

RESOLUTION NO. PC 2025-____

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. 24-0002 (TTM NO. 20690) FOR A CONDOMINIUM MAP, AND APPROVING DESIGN REVIEW NO. 24-0011 FOR SITE AND ARCHITECTURAL REVIEW OF 153 CONDOMINIUM UNITS AND ASSOCIATED SITE IMPROVMENTS, ON APPROXIMATELY 11.99 GROSS ACRES LOCATED ON THE NORTH SIDE OF CURTIS AVENUE AT CATAWBA AVENUE LOCATED AT APN: 1108-081-04, AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION.

WHEREAS, the project site, identified as Assessor Parcel Number (“APN”) 1108-081-04 (“Project Site”), was annexed from San Bernardino County and incorporated into the City of Fontana on October 8, 1981 (“Project Site”); and

WHEREAS, on April 9, 2024, the City of Fontana (“City”) received an application from North Fontana Investment Company, LLC (“Applicant”), for a Tentative Tract Map No. 24-0002 (TTM No. 20690) for a condominium map, and a Design Review (DRP) No. 24-0011 seeking approval to construct a 153 residential unit development and 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 2 (WMXU-2) and is located within the Village sub-district of the Form-Based Code zoning district, which allows the development; 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, §15000 et seq.) (“CEQA”), a Mitigated Negative Declaration 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 California Environmental Act (CEQA) and circulated for public review and comment between from November 27, 2025 to December 16, 2025 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 Fontana Herald, 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, geology and soils, and hazards and hazardous materials; and

WHEREAS, the Conditions of Approval are attached hereto as **Exhibit "A"** for Tentative Tract Map No. 24-0002 (TTM No. 20690) and **Exhibit "B"** for DRP No. 24-0011; and

WHEREAS, on November 21, 2025, a notice of the public hearing was published in The Fontana Herald newspaper and simultaneously displayed at City Hall and at the Project Site; 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

WHEREAS, on December 16, 2025, a duly noticed public hearing on the Project was held before 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 received public testimony and evidence presented by the Applicant, City staff, and other interested parties, at the public hearing on the Project; and

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

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

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The Planning Commission has reviewed and considered the information contained in the 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 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 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. No new significant environmental impacts have been identified in the MND and any changes to the MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

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.

Section 3. Tentative Tract Map Findings. The Planning Commission hereby makes the following findings for Tentative Tract Map No. 24-0002 (TTM No. 20690) in accordance with Section 26-55 “Hearing; criteria for approval” of the Fontana Zoning and Development Code, and in accordance with Section No. 26-55 “Processing of application” of the Fontana Municipal Code:

Finding No. 1: That the proposed map is consistent with the city’s general plan and any applicable specific plan.

Findings of Fact: Tentative Parcel Map No. 24-0002 (TPM No. 20690) is consistent with the General Plan Land Use designation for the Project Site which is Walkable Mixed-Use 2 (WMXU-2). The Project Site is located in the Village sub-district of the Form Based Code zoning district, an area intended to provide a mixture of housing types and anticipates for densities from 2.1 to 24 dwelling unit per acre. The proposed project, consisting of detached and attached condominiums with the density of 12.7 dwelling units per acre, is consistent with this designation of the general plan. The existing parcel meets the lot standards of the Village sub-district of the Form Based Code zoning district. The Project is not within a specific plan.

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

Findings of Fact: The Project is designed to be consistent with the General Plan, and the on-site improvements meet the General Plan goals and objectives as well as the zoning requirements of the Village sub-district of the Form Based Code zoning district. The General Plan Land Use designation for the Project Site is Walkable Mixed-Use 2 (WMXU-2), which is intended to provide a mixture of housing types and supports

densities from 12 to 24 dwelling unit per acre. The Project, which is a multifamily development with the density of 12.7 dwelling units per acre, is consistent with this designation of the general plan. The construction of the on-site and off-site improvements such as curb, gutter, sidewalks, lighting, and underground utilities will further meet the guidelines set forth by the General Plan and the FMC. The Project has been reviewed by the Planning Department, Engineering Department and Fire Protection, and it was determined that the conditions of approval will ensure compliance with all applicable city codes and regulations. The Project is not within a specific plan.

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

Findings of Fact: The Project Site consists of approximately 11.99 gross acres and is adequate in size and density to accommodate the development of 153 condominium units (townhomes). The zoning designation permits 2.1 to 24 units per acre, and the Project has 12.8 units per acre. The Project Site is currently vacant, and the existing topography is relatively level. Additionally, the development of the site will not require setback variances. Therefore, the site is suitable for this type of development.

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 and wildlife or their habitat.

Findings of Fact: The Project Site is approximately 11.99 acres and is adequate in size to accommodate the 153 dwelling units. The existing topography of the Project Site is relatively flat.

An IS, MND, and MMRP was 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 the 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 and 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. 24-0002 (TTM No. 20690) and the associated improvements will not cause public health problems. The development complies with the Zoning and Development Code and General Plan. The improvements will provide safe walking paths and driving routes which will promote the public health and safety.

Finding No. 6: That 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 Tentative Tract Map 24-0002 (TTM No. 20690) and public improvements will not conflict with access easements acquired by the public. The property will be accessed via Curtis Avenue, which is a public street. The internal circulation has been reviewed by Planning, Fire, Traffic, and Engineering and was found to be sufficient to support this type of use.

Section 4. Design Review Findings. The Planning Commission hereby makes the following findings for DR No. 24-0011 in accordance with Section 30-120 “Finding 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 specific plan.

Findings of Fact: The Project includes the development of 153 dwelling units on 11.99 acres. The architectural styles proposed for the Project include Santa Barbara, Farmhouse and Prairie. The site and building design comply with the criteria contained in the design review section contained in the Fontana Zoning and Development Code.

The variations to the building faces, roof lines, and the building heights will create architectural interest and ensure that the Project is aesthetically pleasing and compatible with development in the surrounding area. The Project has high quality architectural design and appropriate screening comprised of walls and landscaping, which will make for an appropriate and desirable development.

The Project is consistent with the General Plan designation for the Project Site, which is WMXU-2. The WMXU-2 land use category is intended for a mixture of housing types and anticipates densities from 12 to 24 dwelling units per acre. Thus, the proposed project, which is a condominium development with the density of 12.7 dwelling units per acre is consistent with this designation of the general plan. The Project is not within a specific plan.

Finding No. 2: This 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 Project consists of the development of 153 condominium units on 11.99 acres. The Project will be constructed in compliance with all applicable building, zoning, and fire codes, as well as the Conditions of Approval attached hereto, as well as the Mitigation Monitoring and Reporting Program required by the Mitigated Negative Declaration prepared for the Project. The development complies with the Zoning and Development Code. The Project improvements, including curb, gutter,

sidewalks, drainage, and grading, which will ensure a safe and well-designed development. The Project Site is currently vacant, and the development will provide safe improvements to the community by introducing safe walking paths for pedestrians as well as safe vehicular circulation. Additional features such as on-site and off-site lighting and landscaped areas have been incorporated to create an attractive atmosphere. Pedestrian access gates for each of the courtyards adjacent to Curtis Avenue will promote walkability for residents of the community to surrounding areas and facilities. Additionally, the site improvements have been reviewed by Fontana Fire, Building and Safety, and Engineering Departments to ensure the improvements were well-designed. The development meets all setbacks, height, landscaping, design, parking, access, and safety requirements thereby promoting the public health, safety, and welfare of the community.

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 is aesthetically and architecturally pleasing and compatible with the surrounding area. The Project Site is physically suitable in size and shape to support the new residential development, which will be built in accordance with the applicable zoning and fire codes. This will make for a safe, attractive and well-designed project.

Architectural relief utilized for the buildings consists of decorative exterior lighting, concrete tile, varied roof lines, decorative “pop-outs”, and other features appropriate to the style. The use of a variety of colors and materials such as stucco finish and stone and brick veneer further adds architectural diversity to each building. The Project enhances the surrounding neighborhood by incorporating architectural style that complements the surrounding area. Additionally, landscaping will include plants to complement the architecture of the buildings and the development as a whole. The Project has been reviewed by the Engineering, Building and Safety and Fire Departments for safety and determined that it complies with City standards.

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

Findings of Fact: The development has appropriate improvements. Project features include curb, gutter, sidewalks, drainage, grading, perimeter walls, and fencing to provide a safe and well-designed neighborhood. This Project will provide safe pedestrian and vehicular access. Planning, Engineering, Fire, and Building and Safety for site circulation, access, and safety and the Project meets the requirements for all applicable building codes, zoning and fire codes.

Section 5. Approvals. Based on the foregoing, the Planning Commission hereby adopts the MND, approves the MMRP, and approves TTM No. 24-0002 (TTM No. 20690), and DRP No. 24-0011 subject to the Conditions of Approval, attached hereto as “Exhibit A” and “Exhibit B” and incorporated herein by this reference as though fully set forth herein.

Section 6: 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 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 application 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 16th day of December 2025.

City of Fontana

Idilio Sanchez, Chair

ATTEST:

I, Joseph Armendarez, 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 16th day December, 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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ABSTAIN:

Joseph Armendarez, Secretary



Exhibit “A”

CITY OF FONTANA

CONDITIONS OF APPROVAL

PROJECT: Master Case No. 24-0026 **DATE:** December 16, 2025
Tentative Tract Map No. 24-0002 (TTM No. 20690)

LOCATION: North side of Curtis Avenue at Catawba Avenue (APN: 1108-081-04)

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. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
3. 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.

4. 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.
5. All Conditions of Approval and Mitigation Monitoring and Reporting Program (MMRP) 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.
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. The developer shall comply with the mitigation measures identified in the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.

ENGINEERING DEPARTMENT:

PRIOR TO MAP RECORDATION

8. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
9. 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.

END OF CONDITIONS



Exhibit "B"

CITY OF FONTANA

CONDITIONS OF APPROVAL

PROJECT: Master Case No. 25-0026
Design Review No. 24-0011

DATE: December 16, 2025

LOCATION: North side of Curtis Avenue at Catawba Avenue (APN: 1108-081-04)

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.
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.

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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.

5. 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.
6. 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.
7. All Conditions of Approval and Mitigation Monitoring and Reporting Program (MMRP) 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.
8. The developer shall comply with the mitigation measures identified in the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
9. 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.
10. 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.

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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. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
13. Design Review No. 24-0011 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.
14. 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.
15. 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 resources 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.
16. 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.
17. Public sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
18. 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.
19. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
20. 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

- 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.

21. 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

22. 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.
23. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.

BUILDING AND SAFETY DEPARTMENT

24. 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
25. 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.
26. 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.
27. 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.
28. 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 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 (.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.
- i. The grading plans, 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 (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.

29. The applicant shall verify 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

30. 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

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- b. Rough grading completed
- c. Compaction certification
- d. Pad elevations certification
- e. Rough grade inspection signed off by a City Building Inspector

ENGINEERING DEPARTMENT – LAND DEVELOPMENT

- 31. 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.
- 32. 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.
- 33. 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

- 34. The Applicant shall prepare and obtain approval of a Final Water Quality Management Plan (WQMP) in accordance with the County of San Bernardino Technical Guidance Document and the most current template. All outstanding comments regarding the preliminary WQMP must be resolved and incorporated into the Final WQMP.
- 35. The Applicant shall submit and obtain approval for a Final Drainage Study prepared in accordance with the County of San Bernardino Hydrology Manual and the City of Fontana Master Plan of Drainage. The Final Drainage Study must resolve and incorporate all outstanding comments regarding the preliminary drainage report.
- 36. The Applicant shall submit and obtain approval for a Drainage Report containing a comprehensive hydraulic analysis for the project site and all affected off-site improvements that, to the satisfaction of the City Engineer, evaluates and demonstrates:
 - a. The existing public storm drain system on Curtis Avenue has sufficient capacity to accept the proposed project's connection and convey the combined flows.
 - b. The expected surface flowrates on the north side of Curtis Avenue (including gutters and inlets) are in full accordance with all City capacity requirements.

PRIOR TO ISSUANCE OF ANY OTHER CONSTRUCTION PERMITS

- 37. The Applicant shall record All map's, easements, reciprocal access agreement as required for the development.
- 38. The Applicant shall submit engineered improvement plans and obtain full approval of 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

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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.

39. The Applicant shall install a streetlight near the easterly property line to comply with current standards.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

40. The applicant shall complete all public improvements required of the project, underground utilities, and ensure streetlights are energized and operating properly.
41. The Applicant/Engineer shall 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.
42. The Applicant shall 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.

ENGINEERING DEPARTMENT – TRAFFIC

48. 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:

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- a. The Project may have up to two (2) ingress/egress points along Curtis Avenue. The easterly access point may allow for full access (i.e., left- and right-turning inbound and outbound) movements. The westerly access point shall form the north leg of the existing intersection of Catawba Avenue and Curtis Avenue and shall be designed, constructed, and signed to restrict regular access to left and right-turning egress movements only. The westerly access point may also accommodate emergency vehicle access to/from the Project site. Except for emergency vehicles, ingress at the westerly location shall not be permitted.
 - b. Ingress and egress restrictions shall be reinforced with appropriate signage and pavement markings. The prohibition of ingress at the westerly access point shall be visible to drivers in the public Right-of-Way.
49. 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.
50. 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.
51. Intersection sight distance and 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.
52. 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.
53. The Applicant shall provide a striping and signing plan for all roadway improvements, subject to the approval of the City Engineer as part of the approval of the street improvement plans.
54. The Applicant shall pay the applicable Development Impact Fees prior to the issuance of any construction permits at the established rate pursuant to Government Code Section 66007 and Senate Bill 330.
55. 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.
56. 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.

FIRE DEPARTMENT

57. **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.
58. **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.
59. **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.
60. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
61. **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.
62. **Water System Commercial.** Prior to map recordation or lot line adjustment, 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: 2125 GPM for a four hour duration at 20 psi residual operating pressure. Fire Flow is based on a 23,301 – 26,300 Square Foot structure.

63. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
64. **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 and largest building square footage. 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.

65. **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.
66. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1.
67. **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
68. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. 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, NFPA 72 & SBCoFD Standard F-5.
69. **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.
70. **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
71. **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
72. **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

73. **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
74. **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
75. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Fire Code Chapter 6.

END OF CONDITIONS