

**RESOLUTION NO. PC 2026-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE TRACT MAP NO. 23-0005 (TTM NO. 20655) AND DESIGN REVIEW NO. 23-000015 TO ESTABLISH A CONDOMINIUM MAP AND FOR SITE AND ARCHITECTURAL APPROVAL OF A NEW 59-UNIT ATTACHED CONDOMINIUM COMPLEX WITHIN ELEVEN (11) BUILDINGS AND ASSOCIATED SITE IMPROVEMENTS FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF FOOTHILL BOULEVARD AND ALMOND AVENUE (APNS: 0230-051-01, -02, AND -03), PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332.**

**WHEREAS**, 14335 Foothill Boulevard, also identified as Assessor Parcel Numbers (“APNs”) 0230-051-01, -02 and -03 (“Project Site”), was annexed from San Bernardino County into the City of Fontana June 21, 2005; and

**WHEREAS**, on June 19, 2023, the City of Fontana (City”) received an application from George Ayoub (“Applicant”) for a Tentative Tract Map (“TTM No. 23-0005”) and Design Review (“DRP No. 23-000015”) seeking to establish a condominium map and to construct a 59-unit attached condominium development with associated site improvements, at the Project Site (the “Project”); and

**WHEREAS**, the Project site has a General Plan Land Use designation of Walkable Mixed-Use (WMXU-1) and is located within the Form Based Code (FBC) Route 66 Gateway district which allows for such projects; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt pursuant to Section 15332 (Class 32, Infill Development) and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act; and

**WHEREAS**, all 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 Fontana Herald newspaper on March 27, 2026, and simultaneously displayed at City Hall and at the Project Site; and

**WHEREAS**, on April 7, 2026, a duly noticed public hearing on TTM No. 23-0005 and DRP No.23-000015, was held by the 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 pertaining to the Project, including the staff report, findings, and all of the information, evidence and testimony presented at its public hearing on April 7, 2026; and

**WHEREAS**, the City wishes to protect and preserve the quality of life throughout the City,

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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. 23-0005, and **Exhibit “B”** for Design Review No. 23-000015; 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 this reference.

**Section 2. CEQA.** The Planning Commission hereby determines that the Project is categorically exempt pursuant to Section No. 15332 (Infill Development) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act (CEQA). The Project site is considered In-Fill Development and meets the CEQA requirements of Infill: (1) the Project is consistent with the WMXU-1 designation of the General Plan land use designation, and the Route 66 Gateway District of the FBC district regulations; (2) The Project Site is less than five (5) acres at approximately 2.30 adjusted gross acres, (3) The Project Site is not within any known sensitive or threatened habitat area; (4) The Project will not have any significant effects related to traffic, noise, air quality, or water quality; and (5) There are adequate public services for the development of the proposed residential development. The Planning Commission further determines that none of the exceptions in CEQA Guidelines Section 15300.2 apply to the Project and directs Staff to file a Notice of Exemption.

**Section 3. Tentative Tract Map Findings.** The Planning Commission hereby makes the following findings for TTM No. 23-0005 in accordance with Section 26-55 “Hearing; criteria for approval” of the Fontana Zoning and Development 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. 23-0005 (TTM No. 20655) is a request to establish a condominium map for the purpose of development of a 59-unit attached condominium complex. The Project, as proposed, complies with the City of Fontana’s Subdivision Sections of the Municipal Code (Chapter 26) and the Zoning and Development Code (Chapter 30). The Project is consistent with the General Plan Land Use Designation for the Project Site, which is Walkable Mixed-Use Corridor (WXMU-1). The WXMU-1 General Plan Land Use designation allows for a density from 18 to 39 units per acre, which the proposed density is 25.65 units per acre. The site is not within a specific plan.

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

Findings of Fact: The design of the proposed subdivision is consistent with the General Plan, and the site is not within a specific plan. The Project has been reviewed by the Engineering Department and the San Bernardino County Fire Department and has been determined to be in compliance with all applicable codes and

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

Findings of Fact: The Project Site, shape and topography are suitable for this type and density of development. The zoning for the site requires a density of 18-39 units per acre and the project site will have a density of 25.65 dwelling units per acre. The Project Site is approximately 2.30 adjusted gross acres and accommodates the formation of a condominium map for 59 units. The Project Site is vacant, and is surrounded by residential dwellings on the south, east and northwest side of the project site. All street improvements will be constructed pursuant to applicable building, zoning and fire code standards.

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

Findings of Fact: The design of the subdivision and the proposed improvements comply 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. This Project qualifies for a Categorical Exemption pursuant to Section 15332 (Class No. 32, Infill Development) of the California Environmental Quality Act (CEQA).

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

Findings of Fact: The design of the subdivision complies with the City of Fontana's Municipal Code requirement and the improvements associated with the subdivision such as street, curb, gutter, and sidewalk are required to be constructed and have been designed as part of this project pursuant to the Zoning and Development Code and the Engineering Department's comments. Additional improvements such as water and sewer connections will be completed pursuant to applicable standards. Therefore, the 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 improvements 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 the subdivision and the associated improvements will not conflict with an access easement acquired by the public. The proposed subdivision will be accessed from Foothill Boulevard. Currently there are no other public access easements through or within the Project Site.

**Section 4. Design Review Findings.** The Planning Commission hereby makes the following

Resolution PC No. 2026- findings for Design Review No. 23-00015 in accordance with Section 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 applicable Specific Plan.**

Findings of Fact: The Project is for the development of 59 attached condominium units, that is consistent with the General Plan designation for the Project Site, which is WMXU-1. The WMXU-1 land use designation category is described by the General Plan as a land use category that is intended for the creation of areas that allow residents and visitors to walk, bike, and take transit to other uses such as work, study, shopping, entertainment, recreation, and civic activities; and to provide compact residential development within walking distance of public transit stops and neighborhood shopping areas.

The Project is located within the Route 66 Gateway district of the FBC. The 59-unit attached condominium development will meet all zoning and development standards set forth in the Fontana Municipal Code, including the required density range.

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

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. The Project’s improvements including sidewalks, drainage, and grading ensure a safe and well-designed development. Additionally, the development meets all setbacks, height, landscaping, design, parking, access, and safety requirements.

The site improvements have been reviewed by the City of Fontana Fire, Building and Safety, and Engineering Departments. The design of the project conforms to the City code. 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.

**Finding No. 3. The proposal, 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 Project has been designed to enhance and complement the surrounding neighborhood. The architectural theme for the project is described as “Mediterranean.” 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, metal accents, and other features appropriate to the style. The use of a variety of colors and materials such as stucco finish and stone veneer further adds architectural diversity to each building. The

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project enhances the surrounding neighborhood by incorporating architectural style of the building and complements the surrounding area. Additionally, the landscaping incorporates plants to complement the architectural style of the building and the development as a whole. The project has been reviewed by the Engineering, Building and Safety and Fire Departments for safety. During the project review process, the plans were evaluated to ensure that the project is well- designed.

**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 4. Approvals.** Based on the foregoing, the Planning Commission hereby approves Tentative Tract Map No. 23-0005 (TTM No. 20655) subject to the Findings and the Conditions of Approval attached hereto as “**Exhibit A**”, and Design Review No. 23-000015 subject to the Findings and the Conditions of Approval attached hereto as “**Exhibit B**”, and incorporated herein by this reference as though fully set forth herein.

**Section 5. 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 6. Certification.** The Secretary of the Planning Commission shall certify the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 8. 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 7th day of April 2026.

**City of Fontana**

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Joseph Armendarez, Chair

**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 7th day of 2026, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Torrie Lozano, Secretary

**Exhibit "A"**



**FONTANA**  
CALIFORNIA

**CITY OF FONTANA**

**CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 23-0068  
Tentative Tract Map No. 23-0005

**DATE:** April 7, 2026

**LOCATION:** 14335 Foothill Boulevard (APNs:0230-051-01, -02 and -03)

**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 evidenced by 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

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 attorney's 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, attorney's fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by the applicant, the City and/or 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.

5. This Tentative Tract Map shall become null and void two (2) years from the date of approval as specified in Section 30-297 of the Zoning and Development Code, unless it has been extended as provided for in Section 26-58 of the Fontana Municipal Code.
6. 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.
7. 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.

### **RESIDENTIAL ENGINEERING LAND DEVELOPMENT**

8. 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.
9. 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.
10. 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.

### **PRIOR TO ISSUANCE OF GRADING PERMIT**

11. 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.
12. 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.
13. Drainage acceptance letters shall be required from adjacent property owners that will be impacted by the grading design.
14. Street plans shall be approved prior to grading permit to coordinate street elevations and onsite grading adjacent to the right-of-way.

#### **PRIOR TO MAP RECORDATION**

15. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
16. 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.
17. Right of way to conform to Fontana Standard plan No. 1006.
18. Project will be required to complete and record a "Termination of Agreement" for the existing MOA on APN 0230-051-02.
19. 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**

20. The Applicant shall record All map's, easements, reciprocal access agreement as required for the development.
21. 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. 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**

22. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

**END OF CONDITIONS**

**Exhibit "B"**



**FONTANA**  
CALIFORNIA

**CITY OF FONTANA**

**CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 23-0068  
Design Review No. 23-000015

**DATE:** April 7, 2026

**LOCATION:** 14335 Foothill Boulevard (APNs:0230-051-01, -02 and -03)

**PLANNING DEPARTMENT:**

1. 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.
2. 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 structure until corrections are approved in writing by all appropriate staff.
3. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
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 provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development in a convenient location that does not block the line of sight.
9. 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.

10. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Municipal Code.
11. 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.
12. 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.
13. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
14. 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.
15. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
16. Design Review No. 25-0015 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.
17. 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.
18. 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.
19. 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.
20. Public sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
21. 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.
22. 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.
23. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
24. After the fifteen (15) day appeal period, the Applicant shall remove the notice of Filing sign from the project site. The Applicant may request a refund of the \$600 sign deposit. The request shall be submitted to the Planning Department.
25. 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.

26. The applicant shall provide a fully landscaped attractive corner treatment at the northwest corner of the project site. The corner area shall include enhanced planting, such as a combination of trees, shrubs, and groundcover with appropriate irrigation, to the satisfaction of the Director of Planning and his/her designee.

27. 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:
  - i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - ii. Temporarily enclose localized and stationary noise sources.
  - iii. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

28. 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**

29. 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.
30. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.

#### **BUILDING AND SAFETY:**

31. 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
  - i. Disabled access for the site and building must be in accordance to the State of CA and ADA regulations
32. 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.
33. 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.
34. 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.

35. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.

36. The applicant shall comply with the following grading requirements:

- a. Grading plans shall be submitted to and approved by Engineering. 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 flows from this property.
- e. No water course or natural drainage shall be obstructed.
- f. Minimum slope or grade for ALL drainage structures shall be one 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 Flood 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.

37. 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**

38. 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:
- Precise grading plans shall be approved
  - Rough grading completed
  - Compaction certification
  - Pad elevation certification
  - Rough grade inspection signed off by a Public Works Inspector
39. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.
40. Project shall comply with accessibility requirements found in CBC Ch 11A & 11B

## **FIRE DEPARTMENT:**

41. **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.
42. **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.
43. **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 a forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
44. **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 shall be installed on public and private roads in accordance with approved standards. SBCoFD Standard A-2.
45. **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 1/2) 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: 1,500 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 12,954 Square Foot structure.

46. **Hydrant Marking:** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
47. **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.
48. **Combustible Protection:** Prior to combustibles being placed on the project site an approved asphalt paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code Chapter 5.
49. **Fire Sprinkler-NFPA #13D:** An automatic life safety fire sprinkler system complying with NFPA 13D 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-2.  
**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.
50. **Commercial Addressing:** Commercial, industrial, and multi-family developments of 100,000 sq. ft or less shall have the street address 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
51. **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
52. **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

53. **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, an approved Fire Department override switch is required. California Fire Code Chapter 5 & SBCoFD Standard A-3
54. **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.

### **RESIDENTIAL ENGINEERING LAND DEVELOPMENT**

55. 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.
56. 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.
57. 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.

### **PRIOR TO ISSUANCE OF GRADING PERMIT**

58. 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.
59. 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.
60. Drainage acceptance letters shall be required from adjacent property owners that will be impacted by the grading design.
61. Street plans shall be approved prior to grading permit to coordinate street elevations and onsite grading adjacent to the right-of-way.

### **PRIOR TO MAP RECORDATION**

62. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
63. 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.

64. Right of way to conform to Fontana Standard plan No. 1006.
65. Project will be required to complete and record a "Termination of Agreement" for the existing MOA on APN 0230-051-02.
66. 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**

67. The Applicant shall record All map's, easements, reciprocal access agreement as required for the development.
68. 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. 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**

69. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
70. 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.
71. 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.
72. 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.
73. 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.
74. 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.

75. 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.

**END OF CONDITIONS**