

RESOLUTION PC NO. 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION, AND APPROVING TENTATIVE PARCEL MAP NO. 20400 (TPM NO. 21-016) TO CONSOLIDATE FOUR (4) EXISTING PARCELS INTO ONE PARCEL OF APPROXIMATELY 10.6 ACRES AND DESIGN REVIEW NO. 21-028 FOR THE SITE AND ARCHITECTURAL REVIEW OF A 406-UNIT MULTI-FAMILY APARTMENT PROJECT LOCATED NORTH OF FOOTHILL BOULEVARD AND WEST OF TOKAY AVENUE (APNS: 0230-031-10, -11, -12, AND -13

WHEREAS, the City of Fontana received an application on August 24, 2021, for a Tentative Parcel Map (TPM) to consolidate four (4) existing parcels into one (1) parcel for the development of a multi-family residential project of approximately 10.2 adjusted gross acres, and a Design Review application for site and architecture review of 406 multi-family units for development of an apartment complex with various amenities and associated site improvements.

Project Applicant: Begonia Real Estate Development
300 Spectrum Center Drive, Suite No. 400
Irvine, CA 92618

Project Location: Located on the northwest corner of Foothill Boulevard and Tokay Avenue (APNs: 1110-361-15, -16, -22, and -23).

Site Area: 10.6 gross acres

WHEREAS, all of the notices required by statute or the City Municipal Code have been given as required; and

WHEREAS, the subject site includes four (4) parcels totaling, approximately 10.2 gross acres that was annexed from San Bernardino County into the City of Fontana on April 10, 1967; and

WHEREAS, pursuant to the California Environmental Act (CEQA) and the 2019 Local Guidelines Section 6.16 for Implementing CEQA, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) were prepared for this project; and

WHEREAS, on October 4, 2022, the Planning Commission received public testimony and considered Tentative Parcel Map No. 20400 (TPM No. 21-016), and Design Review No. 21-028; and,

WHEREAS, Tentative Parcel Map No. 20400 (TPM No. 21-016), and Design Review No. 21-028 are in compliance with the General Plan; and,

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibit “A”** for Tentative Parcel Map No. 20400 (TPM No. 21-016) and as **Exhibit “B”** for Design Review No. 21-028; and

WHEREAS, an Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, a Mitigated Negative Declaration (MND) has been prepared for the Planning Commission’s consideration; and

WHEREAS, the owners of property within 660 feet of the proposed 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 local *Sun* newspaper on September 1, 2022, posted at City Hall and at the project site; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on October 4, 2022; 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 incorporated herein by reference.

Section 2. The City of Fontana Planning Commission hereby makes the following findings for Tentative Parcel Map No. 20400 in accordance with Section 26-218 (d) “Findings for approval of tentative parcel map” of the Fontana Subdivision Code:

Finding No. 1: **The proposed map is consistent with the City’s General Plan and any applicable specific plan.**

Findings of Fact: Tentative Parcel Map No. 20400 (TPM No. 21-016) is a request to consolidate four (4) existing parcels totaling approximately 10.2 gross acres into one (1) lot. The proposed lot will be for the development of the 406 multi-family residential project. The General Plan and Multi Family High Density (R-MFH) designation allows for

the use and the Fontana Municipal Code allows for the consolidation of parcels.

The lot, as proposed, comply with the City of Fontana's Municipal Code, including the Subdivision Sections (Chapter 26) and Zoning and Development Code (Chapter 30). The project is proposed with a density of 39.9 dwelling unit per acre which is below the maximum 50.0 units per acre density allowed in the R-5 zoning district. Therefore, the proposed Tentative Parcel Map 20400 is consistent with the City's General Plan. Additionally, new utilities will be installed, and the street meets the minimum width requirement of a major street identified within the hierarchs of streets of the General Plan. The proposed project is not within a specific plan.

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

Findings of Fact: The design of the proposed consolidation, as mentioned in Finding No. 1, above is consistent with the General Plan. Street improvements including curb, gutter, and sidewalks conform to the requirements of the General Plan, Subdivisions (Chapter 26), and the Zoning and Development Code (Chapter 30). This project is required to connect to the City's sewer system. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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 the proposed consolidation. The project site is approximately 10.2 gross acres and will accommodate the proposed 406 multi-family residential project including curb, gutter, and sidewalks. The R-MFH Land Use designation allows a density of up to 50.0 dwelling units per acre. The project is proposed with a density of 39.9 dwelling units per acre which is below the maximum 50.0 units per acre density allowed in the R-MFH zoning district for mixed use projects. The lot size and scale of the project is suitable for Foothill Boulevard which is classified as a Major Highway per the Hierarchy of Streets Plan. All street improvements will be constructed pursuant to applicable building, zoning, engineering and fire code standards, as mentioned in Finding No. 2 above.

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

Findings of Fact: The design of the consolidation and the proposed improvements as described in Finding No. 1 through Finding No. 3 above complies with the City of Fontana's Municipal Code requirements, conditions of approval (referenced herein), and will not have any impact on the environment or substantially and avoidably injury to fish, wildlife, or their habitat. Additionally, an Initial Study as referenced herein was completed for the proposed project and no impact was found to be significant and unavoidable. A Mitigated Negative Declaration has been prepared for this project.

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 the consolidation as described in Finding No. 1 through Finding No. 4 above complies with the City of Fontana's Municipal Code requirements and the improvements associated with the subdivision such as street, curb, gutter, 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 requirements. Additional improvements such as water and sewer connection will be built pursuant to applicable building, zoning, and fire code standards; therefore, shall promote the public health, safety, and welfare of the surrounding community and will not cause public health problems.

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. The planning commission may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to easements previously acquired by the public.

Findings of Fact: The design of the consolidation and improvements will not conflict with any access easements acquired by the public. The proposed consolidation will provide three (3) points of access, one (1) from Foothill Boulevard and two (2) from Tokay Avenue. Currently there are no other public access easements through or within the proposed project site. The subject property is not located within the Fire Hazard Overlay Zone; thus, the project is not subject to the requirements of the Fire Hazard Overlay Zone.

Finding No. 7: **The proposed subdivision is consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.**

Findings of Fact: The proposed project is not located in the area identified in the State Cal-Fire very high fire hazard severity zone. Also, the subject property is not located within the Fire Hazard Overlay Zone; thus, the project is not subject to the requirements of the Fire Hazard Overlay Zone. The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein.

Finding No. 8: **The proposed project will have fire protection and suppression services available for the subdivision through the City.**

Findings of Fact: The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. The project was reviewed by the Fontana Fire District and Building & Safety and the appropriate conditions have been placed on the project so the project will have fire protection and suppression services. The subject property is not located within the Fire Hazard Overlay Zone; thus, the project is not subject to the requirements of the Fire Hazard Overlay Zone.

Section 3. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 21-028 in accordance with Section 30-120 “Findings for approval” of the Fontana Zoning and Development Code:

Finding No. 1: **That proposal is consistent with the General Plan, Zoning and Development Code, and any applicable Specific Plan.**

Findings of Fact: The proposal for the construction of 406-unit multi-family residential project is consistent with the General Plan designation for the project site which is Multi Family High Density (R-MFH). The R-MFH land use designation category is described by the General Plan as a land use category that is intended to provide “the highest-density residential category in Fontana, allowing up to 50 du per acre. The General Plan sets the framework for the City of Fontana is a document that provides the overall policies for development within the community and does not specifically regulate development standards.

The proposal meets the following goals of the General Plan:

Land Use, Zoning, and Urban Design Element Goal 2 “Locate multi-family development in mixed-use centers, preferably where there is nearby access to retail, services, and public transportation.” (page 15.34 FGP)

Land Use Element Goal 2, City of Fontana General Plan (FGP) “Fontana development patterns support a high quality of life and economic prosperity” (page 15.34 FGP).

Land Use, Zoning, and Urban Design Element Goal 2 “encourage Livable Corridor design: more walkable neighborhoods with higher density housing and a mixed-use development on larger infill sites along corridors such as Foothill, Sierra, Valley, Baseline, Citrus and others, connecting them to adjoining neighborhoods.” (page 15.35FGP)

Communities and Neighborhoods Element Goal 4 seeks to continue to promote the establishment of “traditional and master-planned neighborhoods that continue to thrive and attract families” (page 16.19 of the FGP).

Community and Neighborhoods Element Goal 6 “the safe, attractive, and lively central part of the city has new infill development and infrastructure and public realm improvements” (page 16.20 FGP).

The proposed project is located in the R-MFH zoning designation. The R-MFH district is an area that seeks to create a lively and walkable high density residential uses. New development should preserve and exemplify the character of the existing neighborhood. The proposed 406-unit multi-family development will meet all zoning and development standards set forth in the Fontana Municipal Code as noted in the Staff Report and the findings below and, therefore, is consistent with the General Plan. The project site is not located in a Specific Plan.

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 proposed development as referenced in Finding No. 1 complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed project. Additionally, the

proposed development meets all setback, height, landscaping, design, architecture, parking, access and safety requirements.

The site improvements have been reviewed by the Fire, Building and Safety, Engineering and Public Works Department. During the project review process, changes were made to the plans to ensure that the project is a well-designed project including providing for 30 foot wide drive aisles as required by the Fire Department for buildings that are 3 stories or higher and providing for three points of access. Street lighting and on-site lighting has 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 proposal as referenced in Finding No. 1 has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Craftsman. The proposed development will incorporate elements of the Craftsman architectural style. The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The proposed development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the proposed buildings consists of decorative window treatments, decorative lighting, varied roof lines, architectural “pop-outs,” and other features appropriate to the style. The use of a variety of colors and expose rafters of a contrasting color will further add architectural diversity to each building. The proposed project enhances the surrounding neighborhood by developing four different color schemes and incorporating architectural style that complements the surrounding homes. All buildings are designed with tile roofing material coordinated to match the color scheme of each elevation. Additionally, all garage doors will incorporate windows and the landscaping will utilize plants to complement the architecture of the building and the development as a whole.

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

Findings of Fact: The proposed development as referenced in Findings No. 1-3 above complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood.

As mentioned in Finding No. 2 above the 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 has been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

Section 4. Pursuant to the California Environmental Act (CEQA) and Section 6.04 the 2019 Local Guidelines 04 for Implementing CEQA, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) were prepared for this project.

Section 5. Based on the foregoing, the City of Fontana Planning Commission hereby approves Tentative Parcel Map No. 20400 (TPM No. 21-016) and Design Review No. 21-028, adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, and directs staff to file the Notice of Determination subject to the findings listed above and the conditions of approval which are attached hereto as **Exhibits “A and B”** respectively.

Section 6. 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 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 4th day of October 2022.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

Resolution No. PC 2022-_____

I, Idilio Sanchez, 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 4th day of October 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

Exhibit "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-079
Tentative Parcel Map No. 20400
(TPM No. 21-016)

DATE: October 4, 2022

LOCATION: The project site is located at 15926 Foothill Boulevard, 15922 Foothill Boulevard, 15976 Foothill Boulevard and 8016 Tokay Avenue (APNs: 1110-361-15, -16, -22, and -23).

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. All requirements of the Fontana City's Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
2. 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 its own separate legal counsel to defend the interests of the City. The applicant shall be responsible for reimbursing 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.

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.

3. This tentative parcel map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code) of the Municipal Codes of the City of Fontana and the Subdivision Map Act.
4. The applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
5. This tentative parcel map shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.

Prior to Issuance of Building /Construction Permits

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.

BUILDING AND SAFETY DEPARTMENT:

7. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
8. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

9. The Parcel map shall record prior to the issuance of any permits.

ENGINEERING:

10. Applicant shall comply with the current State Subdivision Map Act, all applicable provisions of the Subdivision Section of the current Fontana Municipal Code and City Standards.

PRIOR TO MAP RECORDATION

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

END OF CONDITIONS

Exhibit “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-079
Design Review Project (DRP) No. 21-028

DATE: October 4, 2022

LOCATION: The project site is located at 15926 Foothill Boulevard, 15922 Foothill Boulevard, 15976 Foothill Boulevard and 8016 Tokay Avenue (APNs: 1110-361-15, -16, -22, and -23).

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. 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
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. 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.

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.

3. 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 Sections No. 30-23 of the Municipal Code.
4. 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.
5. 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.
6. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
7. This Design Review Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
8. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
9. Color combinations and color schemes for commercial buildings approved under a Design Review Permit application 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.

10. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of $\frac{1}{4}$ inch thick, or as determined by the Director of Planning.
11. The applicant shall provide an underground gas line for the BBQ island.
12. 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.
13. 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.
14. 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 and is well-lit. The mailbox shall not block the line of sight. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The developer is responsible for contacting the Post Office for the type and location of the mailboxes within their development. Any replacements of the mailboxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.
15. Wall-mounted decorative lighting fixtures shall be provided at the front porch area of each main entrance and be a minimum of 18-inches in height.
16. The recreational amenities shall be constructed of a similar material and equipment located in public parks and/or to the satisfaction of the Director of Planning.
17. The applicant/developer/property owner shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
18. 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 \$300 sign deposit. The request shall be submitted to the Planning Department.
19. 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.
20. The construction contractor will 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(7) of the Municipal Code.
 - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - D. Have only necessary equipment onsite.
 - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:

1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
2. Temporarily enclose localized and stationary noise sources.
3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

PRIOR TO ISSUANCE OF GRADING PERMIT

21. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

ENGINEERING DEPARTMENT:

24. 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.
25. 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.
26. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

27. The applicant shall submit and gain approval of a complete Water Quality Management Plan (WQMP) report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

28. The applicant shall record any maps, lot line adjustments, right-of-way dedications, easements, reciprocal access agreement as required for the development.
29. 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, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

30. The applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
31. The applicant/Engineer 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.
32. The applicant/Engineer shall set monuments as required by the map and corner records must be recorded with the County.
33. The applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
34. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
35. 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 BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING & SAFETY:

36. 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

37. The applicant shall install an automatic fire suppression systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. 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.
38. The applicant shall comply with the requirements of the South Coast Air Quality Management District (909-396-2000). SCAQMD requirements shall be satisfied prior to the issuance of any demolition permit.
39. 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.
40. 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.
41. The applicant shall verify that all lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
42. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
43. 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 (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.
 - I. 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.
 - J. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 1. 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
 - 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 - 3. All proposed drainage structures; and
 - 4. Any proposed and/or required walls or fencing.
44. 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

45. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
- A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad Elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector
46. 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.
47. The applicant shall complete accessibility plan will be required at time of plan check submittal.

FONTANA FIRE PREVENTION DISTRICT:

48. 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.

49. 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.
50. 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.
51. Street Signs. Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site.
52. Fire Lanes. The applicant shall submit on a site plan to the Fire Department for review and approval 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.
53. Water System Residential. Prior to map recordation, 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 B 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 shall be provided. All fire hydrants shall be spaced no more than six hundred (600) feet as measured along vehicular travel-ways.

The Fire Flow for this project shall be: 4000 GPM for a 2-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 220,960 sq.ft. structure.

54. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department.
55. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.

56. 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.
57. 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.
58. Fire Sprinkler-NFPA #13D. 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 approval. The required fees shall be paid at the time of plan submittal.
59. 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.
60. Standpipe system. A standpipe system is required. A fire sprinkler contractor shall submit three (3) sets of hydraulic calculations and detailed plans to the Fire Department for review and approval. The system shall comply with NPA 14 and Fire Department standards. The required fees shall be paid at the time of plan submittal.
61. Fire Alarm, Manual or Automatic. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
62. 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.
63. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
64. Commercial Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum six (6) 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.

65. Commercial (large facility) Addressing. Commercial, industrial and multi-family developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) 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.
66. 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.
67. 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.
68. 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.
69. Secondary Access. The development shall have a minimum of 2 points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes.
70. 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.

END OF CONDITIONS OF APPROVAL