

**RESOLUTION NO. PC 2024-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING PURSUANT TO A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT NO. 24-003 AND DESIGN REVIEW SIGN NO. 24-004 TO CONSTRUCT AND OPERATE A NEW TWO-SIDED ELECTRONIC BILLBOARD TOTALLY APPROXIMATELY 25'-4" IN HEIGHT WITH A DISPLAY AREA OF 222.6 SQUARE FEET PER SIDE ON A 2.27 ACRE VACANT SITE ON THE NORTHEAST CORNER OF CHERRY AVENUE AND SOUTH HIGHLAND AVENUE (APN: 0228-021-46) AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION.**

**WHEREAS**, APN: 0228-021-46, a 2.27 acre City-owned parcel located at the northeast corner of Cherry Avenue and South Highland Avenue ("Project Site"), was annexed from San Bernardino County and incorporated into the City of Fontana on November 2, 1973; and

**WHEREAS**, on April 10, 2012, the City Council of the City of Fontana ("City Council") adopted Ordinance No. 1657 amending the Fontana Municipal Code ("FMC") section pertaining to billboards and billboard relocation agreements; and

**WHEREAS**, on March 26, 2013, the City Council approved a Billboard Relocation Agreement with Lamar Advertising ("Applicant"). The terms of the agreement were for the removal of 12 static (print) billboards and the installation of four (4) new electronic billboards; and

**WHEREAS**, on September 24, 2013, the City Council approved an Amended and Restated Billboard Relocation Agreement with Lamar Central Outdoor, LLC to amend milestone deadlines and sign locations; and

**WHEREAS**, on October 7, 2014, the City of Fontana Planning Commission ("Planning Commission") approved Conditional Use Permit Nos. 14-010 and 14-011 for the development of one-sided billboards at 10312 Almond Avenue and 16368 Boyle Avenue. Both signs are adjacent to the I-10 freeway; and

**WHEREAS**, on August 11, 2020, the City Council approved an Amendment to the First Amendment and Restated Billboard Relocation Agreement ("Agreement") with Lamar Central Outdoor, LLC (also known as Lamar Advertising) to amend the effective date and term of the agreement as well as to allow for the removal and replacement of additional billboards; and

**WHEREAS**, on August 11, 2020, the City Council approved Resolution No. 2020-122 for three (3) property leases for new billboards; and

**WHEREAS**, on October 18, 2022, the Planning Commission approved a Conditional Use Permit and Design Review Sign for each of three (3) sites for new double-

sided electronic billboards; and

**WHEREAS**, on February 6, 2024, the Planning Commission considered and adopted a mitigated negative declaration (“MND”) for the Fire Station 80 and Training Center (“Fire Station Project”), a project including a 14,663 square foot fire station, a 4,193 square foot training center and a 7,000 square foot training tower within the Westgate Specific Plan at Cherry Avenue and South Highland Avenue, and approved the Administrative Site Plan for the construction of the Fire Station Project; and

**WHEREAS**, on January 22, 2024, the City of Fontana (“City”) received an application from Applicant for Conditional Use Permit (CUP) No. 24-003 and Design Review Sign (DRS) No. 24-004 to construct and operate a new two-side electronic billboard on the Fire Station Project site ; and

**WHEREAS**, billboard would function as an small accessory structure on the Fire Station Project site and would be located in an area that be developed with ornamental landscaping along the front yard area; and

**WHEREAS**, the pursuant to the California Environmental Quality Act and the 2019 Local Guidelines for Implementing CEQA, staff evaluated the previously adopted Fire Station Project MND and determined that there are no substantial changes to the Fire Station Project and/or circumstances that would result in new significant environmental impacts or a substantial increase in severity of significant impacts already identified in the previous Mitigated Negative Declaration; and

**WHEREAS**, the current Agreement requires Applicant to remove existing billboards and replace the billboards at a ratio of three-to-one (3:1); and

**WHEREAS**, pursuant to the Agreement and Section No. 30-764 of the FMC, a conditional use permit and a design review sign are required to construct and operate a billboard; and

**WHEREAS**, Conditions of Approval are attached hereto as Exhibit “A” and for CUP No. 24-003 and Exhibit “B” for DRS No. 24-004 and incorporated herein; 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 of the notices required by statute and the FMC have been given as required; and

**WHEREAS**, the owners of property within 660 feet of the Project Site were notified via public hearing notice mailer prior to the public hearing, a notice of the public hearing was published in the local *Fontana Herald* newspaper on Friday, September 20, 2024, and posted at City Hall and onsite at the Project Site; and

**WHEREAS**, on October 1, 2024, a duly noticed public hearing on CUP No. 24-003 and DRS No. 24-004 was held by the City of Fontana Planning Commission (“Planning

Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

**WHEREAS**, on October 1, 2024, the Planning Commission carefully considered all information, evidence and testimony presented at its public hearing on CUP No. 24-003 and DRS No. 24-004; and

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

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

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

**Section 2. CEQA.** As the decision-making body for the Project, the Planning Commission has reviewed and considered the Fire Station Project MND any oral or written comments received, and the administrative record prior to making any decision on the Project. The Planning Commission finds that the Fire Station Project MND contains a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further directs staff to file a Notice of Determination.

**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 Fire Station Project MND, and all related information presented to the Planning Commission, the Commission finds pursuant to Public Resource Code section 15162 that the preparation of a subsequent or supplemental MND or 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 Fire Station Project MND 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 Fire Station Project MND 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 been known with the exercise of reasonable diligence at the time the Fire Station Project MND documents were certified showing any of the following:
  - (i) The Proposed Project would have one or more significant effects not discussed in the MND;

- (ii) That significant effects previously examined would be substantially more severe than shown in the MND;
- (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 different 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 administrative record, the Fire Station Project MND, and all written and oral evidence presented to the Planning Commission, the Commission finds that all environmental impacts of the Proposed Project have been addressed within the Fire Station Project MND. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Proposed Project may result in any significant environmental impacts beyond those analyzed in the Fire Station Project MND.

**Section 5. Conditional Use Permit Findings.** The Planning Commission hereby makes the following findings for CUP No. 24-003 in accordance with Section 30-150 “Findings for approval of Conditional Use Permit” of the Fontana Zoning and Development Code:

Finding No. 1:       **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, any applicable specific plan or area plan, and City regulations/standards.**

Finding of Fact:     The Project Site is located in Planning Area 29 of the West Gate Specific Plan. It is further designated as the Mixed Use-1 (MU-1) land use type. The MU-1 designation provides for a broad range of business, commercial retail, medical, educations, entertainment, commercial services, and other complementary uses. The electronic billboard is allowed in connection with a billboard relocation agreement and is suitable for the land use designation and for the future use of the Project Site. The electronic billboard is an allowed sign type with the approval of a conditional use permit, per the Zoning and Development Code and the existing Agreement between the City and the Applicant. The electronic billboard meets all the standards, requirements and limits included in the Agreement.

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.**

Finding of Fact: The site is approximately 2.3 acres in size and is located on the northeast corner of Cherry Avenue and South Highland Avenue. The site is currently vacant but a new fire station and training center will be constructed on the site. Once the site is developed, vehicular access will be provided via Cherry Avenue. Maintenance vehicles will utilize the parking area to access the sign. The billboard will not overhang the public right-of-way or impede on its use.

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.**

Finding of Fact: The billboard will not be detrimental to the public interest, health, safety, convenience or welfare. The existing Agreement between the City and the Applicant stipulates operating standards and those standards are included as conditions of approval in Exhibit B. Similarly, the Applicant voluntarily agreed to limit content and advertising that may be found offensive or egregious. Those limits have also been included in the condition of approval.

**Section 6. Findings for Design Review Sign.** The Planning Commission hereby makes the following findings for DRS No. 24-004 in accordance with Section 30-728.B of the Fontana Zoning and Development Code:

Finding No. 1: **The sign complies with the standards of this article and any applicable specific plan or precise development plan.**

Findings of Fact: The Project Site is located in Planning Area 29 of the West Gate Specific Plan. It is further designated as the Mixed Use-1 (MU-1) land use type. The MU-1 designation provides for a broad range of business, commercial retail, medical, educations, entertainment, commercial services, and other complementary uses. The electronic billboard is allowed in connection with a billboard relocation agreement and is suitable for the land use designation and for the future use of the Project Site. The electronic billboard is an allowed sign type with the approval of a conditional use permit, per the Zoning and Development Code and the existing Agreement between the City and the Applicant. The electronic billboard meets

all the standards, requirements and limits included in the Agreement.

Finding No. 2: **The sign is in substantial compliance with the design principles outlines in Section 30-727;**

Findings of Fact: The electronic billboard will be used for advertising goods, services and events. The design of the electronic billboard will be in compliance with the design principles as outlined in the Zoning and Development Code. Therefore, the sign will be in compliance with the Zoning and Development Code.

Finding No. 3: **The sign will not impair pedestrian and vehicular safety from the right-of-way; and**

Findings of Fact: The two-sided electronic billboard will not overhang the public right-of-way because the vertical clearance is 15 feet above the finished grade (ground). It will not be installed over the public right-of-way and will not impede on pedestrian or vehicular use of the right-of-way. The sign is conditioned to not include rapid blinking or flashing and to have light shielding mechanisms as to not be a distraction to drivers.

Finding No. 4: **The sign's design or proposed construction will not threaten the public health, safety, or welfare.**

Finding of Fact: The design of the sign will not be harmful or alter the essential character of the area in which property is located. The Project Site is located along two major streets with vacant properties to the south, east and west. The 210 freeway is located immediately north of the site. The sign and its design will be complementary to the previously-approved fire station and training center that will be constructed in the future. Furthermore, the sign will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City. Conditions of Approval have been placed upon the project which are intended to help reduce and remove any negative impacts on the health, safety, and community welfare of the surrounding community.

**Section 7. Approval.** Based on the foregoing, the Planning Commission hereby approves CUP No. 24-003 and DRS No. 24-004, subject to the Conditions of Approval, which are attached hereto as "Exhibit A" and "Exhibit B" and incorporated herein by this reference as though fully set forth herein.

**Section 8. 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 9. Certification.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 10. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 11. Severability.** If any provision of this Resolution or the application of any provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this **1st day of October 2024**.

**City of Fontana**

---

Cathline Fort, Chair

**ATTEST:**

I, Ricardo Quintana, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 1st day of October 2024, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Ricardo Quintana, Secretary

**EXHIBIT “A”**



**CITY OF FONTANA**

**CONDITIONS OF APPROVAL**

**CASE:** Conditional Use Permit No. 24-003  
Master Case No. 24-006

**DATE:** October 1, 2024

**LOCATION:** The project is on the southwest corner of Cherry Avenue and South Highland Avenue at 3583 Cherry Avenue (APN: 0228-021-46)

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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



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

3. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
4. This approval shall become null and void two 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 Department inspection, has commenced within this period.
5. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code and Billboard Relocation Agreement.
6. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays.
7. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit; the request shall be in writing accompanied with a W-9 tax form. The request shall be submitted to the Planning Department.
8. The proposed sign shall not impede the line of sight.
9. The applicant shall execute a property lease agreement and amend the current billboard relocation agreement to include the approved billboard sign prior to the issuance of building permits.
10. The electronic billboard shall contain automatic dimmers that maintain brightness at a level of 3-foot candles over ambient light at 250 feet and shall be equipped with a mechanism to monitor its brightness.

11. Advertising displayed on the electronic billboard shall comply with the following:
- a. Advertising for adult entertainment, including, but not limited to, topless bars, nightclubs, or establishment that feature nude dancing, or mud wrestling; advertisement for any adult business feature sales of adult novelty items, books, magazines, videos or tapes, advertising with any materials, image, or content that could reasonably be considered sexually explicit or pornographic shall be prohibited.
  - b. Advertising that advertises any Adult Oriented Business, displays “Specified Anatomical Areas”, or displays “Specified Sexual Activities”, as those terms are defined in the City’s Adult Business Ordinance shall be prohibited.
  - c. Advertising that contains references to, or pictures of alcohol (other than beer or wine), tobacco products, or cannabis shall be prohibited.
  - d. Advertising that supports or opposes a candidate, issue or cause, or that advocates or opposes a religion, or belief shall be prohibited.
  - e. Advertising that the City Engineer determines is likely to interfere with, mislead or distract traffic or conflict with any traffic control system or traffic circulation shall be prohibited.
  - f. Advertising that contains false or misleading information shall be prohibited.
  - g. Advertising that depicts violence, anti-social behavior, or illegal behavior shall be prohibited.
  - h. Advertising that holds up an individual or groups of people to public ridicule, derision, or defames any individual or group shall be prohibited.
  - i. Advertising that is obscene, profane or vulgar shall be prohibited.
  - j. Company shall operate in compliance with the requirements of the Outdoor Advertising Act and the Outdoor Advertising Association of America’s Code of Industry Principles.
  - k. Company shall include in its advertising lease agreements and any other agreements related to the relocated billboard, provisions that require compliance with the existing Billboard Relocation Agreement and the conditions of approval and prohibiting objectionable advertising (as detailed in Condition No. 10a – 10j. Such provisions will allow Company to cancel such agreements and allow Company to immediately remove illegal or objectionable advertising upon receipt of notice from the City of Fontana.

12. The City of Fontana shall be entitled to place public service announcement and/or display messages and information regarding public events and other matters of public interest on the electronic billboard on a space available basis provided, however, that such public service announcement shall be limited to non-profit public service messages. The City of Fontana shall submit all City messages and information in writing to the Company, and the Company shall cause such messages and information to appear on the billboard within two (2) business days following the date of submission.
13. The Company shall cooperate with the City of Fontana to post emergency service announcement on the billboard in a timely manner.
14. Each message on the electronic billboard shall be displayed for no fewer than eight (8) consecutive seconds, and shall not flash, blink, flutter or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). The transition or blank screen time between one display message and the next shall not exceed one (1) second. The electronic billboard shall not simulate motion or be considered as “animated” in any way. There shall be no flashing or scrolling of messages.

**END OF CONDITIONS OF APPROVAL**

**EXHIBIT "B"**



**CITY OF FONTANA**

**CONDITIONS OF APPROVAL**

**CASE:** Design Review Sign No. 24-004  
Master Case No. 24-006

**DATE:** October 1, 2024

**LOCATION:** The project is on the southwest corner of Cherry Avenue and South Highland Avenue at 3583 Cherry Avenue (APN: 0228-021-46)

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - C. 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
  - D. All other Conditions of Approval imposed by this project have been fulfilled.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

3. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
4. This approval shall become null and void two 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 Department inspection, has commenced within this period.
5. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
6. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays.
7. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit; the request shall be in writing accompanied with a W-9 tax form. The request shall be submitted to the Planning Department.
8. The applicant shall execute a property lease agreement and amend the current billboard relocation agreement to include the approved billboard sign prior to the issuance of building permits.
9. The billboard sign shall not impede the line of sight.
10. The billboard sign shall not impede on the public right-of-way unless otherwise approved by the City Engineer.
11. The billboard sign shall not exceed 25'-4" in height as measured from the finished grade of the subject site.

12. The sign area on the billboard sign shall not exceed 210 square feet per side of the billboard.
13. Upon discovery of any cultural tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural tribal 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 other parts of the project while evaluation takes place.

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.

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.

14. The construction contractor will use the following source controls at all times:
  - A. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday.
  - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - D. Have only necessary equipment onsite.
  - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also

use the following path controls, except where not physically feasible, when necessary:

- i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - ii. Temporarily enclose localized and stationary noise sources.
15. The electronic billboard shall not overhang on to any State Highway, or other public rights-of-way or property lines.
16. The electronic billboard shall contain automatic dimmers that maintain brightness at a level of 3-foot candles over ambient light at 250 feet and shall be equipped with a mechanism to monitor its brightness.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

17. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

18. Development fees and Planning Division final inspection fee must be paid prior to Certificate of Occupancy.
19. 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 Community Development.

**BUILDING & SAFETY:**

20. Shall comply 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
21. Signs shall be required to be designed to withstand Fontana's 129 mph wind load.
22. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

23. All signs shall be Underwriters Laboratories approved (or equal).
24. Permits are required prior to the removal and/or demolition of structures.
25. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

#### **ENGINEERING LAND DEVELOPMENT**

26. 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 CONSTRUCTION PERMITS***

27. The Applicant is required to secure Fontana Engineering Capital Improvement Program (CIP) approval for the final placement of the digital billboard sign. The positioning of the proposed digital billboard sign must be determined in conjunction with its ultimate location, as specified in the approved plans for both the Raise Fontana Grant Project and the Fontana Fire Station No. 80 Training Center project.
28. The applicant shall ensure that the design of the driveway and intersection provides adequate sight distances, both horizontally and vertically, at all ingress/egress locations, considering potential obstructions such as walls, landscaping, grading, and vegetation. All sight distance requirements shall comply with the standards set forth in the American Association of State Highway and Transportation Officials (AASHTO) Green Book, current edition.
29. The Applicant shall record All map's, lot line adjustments, right-of-way dedications, easements, reciprocal access agreement as required for this development including ultimate right-of-way.
30. The Applicant must submit grading/building plans to the Building and Safety Department, demonstrating coordination with both street improvements and onsite improvements. These plans must receive full approval. All required public improvements, including but not limited to utility permits, traffic control plans, (if necessary), must be secured. All plans must adhere to City Standards and Specifications, as approved by the City Engineer.
31. The Applicant shall submit with the building and safety Department grading/ building plans to show coordination with street and onsite improvements and obtain full approval. All required public improvements, including but not limited to utility permits, traffic control plans, and detour plans, must be submitted to and approved by the Engineering Department. All public improvement plans shall conform to City Standards and Specifications, and as approved by the City Engineer.



*PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY*

32. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
33. The Surveyor of Record shall replace any existing survey monuments damaged or removed during construction.
34. In the event that any utility removal or replacement becomes necessary, the applicant shall conduct a subsequent video inspection of the repair and submit it to the City Inspector for approval.

**END OF CONDITIONS OF APPROVAL**