulated for public review and comment between April 29, 2026 to May 19, 2026 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration (“NOI”) with the State Clearinghouse; (2) filing a NOI with the San Bernardino County Clerk; (3) placing a NOI in the San Bernardino Sun, a newspaper of general circulation; (4) mailing a NOI to various interested persons, agencies and tribes; and (5) posting a NOI on the City’s website; and

**WHEREAS**, copies of the Draft MND were available during the public review period at City Hall and on the City’s website; and

**WHEREAS**, pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15074(d), the MMRP has been prepared and includes mitigation measures for biological resources and cultural resources; and

**WHEREAS**, the City wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

**WHEREAS**, the Conditions of Approval are attached hereto as **Exhibit "A"** for Tentative Tract Map No. 24-0003 (TTM No. 20704), **Exhibit "B"** for VAR No. 25-0001 and for Design Review No. 24-0015; and

**WHEREAS**, all of the notices required by statute and the Fontana Municipal Code (“FMC”) have been given as required; and

**WHEREAS**, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing; and a notice of the public hearing was published in the San Bernardino Sun newspaper on April 29, 2026, and a notice of the public hearing was simultaneously displayed at City Hall and at the Project Site; and

**WHEREAS**, on May 19, 2026, a duly noticed public hearing on Tentative Tract Map No. 24-0003, Variance No. 25-0001, and Design Review No. 24-0015 was held by the Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City Staff, and other interested parties; and

**WHEREAS**, the Planning Commission carefully considered all information, including the staff report, findings, and all of the information, evidence and testimony presented at its public hearing on May 19, 2026; and

**WHEREAS**, the City wishes to protect and preserve the quality of life throughout the City through effective land use and planning, and;

**WHEREAS**, Conditions of Approval have been prepared and are attached hereto as **Exhibit "A"** for Tentative Tract Map No. 24-0003, and **Exhibit "B"** for Variance No. 25-0001, and Design Review No. 24-0015; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, the Planning Commission RESOLVES as follows:

**Section 1. Recitals.** The above recitals are true, correct and incorporated herein by reference.

**Section 2. CEQA.** The Planning Commission has reviewed and considered the Initial Study (“IS”), MND, and MMRP, any oral or written comments received, and the

administrative record prior to making any decision on the proposed project. The Planning Commission finds that the IS/MND and MMRP contain a complete and accurate reporting of all the environmental impacts associated with the project. The Planning Commission further finds that the MND and MMRP have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

a. The Planning Commission has reviewed and considered the information contained in the Final MND and the administrative record, including all written and oral evidence presented to it, and finds based on its independent review and analysis: (i) that the Final MND was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The Planning Commission further finds that the Final MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment and analysis of the city. As well the Commission finds that no new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

b. The Planning Commission has also reviewed and considered the MMRP for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such MMRP is designed to ensure compliance with the mitigation measures during project implementation.

c. **Adoption of MND.** Pursuant to Public Resources Code section 21080, subdivision (c)(2), the Planning Commission adopts the Final IS/MND prepared for the project.

d. **Approval of MMRP.** Pursuant to Public Resources Code section 21081.6, the Planning Commission approves the MMRP, which was prepared for the project and make it a condition of project approval and is attached hereto.

e. **Notice of Determination.** The Planning Commission directs staff to file a Notice of Determination with the San Bernardino County Clerk and the Office of Planning and Research within five (5) working days of approval of the project.

**Section 3. Tentative Tract Map Findings.** The Planning Commission hereby makes the following findings for Tentative Tract Map No. 24-0003 (TTM No. 20704) pursuant to Section 30-293 of the Fontana Zoning and Development code, and in accordance with Section No. 26-55(e) "Processing of application", of the Fontana Municipal Code:

**Finding No. 1: The proposed map is consistent with the city's general plan and any applicable specific plan.**

Findings of Fact: Tentative Tract Map No. 24-0003 (TTM No. 20704) is consistent with the General Plan Land Use designation for the Project Site, which is Multiple Family Residential (R-MFMH). The tentative tract map proposes to form the six parcels into a condominium map to facilitate the construction of a

265 multi-family unit residential development, which is permitted under the land use designation. The Project Site is not within a specific plan.

**Finding No. 2: The design or improvements of the proposed subdivision are consistent with the general plan and any applicable specific plan.**

Findings of Fact: The site design for Tentative Tract Map No. 24-0003 (TTM No. 20704) is consistent with the General Plan. The lot size and street configuration conform to the Land Use, Zoning, and Urban Design and Community Mobility and Circulation Elements of the General Plan. The Project includes all on-site and off-site improvements to meet the goals and objectives of the General Plan; as well as all applicable R-4 zoning requirements. Improvements include public sewer, public storm drain, streets, gutters, sidewalks, drainage, and grading to provide a safe and well-designed development. The Project Site is not within a specific plan.

**Finding No. 3: The site is physically suitable for the type and density of development proposed.**

Findings of Fact: The Project Site consists of approximately 8.1 gross acres, which is adequate in size to accommodate the development. The Project Site is vacant and relatively flat. The existing topography is conducive for the Project. Additionally, the Project will have access to two different public streets that will support the type and density proposed.

**Finding No. 4: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

Findings of Fact: The design of the subdivision and the proposed improvements complies with the City of Fontana's Municipal code requirements, conditions of approval (referenced herein), and will not have any impact on the environment or substantial or avoidable injury to fish, wildlife, or their habitat. Moreover, the site is completely surrounded by development and would not support sensitive wildlife.

An IS/MND, and MMRP were prepared for this Project pursuant to CEQA and the 2019 Local Guidelines for Implementing CEQA. Based on the information contained in the IS, the Project would not have a significant effect on the environment with implementation of the MND, and MMRP. The use is consistent with the Land Use Designation and the Zoning and Development Code. The design of the condominium map will not cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

**Finding No. 5: The design of the subdivision or type of improvements will not cause serious public health problems.**

Findings of Fact: The design of Tentative Tract Map No. 24-0003 (TTM No. 20704) will not

cause public health problems. The development will comply with the Zoning and Development Code and General Plan. Improvements include connection to the public sewer and public storm drain systems, modifications to the existing sidewalks, and drainage and grading improvements to ensure a safe and well-designed Project. These enhancements will promote the public health, safety, and welfare of the surrounding community and are designed so that the Project will not create conditions that could cause serious public health problems. Therefore, this Project shall promote public health, safety, and welfare of the surrounding community and will not cause public health problems.

**Finding No. 6: The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

Findings of Fact: The design of Tentative Tract Map No. 24-0003 (TTM No. 20704) and associated public improvements will not conflict with access easements acquired by the public. Access to and from the Project Site would be provided from driveways on Foothill Boulevard and Maple Avenue.

**Section 4. Variance Findings.** The Planning Commission hereby makes the following findings for VAR No. 25-0001 in accordance with Section 30-218 (“findings for approval”) in the Fontana Zoning and Development Code:

**Finding No. 1: That because of circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of this chapter will deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

Findings of Fact: The request for the variance is to reduce the required five-foot landscape setback from five to two feet along Barbee Street. Pursuant to FMC Section 30-669(2)(g)(2), the minimum setback width required for landscaping is five feet.

Barbee Street requires a 36’ wide street curb to curb. Currently the dimension would be 30’ wide curb to curb. The northerly side of Barbee Street is already developed, and the city cannot extend to the north to obtain the remaining 6’ of right-of-way. The applicant is providing an extra 6’ to make up for the north side of Barbee Street. Due to this, the applicant is requesting the reduction of the required landscape setback along Barbee Street from 5’ to 2’.

**Finding No. 2. That the granting of such a variance, major will be subject to conditions assuring that the variance, major shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.**

Findings of Fact: The variance request is in conjunction with a Tentative Tract Map and a Design Review application. The property is subject to a unique condition and development as depicted in the Tentative Tract Map and the Design Review will ensure that there are no grants of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district.

**Finding No. 3: That the variance, major does not authorize a use or activity which is not a specifically allowed use in the zoning district in which the property is located.**

Findings of Fact: The Project Site is located within the Multi-Family Residential district which allows for multi-family residential uses. The variance request is for a reduction in the landscape setback along Barbee Street and does not affect the use of the property.

**Section 5. Design Review Findings.** The Planning Commission hereby makes the following findings for DRP No. 24-0015 in accordance with Section No. 30-120, "Findings for approval" of the Fontana Zoning and Development Code:

**Finding No. 1: The proposal is consistent with the general plan, Zoning and Development Code, and any specific plan or area plan.**

Finding of Fact: The Project proposes a site and architectural design for a 265-unit multi-family development. The Project will be an appropriate and desirable development for the area. The site is compatible with the surrounding residential land uses with detached single-family and multi-family dwellings. The development will function similarly to the nearby multi-family and single-family neighborhoods with sufficient private open space, common open space and parking. The buildings are three- and four-story buildings.

The proposed development is located in the Multiple Family Residential (R-MFMH) general plan land use designation. The Project Site is located in the Multi-Family Residential (R-4) zoning district and is consistent with the existing general plan land use designation and zoning.

**Finding No. 2. The proposal meets or exceeds the criteria contained in Chapter 30 and will result in an appropriate, safe, and desirable development promoting the public health, safety, and welfare of the community.**

Finding of Fact: The Project will result in the construction of 265 attached multi-family units within six buildings on approximately 8.1 gross acres. The development will be built pursuant to all applicable building, zoning and fire codes, in addition to the Conditions of Approval attached hereto as Exhibit A, and B referenced herein.

The site has been designed with two gated entries. Access to and from the Project Site will be provided from driveways on Foothill Boulevard and

Maple Avenue. The project includes improvements along Foothill Boulevard, Maple Avenue and Barbee Street. The Project has high quality architectural design, appropriate screening from the public right-of-way and will be an appropriate and desirable development. The site improvements have been reviewed by the City of Fontana Fire, Building and Safety, and Engineering Departments. Street lighting and on-site lighting have been included to provide ample visibility at night. Enhanced landscaping has been incorporated to create an attractive atmosphere on the Project Site.

**Finding No. 3: The proposal is in its design and appearance is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The multi-family residential Project has been designed to enhance and complement the surrounding neighborhood. The architectural theme for the Project is described as “Spanish”. The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the buildings consists of decorative lighting, varied roof lines, and other features appropriate to the style. The use of colors and materials such as stucco finish and stone veneer, adds architectural diversity to each building. The site improvements have been reviewed by the City of Fontana Fire, Building and Safety, and Engineering Departments and found to meet or exceed the requirements for all applicable building code, zoning, and fire code standards.

**Finding No. 4: The site improvements are appropriate and will result in a safe, well-designed facility.**

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. Improvements including sidewalks, drainage, and grading, which will provide a safe and well-designed neighborhood.

The Project Site improvements have been reviewed by the Fire, Building and Safety, and Engineering Departments. During the project review process, changes were made to the plans to ensure that the Project is a well-designed project. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

**Section 6. Approvals.** Based on the foregoing, the Planning Commission hereby approves TTM No. 24-0003, VAR No. 25-0001, and DRP No. 24-0015 subject to the Findings and Conditions of Approval attached hereto as “**Exhibit A**” for Tentative Tract Map No. 24-0003 (TTM No. 20704), “**Exhibit B**” for Variance No. 25-0001 and for Design Review No. 24-0015, and incorporated herein by this reference.

**Section 7. Resolution Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

**Section 8. Certification.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 9. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 10. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 19<sup>th</sup> day of May 2026.

**City of Fontana**

\_\_\_\_\_  
Joseph Armendarez, Chairperson

**ATTEST:**

I, Torrie Lozano, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19<sup>th</sup> day of May 2026, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Torrie Lozano, Secretary

**Exhibit "A"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 24-0040  
Tentative Tract Map No. 24-0003 (TTM 20704)

**DATE:** May 19, 2026

**LOCATION:** NWC of Foothill Boulevard and Maple Avenue (APNs: 0243-142-01 through -06).

**PLANNING DEPARTMENT:**

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred.
  - A. This project will comply with all applicable provisions, regulations and development standards of the Fontana City Code.
  - B. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and,
  - C. All other Conditions of Approval imposed by this project have been fulfilled.
3. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
4. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

5. In the event of any such third party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.
6. Except as required under applicable State and Federal law, the City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.
7. This Tentative Tract Map shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
8. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
9. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 of the Municipal Code.
10. The developer shall comply with the mitigation measures identified in the CEQA IS/MND (SCH No. 2026041207) identified in the Mitigation Monitoring and Reporting Program (MMRP).

**ENGINEERING DEPARTMENT:**

**PRIOR TO MAP RECORDATION**

11. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
12. If a CFD is to be formed, The Applicant shall submit a Community Facility District (CFD) maintenance map that meets Engineering requirements for size and format as required for the development showing the CFD boundary and maintenance requirements, obtain approval of the map and complete the first public hearing for formation of the CFD.

13. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**EXHIBIT “B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 24-0040  
Variance (VAR) No. 25-0001  
Design Review (DRP) No. 24-0015

**DATE:** May 19, 2026

**LOCATION:** NWC of Foothill Boulevard and Maple Avenue (APNs: 0243-142-01 through -06).

**PLANNING DEPARTMENT:**

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred.
  - A. This project will comply with all applicable provisions, regulations and development standards of the Fontana City Code.
  - B. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and,
  - C. All other Conditions of Approval imposed by this project have been fulfilled.
3. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the residential structure until corrections are approved in writing by all appropriate staff.
4. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
5. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or

employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

Except as required under applicable State and Federal law, the City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

6. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 of the Municipal Code.
7. Color combinations and color schemes shall not be modified or changed without prior approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.
8. The developer shall comply with the mitigation measures identified in the CEQA IS/MND (SCH No. 2026041207) identified in the Mitigation Monitoring and Reporting Program (MMRP).
9. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.

10. The developer shall provide clustered and/or individual mail box(es) for the delivery of mail to future residents of the development in a convenient location that does not block the line of sight. The mail boxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The developer is responsible for contacting the Post Office for the type and location of the mail boxes within their development. Any replacements of the mail boxes subsequent to the original installation shall be the responsibility of the developer, the property management company, and/or the homeowners association, and the Post Office.
11. Foam treatment used for architecture features and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
12. If solar panel systems are installed on the roof of any residential structure, the installation shall be on top or above the approved roof tile. If a solar panel system is flush-mounted to the roof, matching roof tiles shall be replaced immediately upon removal of the solar panels.
13. All new block walls shall be constructed with a decorative block and capped with a prefabricated block cap to match the existing walls on the adjacent properties.
14. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
15. The applicant shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Director of Planning and his/her designee.
16. A locator map or directory should be posted at the site entrances. The directory should be located on the site so as to be easily and quickly identified and free from visual obstruction. The directory should be illuminated from dusk until dawn. The directory should have vandal resistant glazing to minimize criminal damage and the structure should be weather resistant.
17. Community address numbers and complex numbers should be visible. Building and unit numbers should be posted and visible. Address specifications are meant to ensure identification and location of buildings. Proper posting and maintenance minimizes confusion as to location and expedites public safety response.
18. Design Review No. 24-0015 shall become null and void two (2) years from the original date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
19. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

20. The Applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.
21. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
22. Adhere to the city light standard of one foot candle minimum of light for all entrances, exits, pedestrian walkways, parking lots and activity areas. Reflect all light fixtures on the site plan. The type of illumination shall be either fluorescent, metal halide or white L.E.D.'s., and the luminaries shall be vandal resistant. All luminaries shall remain lit from dusk until dawn. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
23. Public sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
24. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.
25. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
26. All built in BBQ's shall be electric with underground electrical lines and shall be installed with safety locks to the satisfaction of the Director of Planning.
27. All parking spaces shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping.
28. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Director of Planning.
29. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
30. The applicant/developer/property owner shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
31. The construction contractor shall use the following source controls at all times:
  - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is

- approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(b7) of the Municipal Code.
- b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - d. Have only necessary equipment onsite.
  - e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
    1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
    2. Temporarily enclose localized and stationary noise sources.
    3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

### 32. Historic Archaeological Resources

- a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

33. Prior to the issuance of a Certificate of Occupancy the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning. Existing Southern California Edison (SCE) aboveground utility poles located along the east side of Knox Avenue not along the project frontage, and those along the eastern project boundary that directly service existing single-family homes, shall not be required to be undergrounded.
34. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.

**BUILDING & SAFETY:**

35. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Residential Code
  - c. California Electrical Code
  - d. California Mechanical Code
  - e. California Plumbing Code
  - f. California Energy Code
  - g. California Fire Code
  - h. California Green Building Standards Code
36. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
37. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
38. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.
39. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
40. The applicant shall comply with the following grading requirements:
  - a. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.

- b. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
- c. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
- d. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flow from this property.
- e. No water course or natural drainage shall be obstructed.
- f. Minimum slope or grade for ALL drainage structures shall be once half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
- g. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
- h. A complete hydrology study using the latest edition of the San Bernardino County Floor Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.

- i. The grading plans shall as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
  - i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
  - ii. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
  - iii. All proposed drainage structures; and
  - iv. Any proposed and/or required walls or fencing.

41. The applicant is required to obtain permits for the removal and/or demolition of structures.

42. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

43. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
- a. Precise grading plans shall be approved

- b. Rought grading completed
- c. Pad elevation certification
- d. Rough grade inspection signed off by a City Building Inspector

**FIRE DEPARTMENT:**

44. Jurisdiction: The above referenced project is under the jurisdiction of the Fontana Fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes ordinances, and standards of the Fire Department.
45. Fire Access Road Width: Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys, and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code Chapter 5 & SBCoFD Standard A-1.
46. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of nineteen (19) foot inside radius and forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
47. Street Signs: Approved temporary or permanent street signs shall be installed throughout the project prior to any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
48. Fire Lanes: the applicant shall submit a site plan to the Fire Department for review and approval of all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs be installed on public and private roads in accordance with approved standards. SBCoFD Standard A-2.
49. Water System Commercial: All water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 ½) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel ways. California Fire Code Chapter 5 & SBCoFD Standard W-2.  
The Fire Flow for this project shall be: 4,000 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 134,806 square foot structure.
50. Hydrant Marking: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.

51. Water Improvement Plan: The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type, square foot details of the largest building, total square foot of ALL floors in a multifloored building, square foot size of entire site, and description of what is being constructed/occupancy type. Once approved by Fire Department, applicant will provide stamped/approved W.I.P. to water purveyor for their construction needs. **ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE.** California Fire Code Chapter 5.
52. Combustible Protection: Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code Chapter 5.
53. Fire Sprinkler-NFPA #13R: An automatic fire sprinkler system complying with NFPA 13R and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-3.
54. Fire Alarm, Manual or Automatic: A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, SBCFD Standard F-5, & NFPA 72.
55. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code Chapter 9.
56. Commercial Addressing: Commercial, industrial, and multi-family developments of 100,000 sq. ft. or less shall have the street addresses installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1.
57. Illuminated Site Diagram: The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. California Fire Code Chapter 5 & SBCoFD Standard B-1.
58. Key Box: An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. California Fire Code Chapter 5 & SBCoFD Standard A-4.

- 59. Security Gates: In commercial, industrial, and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, and approved Fire Department override switch is required. California Fire Code Chapter 5 & SBCoFD Standard A-3.
- 60. Material Identification Placards: The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. California Fire Code Chapter 50 & NFPA 704.
- 61. Secondary Access: The development shall have a minimum of two points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCoFD Standard A-1.
- 62. San Bernardino County Fire Standards/Codes: Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.

**ENGINEERING DEPARTMENT:**

- 63. The Project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
- 64. The Applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
- 65. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.
- 66. All parcels shall have access to the primary ingress/egress point along Maple Avenue.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

- 67. The Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
- 68. The Applicant shall submit, and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Plan of Drainage. Pipes that convey offsite flows from the existing land to the east shall be sized to provide additional capacity for debris flow.

**PRIOR TO MAP RECORDATION**

- 69. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.

70. If a CFD is to be formed, The Applicant shall submit a Community Facility District (CFD) maintenance map that meets Engineering requirements for size and format as required for the development showing the CFD boundary and maintenance requirements, obtain approval of the map and complete the first public hearing for formation of the CFD.
71. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

PRIOR TO ISSUANCE OF ANY OTHER CONSTRUCTION PERMITS

72. The Applicant shall record All map's, easements, reciprocal agreements as required for the development.
73. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. Including a raised median along Foothill Boulevard & improvements for right-turn egress only at Foothill Blvd driveway. For a full list of traffic requirements, refer to the Traffic Division's conditions of approval. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

74. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
75. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
76. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
77. The Surveyor of Record shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
78. The Surveyor of Record shall set survey monuments as required by the map and corner records must be recorded with the County. The Surveyor of Record shall notify the City in writing that monuments have been set in accordance with the recorded subdivision map and he/she has been paid in full for doing so.
79. All sewers shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Contractor performing the video inspection must have a NASSCO PACP, LACP, and MACP

certification. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff with an accompanying full report. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

80. All storm drains shall be video inspected by applicant/contractor. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

**ENGINEERING – TRAFFIC:**

81. Project ingress and egress locations and restrictions shall be as follows, with additional or lesser restrictions being necessitated subject to changes in the site plan and approval of the City Engineer:

- a. The Project may have a single ingress/egress point along Maple Avenue which may allow for full access (i.e., left- and right-turning inbound and outbound) movements.
- b. The Project may have a single egress only access point along Foothill Boulevard which shall be designed, constructed, and signed to permit right-turning egress only. Ingress shall not be permitted at this location. The prohibition of right-turning ingress at the Foothill Boulevard access point shall be visible to drivers in the public Right-of-Way. The restriction of left-turning ingress and egress at the Foothill Boulevard access point shall be reinforced with a raised median island.

82. Left-turn ingress and/or egress at all access locations may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered, subject to approval of the City Engineer.

83. All gated ingress locations which do not provide adequate space within the Project site for the design vehicle to turn around shall be designed so that the gate position as either opened or closed is visible to drivers in the public Right-of-Way. At no time shall the design and gating of Project driveways require vehicles to reverse into a travel lane in the public Right-of-Way in order to depart or turn around. This requirement may be excluded if the gate is manned at all times with personnel who may permit an errant driver to enter the site in order to turn around and depart.

84. Stopping sight distance must be shown to meet the required standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation. Sight distances shall comply with current AASHTO requirements.

85. The site plan shall identify the on-site vehicular traffic flow patterns and circulation, on-site signing and striping, and any restricted, reserved, or other pre-designated parking areas.

86. The location of bicycle parking shall be depicted on the site plan. The number of bicycle parking spaces shall be determined in compliance with the City of Fontana Zoning and Development Code. Bicycle parking shall comply with the Association of Pedestrian and

Bicycle Professionals' (APBP) bicycle parking design guidance. In the event that the Fontana Zoning and Development Code and the APBP guidance differ, the Fontana Zoning and Development Code requirements shall prevail.

- 87. The site plan shall identify all pedestrian access ways and traffic crossings. Crossings shall be clearly marked, lighted, and identified throughout the interior of the project. Pedestrian walkways shall have sufficient pathway lighting.
- 88. The site plan shall identify the Americans With Disabilities Act (ADA) compliant path(s) of travel to/from the public right of way and from all ADA accessible parking spaces.

PRIOR TO ISSUANCE OF GRADING/CONSTRUCTION PERMITS

- 89. The Applicant shall provide street improvement plans, subject to the approval of the City Engineer, for all roadway improvements adjacent to the Project site.
- 90. The Applicant shall design a bus pull-out on the northwest corner of the intersection of Maple Avenue and Foothill Boulevard.
- 91. The Applicant shall design a raised median along Foothill Boulevard extending approximately 180 feet from the westerly project frontage on Foothill Boulevard to the intersection of Maple Avenue and Foothill Boulevard.
- 92. The Applicant shall provide striping and signing plans, subject to the approval of the City Engineer, for all areas of roadway improvements included in the street improvement plans.
- 93. If project construction or design impacts the location of traffic signal poles or other traffic signal equipment in the public right-of-way in such a manner that the equipment requires relocation, the Applicant shall provide signal modification plans, and shall be responsible for all necessary improvements associated with the modifications at the subject intersection.

PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

- 94. The Applicant shall pay the applicable Development Impact Fees prior to the issuance of any occupancy permits at the established rate pursuant to Government Code Section 66007.
- 95. The Applicant shall construct the approved roadway improvements adjacent to the Project Site.
- 96. The Applicant shall construct a bus pull-out on the northwest corner of the intersection of Maple Avenue and Foothill Boulevard.
- 97. The Applicant shall construct the approved raised median along Foothill Boulevard.
- 98. The Applicant shall install the approved signing and striping plans as part of the street improvements.
- 99. If project construction or design impacts the location of traffic signal poles or other traffic

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signal equipment in the public right-of-way in such a manner that the equipment requires relocation, the Applicant shall construct the necessary signal modifications and shall be responsible for all necessary improvements associated with the modifications at the subject intersection.

**END OF CONDITIONS OF APPROVAL**