

RESOLUTION NO. 2026-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING, PURSUANT TO AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE VENTANA AT DUNCAN CANYON SPECIFIC PLAN (SCH NO. 2021100400), CONDITIONAL USE PERMIT NO. 26-0001 TO ESTABLISH A GAS STATION AND ALCOHOLIC BEVERAGE CONTROL TYPE 20 BEER AND WINE OFF-SALE LICENSE FOR THE CONVENIENCE STORE AS PART OF THE GAS STATION, CONDITIONAL USE PERMIT NO. 26-0002 TO ESTABLISH AN ALCOHOLIC BEVERAGE CONTROL TYPE 21 GENERAL OFF-SALE LICENSE AND AN ABC TYPE 86 SAMPLING LICENSE FOR A PROPOSED GROCERY STORE, CONDITIONAL USE PERMIT NO. 26-0003 TO ESTABLISH A DRIVE-THROUGH USE FOR A STANDALONE BUILDING, CONDITIONAL USE PERMIT NO. 26-0011 TO ESTABLISH A DRIVE-THROUGH USE FOR A SUITE AS PART OF A MULTI-TENANT BUILDING, AND APPROVING DESIGN REVIEW PERMIT NO. 26-0002 FOR DEVELOPMENT OF A NEW 98,783 SQUARE FOOT RETAIL SHOPPING CENTER AND ASSOCIATED SITE IMPROVEMENTS ON APPROXIMATELY 11.55 GROSS ACRES LOCATED ON THE SOUTHWEST CORNER OF DUNCAN CANYON ROAD AND JOHN PREVITI AVENUE, IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 1107-262-07 AND -65

WHEREAS, Assessor Parcel Number ("APN") 1107-262-07, and -65 ("Project Site"), was annexed from San Bernardino County and incorporated into the City of Fontana on October 8, 1981; and

WHEREAS, on January 26, 2026, the City of Fontana ("City") received applications from The Previti Group ("Applicant"), for a Specific Plan Amendment ("SPA No. 26-0001") to add gas station and drive through uses to Planning Area 4 of the Ventana at Duncan Canyon Specific Plan, four Conditional Use Permits to establish a gas station use and Type 20 (Beer & Wine, Off-Sale) Alcohol Beverage Control ("ABC") License for a convenience store as part of a gas station ("CUP No. 26-0001"), to establish an ABC Type 21 (General, Off-Sale) and Type 86 (Sampling) License for a grocery store ("CUP No. 26-0002"), to establish a drive-through use for a standalone building ("CUP No. 26-0003"), to establish a drive-through use for a suite as part of a multi-tenant building ("CUP No 26-0011"), and a Design Review ("DR No. 26-0002"), for site and architectural review of a new 98,783 square foot retail shopping center with associated site improvements, at the Project Site ("Project"); and

WHEREAS, the Project Site has a General Plan Land Use designation of Regional Mixed Use (R-MU) and is located within Planning Area 4 (Mixed-Use) of the Ventana at Duncan Canyon Specific Plan, as approved and amended by the Fontana City Council ("City Council") on September 13, 2022, and which allows for the development; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code Section 2100) ("CEQA") Guidelines and the State CEQA Guidelines (14. Cal Code Regs. Section 1500), the city, acting as the lead agency under CEQA, previously determined that

an Environmental Impact Report (EIR) must be prepared to evaluate and disclose all potential significant environmental impacts associated with the Ventana at Duncan Canyon Specific Plan; and

WHEREAS, on September 13, 2022, the City certified the Final Environmental Impact Report ("FEIR") (SCH No. 2021100400) for the Ventana Specific Plan. The FEIR consists of the Draft EIR, comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions documented in an errata section. For purposes of this Resolution, the term "FEIR" refers to the Draft EIR as revised by the errata, along with all other sections comprising the Final EIR; and

WHEREAS, pursuant to CEQA, when taking when taking subsequent discretionary actions on a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the City evaluated the proposed Project in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166, State CEQA Guidelines Section 14162 and the City of Fontana's 2019 Local Guidelines for Implementing CEQA and concluded that the proposed Project would not result in new significant environmental effects that were previously disclosed in the FEIR and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, the proposed Project would nonetheless necessitate minor changes or additions to the FEIR, and thus, the City has prepared an Addendum to the FEIR pursuant to State CEQA Guidelines Section 15164; and

WHEREAS, pursuant to State CEQA guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the FEIR; and

WHEREAS, Conditions of Approval are attached hereto as **Exhibit "A"** for CUP No. 26-0001, **Exhibit "B"** for CUP No. 26-0002, **Exhibit "C"** for CUP No.26-0003, **Exhibit "D"** for CUP No. 26-0011, and **Exhibit "E"** for DR No. 26-0002; and

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

WHEREAS, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing; and

WHEREAS, a notice of the public hearing was published in the Fontana Herald newspaper on July 3, 2026, and simultaneously displayed at City Hall and at the Project Site;

and

WHEREAS, on June 16, 2026, a duly noticed public hearing on SPA No. 26-0001, CUP No. 26-0001, CUP No. 26-0002, CUP No. 26-0003, CUP No. 26-0011 and DR No. 26-0002, was held by the Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties. Following the hearing the Planning Commission recommended approval of the project to the Fontana City Council (“City Council”) with a vote of 3-0 by Resolution PC No. 2026-023; and

WHEREAS, on July 14, 2026, the City Council conducted a noticed public hearing on SPA No. 26-0001, CUP No. 26-0001, CUP No. 26-0002, CUP No. 26-0003, CUP No. 26-0011 and DR No. 26-0002 and received testimony from all parties and documentation from the Planning Commission’s public hearing on June 16, 2026; and

WHEREAS, based on the information presented to and evidence received by the City Council at the public hearing held on July 14, 2026, for the Addendum to the Ventana at Duncan Canyon Specific Plan EIR, SPA No. 26-0001, CUP No. 26-0001, CUP No. 26-0002, CUP No. 26-0003, CUP No. 26-0011 and DR No. 26-0002, the City Council determined that the project was in conformance with the goals and policies of the General Plan; and

WHEREAS, all of the 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, BE IT RESOLVED, by the City Council of the City of Fontana, California, as follows:

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

Section 2. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the City Council has reviewed and considered the Ventana Specific Plan FEIR and Addendum and Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The City Council finds that the Addendum and Ventana Specific Plan FEIR contain a complete and accurate reporting of all the environmental impacts associated with the proposed project. The City Council further finds that the Addendum has been completed in compliance with the State CEQA Guidelines and Section 8.10 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not

limited to, the Ventana Specific Plan FEIR, the Addendum and all related information presented to the City Council, the City Council finds that pursuant to State CEQA sections 15162 and 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Ventana Specific Plan FEIR is the appropriate document for the project.

The City Council further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed project because the project:

- A. Will not result in substantial changes that would require major revisions of the Ventana Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the proposed project are developed that would require major revisions of the Ventana Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have known with the exercise of reasonable diligence at the time the Ventana Specific Plan FEIR documents were certified showing any of the following:
 - (i) The proposed project would have one or more significant effects not discussed in the EIR;
 - (ii) That significant effects previously examined would be substantially more severe than shown in the EIR;
 - (iii) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
 - (iv) That mitigation measures or alternatives considerably difference from those analyzed would substantially reduce one or more significant effects on the environment but which the lead agency declined to adopt.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Ventana Specific Plan FEIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the proposed project have been addressed within the Ventana Specific Plan FEIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record that the proposed project may result in any significant environmental impacts beyond those analyzed in the Ventana Specific Plan FEIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the proposed project and reflects the independent judgment and analysis of the City Council.

Section 5. Adoption of Addendum to the Ventana Specific Plan FEIR. The City Council hereby adopts the Addendum to the EIR for the Ventana Specific Plan Environmental Impact

Report (SCH No. 2021100400) and Mitigation, Monitoring and Reporting Program (MMRP) that have been prepared pursuant to State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA. The City Council further directs staff to file a Notice of Determination with the County Clerk's Office and the Office of Land Use and Climate Innovation within five (5) working days of adoption of this Resolution.

Section 6. Conditional Use Permit Findings. The City Council hereby makes the following findings for CUP No. 26-0001 in accordance with Section 30-150 "Findings for approval" for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.

Findings of Fact: The Project Site's General Plan Land use designation is Regional Mixed Use (R-MU) and is located within Planning Area 4 of the Ventana at Duncan Canyon Specific Plan. The request is to establish a gas station use, and to establish a Type 20 (Beer and Wine, Off-Sale) ABC license for the convenience store as part of the gas station. Because the site is designated R-MU, the gas station use and Type 20 ABC license, as a part of a convenience store, are consistent with the range of uses anticipated by the General Plan. The Applicant is processing a specific plan amendment which will allow gas stations within the specific plan with a conditional use permit. Both the gas station use and Type 20 ABC license will be conditionally permitted and subject to approval of a Conditional Use Permit. Following approval of the Specific Plan Amendment and the required Conditional Use Permit, both uses will be in compliance with the Specific Plan and Municipal Code.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 11.55 acres which can accommodate the proposed gas station. The Project will comply with setbacks, landscaping, lot coverage and parking requirements. There will be two vehicle access points to the site from Duncan Canyon Road and John Previti Avenue. The driveway will be designed to accommodate truck and passenger vehicle traffic as necessary. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yard, setbacks, walls, landscaping requirements and applicable Specific Plan and Zoning and Development Code regulations. The request also includes a Type 20 (Beer and Wine, Off-Sale) ABC License for a convenience store as part

of the gas station.

Finding No. 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Findings of Fact: There will be no adverse effect to the public interest, health, safety, convenience, welfare, nor will be materially injurious to persons, property, or improvements in the vicinity or of the neighboring sites. The Project has been reviewed by Planning, Engineering, Building and Safety, Police, and County Fire Prevention for site circulation, access, safety, and found to meet the requirements for all applicable building code, zoning and fire code standards. Additionally, conditions of approval have been imposed to address potential health, safety, and operational concerns to ensure that the Project will not be materially detrimental or injurious to persons, property, or improvements in the surrounding area.

Section 7. Conditional Use Permit Findings. The City Council hereby makes the following findings for CUP 26-0002 in accordance with Section 30-150 “Findings for approval” for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.

Findings of Fact: The Project Site's General Plan Land use designation is R-MU and is located within the Ventana at Duncan Canyon Specific Plan. The request is to establish ABC Type 21 General, Off-Sale and ABC Type 86, Sampling licenses within a grocery store. Because the site is designated R-MU, the Type 21 and Type 86 ABC licenses, as part of a grocery store, are consistent with the range of uses anticipated by the General Plan. The use is subject to approval of a Conditional Use Permit. Upon approval of the required CUP, the proposed use will be permitted within the specific plan and will comply with the Fontana Municipal Code.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 11.55 acres and can accommodate the proposed uses of establishing Alcoholic Beverage Control (ABC) Type 21-General, Off-Sale) and Type 86 (Sampling) Licenses within a proposed grocery store. The new retail shopping center would include on-site and off-site improvements to provide circulation and access

necessary to operate the grocery store that will accommodate the uses. The proposed retail shopping center will meet all the related performance criteria and development standards. The ABC license will be physically suited for this type of development.

Finding No. 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Findings of Fact: There will be no adverse effect to the public interest, health, safety, convenience, welfare, nor will it be materially injurious to persons, property, or improvements in the vicinity or of the neighboring sites as currently proposed. The Project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety, and found to meet the requirements for all applicable building code, zoning and fire code standards. Additionally, conditions of approval have been imposed to address potential health, safety, and operational concerns to ensure that the Project will not be materially detrimental or injurious to persons, property, or improvements in the surrounding area.

Section 8. Conditional Use Permit Findings. The City Council hereby makes the following findings for CUP No. 26-0003 in accordance with Section 30-150 "Findings for approval" for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.

Findings of Fact: The Project Site's General Plan Land use designation is R-MU and is located within the Ventana at Duncan Canyon Specific Plan. This request is for a drive-through land use for a standalone building. Because the site is designated R-MU, the drive through use for a standalone building is consistent with the range of uses anticipated by the General Plan. The Applicant is processing a specific plan amendment which will allow drive through uses within the specific plan with a conditional use permit. The drive through use will be conditionally permitted and subject to approval of a Conditional Use Permit. Following approval of the Specific Plan Amendment and the required Conditional Use Permit, the use will be in compliance with the Specific Plan and Municipal Code.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 11.55 acres which can accommodate the proposed drive-through. The Project will include on and off site improvements including access improvements and new utilities and will provide safe vehicular routes and safe pedestrian paths. The new drive-through use is suited for this type of development and will be conditioned to meet City performance criteria and development standards. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yards, setbacks, walls, landscaping requirements and applicable Specific Plan and Zoning and Development Code regulations.

Finding No. 3. **Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.**

Findings of Fact: Granting the permit would not be detrimental to the public or injurious to person, property, or improvements in the vicinity because there will be adequate access to and from the Project Site as well as sufficient utility services will be provided. The Applicant provide the City's Traffic Department with a queuing study which was approved, demonstrating that the Project can accommodate on-site vehicle stacking and circulation in a manner that supports safe and efficient traffic operations. The Project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety, and found to have met the requirements for all applicable building code, zoning and fire code standards.

Section 9. Conditional Use Permit Findings. The City Council hereby makes the following findings for CUP No. 26-0011 in accordance with Section 30-150 "Findings for approval" for conditional use permits of the Fontana Zoning and Development Code:

Finding No. 1. **That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, Municipal Code, General Plan and any applicable Specific Plan or Area Plan and City regulations/standards.**

Findings of Fact: The Project Site's General Plan Land use designation is R-MU and is located within the Ventana at Duncan Canyon Specific Plan. This request is for a drive-through land use for a standalone building. Because the site is designated R-MU, the drive through use for a standalone building is consistent with the range of uses anticipated by the General Plan. The Applicant is processing a specific plan amendment which will allow drive through uses within the specific plan with a conditional use permit. The drive though use will be conditionally permitted and subject to approval of a Conditional Use Permit. Following approval of the Specific Plan Amendment and the required Conditional Use Permit, the use will be in compliance with the Specific Plan and Municipal Code.

Finding No. 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

Findings of Fact: The Project Site is approximately 11.55 acres which can accommodate the proposed drive-through. The Project will include on and off-site improvements including access improvements and new utilities and will provide safe vehicular routes and safe pedestrian paths. The new drive-through use is suited for this type of development and will be conditioned to meet City performance criteria and development standards. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yards, setbacks, walls, landscaping requirements and applicable Specific Plan and Zoning and Development Code regulations.

Finding No. 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Findings of Fact: Granting the permit would not be detrimental to the public or injurious to person, property, or improvements in the vicinity because there will be adequate access to and from the Project Site and sufficient utility services will be provided. The Applicant provided the City's Traffic Department with a queuing study which was approved, demonstrating that the project can accommodate on-site vehicle stacking and circulation in a manner that supports safe and efficient traffic operations. The project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety, and found to have met the requirements for all applicable building code, zoning and fire code standards.

Section 10. Design Review Findings. The City Council hereby makes the following findings for DR No. 26-0002 in accordance with Section 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

Finding No. 1. The proposal is consistent with the General Plan, Zoning and Development Code, and specific plan.

Findings of Fact. The project consists of the construction of a 98,783 square foot retail shopping center on approximately 11.55 acres. The proposal includes an anchor grocery store, retail shops, drive-through buildings, and a gas station. The Project Site is designated R-MU under the General Plan and is located within Planning Area 4 of the Specific Plan, which allows for the proposed retail commercial development.

The Ventana Specific Plan architectural guidelines encourage the influence of Tuscan architecture. Features for the project include a smooth stucco

exterior combined with decorative brick veneer, decorative iron features, and concrete roof tiles. The variations to the building face, varying roof lines and building's height will make the project architecturally pleasing and be consistent with the surrounding area. The site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code and Ventana Specific Plan.

The Project has high quality architecture and appropriate screening comprised of screen walls and landscaping that will make for a desirable development. This Project will provide an attractive space for future commercial businesses which will support the local economy.

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 Project Site will incorporate site improvements which include new landscaping, parking, lighting, fencing, curb, gutter, and sidewalks. The Project Site is 11.55 acres in size, and is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use. The project consists of the development of a new 98,783 square foot retail shopping center. The Project improvements include sidewalks, drainage, and grading, to ensure a safe and well-design development. The Project Site is currently vacant, and the development will provide the community with safe improvements including walking sidewalks and safe vehicular circulation. Additional features such as on-site and off-site lighting and new enhanced landscape areas have been incorporated to create an attractive atmosphere. The development has been reviewed by Planning, Fire Prevention, Building and Safety, and Engineering Departments for site circulation, access, and safety and it has been determined that the Project meets the standards of the Zoning and Development Code and provides a safe design for public use and access.

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 retail shopping center which will be built in accordance with the zoning and fire codes, that will make for a safe, attractive, and well-designed Project.

Architectural relief utilized for the buildings will feature a smooth stucco coated exterior, varied roof line, metal elements, decorative lighting, and

other features appropriate to the style. The use of a variety of colors and materials such as stucco finish and stone veneer further adds architectural diversity to each building. The Project enhances the surrounding neighborhood by incorporating architectural style that complements the surrounding area. The Project Site is suitable in size and shape to support the new retail shopping center which will be built in accordance with the FMC and will result in a safe, attractive, and well-designed Project.

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

Findings of Fact: The development includes appropriate site improvements consisting of new landscaping, parking areas, sidewalks, drainage, perimeter walls lighting, and fencing all designed in compliance with the Zoning and Development Code.

Section 11. Approvals. Based on the foregoing, the City Council hereby approves CUP No.26-0001, subject to the Conditions of Approval attached hereto as “**Exhibit A**”, CUP No. 26-0002, subject to the Conditions of Approval attached hereto as “**Exhibit B**”, CUP No. 26-0003, subject to the Conditions of Approval attached hereto as “**Exhibit C**”, CUP No. 26-0011, subject to the Conditions of Approval attached hereto as “**Exhibit D**”, and Design Review No. 26-0002, subject to the Conditions of Approval, attached hereto as “**Exhibit E**” all of which are incorporated herein by this reference as though fully set forth herein.

Section 12. 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 13. Certification. The Secretary of the City Council shall certify to the adoption of this Resolution.

Section 14. Effective Date. This Resolution shall take effect thirty (30) days after the adoption of the City Council Ordinance adopting Specific Plan Amendment No. 26-0001, provided however, if the Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise do not go into effect for any reason, then this resolution shall be null and void and have no further force and effect.

Section 15. 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.

APPROVED AND ADOPTED this 14th day of July 2026.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana and Ex-Officio of the City Council do hereby certify that the foregoing resolution was duly and regularly adopted by the City Council at a regular meeting thereof, held on the 14th day of July 2026, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

Exhibit “A”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 26-0004
Conditional Use Permit No. 26-0001
Gas Station/Type 20 ABC License

DATE: July 14, 2026

LOCATION: Southwest corner of Duncan Canyon Road and John Previti Avenue (APN: 1107-262-07 and -65)

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of the final building plans prior to issuance of any building permits.
2. This Conditional Use 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.
3. 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.
4. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
5. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.

6. 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.

7. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
8. The Conditional Use 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.
9. 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.
10. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets with colors and materials that are compatible with the architecture of the building(s).
11. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.

12. The applicant shall have fully provided, constructed, or otherwise meet all Planning Department's requirements per approved plans, and shall have addressed all punch list items to the satisfaction of the Director of Planning.
13. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
14. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
15. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and conditions of this Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of the Conditional Use Permit.
16. All tobacco products shall remain under the control of the management, behind the cashier's counter.
17. If licensed premise operates twenty-four (24) hours a day, the business owner/licensee shall keep all beer and wine within a lockable, permanently affixed cooler, lockable permanently affixed display case, or under the control of the management behind the cashier's counter. The coolers and display cases shall be locked during the hours of 2 a.m. to 6 a.m. daily. Additionally, no alcoholic beverages shall be sold during the hours of 2 a.m. to 6 a.m. daily.
18. Employees engaged in the sale distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee, or management choose to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older.
19. The sale of malt liquor or fortified wine products with an alcoholic content greater than 17 percent by volume is prohibited.
20. The licensee shall not sell single bottles of wine in less than 750 milliliters containers. Specialty or dessert wines packaged in 375 milliliter bottles or more shall be permitted.
21. The sale of beer or malt beverages in single size containers less than 40 ounces is prohibited.
22. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages. (Two- Packs, Three-packs, four-packs, six-packs, etc.)
23. The licensee shall not allocate more than half of the cooler doors for the sale of alcoholic beverages. All designated coolers for alcoholic beverages shall be located furthest away from the entrance doors. Any display or storage of alcoholic beverages on the public floor area of the convenience store is prohibited. All alcoholic beverages shall be displayed in coolers, or on shelving units. All alcoholic beverages shall be stored within a storage room, only accessible to employees.
24. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the licensed premises.

25. In the event that adult merchandise (books, magazines, videos, and CDs) is offered for sale, all such merchandise shall be kept under the control of the management behind the cashier's counter and must be segregated from other reading material and screened from the view of minors.
26. On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks, and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
27. The business owner/licensee shall comply with the City False Alarm Ordinance. Excessive false alarms will require replacement of the alarm system prior to the extension of any conditional use permit.
28. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours (at 909-350-GONE) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's Graffiti Team.
29. The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
30. Sales of alcoholic beverages will be restricted to, and within the confines of, the building portion of the licensed premises.
31. A digital video surveillance system is required at the premise. It is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
32. Signs shall comply with all City of Fontana sign requirements. No more than 25% of the total window area and clear doors shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises (this applies to all windows of this location).
33. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways, and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.

34. A prominent, permanent sign or signs stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.
35. A prominent, permanent sign or signs stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the building and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches length and 14 inches in width with the print of sufficient size to make them clearly readable.
36. No electronic arcade or amusement games are permitted on the licensed premises at any time.
37. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such guards shall comply with Fontana City Code section 22-62, and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
38. The licensee shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or a responsible beverage service training (RBS) from a provider listed on the Department of Alcoholic Beverage Control's website, within six (6) months, and any employee engaged in the sale of alcohol shall attend the LEAD or RBS training within 90 days of employment.
39. The approved set of Conditions of Approval, and the ABC license shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.

SAN BERNARDINO COUNTY FIRE HAZMAT DEPARTMENT

40. Any business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
41. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>
42. Businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention,

Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be submitted via the CERS system and maintained on site.

43. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

Exhibit “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 26-0004
Conditional Use Permit No. 26-0002
Grocery Store Type 21 and Type 86 ABC License

DATE: July 14, 2026

LOCATION: Southwest corner of Duncan Canyon Road and John Previti Avenue (APN: 1107-262-07 and -65)

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The 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. 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 all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
4. 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 30-30 and 30-31 of the Municipal Code.
5. At any time, the Director of Planning may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.
6. The Conditional Use 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.
7. In addition to sign identifying the business, no sign shall be placed in or upon the window of any structure utilized for commercial purposes in the upper or lower one third of the total transparent area of any window. Window signage shall be limited to 25 percent of the total window and clear door area. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the adjacent sidewalk or entrance to the premises.
8. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and all conditions of the City of Fontana's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

9. All tobacco products shall remain under the control of the management, behind the cashier's counter.
10. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee, or management choose to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older.
11. No beer, wine or distilled spirits shall be displayed within five feet of the front door or between the register and the front door unless it is under the control of the management within locked shelving units.
12. No display or sale of beer, wine or distilled spirits, shall be made from an ice tub.
13. No alcoholic beverages shall be stored, sold or displayed (even for special events) within any aisle-way of the main sales floor or vestibule.
14. The sale of malt liquor or fortified wine products with an alcoholic content greater than 17 percent by volume is prohibited.
15. The licensee shall not sell single bottles of wine in less than 750 ml. containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
16. No distilled spirits shall be sold in bottles or containers smaller than 375 ml.
17. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.
18. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages (three-packs, four-packs, six-packs, etc.).
19. The licensee shall not allocate more than half of the cooler doors for the sale of alcoholic beverages. All designated coolers for alcoholic beverages shall be located furthest away from the entrance doors.
20. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the licensed premises.
21. On a regular and reasonable basis litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
22. The business owner/licensee shall comply with the City False Alarm Ordinances.
23. Graffiti abatement by the business owner/licensee shall be immediate and ongoing on the licensed premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee shall notify the City within 24 hours (at 909.350-GONE) of any graffiti elsewhere on the property not under the

business owner/licensee's control so that it may be abated by the property owner and/or the City's Graffiti Enforcement Team.

24. The management and employees of the licensed premise shall be required to prevent loitering in the parking lot of the site. The management and employees of the licensed premise shall regularly police the area under its control to prevent the loitering of persons about the premises.
25. Sales of alcoholic beverages will be restricted to, and within the confines of, the building portion of the licensed premises.
26. A digital video surveillance system is required at the premise. It is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
27. Signs shall comply with all City of Fontana sign requirements. No more than 25% of the total window area and clear doors shall bear advertising, signs or obstructions of any sort. Window signs or other obstructions shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises (this applies to all windows and glass doors of this location).
28. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.
29. The exterior of the licensed premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during the hours of darkness, at all entrances, sidewalks or parking surfaces, at a minimum of one foot candle of light.
30. A prominent, permanent sign or signs stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the front of the building or in the front windows of the business, and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
31. A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the front of the building or in the front windows of the business, and shall be clearly visible to patrons of the licensee. The size, format, placement and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
32. No electronic arcade or amusement games are permitted on the licensed premises at any time.

33. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall comply with Fontana City Code section 22-62, and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
34. Responsible Beverage Service Training: All persons engaged in the sale or service of alcohol shall abide by the following requirements. If compliance with Item B (AB 1221 of 2017) is achieved, the requirement for Item A is void.
35. The licensee, business owner, all managers and employees engaged in the sale of alcohol, shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or an alternative responsible beverage service training (RBS), within 90 days of employment.
36. Comply with California Assembly Bill 1221 of 2017, Responsible Beverage Service Training Act. Details can be found on the website for the California Department of Alcoholic Beverage Control.
37. The approved set of Conditions of Approval, and the ABC license shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.
38. At all times during an instructional tasting event, the instructional tasting event area shall be separated from the remainder of the off-sale licensed premises by a rope, cable, cord, or other barrier.
39. The license holder shall display signage prohibiting persons under 21 years of age from entering the instructional tasting event area.
40. No charge of any sort shall be made for tastings at instructional tasting events within the establishment.
41. A person under 21 years of age shall not serve, or be served, wine, beer, or distilled spirits at instructional tasting events within the establishment.
42. The instructional tasting events shall only take place between the hours of 10 am and 9pm, seven (7) days a week.
43. There shall be no on-sale retail sales to consumers attending the instructional tasting events within the establishment.
44. The license holder shall not permit any consumer to leave the instructional tasting area with an open container of alcohol.
45. An instructional tasting event shall be limited to a single type of alcoholic beverage. "Type of alcoholic beverage" means distilled spirits, wine, or beer.

46. A single tasting of distilled spirits shall not exceed one-fourth of one ounce and a single tasting of wine shall not exceed one ounce. No more than three tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per day. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the holder of the Type 86 license under its requisite off-sale license.
47. All tastes shall be served by an employee or the designated representative of the "authorized licensee" over the age of 21 years old.
48. Any unused wine, beer, or distilled spirits remaining from the tasting shall be removed from the off-sale license licensed premises by the "authorized licensee" or its designated representative.

Exhibit “C”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 26-0004
Conditional Use Permit No. 26-0003
Drive through (Pad A Building)

DATE: July 14, 2026

LOCATION: Southwest of Duncan Canyon Road and John Previti Avenue (APN: 1107-262-07 and -65)

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The 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. 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 all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
4. 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 30-30 and 30-31 of the Municipal Code.
5. At any time, the Director of Planning may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.
6. The Conditional Use 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.
7. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
8. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
9. All signs shall be reviewed under a separate Design Review Sign application.

10. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
11. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.
12. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.
13. The drive-through operation shall adhere to the approved traffic queuing study in the event that cars stack up outside of the designated drive-through lane.
14. The drive-through operation shall comply with the Special Use Regulations in Chapter 30 of the Municipal Code.

Exhibit “D”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 26-0004
Conditional Use Permit No. 26-00011
Drive-Through (Shops C Building)

DATE: July 14, 2026

LOCATION: Southwest corner of Duncan Canyon Road and John Previti Avenue (APN: 1107-262-07 and -65)

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The 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. 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 all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
4. 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 30-30 and 30-31 of the Municipal Code.
5. The Conditional Use 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.
6. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
7. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of the Planning Department or his/her designee.
8. All signs shall be reviewed under a separate Design Review Sign application.
9. Operation of the drive-thru shall not result in stacking of vehicles on the public streets at any time.
10. Operation of the drive-thru shall not result in stacking of vehicles in such a manner that

would result in obstruction to any access aisle of parking spaces for other tenants in the retail center, or the main drive aisles for the retail center.

11. The landlord shall stipulate in the lease for the tenant using the drive-thru land that should conflicts occur between vehicles parking and/or circulating in the parking areas and vehicles queuing for the drive-thru, staff of the drive-thru operation shall provide traffic control, take orders ahead of the menu boards, and/or utilize all require methods to eliminate those conflicts.
12. The drive-through operation shall adhere to the approved traffic queuing study in the event that cars stack up outside of the designated drive-through lane.
13. The drive-through operation shall comply with the Special Use Regulations in Chapter 30 of the Municipal Code.

Exhibit "E"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

CASE: Master Case No. 26-0004
Design Review No. 26-0002

DATE: July 14, 2026

LOCATION: Southwest corner of Duncan Canyon Road and John Previti Avenue
(APN: 1107-262-07 and -65)

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred.
 - a. This project will comply with all applicable provisions, regulations and development standards of the Fontana City Code.
 - b. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other

document evidencing the City's final inspection and acceptance of the work;
and,

c. All other Conditions of Approval imposed by this project have been fulfilled.

3. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the subject structure until corrections are approved in writing by all appropriate staff.
4. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
5. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

6. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 of the Municipal Code.
7. Color combinations and color schemes shall not be modified or changed without prior

approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.

8. 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.
9. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
10. All landscaping must be adequately maintained at all times.
11. 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.
12. The construction contractor shall use the following source controls at all times:
 - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(b7) of the Municipal Code.
 - b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - d. Have only necessary equipment onsite.
 - e. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - f. Temporarily enclose localized and stationary noise sources.
 - g. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
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 holidays. 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.
14. Historical 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.

15. The applicant shall comply with all the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP).

16. The applicant/developer shall install a full height freestanding block wall along the freeway side of the project site of any developed areas. The block wall shall be constructed per the approved fence and wall plan.

17. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide.

18. 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 of recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.

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PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

19. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
20. 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.

BUILDING & SAFETY DEPARTMENT

21. 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 Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. City of Fontana Ordinance
 - i. Disabled access for the site and building must be in accordance to the State of CA and ADA regulations.

22. This site is located in the fire area designated VHFHSZ, all structures must be constructed with ignition resistant or noncombustible materials in accordance with most current edition of the Fire Code and California Building Code including all local ordinances and standards.
23. 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.
24. 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.
25. The applicant shall verify that all lot lines, easement lines, etc. will 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.
26. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
27. The applicant shall comply with the following grading requirements:
 - a. Grading plans shall be submitted to and approved by Engineering and Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs. **(Modified at the June 16, 2026 Planning Commission hearing)**
 - b. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
 - c. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
 - d. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
 - e. No water course or natural drainage shall be obstructed.
 - f. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
 - g. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
 - h. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.
The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.

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

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

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

29. 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

30. When the entitlement review is approved submit complete construction drawings including structural calculations to Building and Safety for plan review in accordance with the current edition of the CA Building and Fire Codes including all local ordinances and standards.

ENGINEERING DEPARTMENT

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. Onsite sewer shall be privately maintained.
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 PERMITS

34. The Applicant shall obtain approval of the Preliminary Water Quality Management Plan (PWQMP) for the entire project. Approval of the PWQMP shall occur prior to submitting the Final Water Quality Management Plan.
35. The Applicant shall obtain approval of the Preliminary Drainage Study for the entire project. Approval of the Preliminary Drainage Study shall occur prior to submitting the

Final Drainage Study.

36. The Applicant shall submit engineered Rough Grading Plans and obtain full approval. Rough Grading Plans shall conform to the California Building Code, the California Residential Code, Fontana Municipal Code, and Fontana Standard Plans and Specifications.
37. The Applicant shall submit engineered Precise Grading Plans and obtain full approval. Precise Grading Plans shall conform to the California Building Code, the California Residential Code, Fontana Municipal Code, and Fontana Standard Plans and Specifications. Rough Grading Pad Certification is required to be submitted to the Engineering Department prior to precise grading permit issuance.
38. The Applicant shall prepare and obtain approval for 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 from the Preliminary WQMP must be resolved and incorporated into the Final WQMP.
39. The Applicant shall submit and obtain approval for a Final Drainage Study and comprehensive hydraulic analysis prepared in accordance with the County of San Bernardino Hydrology Manual and the City of Fontana Master Plan of Drainage. This study must resolve all outstanding comments from the preliminary report and evaluate both the project site and all affected off-site improvements.

PRIOR TO ISSUANCE OF BUILDING PERMITS

40. Address conditions of approval for PC Resolution No. 2026-003 as required and record Tentative Parcel Map No. 25-0012 (TPM 21013).
41. 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. If a CFD is not created, the project ownership shall be responsible for maintenance of all perimeter landscaping for Planning Area 4 by Property Management Association, Maintenance Agreement, or other approved association by the City.
42. As required by the City Engineer or City Traffic Engineer, dedicate an easement for traffic signal equipment at the main John Previti Avenue vehicular entrance.

PRIOR TO ISSUANCE OF OTHER CONSTRUCTION PERMITS

43. The Applicant shall record All map's, lot line adjustments, right-of-way dedications, easements, reciprocal access agreement as required for the development.
44. The Applicant shall submit and obtain full approval of engineered improvement plans. Engineered improvement plans include, but are not limited to, 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. For a full list of traffic requirements, refer to the Traffic Division's conditions of approval. All plans shall conform to City Standards and Specifications,

and as approved by the City Engineer.

PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY

45. 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 Practice transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.
46. The applicant shall construct all street, streetlight, traffic signal, signing and striping, and storm drain improvements on Duncan Canyon Road and John Previti Avenue along the project frontage in accordance with the Ventana Specific Plan and project plans. The John Previti Avenue connection to Lytle Creek Road shall be open to traffic.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

47. Complete all public improvements required of the project. Underground utilities required of the project. Ensure streetlights are energized and operating properly.
48. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
49. Slurry seal roads affected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflict with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
50. 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.
51. 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.
52. 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.
53. 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.

54. The Engineer of Record shall submit a Final Grade Certification to the City Project Engineer for each building that a Certificate of Occupancy is being requested.

ENGINEERING – TRAFFIC DEPARTMENT

55. Project ingress and egress locations and restrictions shall be as follows, with additional or lesser restrictions being necessitated subject to changes in the site plan and approval of the City Engineer:
- a. The Project may have a single ingress/egress point along Duncan Canyon Road that shall be designed, constructed, and signed to restrict ingress to right-turn inbound movements only and to restrict egress to right-turn outbound movements only.
 - b. The Project may have up to two ingress/egress points along John Previti Avenue. The northernmost access point may allow for full access (i.e., left- and right-turning inbound and outbound) movements. The southernmost access point shall be designed, constructed, and signed to restrict ingress to right-turn inbound movements only and to restrict egress to right-turn outbound movements only. The ingress and egress restrictions at the southernmost access point shall be reinforced with appropriate signage and pavement markings. The southernmost access point shall be designed, constructed, and signed to permit passenger vehicle ingress/egress only.
 - c. Should emergency vehicle access to the public Right-of-Way be required or provided, such access points shall be designed and constructed to permit emergency vehicle ingress/egress only. Regular ingress/egress shall not be permitted at emergency vehicle access points.
56. 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.
57. Pedestrian access shall be provided between the residential parcel to the south and the commercial parcel via a pedestrian paseo as identified in the Pedestrian Circulation Plan of the Ventana at Duncan Canyon Specific Plan Amendment (July 26, 2022).
58. 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.
59. 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.
60. 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.

61. 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.
62. The site plan shall identify the Americans With Disabilities Act (ADA) compliant path(s) of travel to/from the public right of way and from all ADA accessible parking spaces.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

63. The Applicant shall submit and obtain full approval of street improvement plans for all roadway improvements within the following extents, including such distance as required to tie-in to existing conditions:
 - a. Duncan Canyon Road between the I-15 Freeway Northbound Off-Ramp and John Previti Avenue
 - b. John Previti Avenue between Duncan Canyon Road and Lytle Creek Road
64. The Applicant shall submit and obtain full approval of signing and striping plans for all roadway improvements within the following extents, including such distance as required to tie-in to existing conditions:
 - a. Duncan Canyon Road between the I-15 Freeway Northbound Off-Ramp and John Previti Avenue
 - b. John Previti Avenue between Duncan Canyon Road and Lytle Creek Road
65. The Applicant shall design a raised and landscaped median along John Previti Avenue across the full length of the Project's frontage and extending 100 feet south of the southern Project boundary, except as necessary to accommodate the ingress and egress movements described in Condition 55B.
66. If Project construction or design impacts the location of traffic signal poles or other traffic signal equipment in the public right-of-way in such a manner that the equipment requires relocation, the Applicant shall provide signal modification plans, and shall be responsible for all necessary improvements associated with the modifications at the subject intersection.
67. The Project shall design and obtain full approval of a new traffic signal at the intersection of John Previti Avenue and the Commercial Driveway-Planning Area 3 Driveway.
 - a. The intersection and traffic signal shall be designed to accommodate at minimum the following lane configurations:
 - i. Northbound: One left turn lane, one through lane, and one shared through/right-turn lane
 - ii. Southbound: One left-turn lane, two through lanes, and one right-turn lane
 - iii. Eastbound: One shared left-turn/through lane and one right-turn lane
 - iv. Westbound: One shared left-/through/right-turn lane
 - b. The intersection may be required to accommodate additional or reduced lane configuration, subject to the approval of the City Engineer.
 - c. The length of each turn lane shall be of sufficient length to accommodate at minimum the vehicular queues identified in the Project's traffic analysis ("Ventana Master Plan (MCN26-0004) Focused Traffic Assessment," Urban Crossroads, Inc., March 31, 2026), subject to the approval of the City Engineer.

- d. The traffic signal shall be designed to provide sufficient line of sight for the northbound and southbound left-turn maneuvers from John Previti Avenue. If sufficient line of sight cannot be provided, the signal shall be designed to provide protected only left-turn phasing for the northbound and southbound approaches; otherwise, the signal shall be designed to provide protective-permissive left-turn phasing for the northbound and southbound approaches.
 - e. The eastbound approach shall be restricted to no right-turn maneuvers on red signal indications (No Right-Turn On Red) due to insufficient line of sight from the Project's Commercial Driveway along John Previti Avenue.
 - f. The project shall design the related signal fiber interconnect to connect this signal to the City's Traffic Management Center (TMC).
68. The Project shall design and obtain full approval of signing and striping modifications and traffic signal modifications at the intersection of John Previti Avenue and Duncan Canyon Road.
- a. The intersection and traffic signal shall be designed to accommodate at minimum the following lane configurations:
 - i. Northbound: two (2) left-turn lanes, one (1) through lane, and one (1) right-turn lane
 - ii. Southbound: two (2) left-turn lanes, two (2) through lanes, and one (1) right-turn lane
 - iii. Eastbound: one (1) left-turn lane, two (2) through lanes, and one (1) right-turn lane
 - iv. Westbound: two (2) left-turn lanes, three (3) through lanes, and one (1) right-turn lane

PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

69. The Applicant shall construct all street improvements with the following extents, including such distance as required to tie-in to existing conditions.
- a. Duncan Canyon Road between the I-15 Freeway Northbound Off-Ramp and John Previti Avenue
 - b. John Previti Avenue between Duncan Canyon Road and Lytle Creek Road
70. The applicant shall construct a raised and landscaped median along John Previti Avenue across the full length of the Project's frontage and extending 100 feet south of the southern Project boundary, except as necessary to accommodate the ingress and egress movements described in Condition 55B.
71. John Previti Avenue between Duncan Canyon Road and Lytle Creek Road shall be fully constructed and opened for public access prior to the issuance of any Certificate of Occupancy.
72. If Project construction or design impacts the location of traffic signal poles or other traffic signal equipment in the public right-of-way in such a manner that the equipment requires relocation the Applicant shall construct any necessary signal modifications, and shall be responsible for all necessary improvements associated with the modifications at the subject intersection.
73. The Applicant shall prepare and file queue management plans with the City which outlines the planned operation and management for all drive-through queues. The City

may require changes to the queue management plans in the future due to traffic operational or safety concerns.

- a. Any future change in tenant or land use that may alter demand or queuing characteristics, as determined by the City Engineer, shall require preparation of an updated drive-through queuing study and/or revisions to the queue management plan prior to Occupancy.

74. The Project shall construct a new traffic signal at the intersection of John Previti Avenue and the Commercial Driveway-Planning Area 3 Driveway. The signal shall be operational prior to the issuance of any Certificate of Occupancy.

- a. The intersection and traffic signal shall be constructed to accommodate at minimum the following lane configurations:
 - i. Northbound: One left-turn lane, one through lane, and one shared through/right-turn lane
 - ii. Southbound: One left-turn lane, two through lanes, and one right-turn lane
 - iii. Eastbound: One shared left-turn/through lane and one right turn lane
 - iv. Westbound: One shared left-/through/right-turn lane
- b. The intersection may be required to accommodate additional or reduced lane configuration, subject to the approval of the City Engineer.
- c. The length of each turn lane shall be of sufficient length to accommodate at minimum the vehicular queues identified in the Project's traffic analysis ("Ventana Master Plan (MCN26-0004) Focused Traffic Assessment," Urban Crossroads, Inc., March 31, 2026), subject to the approval of the City Engineer.
- d. The traffic signal shall be constructed to provide sufficient line of sight for the northbound and southbound left-turn maneuvers from John Previti Avenue. If sufficient line of sight cannot be provided, the signal shall be constructed to provide protected only left-turn phasing for the northbound and southbound approaches; otherwise, the signal shall be constructed to provide protective-permissive left-turn phasing for the northbound and southbound approaches.
- e. The eastbound approach shall be restricted to no right-turn maneuvers on red traffic signal indications (No Right-Turn On Red) due to insufficient line of sight from the Project's Commercial Driveway along John Previti Avenue.
- f. The project shall construct the related signal fiber interconnect to connect this signal to the City's Traffic Management Center (TMC).

75. The Project shall construct the signing and striping modifications and traffic signal modifications at the intersection of John Previti Avenue and Duncan Canyon Road. The signing and striping and signal modifications shall be installed and operational prior to the issuance of any Certificate of Occupancy.

- a. The intersection and traffic signal shall be designed to accommodate at minimum the following lane configurations:
 - i. Northbound: two (2) left-turn lanes, one (1) through lane, and one (1) right-turn lane
 - ii. Southbound: two (2) left-turn lanes, two (2) through lanes, and one (1) right-turn lane
 - iii. Eastbound: one (1) left-turn lane, two (2) through lanes, and one (1) right-turn lane
 - iv. Westbound: two (2) left-turn lanes, three (3) through lanes, and one (1) right-turn lane

76. The Project shall design and construct the signal modifications needed at the intersection of Citrus Avenue and Duncan Canyon Road to implement an eastbound

right-turn overlap phase, subject to the approval of the City Engineer. Type 15 or larger poles shall be required for any five-section signal heads. The overlap phase shall be operational prior to the issuance of any Certificate of Occupancy.

FIRE DEPARTMENT

77. 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.
78. 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.
79. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of nineteen (19) foot inside radius and forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
80. 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.
81. Water System Commercial: All water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code Chapter 5 & SBCoFD Standard W-2. The Fire Flow for this project shall be: 3,250 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 57,185 Square Foot structure.
82. Hydrant Marking: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
83. Water Improvement Plan: The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type, square foot details of the largest building,

total square foot of ALL floors in a multifloored building, square foot size of entire site, and description of what is being constructed/occupancy type. Once approved by Fire Department, applicant will provide stamped/approved W.I.P to water purveyor for their construction needs. **ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE.** California Fire Code Chapter 5.

84. 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.
85. 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.
86. Fire Sprinkler-NFPA #13D: An automatic life safety fire sprinkler system complying with NFPA 13D and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-2.
87. Hood and Duct Extinguishing system: An automatic hood and duct fire extinguishing system is required. A licensed contractor shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets 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 17A, & NFPA 96.
88. Fire Alarm, Manual or Automatic: A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, SBCFD Standard F-5, & NFPA 72.
89. 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.
90. 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

91. 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
92. 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
93. Material Identification Placards: The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. California Fire Code Chapter 50 & NFPA 704.
94. High-Piled Storage: The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division. California Fire Code Chapter 32 & SBCoFD Standard S-1.
95. 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
96. San Bernardino County Fire Standards/Codes: Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.