

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Next Reso. No. PFA 2025-001

Tuesday, April 22, 2025

2:00 PM

Grover W. Taylor Council Chambers

Public Financing Authority

*John B. Roberts - Chairperson
Phillip Cothran - Vice Chairperson
Peter A. Garcia - Authority Member
Jesus "Jesse" Sandoval - Authority Member
Acquanetta Warren - Authority Member
Janet Koehler-Brooks - City Treasurer
Germaine Key - Agency Secretary*

Welcome to the Meeting!

Welcome to the City of Fontana meeting. Meetings are held at the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Council, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act of 1990 (42 USC § 12132), the Council Chambers is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires accommodation to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office.

Para traducción en Español, comuníquese con la oficina, "City Clerk" al (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a metal detector screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

CALL TO ORDER/ROLL CALL:

A. Call the Meeting to Order

PUBLIC COMMUNICATIONS:

This is an opportunity for citizens to speak to the members of the meeting for up to 3 minutes on items not on the Agenda, but within the Authority's jurisdiction. The Authority is prohibited by law from discussing or taking immediate action on non-agendized items.

A. Public Communications

CONSENT CALENDAR:

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below - there will be no separate discussion on these items prior to the time they are voted on, unless a member requests a specific item be removed from the Consent Calendar for discussion.

A. Approval of Minutes

[25-0167](#)

Approve the minutes of the January 23, 2024, Regular Public Financing

Authority Meeting.

Attachments: [Attachment 1 - Public Financing Authority Meeting Minutes 01-23-2024.pdf](#)

B. Adopt a Resolution of the Fontana Public Financing Authority of the City of Fontana, California, Approving, Pursuant to the Certified Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) and Adopted Addendum, the Conveyance of that Certain Real Property Located at Live Oak Avenue, West of Old Live Oak Avenue in the City of Fontana, to the City of Fontana **[21-3506](#)**

1. Adopt **Resolution No. PFA 2025-001**, approving, pursuant to the certified Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) and adopted addendum, the conveyance of that certain real property located at Live Oak Avenue, west of Old Live Oak Avenue in the City of Fontana, to the City of Fontana and directing staff to file a Notice of Determination.
2. Provide the Executive Director with the authority to take all necessary actions to ensure the successful execution and completion of the conveyance of that certain real property located at Live Oak Avenue, west of Old Live Oak Avenue in the City of Fontana, from the Fontana Public Financing Authority to the City of Fontana.

Attachments: [Attachment No. 1 - FPFA Resolution for conveyance of Live Oak to City-c1.docx](#)
[Attachment No. 2 - Exhibit A - Resolution 2023-085.pdf](#)
[Attachment No. 3 - Exhibit B - Legal Description.pdf](#)
[Attachment No. 4 - Exhibit C - Fontana Public Financing Authority Grant Deed to City.docx](#)
[Attachment No. 5 - Exhibit - Lot 28 of Tract 12064-2.pdf](#)
[Attachment No. 6 - Exhibit - Plat of Area to be Declared Right-of-Way.pdf](#)

EXECUTIVE DIRECTOR'S COMMUNICATIONS:

A. Executive Director's Communications

ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:

A. Elected Officials Communications/Committee Reports

ADJOURNMENT:

A. Adjournment

Adjourn to the next Regular Public Financing Authority Meeting at 2:00 p.m. in the Grover

W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Public Financing Authority

File #: 25-0167

Agenda #: A.

Agenda Date: 4/22/2025

Category: Consent Calendar

FROM:

City Clerk

SUBJECT:

Approval of Minutes

RECOMMENDATION:

Approve the minutes of the January 23, 2024, Regular Public Financing Authority Meeting.

COUNCIL GOALS:

- To create a team by working together to provide stability and consistent policy direction.
- To create a team by communicating Goals and Objectives to all sectors of the community.

DISCUSSION:

The Public Financing Authority will consider approval of the minutes of the January 23, 2024, Regular Public Financing Authority Meeting. The draft minutes are attached to this report for Authority review and approval.

FISCAL IMPACT:

None.

MOTION:

Approve staff recommendation.

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, January 23, 2024

2:00 PM

Grover W. Taylor Council Chambers

Public Financing Authority

*John B. Roberts - Chairperson
Phillip Cothran - Vice Chairperson
Peter A. Garcia - Authority Member
Jesus "Jesse" Sandoval - Authority Member
Acquanetta Warren - Authority Member
Janet Koehler-Brooks - City Treasurer
Germaine Key - Agency Secretary*

CALL TO ORDER/ROLL CALL:

A. 2:00 P.M. Call the Meeting to Order:

A Regular Meeting of the Fontana Public Financing Authority was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, January 23, 2024.

Chairperson Roberts called the meeting to order at 2:00 p.m.

ROLL CALL:

PRESENT: Chair Roberts, Vice-Chair Garcia, Authority Members Cothran, Sandoval and Warren.

Absent: None

Agency Secretary Key and City Treasurer Koehler- Brooks were also in attendance.

PUBLIC COMMUNICATIONS:

A. Public Communications

There were no public communications received.

CONSENT CALENDAR:

ACTION: Motion was made by Chair Roberts, seconded by Authority Member Garcia, and passed unanimously by a vote of 5-0 to approve Consent Calendar Item "A." The motion carried by the following vote: **AYES:** Warren, Garcia, Cothran, Roberts and Sandoval; **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

A. Approval of Minutes

21-2726

Approve the minutes of the January 24, 2023, Regular Public Financing Authority Meeting.

NEW BUSINESS:

A. Appointment of Chairperson and Vice-Chairperson of the Fontana Public Financing Authority 21-2719

Adopt **Resolution No. PFA 2024-001**, appointing a Chairperson and a Vice-Chairperson of the Fontana Public Financing Authority for a term of one year.

ACTION: Motion was made by Authority Member Warren, seconded by Authority Member Garcia, and passed by a vote of 5-0 to approve New Business Item “A” as follows:

Appoint John Roberts as Chairperson for a term of one-year

Appoint Phillip Cothran as Vice-Chairperson for a term of one-year

The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

EXECUTIVE DIRECTOR'S COMMUNICATIONS:

A. Executive Director's Communications

No Executive Director’s Communications were received.

ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:

A. Elected Officials Communications/Committee Reports

No Elected Officials Communications were received.

ADJOURNMENT:

A. Adjournment

Chair Roberts adjourned the meeting at 4:01 pm.

John Roberts
Chair

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA PUBLIC FINANCING AUTHORITY BOARD ON APRIL 22, 2025.

Germaine Key
Authority Secretary



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Public Facilities Financing Authority

File #: 21-3506

Agenda #: B.

Agenda Date: 4/22/2025

Category: Consent Calendar

FROM:

Engineering

SUBJECT:

Adopt a Resolution of the Fontana Public Financing Authority of the City of Fontana, California, Approving, Pursuant to the Certified Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) and Adopted Addendum, the Conveyance of that Certain Real Property Located at Live Oak Avenue, West of Old Live Oak Avenue in the City of Fontana, to the City of Fontana

RECOMMENDATION:

1. Adopt **Resolution No. PFA 2025-001**, approving, pursuant to the certified Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) and adopted addendum, the conveyance of that certain real property located at Live Oak Avenue, west of Old Live Oak Avenue in the City of Fontana, to the City of Fontana and directing staff to file a Notice of Determination.
2. Provide the Executive Director with the authority to take all necessary actions to ensure the successful execution and completion of the conveyance of that certain real property located at Live Oak Avenue, west of Old Live Oak Avenue in the City of Fontana, from the Fontana Public Financing Authority to the City of Fontana.

COUNCIL GOALS:

- To invest in the City's infrastructure (streets, sewers, parks, etc.) by maintaining and improving the city's existing infrastructure.
- To invest in the City's infrastructure (streets, sewers, parks, etc.) by providing for the development of new infrastructure.

DISCUSSION:

In December 1981, the Fontana City Council certified the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) ("Southridge EIR").

On June 20, 2023, the City's Planning Commission adopted a resolution approving General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map 20565, Tentative Tract Map 20568, Design Review No. 22-043 and Administrative Site Plan No. 23-014 for the Heights at Southridge project ("Project").

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act ("CEQA") Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines, the City Council

adopted an Addendum to the Southridge EIR on July 25, 2023.

On July 25, 2023, the City Council adopted Resolution 2023-085 approving the General Plan and Specific Plan amendments, Tentative Parcel and Tract Maps, Design Review and Administrative Site Plan for the Project. The tract map includes a condition of approval that requires an improved right of way to be dedicated to the City based on the new configuration of Old Live Oak Avenue, which traverses the northwest corner of Southridge Park.

Southridge Park consists of several lots, some of which are owned by the Fontana Public Financing Authority ("FPFA"). The subject right-of-way is over one of the lots owned by the Fontana Public Financing Authority. To proceed with construction of the improved right-of-way, the City must obtain title to the lot and declare a portion of the lot a public right-of-way to allow for the construction of a new public roadway and provide public utility access to the property, and, pursuant to the Streets and Highways Code Section 1806, accept the realigned Old Live Oak Avenue into the City's street system when construction is complete and complies with City standards. Conveying the parcel to the City by grant deed in fee simply would allow for the City to proceed with the aforementioned course of action ("Proposed Project").

Based on the Southridge Village Specific Plan FEIR and Addendum, and pursuant to State CEQA Section 15164, staff recommends that preparation of a subsequent or supplemental EIR is not required for the Proposed Project, as all environmental impacts of the Proposed Project have been addressed within the Southridge Village Specific Plan FEIR and the Addendum, there are no new or additional mitigation measures or alternatives are required, and 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 Southridge Village Specific Plan FEIR and Addendum.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this item.

MOTION:

Approve staff recommendation.

RESOLUTION NO. PFA 2025-001

RESOLUTION OF THE FONTANA PUBLIC FINANCING AUTHORITY OF THE CITY OF FONTANA, CALIFORNIA, APPROVING, PURSUANT TO THE CERTIFIED SOUTHRIDGE VILLAGE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT NO. 81-3 (SCH NO. 81052210) AND ADOPTED ADDENDUM, THE CONVEYANCE OF THAT CERTAIN REAL PROPERTY LOCATED AT LIVE OAK AVENUE WEST OF OLD LIVE OAK AVENUE, IN THE CITY OF FONTANA, TO THE CITY OF FONTANA

WHEREAS, in December 1981, the Fontana City Council (“City Council”) certified the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (SCH No. 81052210) (“Southridge EIR”) and, pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (“CEQA”) Guidelines and Section 8.06 of the City of Fontana’s 2019 Local CEQA Guidelines on July 25, 2023, the City Council adopted an Addendum to the Southridge EIR; and

WHEREAS, on July 25, 2023, the City Council adopted Resolution Number 2023-085, attached hereto as Exhibit A and incorporated herein, approving general and specific plan amendments, a tentative parcel map, tentative tract maps, a design review, and an administrative site plan for the Southridge Project; and

WHEREAS, Resolution Number 2023-085 included a condition of approval that required an improved right-of-way be dedicated to the City of Fontana (“City”) based on the new configuration of Old Live Oak Avenue which traverses the northwest corner of Southridge Park; and

WHEREAS, the Fontana Public Financing Authority (“FPFA”) owns that certain real property situated in the City of Fontana, as more particularly described on Exhibit B, and incorporated herein by this reference (“Property”), and a portion of such Property is subject to the condition of approval for an improved right-of-way as mandated in Resolution 2023-085; and

WHEREAS, the FPFA desires to grant the Property to the City in fee simple as indicated by the grant deed, that is attached hereto as Exhibit C and incorporated herein by this reference, for the purpose of facilitating the expedited construction of the improved right-of-way on the Property (“Proposed Project”).

NOW, THEREFORE, BE IT RESOLVED by the FPFA of the City of Fontana, California, as follows:

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

Section 2. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Fontana Public Financing Authority has reviewed and considered the Southridge Village Specific Plan FEIR and adopted Addendum, any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Fontana Public Financing Authority finds that the adopted Addendum and Southridge Village Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Proposed Project.

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 Southridge Village Specific Plan FEIR, the adopted Addendum, and all related information presented to the Fontana Public Financing Authority, the Commission finds, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, that the adopted Addendum to the Southridge Village Specific Plan FEIR is the appropriate document for the Proposed Project. The Fontana Public Financing Authority further finds that the preparation of a subsequent or supplemental EIR is not required for the Proposed Project.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Southridge Village Specific Plan FEIR and all written and oral evidence presented to the Fontana Public Financing Authority, the Authority finds that all environmental impacts of the Proposed Project have been addressed within the Southridge Village Specific Plan FEIR and the Addendum, that no new or additional mitigation measures or alternatives are required, and 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 Southridge Village Specific Plan FEIR. The Fontana Public Financing Authority finds that the adopted Addendum and Southridge Village Specific Plan FEIR 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 Fontana Public Financing Authority.

Section 5. Approvals. The FPFA hereby approves the conveyance of fee simple for the Property to the City as indicated by grant deed that is attached hereto as Exhibit C and directs staff to file a Notice of Determination.

Section 6. Effective Date. This Resolution shall become effective immediately.

Section 7. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 8. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 9. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

APPROVED AND ADOPTED this 22nd day of April, 2025.

READ AND APPROVED AS TO LEGAL FORM:

Agency Attorney

I, Germaine Key, Agency Secretary of the Fontana Public Financing Authority, do hereby certify that the foregoing Resolution is the actual resolution that was duly and regularly adopted by Fontana Public Financing Authority at a regular meeting on the 22nd day of April, 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Agency Secretary
Fontana Public Financing Authority

Chairperson
Fontana Public Financing Authority

ATTEST:

Agency Secretary

EXHIBIT "A"

RESOLUTION NO. 2023-085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA APPROVING, PURSUANT TO SECTIONS 15162 AND 15164 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND SECTION 8.06 OF THE CITY OF FONTANA'S 2019 LOCAL CEQA GUIDELINES AN ADDENDUM TO THE SOUTHRIDGE VILLAGE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT NO. 81-3 (STATE CLEARINGHOUSE [SCH] NO. 81052210), GENERAL PLAN AMENDMENT NO. 22-008 (PART NO. 2 OF GENERAL PLAN AMENDMENT CYCLE NO. 3 OF 2023) AMENDING THE GENERAL PLAN LAND USE DESIGNATION ON APPROXIMATELY 58 ADJUSTED GROSS ACRES FOR (APNS: 0237-411-13, -14, AND -27, 0237-201-27, 0237-441-01 THROUGH -19), FOR SITE NO. 1 FROM RECREATIONAL FACILITIES (P-R) TO MEDIUM DENSITY RESIDENTIAL (R-M), SITE NO. 2 FROM OPEN SPACE (OS) TO MEDIUM DENSITY RESIDENTIAL (R-M), SITE NO. 3 FROM OS TO GENERAL COMMERCIAL (C-G), SITE NO. 4 FROM C-G TO PUBLIC FACILITIES (P-PF), AND SITE NO. 5 FROM OS TO RESIDENTIAL PLANNED COMMUNITY (R-PC), AND APPROVING SPECIFIC PLAN AMENDMENT NO. 22-004 TO AMEND PLANNING AREA 56 FROM BIRD FARM (BF) AND PLANNING AREA 66A FROM QUARRY (Q) TO ENTRY ESTATES/DUPLEX, WHICH IS A MEDIUM DENSITY RESIDENTIAL LAND USE CATEGORY WITH A MAXIMUM DENSITY OF 8 DWELLING UNITS PER ACRE, TENTATIVE PARCEL MAP NO. 20565 (TPM NO. 22-018) TO SUBDIVIDE TWO EXISTING PARCELS INTO FOUR PARCELS, TENTATIVE TRACT MAP NO. 20568 (TTM NO. 22-007) TO DIVIDE ONE EXISTING LOT INTO 255 LOTS FOR CONDOMINIUM PURPOSE AND DESIGN REVIEW NO. 22-043 AND ADMINISTRATIVE SITE PLAN REVIEW NO. 23-014 FOR THE DEVELOPMENT OF 255 CONDOMINIUM UNITS (147 DETACHED CLUSTER HOMES UNITS AND 108 DETACHED STUB DRIVE UNITS), WITH VARIOUS AMENITIES AND A PUBLIC PARK SITE WITHIN A 37.32-ACRE SITE AND ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS.

WHEREAS, the City of Fontana General Plan was adopted by the City Council on November 13, 2018, and the City of Fontana Housing Element was adopted by the City Council on February 8, 2022; and

WHEREAS, on July 5, 2022, the applicant, NH Southridge LLC, submitted a request for a General Plan Amendment No. 22-008 to change the land use designation for the following five sites that a part of the Southridge Village Specific Plan; Site No. 1 from Recreational Facilities (P-R) to Medium Residential (R-M), Site No. 2 from Open Space (OS) to Medium Density Residential (R-M), Site No. 3 from OS to General Commercial (C-G), Site No. 4 from C-G to Public Facilities (P-PF), and Site No. 5 from

Resolution No. 2023-085

OS to Residential Planned Community (R-PC) on approximately 58 adjusted gross acres (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19) as shown on **Exhibit "A"** (Attached hereto as **Exhibit "A"** and incorporated herein by this reference); to amend Specific Plan Amendment No. 22-004 for Planning Area 56 from Bird Farm (BF) and Planning Area 66A from Quarry (Q) to Entry Estates/Duplex (Medium Density Residential) land use category; to modify Tentative Parcel Map No. 20565 (TPM No. 22-018) to divide the two existing parcels into four parcels; to modify Tentative Tract Map No. 20568 (TTM No. 22-007) to divide one lot into 255 lots for condominium purpose, and Administrative Site Plan No. 23-014, to construct a future public park, and Design Review No. 22-043 for the development of 255 condominium units (consisting of 147 detached Cluster Homes units and 108 detached Stub Drive units), with various amenities and a public park within a 37.32 acre site and associated on-site and off-site improvements; and

WHEREAS, the residential development site includes two parcels that was annexed from San Bernardino County into the City of Fontana on January 17, 1970; and

WHEREAS, pursuant to Section 5.11 (Amendment Procedures) of the Southridge Village Specific Plan, the City Council can adopt a resolution to approve a specific plan amendment; and

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

WHEREAS, on June 20, 2023, the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held on The Height at Southridge Project (State Clearinghouse No. 81052210), General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map No. 20565 (TPM No. 22-018), Tentative Tract Map No. 20568 (TTM No. 22-007), Administrative Site Plan No. 23-014, and Design Review No. 22-043, and recommended the aforementioned to the City Council by Resolution No. 2023-026 for approval; and

WHEREAS, on July 25, 2023, the City Council conducted a noticed public hearing on General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map No. 20565 (TPM No. 22-018), Tentative Tract Map No. 20568 (TTM No. 22-007), Administrative Site Plan No. 23-014, and Design Review No. 22-043, and received testimony from all parties, including the staff report, as well as testimony from the project applicant and others; and

WHEREAS, based on the information presented to the City Council at the public hearing held for General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map No. 20565 (TPM No. 22-018), Tentative Tract Map No. 20568 (TTM No. 22-007), Administrative Site Plan No. 23-014, and Design Review No. 22-043, the testimony received, and staff report, the City Council found that the proposed amendment and project is in conformance with the goals and policies of the General Plan as referred herein; and

Resolution No. 2023-085

WHEREAS, pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines an Addendum to the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (State Clearinghouse [SCH] No. 81052210) has been prepared for General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map No. 20565 (TPM No. 22-018), Tentative Tract Map No. 20568 (TTM No. 22-007), and Design Review No. 22-043. ("Proposed Project"). The aforementioned EIR was adopted by the City Council in December 1981, and it anticipated the development of residential units from the proposed project. No new additional impacts beyond what was anticipated in the EIR were identified in the Addendum. t. Based on the CEQA Sections 15162 through 15164, staff has determined that none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared; and

WHEREAS, pursuant to Government Code Section 65358 on July 25, 2023, the City Council adopted one General Plan Amendment in the following three parts; MCN No. 22- 118 (Downtown Core), MCN No. 22-084 (The Heights at Southridge Project), MCN No. 22-053 (Citrus/Oleander Industrial Commerce Center Project); and

WHEREAS, the residential project site is located within the Fire Hazard Overlay District, therefore, all the requirements of Section 30-656 (Fire Hazard Overlay District) shall apply to the residential development (Condominium Complex), public park, and trail project. The project site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fontana, California as follows:

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

Section 2. CEQA. Consistent with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the Heights at Southridge Addendum to the Environmental Impact Report ("EIR") (State Clearinghouse No. 81052210) was prepared for development, including the General Plan Amendment, Specific Plan Amendment, Administrative Site Plan, Design Review, and Tentative Vesting Map. The City Council finds that the Addendum and Southridge Village Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Proposed Project. The City Council further finds that the Addendum have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

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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 Southridge Village Specific Plan FEIR, the Addendum, and all related information presented to the City Council, the City Council finds that the Proposed Project necessitate only minor modifications to the Southridge Village Specific Plan FEIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Southridge Village Specific Plan FEIR is the appropriate document for the Proposed Project.

Section 4. Findings on Environmental Impacts. Having considered the Addendum, the administrative record, the Southridge Village 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 Southridge Village 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 supporting a fair argument that the Proposed Project may result in any significant environmental impacts beyond those analyzed in the Southridge Village 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 Projects and reflects the independent judgment and analysis of the City Council.

Section 5. Adoption of the Addendum to the Southridge Village Specific Plan FEIR. The City Council hereby adopts the Addendum to the EIR for the Southridge Village Specific Plan Final Environmental Impact Report (FEIR) (SCH No. 81052210) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

Section 6. General Plan Amendment Findings. The City of Fontana City Council hereby makes the following findings for General Plan Amendment No. 22-008 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

Finding No. 1: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

Findings of Fact: The project site currently has a general plan land use designation for Site No. 1 Recreational Facilities (P-R), Site No. 2 Open Space (OS), Site No. 3 of OS, Site No. 4 of General Commercial, and Site No. 5 of OS.

The applicant has applied for a General Plan Amendment to amend the aforementioned portions of the general plan land use designation for the project site and clean up some inconsistencies between the

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General Plan and Specific Plan. Specifically, the following sites will reflect the respective designations: Site No. 1—Medium Density Residential (R-M), Site No. 2—Medium Density Residential (R-M), Site No. 3—General Commercial (C-G), Site No. 4—Public Facilities (P-PF), and Site No. 5—Residential Planned Community (R-PC), to be consistent with the Planning Areas of the Specific Plan and General Plan. Currently, residents of Fontana and the Inland Empire are facing a housing shortage. The reclassification of these sites will allow future residents and consumers the opportunity to purchase high quality residential units and architecture, amenities, and landscaping.

Section 7. Specific Plan Amendment Findings. The City of Fontana City Council hereby makes the following findings for Specific Plan Amendment No. 22-004 in accordance with Section 5.11.3 “Findings and Conditions; use of” of the Southridge Village Specific Plan:

Finding No. 1: Ensure development consistent with the General Plan and integral elements

Findings of Fact: The General Plan Amendment amends portions of the general plan land use designation for the project site to facilitate additional residential sites within the Specific Plan. Specifically, the following sites will reflect the respective designations: Site No. 1—Medium Density Residential (R-M), Site No. 2—Medium Density Residential (R-M), Site No. 3—General Commercial (C-G), Site No. 4—Public Facilities (P-PF), and Site No. 5—Residential Planned Community (R-PC), to be consistent with the Planning Areas of the Specific Plan and General Plan.

Finding No. 2: Maintain maximum development flexibility while insuring quality.

Findings of Fact: The applicant is constructing 255 condominium units including an open lawn area, pool and spa, picnic areas, paseos, tricycle track, seating areas, tot-lots, barbecue islands and other amenities located within the project site. The development will maintain the maximum development flexibility while ensuring an attractive development with quality Spanish, Craftsman, and Italianate architecture, vast landscaping, ample amenities for residents, housing needs and pedestrian trails to promote walkability.

Finding No. 3: Ensure development that does not exceed the City’s ability to provide essential urban services.

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Findings of Fact: The site improvements have been reviewed by the Fire, Engineering and Police Departments. Improvements with the project include street widening, sidewalks, curb and gutter, drainage, and grading. Additionally, the proposed improvements will be sufficient to accommodate the project and will include improvements along the street frontage along Live Oak Avenue and Village Drive. Therefore, the development will not exceed the City's ability to provide essential urban services.

Finding No. 4: Maintain well-articulated land use and circulation relationships through sound planning application.

Findings of Fact: The Engineering and Fire Department have approved the circulation and determined that the development will maintain adequate circulation for all vehicles entering and exiting the project site.

Finding No. 5: Facilitate the provision and appropriate location of community facilities, services, and utilities.

Findings of Fact: The applicant's improvements include streets, sidewalks, drainage, and grading. The applicant is building a public park that will be donated to the City. Therefore, the applicant is providing adequate community facilities for the surrounding community.

Finding No. 6: Ensure aesthetic and quality control through adequate consideration of design in the development review process.

Findings of Fact: The architectural theme for the condominium units is described as Spanish, Craftsman, and Italianate. Each style will reflect light earth tone warm colors (i.e., brown, tan, beige, etc.). There are nine (9) color schemes provided for the project. Architectural relief utilized for the proposed homes consists of stone veneer, decorative window treatments, varied roof lines, architectural "pop-outs," banding, porches, and other features appropriate to each theme. The use of a variety of colors and decorative shutters of a contrasting color will further add architectural diversity to each plan. All units are designed with concrete tile roofing material coordinated to match the color scheme of each elevation. This project meets the criteria contained in the design review section of the Fontana Municipal Code. The project has high quality architectural design, appropriate screening from the public right-of-way and will be an appropriate and desirable development.

Finding No. 7: Ensure suitable consideration and protection of the community's natural environment during the development review process.

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Findings of Fact: The condominium units will be compliant with all applicable building codes and fire codes; as well as with the Conditions of Approval attached hereto and the Mitigation Measures as identified in the Addendum to the EIR.

Finding No. 8: Provide assurance to developers that innovative and unique land development techniques will be given reasonable consideration for approval.

Findings of Fact: The condominium units will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. The project will provide residents an opportunity for a unique and modern living environment. The project encompasses an open lawn area, pool and spa, picnic areas, paseos, tricycle track, seating areas, tot-lots, barbecue islands and other amenities located within the project site. The development is also consistent with the vision of the General Plan and therefore shall promote the public health, safety, and welfare of the surrounding community.

Finding No. 9: Ensure that plans developed under this section will be implemented in a timely manner.

Findings of Fact: The condominium units will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. Staff will ensure that the plans developed for this project will be implemented in a timely manner throughout the building permit process.

Finding No. 10: Ensure that the urban form and character envisioned at the time of approval is attained upon development. A) Consistency with Fontana's General Plan goals, objectives, and policies. B) Findings required per CEQA or City Environmental Guidelines

Findings of Fact: Staff will ensure that the urban form and character envisioned at the time of approval is attained upon development. The project complies with the City of Fontana's General Plan and the Southridge Village Specific Plan Amendment. The development is consistent with the vision of the General Plan and therefore shall promote the public health, safety, and welfare of the surrounding community. The applicant prepared an Addendum to the previously approved EIR. The Addendum identifies that no new or additional mitigation measures or alternatives are required and 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

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environmental impacts beyond those analyzed in the Southridge Village Specific Plan FEIR.

Section 8. Tentative Parcel Map Findings. The City of Fontana City Council hereby makes the following findings for the Tentative Parcel Map No. 20565 (TPM No. 22-018) in accordance with Section 26-218 of the Fontana Development Code:

Finding No. 1: The proposed parcel map is consistent with the City's General Plan and any applicable Specific Plan.

Findings of Fact: Tentative Parcel Map No. 20565 is consistent with the General Plan Land Use Designation for the project site of Medium Density Residential (R-M), Public Facilities (P-PF), General Commercial (C-G), and Residential Planned Community (R-PC). The Public Facilities, Medium Density Residential, General Commercial designation are intended for residential, parks, general retail uses, food services, business and professional offices, and related services establishments. The development of the condominium complex, trail, and new park is consistent with the General Plan Land Use Designation of Medium Density Residential (R-M), Public Facilities (P-PF), General Commercial (C-G), and Residential Planned Community (R-PC). The tentative parcel map reconfigures two (2) parcels into three (3) parcels for the development of a residential condominium complex, the trail, and the construction of a new public park. The uses are consistent with the General Plan Land Use Designation.

Finding No. 2: The design and improvements of the proposed tentative parcel map is consistent with the General Plan and any applicable Specific Plan.

Findings of Fact: The design of the parcel map is consistent with the General Plan Amendment. The lot width is approximately 1,486 feet and has an approximate lot depth of 872 feet and street configuration conform to the requirements of the Circulation Master Plan, Subdivisions (Chapter No. 26), Southridge Village Specific Plan, and the Zoning and Development Code (Chapter No. 30). The parcel map reconfigures two parcels into three (3) parcels to accommodate public park, public trail, and the condominium development. The Park will have one point access along Village Drive, the trail will have two points of access one from the future public park and the second from Old Live Oak Avenue, and the condominium development will have two points of access, one from Live Oak Avenue and the other from Old Live Oak Avenue.

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

Findings of Fact: The project site of approximately 37.3 adjusted gross acres, is adequate in size to accommodate the development. The lot size, lot width, and lot depth are consistent with other public facilities and residential developments within the surrounding area. The public park will have one point access along Village Drive, the trail will have two points of access one from the future public park and the second from Old Live Oak Avenue, and the condominium development will have two points of access, one from Live Oak Avenue and the other from the Old Live Oak Avenue. The lot size is consistent with surrounding commercial developments.

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

Findings of Fact: The design of the parcel map is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An addendum to the Southridge Village EIR was completed to identify environmental impacts and mitigation measures are included to make any impacts less than significant. The addendum to the EIR is included as part of the staff report.

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

Findings of Fact: The combining of two parcels into three (3) parcels will not cause health problems. The development complies with the Fontana City Codes and the General Plan. Improvements include streets, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

Finding No. 6: The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The planning commission may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to easements previously acquired by the public.

Findings of Fact: The design and improvements of Tentative Parcel Map No. 20565 will not conflict with access easements acquired by the public. The lots are accessed from Live Oak Avenue, which is publicly

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maintained street and Old Live Oak Avenue which is maintained by the City. Currently there are no other public access easements through or within the proposed project site.

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

Findings of Fact: This site has been identified in the City adopted ordinance (Ordinance 2015-083) as part of the fire hazard overlay district (FHOD). Therefore, all the requirements of Section. 30-656 – (Fire Hazard Overlay District Regulations) apply. The project was reviewed by the Fontana Fire District and Building & Safety and the appropriate conditions have been placed on the project to have fire protection and suppression services. The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein.

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

Findings of Fact: The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. The project was reviewed by the Fontana Fire District and Building & Safety and the appropriate conditions have been placed on the project so the project will have fire protection and suppression services through the City. All requirements of Section. 30-656 – (Fire Hazard Overlay District Regulations) shall also apply.

Section 9. Tentative Tract Map Findings. The City of Fontana City Council hereby makes the following findings for Tentative Tract Map No. 20568 (TTM No. 22-007) in accordance with Section 26-55 (e) “Findings for approval of tentative tract map” of the Fontana Subdivision Code:

Finding No. 1: The proposed map is consistent with the City’s General Plan.

Findings of Fact: Tentative Tract Map 20568 to subdivide one existing parcel to develop a total of 255 detached condominium units on approximately 32.17 adjusted gross acres. The Medium Density Residential (R-M) land use designation in the General Plan allows for the development. After the General Plan Amendment and Specific Plan Amendment, the tentative tract map will comply with the City of Fontana’s Municipal Code, the Subdivision Sections of the Code (Chapter 26), Southridge Village Specific Plan and Zoning and Development Code (Chapter 30). The tentative tract map is compatible with the surrounding residential land uses. The project site has a General

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Plan Land Use designation of Bird Farm and Quarry. Therefore, applicant is amending the General Plan to Medium Density Residential (R-M), so it can be consistent with the development. The R-M Land Use designation allows a density of up to 8.0 dwelling units per acre for single-family (condominium) development project. The project has a density of 7.9 dwelling units per acre which is below the maximum 8.0 units per acre density allowed in the R-M for the land use designation per the General Plan. Therefore, the Tentative Tract Map 20568 is consistent with the City's General Plan. Additionally, new utilities will be installed, and the street meets the minimum width requirement of a short local street identified within the General Plan.

Finding No. 2: The design and improvements of the proposed subdivision are consistent with the General Plan.

Findings of Fact: The design of the subdivision is consistent with the General Plan. Street improvements including curb, gutter, and sidewalks conform to the requirements of the General Plan, Subdivisions (Chapter 26), the Southridge Village Specific Plan development standards, and the Zoning and Development Code (Chapter 30). This project is required to connect to the City's sewer system. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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

Findings of Fact: The project site, shape, and topography are suitable for the subdivision. The project site is approximately 32.17 gross acres and will accommodate the 255-condominium single-family residential homes which included curb, gutter, and sidewalks. The R-M Land Use designation allows a density of up to 8.0 dwelling units per acre. The project has a density of 7.9 dwelling unit per acre which is below the maximum 8.0 units per acre density allowed in the Southridge Village Medium Density Residential zoning district for detached single-family residential projects.

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

Findings of Fact: The design of the subdivision and improvements complies with the City of Fontana's Municipal Code requirements, Specific Plan development standards, and Conditions of Approval and will not have any impact on the environment or substantially and avoidably

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injure fish, wildlife, or their habitat. Moreover, the site is not located within the boundaries of the potential sensitive habitats and the site is completely surrounded by development. Additionally, an addendum to the Southridge Village Specific Plan EIR as referenced herein was completed for the proposed project and no impact was found to be significant and unavoidable.

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

Findings of Fact: The design of the subdivision complies with the City of Fontana's Municipal Code requirements, Southridge Village Specific Plan development standards, and the improvements associated with the subdivision such as street, curb, gutter, sidewalk are required to be constructed and have been designed pursuant to the Zoning and Development Code and the Engineering Department requirements. Additional improvements such as water and sewer connection will be built pursuant to applicable building, zoning, and fire code standards. Therefore, the project will promote the public health, safety, and welfare of the surrounding community and will not cause public health problems.

Finding No. 6: The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Findings of Fact: The design of the subdivision and improvements will not conflict with any access easements acquired by the public. The proposed subdivision will have adequate access from Live Oak Avenue. Currently there are no other existing public access easements through or within the proposed subdivision boundaries. The lots are accessed from Live Oak Avenue, which is publicly maintained street and Old Live Oak Avenue which is maintained by the City.

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

Findings of Fact: The proposed project is not located in the area identified in the State Cal-Fire very high fire hazard severity zone; however, this site has been identified in the local City adopted ordinance (Ordinance 2015-083) as part of the fire hazard overlay district (FHOD). The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. All requirements of Section. 30-656 – (Fire Hazard Overlay District

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Regulations) shall apply. The project was reviewed by the Fontana Fire District and Building & Safety and the appropriate conditions have been placed on the project to have fire protection and suppression services. The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein.

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

Findings of Fact: The site will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. The project was reviewed by the Fontana Fire District and Building & Safety and the appropriate conditions have been placed on the project so the project will have fire protection and suppression services through the City. All requirements of Section. 30-656. – (Fire Hazard Overlay District Regulations) also apply.

Section 10. Administrative Site Plan - Major Findings. The City of Fontana City Council hereby makes the following findings for Administrative Site Plan No. 23-014 in accordance with Section 30-81 “Findings for approval” of the Fontana Zoning and Development Code:

Finding No. 1: This proposal is consistent with the General Plan, Zoning and Development Code and any applicable Specific Plan or area plan.

Findings of Fact: The project is for the construction of a future park comprised of parking, three (3) pickleball court, covered benches, two (2) shade structures, concrete walking trails, open lawn area, lighting, fencing, benches, and waste receptacles. Improvements for the project also includes lighting, sidewalks, grading, and planting of additional trees and landscaping to provide a safe and well-designed park. The park will be an additional park to the existing Southridge Park. The project will benefit the surrounding neighborhood.

The General Plan designation of the site is Open Space (O-S), and Southridge Village Specific Plan designates this site as Quarry, which are areas that permit public parks as a permitted use. This project is consistent with the land use designations and also design standards/requirements listed in both the General Plan and Zoning and Development Code.

Finding No. 2: This proposal meets or exceeds the criteria contained in Section 30-81 and will result in an appropriate, safe, and

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desirable development promoting the public, health, safety, and welfare of the community.

Findings of Fact: The project is for the development of a future park, which is comprised of a 1.7-acre portion of a 37.2-acre site that includes parking, three (3) pickleball court, covered benches, two (2) shade structures, concrete walking trails, open lawn area, lighting, fencing, benches, and waste receptacles. Improvements for the project also include lighting, sidewalks, grading, and planting of additional trees to provide a safe and well-designed park. Furthermore, the project complies with the standards Fontana Zoning and Development Code and Southridge Village Specific Plan along with other federal, state and county laws. The development is also consistent with the vision of the General Plan and therefore shall promote the public health, safety, and welfare of the surrounding community.

Finding No. 3: **The proposal in its design and appearance is aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The project site is in an area developed with a combination of residential, commercial, park and uses. The project has been designed to be compatible with the surrounding area and serves to provide additional park facilities to the residential area in the southern part of the City. In addition, the development has been designed with features such as pickleball courts, shade structures, walking paths, fencing, and planting of additional landscaping and trees that enhances the character of the surrounding neighborhood. Therefore, the project site will have a design and appearance that is aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.

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

Findings of Fact: The site improvements have been reviewed by the Fire, Engineering and Police Departments. During the project review process, changes were made to the plans to ensure that the project is well-designed. Improvements with the project include street widening, sidewalks, curb and gutter, drainage, and grading. Additionally, the improvements will be sufficient to accommodate the project and will include improvements along the street frontage along Live Oak Avenue and Village Drive. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

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Section 11. Design Review Findings. The City of Fontana City Council hereby makes the following findings for Design Review No. 22-043 in accordance with Section 30-120 “Findings for approval” of the Fontana Zoning and Development Code:

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

Findings of Fact: The project complies with the City of Fontana’s General Plan and the Southridge Village Specific Plan Amendment. The site is compatible with the surrounding residential land uses to be developed in the future. Based on the General Plan Amendment, the project is consistent with the General Plan Land Use designation for the project site. The project site has a General Plan Land Use designation of Open Space (OS) and Recreational Facilities (P-R); however, it will be amended to Medium Density Residential (R-MF). The R-MF Land Use designation allows a density of up to 12 dwelling units per acre for detached single-family unit project. The project has a density of 7.9 dwelling units per acre which is below the maximum 8.0 units per acre density allowed in the R-MF for the land use designation per the General Plan. The project includes a Specific Plan Amendment that will make the development consistent with the General Plan. Therefore, the Tentative Tract Map No. 20568 is consistent with the City’s General Plan, Specific Plan Amendment, and Zoning and Development Code. Additionally, new utilities will be installed, and the street meets the minimum width requirement of a short local street identified within the General Plan.

Finding No. 2: This proposal meets or exceeds the criteria contained in Chapter 30 and will result in an appropriate, safe, and desirable development promoting the public, health, safety, and welfare of the community.

Findings of Fact: The applicant is constructing 255 condominium units including an open lawn area, pool and spa, picnic areas, paseos, tricycle track, seating areas, tot-lots, barbecue islands and other amenities located within the project site.

The project has been designed in keeping with City of Fontana’s Crime Prevention Through Environmental Design (CPTED). The development has incorporated enhanced natural surveillance and reduced unwanted ‘dead zones’ within the project by moving certain lawn areas, buildings and parking areas to deter places where potential loitering or other actions could occur. Furthermore, all of the units have an applicable number of windows on various locations that will ultimately provide natural surveillance to the site. Lighting has

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also been strategically located on the site for added security for residents.

The architectural theme for the condominium units is described as Spanish, Craftsman, and Italianate. Each style will reflect light earth tone warm colors (i.e., brown, tan, beige, etc.). There are nine (9) color schemes provided for the project. Architectural relief utilized for the proposed homes consists of stone veneer, decorative window treatments, varied roof lines, architectural “pop-outs,” banding, porches, and other features appropriate to each theme. The use of a variety of colors and decorative shutters of a contrasting color will further add architectural diversity to each plan. All units are designed with concrete tile roofing material coordinated to match the color scheme of each elevation. Additionally, elevations facing the drive aisles will also have attractive features adding to the street aesthetics. As described this project meets the criteria contained in the design review section of the Fontana Municipal Code. The project has high quality architectural design, appropriate screening from the public right-of-way and will be an appropriate and desirable development.

The condominium units will be built pursuant to all applicable building and fire codes standards, in addition to the Conditions of Approval as referenced herein. The project will provide residents an opportunity for a unique and modern living environment. The development is also consistent with the vision of the General Plan and shall promote the public health, safety, and welfare of the surrounding community.

Finding No. 3: The proposal in its design and appearance is aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.

Findings of Fact: The project has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the condominium units is described as Spanish, Craftsman, and Italianate. Each style will reflect light earth tone warm colors (i.e., brown, tan, beige, etc.). There are nine (9) color schemes provided for the project. Architectural relief utilized for the homes consists of stone veneer, decorative window treatments, varied roof lines, architectural “pop-outs,” porches, and other features appropriate to each theme. The use of a variety of colors and decorative shutters of a contrasting color will further add architectural diversity to each plan. All units are designed with concrete tile roofing material coordinated to match the color scheme of each elevation.

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Additionally, elevations facing the drive aisles will also have attractive features adding to the street aesthetics.

Finding No. 4: **The site improvements (building, parking, circulation, site and building lighting, and on-site landscaping) are appropriate and will result in a safe, well-designed facility.**

Findings of Fact: The site improvements have been reviewed by the Fire, Engineering and Police Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. Improvements with the project include street widening, sidewalks, curb and gutter, drainage, and grading. Additionally, the improvements will be sufficient to accommodate the project and will include improvements along the street frontage along Live Oak Avenue and Village Drive. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

Section 12. General Plan Amendment Approval. Based on the findings in Section 6, the City Council of the City of Fontana hereby approves General Plan Amendment No. 22-008 to change the land use designation for the following five sites: Site No. 1 from Recreational Facilities (P-R) to Medium Density Residential (R-M), Site No. 2 from Open Space (OS) to Medium Density Residential (R-M), Site No. 3 from OS to General Commercial (C-G), Site No. 4 from C-G to Public Facilities (P-PF), and Site No. 5 from OS to Residential Planned Community (R-PC) on approximately 58.0 adjusted gross acres of 18 parcels (APNs) 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19), as shown as **Exhibit “A”** attached hereto and incorporated herein by reference as fully set forth herein.

Section 13. Specific Plan Amendment. Based on the findings in Section 7, the City Council of the City of Fontana hereby approves Specific Plan Amendment No. 22-004 to allow for the development of the residential project and the public park. The applicant is proposing to amend Planning Area 56 Bird Farm (BF) and Planning Area 66A Quarry (Q) designations to the Entry Estates/Duplex (Medium Density Residential) land use category, and amend the Medium Density Residential Development Standard Guidelines to reduce the minimum Building Site Area/Unit from 3,000 square feet to 2,000 square feet, reduce the distance from a private street to a garage from five (5) feet to two (2) feet and reduce the distance between principal structures from ten (10) feet to eight (8) feet (see Attachment No. 6 and 7), as shown as **Exhibit “B”** attached hereto and incorporate herein by reference as fully set forth herein.

Section 14. Tentative Parcel Map and Tentative Tract Map Approval. Based on the findings in Section 8 and 9 the City Council of the City of Fontana hereby approves Tentative Parcel Map No. 20565 that will be used to subdivide the two parcels into four parcels that will include the new park, public trail, and the residential parcel for the

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development. Tentative Tract Map No. 20568 will subdivide the project site for condominium purposes subject to the Conditions of Approval, that are attached hereto as **Exhibits “C” and “D”** and incorporated herein by reference as though fully set forth herein.

Section 14 15. Administrative Site Plan and Design Review Approval. Based on the findings in Section 10 and 11, the City Council of the City of Fontana hereby approves Administrative Site Plan No. 23-014 and Design Review No. 22-043, for site and architectural review to develop 255 condominium units, various of amenities, and a public park subject to the Conditions of Approval, which are attached hereto as **Exhibits “D” and “F”** and incorporated herein by reference as though fully set forth herein.

Section 15 16. Effective Date. This Resolution shall take effect thirty (30) days after the adoption of the City Council Resolution adopting Specific Plan Amendment No. 22-004, whichever is adopted later, provided however, if either of those Ordinances are 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 16 17. 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 17 18. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

APPROVED AND ADOPTED this 25th day of July 2023.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting thereof held on the 25th day of July 2023, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran and Roberts

NOES: Council Member Sandoval

ABSENT: None

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ABSTAIN: None

Germaine Key

City Clerk of the City of Fontana

Acquanetta Warren

Mayor of the City of Fontana

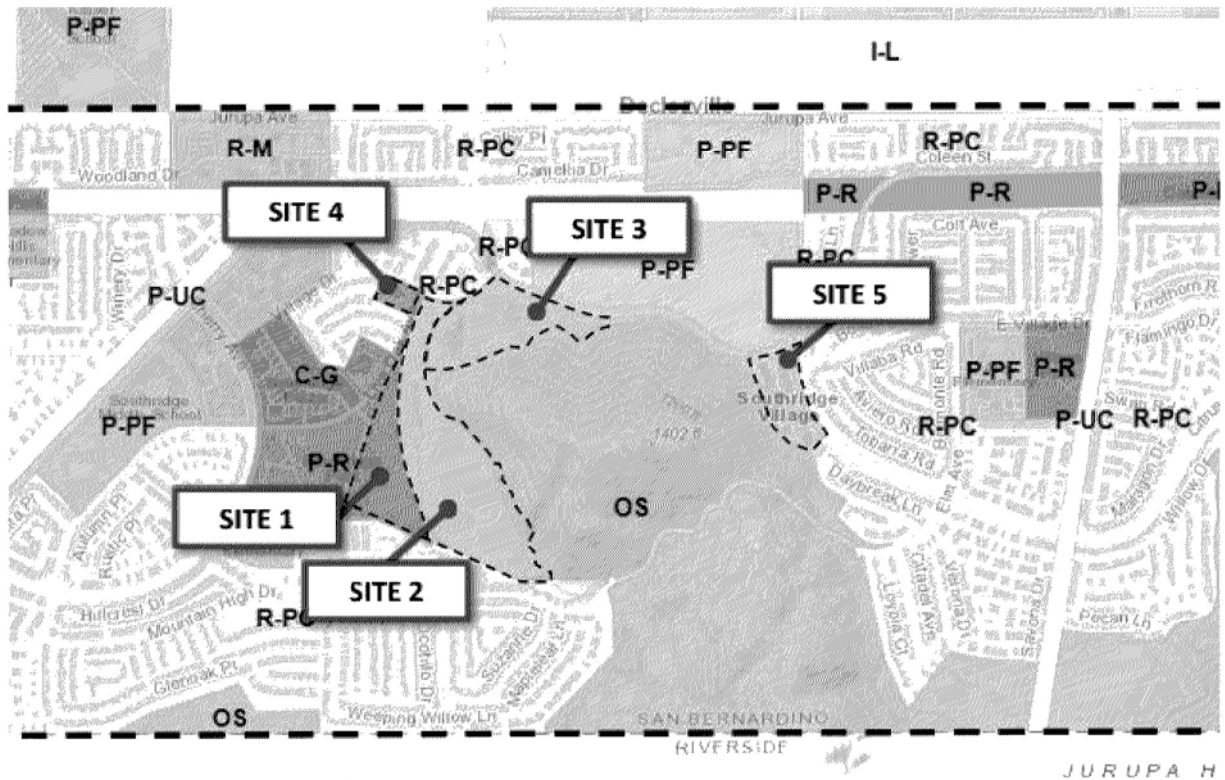
ATTEST:

Germaine Key

City Clerk

Exhibit "A"

EXISTING GENERAL PLAN LAND USE DESIGNATION –
 SITE NO. 1 - RECREATIONAL FACILITIES (P-R), SITE NO. 2 FROM OPEN SPACE
 (OS), SITE NO. 3 FROM OS, SITE NO. 4 FROM GENERAL COMMERCIAL C-G TO, AND
 SITE NO. 5 OPEN SPACE



PROPOSED GENERAL PLAN LAND USE DESIGNATION –

SITE NO. 1 MEDIUM RESIDENTIAL (R-M), SITE NO. 2 TO MEDIUM DENSITY RESIDENTIAL (R-M), SITE NO. 3 GENERAL COMMERCIAL (C-G), SITE NO. 4 TO PUBLIC FACILITIES (P-PF), AND SITE NO. 5 RESIDENTIAL PLANNED COMMUNITY (R-PC).

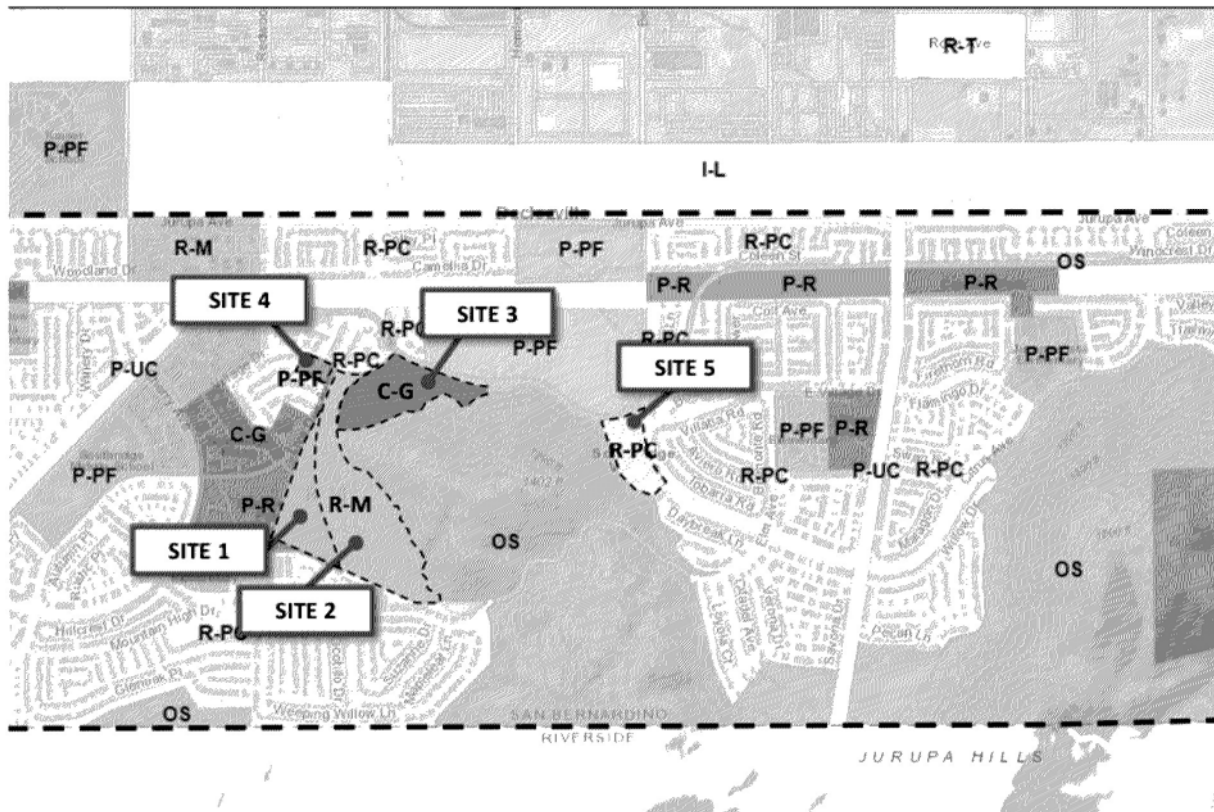


Exhibit “B”

EXISTING AND PROPOSED SPECIFIC PLAN AMENDMENT MAPS, PROPOSED
DEVELOPMENT STANDARDS, AND PLANNING AREAS SUMMARY SHEET

5.6.3 Medium Density Residential.

1. Purpose and applicability. Land designated as entry estates and duplex (planning unit designation 8) and townhomes (planning unit designation 12) is intended for the development of attached single-family units permitting one or more dwellings on any one lot.

2. Uses permitted.

a. Detached single-family dwellings.

b. Attached single-family dwellings (including, but not limited to clustered single-family, duplexes, triplexes, fourplexes and townhomes) sharing one or more common walls. Each dwelling may be located on a single lot or one or more dwellings may be permitted on any one lot so long as the other provisions of this article are complied with.

c. Parks, playgrounds, commonly owned private recreational facilities, and pedestrian/bicycle trails.

d. Flood control channels and utility easements.

3. Uses, permitted subject to a conditional use permit.

a. Churches, temples, synagogues and other places of worship.

b. Private and parochial schools.

c. Board and care homes.

4. Accessory uses permitted.

a. Garages, carports and open parking areas.

b. Swimming Pools.

c. Fences, walls, and mailboxes

d. Garden structures and greenhouses.

e. Any other accessory use or structure clearly incidental to the principal permitted use and intended for the exclusive use by the residential of the development as approved by the City.

5. Temporary uses permitted.

a. Model homes, temporary real estate offices, and subdivision signs.

b. Temporary onsite construction offices/facilities.

c. Continued use of an existing building during construction of a new building on the same building site.

d. Real estate signs, future development signs and subdivision directory signs in conformance with the Sign Code.

6. Site development standards.

a. The minimum building site area per unit shall be as follows:

<u>Designation</u>	<u>Minimum Building Site Area/Unit</u>
8	3,500 2,000 sq. ft.
12	2,500 2,000 sq. ft.

b. Maximum building height shall be thirty-five feet. Structures in excess of thirty-five feet in height shall be subject to the approval of a conditional use permit.

c. Maximum building site coverage: sixty percent.

d. Building setbacks:

i. The minimum building setback from any public street right-of-way line shall be ten (10) feet, except that the point of entry to any garage shall be a minimum of twenty (20) feet from the back (i.e., the side nearest the house) of the sidewalk unless the garage is equipped with an automatic door opener, in which case it may be fifteen (15) feet from any public street right-of-way lines (but in no instance shall it be less than seventeen and one-half (17 1/2) feet from the back of sidewalk). No more than five percent (5%) of all lots within any tract shall be permitted a setback of five (5) feet from any public street right-of-way lines provided said garages are equipped with a "roll-up" door and an automatic door opener. A setback of twelve and one half (12 1/2) feet shall be permitted for properties with street frontage upon the bulb of a Cul-de-sac or the knuckle of a street curve, provided the garages are provided with roll-up doors and automatic door openers.

ii. From any private street or drive: ~~Five~~ **Two** feet minimum provided that enclosed garages situated within twenty feet of any street or drive shall be equipped with automatic garage door openers.

iii. The minimum side yard setback for each dwelling unit and/or accessory structure shall be "0" feet.

iv. The minimum rear yard setback for each dwelling unit and/or accessory structure shall be ten feet.

v. The minimum horizontal distance between principal structures shall be ~~ten~~ **eight** feet.

vi. The minimum horizontal distance between accessory structures shall be five feet.

vii. The minimum setback from any exterior boundary line of the project abutting a low density residential use shall be ten feet. The minimum setback from any exterior boundary line of the project abutting a non-residential use shall be five feet for principal structures and "0" feet for accessory structures.

e. Projections into required setbacks:

i. No attached or detached covered patio shall be located closer than three feet to a property line except the street-side property line of a corner lot, in which case a minimum distance of ten feet shall be maintained.

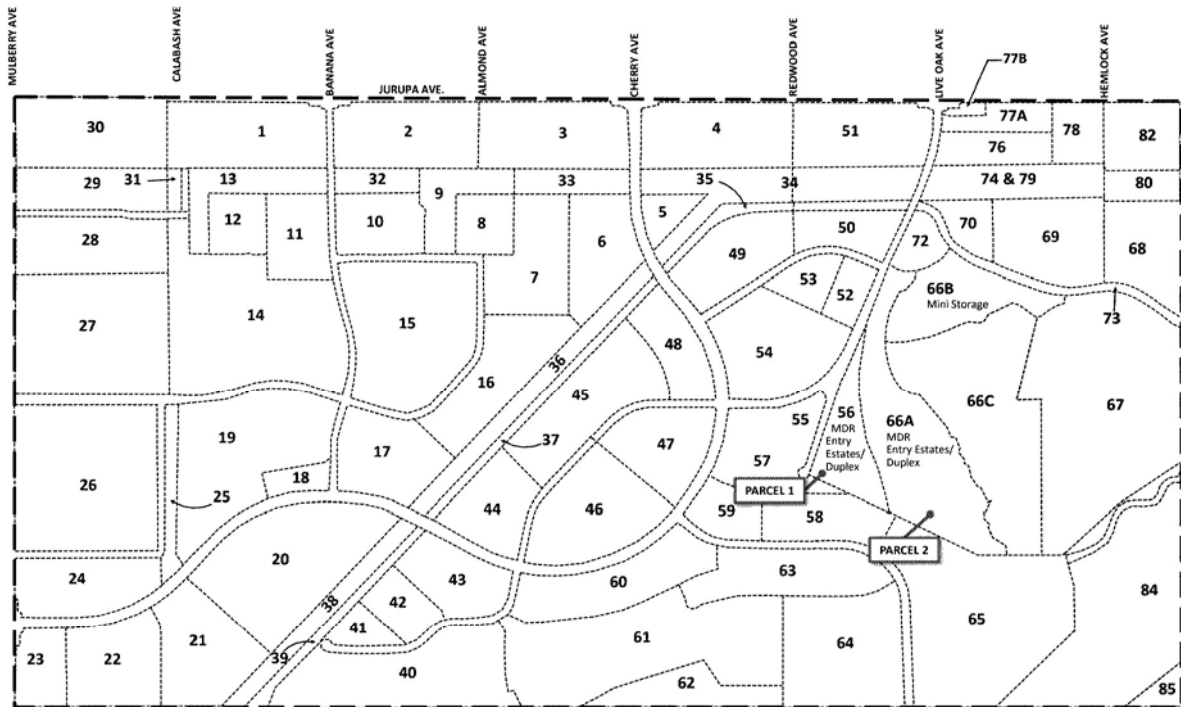
ii. Eaves, cornices, chimneys, balconies, and other similar architectural features shall not project more than four feet into any required front, rear or side setback.

f. Trash storage and collection areas: Any residential development proposing more than two dwellings on any one lot shall provide adequate and convenient trash storage area(s) shielded from view by an enclosed building or wall not less than six feet in height.

g. Parking requirements: A minimum of two covered spaces plus one-half uncovered space shall be provided for each dwelling unit. All required guest parking spaces shall be located off-street.

7. Design review as provided in the Zoning Code.

AMENDMENT NO. 19
PLANNING AREAS 56 AND 66A
SOUTHRIDGE VILLAGE SPECIFIC PLAN
CITY OF FONTANA
LAND USE DEVELOPMENT PLAN
PLANNING UNIT AREAS



AMENDMENT NO. 19
PLANNING AREAS 56 AND 66A
SOUTHRIDGE VILLAGE SPECIFIC PLAN
CITY OF FONTANA
LAND USE DEVELOPMENT PLAN
PLANNING UNIT AREAS

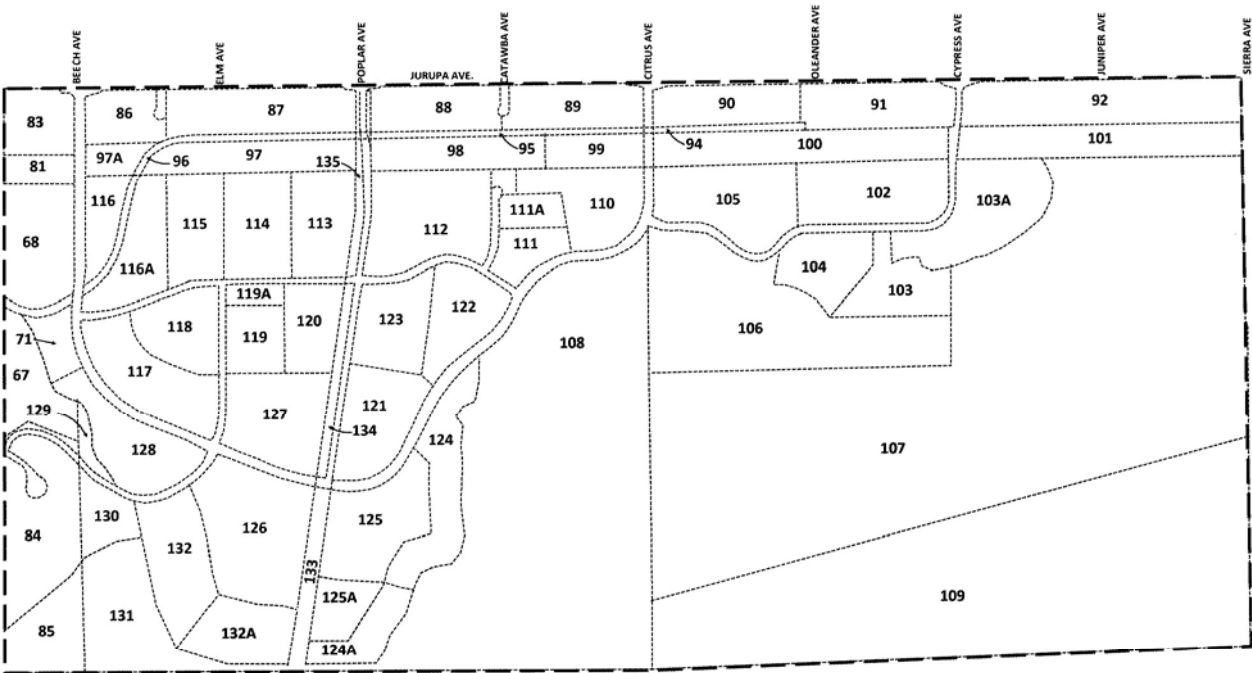


Table 3.4b
Southridge Village
Land Use Densities
Specific Plan Amendment No. 19

Plannning Area	S.P District Designation	Gross Acreage	Net Acreage	PUA Density Net	# of Units Approved to Date (Proposed)
PHASE I & II					
1	Single Family	21.6	18.1	6	117
2	Patio Homes	19.8	16.5	6	116
3	Duplex	20.7	16.9	8	134
4	Townhomes	20.7	17.1	12	208
5	Carriage Homes	4.1	3.5	25	25
6	Carriage Homes	12.6	11.9	25	86
7	Single Family	14.9	14.5	6	98
8	Elementary School	6.2	6.0	E	0
9	Park	6.2	6.0	N.P.	0
10	Single Family	10.1	9.1	4.5	45
11	Patio Homes	9.5	9.0	6	58
12	Elementary School	6.3	6.0	E	0
13	Park	8.8	8.0	N.P.	0
14	Single Family	39.5	38.4	5	183
15	Patio Homes	32.5	29.0	6	174
16	Duplex	17.1	16.2	8	120
17	Duplex	15.5	13.7	8	114
18	Commercial	3.8	3.0	N.C.	0
19	Patio Homes	31.2	27.7	6	174
20	Patio Homes	31.6	29.1	6	188
21	Duplex	17.0	16.1	8	137
22	Garden Homes	14.4	11.8	18	(259)
23	Garden Homes	7.4	6.6	18	(133)
24	Single Family	16.0	13.2	3	(48)
25	Single Family	5.8	5.1	3	17
26	Single Family	40.0		1.1	44
27	Single Family	44.0		1.1	49
28	Single Family	20.0		0.8	11
29	Utility Easement	6.9		SCE	0
30	Single Family	14.0		1.2	17
31	Utility Easement	0.8		SCE	0
32	Utility Easement	3.9		SCE	0
33	Utility Easement	6.7		SCE	0
34	Utility Easement	17.6		SCE	0
35	Flood Control	4.2		SBCFC	0
36	Utility Easement	10.3		SCE	0
37	Flood Control	5.1		SBCFC	0
38	Utility Easement	7.0		SCE	0
39	Flood Control	4.1		SBCFC	0
40	Duplex	26.1	24.9	8	201
41	Park	4.0	3.4	N.P.	0
42	Elementary School	6.3	6.0	E	0
43	Duplex	12.3	10.6	8	86
44	Duplex	11.8	10.3	8	80
45	Jr. High School	20.0	19.0	J.H.	0
46	Duplex	20.7	18.0	8	148
47	Duplex	14.4	12.5	8	101
48	Carriage Homes	10.7	9.0	25	250
49	Carriage Homes	14.4	13.1	25	296
50	Carriage Homes	8.2	7.2	25	56

Table 3.4b
Southridge Village
Land Use Densities
Specific Plan Amendment No. 19

Planning Area	S.P District Designation	Gross Acreage	Net Acreage	PUA Density Net	# of Units Approved to Date (Proposed)
51	Duplex	18.2	15.0	8	106
52	Commercial - SRC	4.8		SRC	0
53	Commercial - SRC	5.0		SRC	0
54	Commercial - SRC	21.5		SRC	0
55	Park	3.5	2.0	C.P.	0
56	Entry Estates/Duplex	11.3	9.6	8	(76)
57	Park	15.7	12.7	C.P.	0
58	Townhomes	11.4	10.2	12	82
59	Elementary School	6.4	5.5	E	0
60	Duplex	17.5	15.2	8	121
61	Patio Homes	40.0	39.9	5	190
62	Open Space	9.7	9.7	1	0
63	Duplex	15.1	13.7	8	117
64	Patio Homes	25.0	24.0	6	139
65	Patio Homes	42.6	41.5	6	213
66	Quarry	0.0	68.5	Q	0
66A	Entry Estates/Duplex	24.5	24.5	8	(179)
66B	"Mini Storage" Overlay	16.1	16.1	M.S.	0
66C	"Open Space" Overlay	28.9	28.9	0.5	0
67	Open Space	69.1	68.2	0.5	0
68	CBMWD	29.9	27.6	CBMWD	0
69	CBMWD	17.2	15.7	CBMWD	0
70	Buffer		5.0	B	0
	"Single Family" Overlay	6.3		3.75	(19)
71	Buffer		3.8	B	0
	"Single Family" Overlay	3.8		3.75	(14)
72	Southern Pacific		2.5	SPPR	0
	"Single Family" Overlay	3.6		5.5	(14)
73	Flood Control	7.4	7.4	SBCFC	0
74	Utility Easement	9.4	9.4	SCE	0
75	Southern Pacific	2.3	2.1	SPRR	0
75A	"Single Family" Overlay	0.7	0.7	5.5	(4)
75B	Automobile Service Center	0.7	0.7	ASC	0
75C	Utility Easement	0.7	0.7	SCE	0
76	Buffer		6.3	B	0
	"Single Family" Overlay	6.6		5.5	(35)
77	Buffer				0
77A	"Single Family" Overlay	2.3	2.3	5.5	(13)
77B	"Patio Homes" Overlay	3.2	3.2	6	18
78	Buffer				0
	"Single Family" Overlay	5.3	5.0	5.5	(28)
79	Utility Easement (included in 74)	0.0		SCE	0
80	Utility Easement	4.5	4.5	SCE	0
81	Utility Easement	3.6	3.6	SCE	0
82	CBMWD	9.2	8.5	SBMWD	0
83	CBMWD	7.6	6.8	SBMWD	0
84 (Amd. 18)	Open Space	61.1	61.1	0.5	0
85 (Amd. 18)	Open Space	14.6	14.6	0.5	0

Phase I & II

5,141

Table 3.4b
Southridge Village
Land Use Densities
Specific Plan Amendment No. 19

Planning Area	S.P District Designation	Gross Acreage	Net Acreage	PUA Density Net	# of Units Approved to Date (Proposed)
PHASE III					
86	Buffer	10.2	8.6	B	0
	"Single Family" Overlay			5.5	(47)
87	Duplex	18.2	16.0	8	124
88	Duplex	13.8	11.0	8	88
89	Commercial	13.9	10.9	N.C.	0
89A	"Single Family" Overlay			8	(88)
90	Single Family Overlay	13.7	12.0	8	92
91	Duplex	15.7	12.2	8	95
92	Patio Homes	30.1	25.3	6	130
94	Flood Control	2.0	1.9	SBCFCD	0
95	Flood Control	4.5	4.4	SBCFCD	0
96	Flood Control	5.7	5.7	SBCFCD	0
97	Utility Easement	13.8	13.5	SCE	0
97A	Utility Easement	4.7	4.0	SCE	0
98	Park	12.5	12.5	N.P.	0
99	Utility Easement	6.6	6.3	SCE	0
100	Utility Easement	19.9	19.4	SCE	0
101	Utility Easement	17.1	16.9	SCE	0
102	Duplex	20.0	18.5	8	140
103	Community Park	10.2	10.2	C.P.	0
103A	Patio Homes	22.5	22.5	6	89
104	Park	9.7	9.0	N.P.	0
105	Duplex	20.9	19.0	8	143
106	Open Space	69.2	68.2	0.5	0
107	Regional Park	302.8	302.8	R.P.	0
108	Open Space	114.0	111.4	0.5	0
109	Open Space	155.4	155.4	0.5	0
110	Duplex	15.1	13.4	8	106
111	Elementary School	6.6	6.0	E	0
111A	Joint Use	4.3	4.0	E/NP	0
112	Duplex	23.4	22.0	8	166
113	Single Family	13.2	12.8	8	99
114	Duplex	14.0	13.5	8	113
115	Duplex	11.4	11.4	8	94
116	Buffer	5.5	5.0	B	0
	"Single Family" Overlay			3.75	(19)
116A	Buffer	16.8	15.0	B	0
	"Single Family" Overlay			5.5	(83)
117	Duplex	18.9	16.3	8	(131)
118	Single Family	12.0	11.4	8	(91)
119	Elementary School	6.4	6.0	E	0
119A	Joint Use	4.6	4.0	N.P.	0
120	Park	9.5	9.1	8	0
121	Single Family	16.2	14.8	8	115
122	Single Family	14.4	12.4	12	75
123	Townhomes	12.9	12.4	E/NP	99
124	Patio Homes	15.0	15.0	6	73
124A	Open Space	7.5	7.5		0

Table 3.4b
Southridge Village
Land Use Densities
Specific Plan Amendment No. 19

Planning Area	S.P District Designation	Gross Acreage	Net Acreage	PUA Density Net	# of Units Approved to Date (Proposed)
125	Patio Homes	15.5	15.5	6	92
125A	Open Space	7.0	7.0		0
126	Duplex	26.6	25.1	8	182
127	Single Family	18.7	17.1	8	131
128	Patio Homes	14.2	11.9	6	(71)
129	Open Space	4.1	3.8	0.5	0
130	Open Space	12.6	12.3	0.5	0
131	Open Space	21.2	21.2	0.5	0
132	Patio Homes	15.3	15.3	6	82
132A	Open Space	11.7	11.7		0
133	Utility Easement	6.2	6.1	MWD	0
134	Park	5.1	3.4	N.P.	0
135	Park	4.0	2.5	N.P.	0
Phase III					2,858

PHASE TOTALS	UNITS APPROVED TO		TOTAL
	DATE	(PROPOSED)	
Phase I & II	4,319	822	5,141
Phase III	2,328	530	2,858
Combined Total	6,647	1,352	7,999
Undesignated			801
Max Permitted per EIR			8,800

Exhibit "C"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 22-084
Tentative Parcel Map No. 20565
(TTM No. 22-018)

DATE: July 25, 2023

LOCATION: The project site is located on the south side of Village Drive and east of Live Oak Avenue (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19)

PLANNING DEPARTMENT:

1. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All requirements of the Fontana City's Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
2. The applicant shall defend, indemnify, and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission and/or City Council concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. 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. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of

Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

3. This tentative parcel map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development) of the Municipal Codes of the City of Fontana, and the Subdivision Map Act.
4. If applicable, the applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
5. The applicant/developer shall comply with the mitigation measures identified in the Addendum to the Final Environmental Impact Report (FEIR), and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
6. This tentative parcel map shall become null and void two (2) years from the date of approval subject to discretionary extensions.
7. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.

ENGINEERING:

8. The Applicant shall record a Parcel Map as required for the development.

PRIOR TO MAP RECORDATION

9. Either have all interior monuments, boundary monuments, and centerline survey monuments set or post security to guarantee the proper setting of the monuments in an amount based on the City's Engineering Cost Estimate. Monumentation Inspection fees shall also be paid.

PRIOR TO THE RELEASE OF THE SECURITY

10. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
11. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.

BUILDING & SAFETY DIVISION:

12. The Tentative Parcel Map shall record prior to the issuance of any permits.

END OF CONDITIONS OF APPROVAL

Exhibit "D"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 22-084
Tentative Tract Map No. 20568
(TTM No. 22-007)

DATE: July 25, 2022

LOCATION: The project site is located on the south side of Village Drive and east of Live Oak Avenue (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19)

PLANNING DEPARTMENT:

1. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
 - a. All requirements of the Fontana City's Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
2. The applicant shall defend, indemnify, and hold harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission and/or City Council concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. 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. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of

Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

3. This tentative tract map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development) of the Municipal Codes of the City of Fontana, Mitigation Monitoring and Reporting Program (MMRP), and the Subdivision Map Act.
4. Prior to recordation of the final tract map, City and Applicant shall prepare and record an easement that delineates the fuel modifications areas and provides provisions for access and long-term maintenance of the vegetation and the access road by the Homeowner's Association in perpetuity.
5. The applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
6. The applicant/developer shall comply with the mitigation measures identified in the Final Environmental Impact Report (FEIR), and Mitigation Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
7. All Conditions of Approval and Mitigation Monitoring and Reporting Program (MMRP) contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
8. This tentative tract map shall become null and void two (2) years from the date of

approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.

9. There shall be no combination wall over three (3) feet retaining wall and six (6) feet freestanding; the maximum height of any combination wall shall not exceed nine (9) feet.
10. Solid masonry walls of a minimum of six feet in height measured from finished grade shall have a decorative cap and shall be required at the perimeter of the project site, unless shown otherwise on approved plans or as approved by Director of Planning.
11. 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.
12. The applicant shall adhere to the regulations from the Fire Hazard Overlay District Guidelines (Section 30-656) of the Fontana Municipal Code.

PRIOR TO ISSUANCE OF BUILDING /CONSTRUCTION PERMITS

13. 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 all the final building and grading plans prior to issuance of any building or grading permits.

ENGINEERING DEPARTMENT:

14. 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.
15. 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.
16. The Applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

17. Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
18. The Applicant shall submit and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Storm Drainage Plan.

PRIOR TO MAP RECORDATION

19. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
20. Applicant shall record Community Facility District (CFD) map as required for the development.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

21. The Applicant shall record a Tract Map as required for the development.
22. The Applicant shall Vacate/Abandon a portion of Live Oak Avenue and dedicate right of way to the City based on the new configuration of Old Live Oak Avenue.
23. The Applicant shall dedicate right of way to the City for Village Drive.
24. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FIRST BUILDING PERMIT

25. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practices transfer that reflects the constructed condition. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

26. The Applicant/Design Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
27. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting

proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.

28. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
29. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
30. 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.
31. 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.

BUILDING & SAFETY DIVISION:

32. The Tentative Tract Map shall record prior to the issuance of any permits.

MANAGEMENT SERVICES:

33. To eliminate the negative fiscal impact on municipal services associated with this proposal, the project will be required to annex into an existing community facilities district (CFD) or form a new community facilities district (CFD) for the purpose of financing the cost of maintenance and operation of the public street lighting, landscaping, water quality basin, public parks, parkways, and the removal of or cover of graffiti. The City will determine which is more appropriate for the project, establishing a new district or annexing into an existing district. The district formation or annexation must be completed prior to the issuance of building permits.

END OF CONDITIONS OF APPROVAL

Exhibit "E"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-084
Administrative Site Plan No. 23-014

DATE: July 25, 2022

LOCATION: The project site is located on the south side of Village Drive and east of Live Oak Avenue (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19)

PLANNING DEPARTMENT:

1. This approval is for Park Review (ASP) No. 23-014 Future Southridge Park comprised of 14 parking spaces, three (3) pickleball court, covered benches, two (2) shade structures, concrete walking trails, open lawn area, lighting, fencing, benches, and waste receptacles, as approved by the Planning Commission.
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. 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 (C of O) or other document evidencing the City's final inspection and acceptance of the work.
 - B. All requirements of the Fontana Municipal Code shall be complied with.
 - 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.

4. This project will comply with all applicable provisions, regulations, and development standards of the City of Fontana Municipal Code.
5. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-23 of the 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. 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.
7. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, carpool, or any other designated parking as required by law.
8. All signs shall be reviewed under a separate Design Review Sign application.
9. Exterior lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
10. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
11. Any transformer(s) shall be screened by either a screen wall or mature, dense landscaping, and not visible from the public right-of-way.
12. The applicant shall adhere to the regulations from the Fire Hazard Overlay District Guidelines (Section 30-656) of the Fontana Municipal Code.
13. 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.

14. 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. To ensure the minimum light standard is met, provide a photometric layout under separate exhibit.
15. An Agreement shall be recorded prior to final tract map recordation obligating the Homeowner's Association (HOA) to maintain the areas of the Fuel Modification Plan. The agreement shall include terms and conditions for reimbursement from the HOA to the City of Fontana should the City of Fontana, or agent of the City of Fontana, be required to perform maintenance on behalf of the HOA which shall only occur if the city determines, in the City's good faith discretion, that the HOA has not performed adequate maintenance required to reduce the combustible fuel hazards that are identified on City owned property to maintain the minimum clearance set forth in the Fuel Modification Plan.
16. Prior to recordation of the final tract map, City and Applicant shall prepare and record an easement that delineates the fuel modifications areas and provides provisions for access and long-term maintenance of the vegetation and the access road by the Homeowner's Association in perpetuity.
17. The new public park property shall be dedicated and improved to the City prior to issuance of the 127th certificate of occupancy for the project (MCN No. 22-084).
18. The construction contractor will use the following source controls at all times:
 - A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
 - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - D. Have only necessary equipment onsite.
 - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.

2. Temporarily enclose localized and stationary noise sources.
3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

19. Historic Archaeological Resources:

- A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
- B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

BUILDING & SAFETY:

20. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code

- C. California Electrical Code
- D. California Mechanical Code
- E. California Plumbing Code
- F. California Energy Code
- G. California Fire Code
- H. California Green Building Standards Code

21. 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.

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

- A. Grading plans shall be submitted to and approved by Building & Safety Division. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
- B. All drainage water shall drain via approved methods to an approved location such as a public street, 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 slag or 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 Division.

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:
 - 1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 - 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and

3. All proposed drainage structures; and
 4. Any proposed and/or required walls or fencing.
23. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

24. 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
 - D. Rough grade inspection signed off by a City Building Inspector

END OF CONDITIONS OF APPROVAL

Exhibit "F"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-084
Design Review No. 22-043

DATE: July 25, 2022

LOCATION: The project site is located on the south side of Village Drive and east of Live Oak Avenue (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19)

PLANNING DEPARTMENT:

1. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
 - A. All of the improvements, construction, alteration, and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
 - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. This Design Review 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 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.

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

4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
5. The project shall comply with all applicable provisions, regulations and development standards of the Southridge Village Specific Plan and Fontana Zoning and Development Code.
6. All future monument signs shall be reviewed under a separate Design Review Sign application.
7. All built in gas barbeques shall be installed with safety locks to the satisfaction of the Director of Planning.
8. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
9. The current Development fees must be paid prior to certificate of occupancy.

Any foam treatment used for architecture treatments and/or projections located on the first floor shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Community Development.

10. The developer shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development in a convenient location and is well-lit. The mailbox shall not block the line of sight. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The developer is responsible for contacting the Post Office for the type and location of the mailboxes within their development. Any replacements of the mailboxes subsequent to the original installation shall be the responsibility of the developer, the property management company, and/or the homeowners association, and the Post Office.
11. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.
12. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
13. The applicant shall install decorative garage doors with windows to satisfaction of the Director of Planning.
14. All landscaping must be adequately maintained at all times.
15. All masonry block walls shall be a minimum of six (6) ft. tall with a prefabricated cap when fronting the public right of way.
16. The amenities for this project shall be built based on the approved landscape plans.
17. 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.
18. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
19. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited

to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.

20. The applicant shall post the most recent City of Fontana General Plan map, size 24-inches by 36-inches, in all offices selling new homes in the subdivision, whether on-site or remote. The project site/tract boundary shall be clearly delineated on the General Plan map. Additionally, a 24-inch by 36-inch map showing the school district boundaries (for all districts in the City) shall be displayed. The General Plan information and school district boundaries may be included on the same map. The maps shall be clearly and prominently displayed and be visible to all persons entering the sales office.
21. The applicant and/or property owner shall file a petition with the Fontana City Council requesting police enforcement of the California Vehicle Code and the Fontana Municipal Code on the private streets of the development while the development is under a single ownership, or prior to Certificate of Occupancy of any dwelling unit.
22. The development shall maintain an active Homeowner's Association (HOA) at all times. The City shall be a third party to the HOA. in the event the development cannot maintain said HOA. The HOA. Board shall meet in the recreation/club room located within the development. A property management company is strongly recommended to manage the site appropriately.
23. Install and maintain the Fontana Police Department's R.E.A.C.T. electronic gate system (in addition to the County's Knox Box system).
24. If a digital video surveillance system is available 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.
25. A locator map or directory should be posted at the site entrances. The directory should be located on the site so as to be easily and quickly identified and free from visual obstruction. The directory should be illuminated from dusk until dawn. The directory should have vandal resistant glazing to minimize criminal damage and the structure should be weather resistant.
26. Community address numbers and complex numbers should be visible. Building and unit numbers should be posted and visible. Address specifications are meant to ensure identification and location of buildings. Proper posting and maintenance minimize confusion as to location and expedites public safety response.
27. Adhere to the city light standard of one foot candle minimum of light for all entrances, exits, pedestrian walkways, parking lots and activity areas. Reflect all light fixtures on the site plan. The type of illumination shall be either florescent, metal halide or white L.E.D.'s., and the luminaries shall be vandal resistant. All luminaries shall

remain lit from dusk until dawn. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

28. A Register of Professional Archaeologists (RPA)-qualified archeologist experienced with Native American artifact identification and approved by the City of Fontana shall be present to monitor the first two (2) days of site preparation/ grubbing; the first two (2) days of mass grading; and the first two (2) days of utility trenching. Such monitoring activities may be reduced or terminated depending on the findings and recommendations of the archeologist. In the event that prehistoric or historic cultural resources be uncovered during these activities, representatives of the tribal entity(s) who consider the project site to be within their traditional use area shall be contacted and invited to the site to review the find, and monitoring shall be continued at the discretion of archeologist.
29. Historic Archaeological Resources
 - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
 - C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.
30. 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 weekday, 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 No. 18-63(7) of the Municipal Code. 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.
 - b. 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.
 - c. Have only necessary equipment onsite.
 - d. 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:
 - e. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - 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.
- 31. There shall be five (5) feet of landscaping and two (2) feet of decorative concrete for passengers to step out of vehicles, total of seven (7) feet, at the end of automobile parking aisles.
 - 32. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of 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 may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
 - 33. 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.
 - 34. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
 - 35. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Director of Planning.

36. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
37. Any transformer visible from the public right-of-way shall be screened by a solid screen wall and mature, dense landscaping.
38. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.
39. ~~In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.~~
40. 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. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
41. Incorporate an anti-graffiti coating onto the exterior of all proposed block walls to discourage graffiti.
42. If possible incorporate hostile landscape into the exterior, perimeter landscape setback areas to discourage subjects from accessing the site.
43. An Agreement shall be recorded prior to final tract map recordation obligating the Homeowner's Association (HOA) to maintain the areas of the Fuel Modification Zone Plan. The agreement shall include terms and conditions for reimbursement from the HOA to the City of Fontana should the City of Fontana, or agent of the City of Fontana, be required to perform maintenance on behalf of the HOA which shall only occur if the city determines, in the City's good faith discretion, that the HOA has not performed adequate maintenance required to reduce the combustible fuel hazards that are identified on City owned property to maintain the minimum clearance set forth in the Fuel Modification Zone Plan.
44. Prior to recordation of the final tract map, City and Applicant shall prepare and record an easement that delineates the fuel modifications areas and provides provisions for access and long-term maintenance of the vegetation and the access road by the Homeowner's Association in perpetuity.

45. The new public park property shall be dedicated and improved to the City prior to issuance of the 127th certificate of occupancy for the project (MCN No. 22-084).
46. The applicant shall adhere to the regulations from the Fire Hazard Overlay District Guidelines (Section 30-656) of the Fontana Municipal Code.

PRIOR TO ISSUANCE OF GRADING PERMIT

47. All Conditions of Approval and Mitigation, Monitoring, and Reporting Program (MMRP) contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

48. Prior to 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.
49. Development fees and Planning Department final inspection fees must be paid prior to Certificate of Occupancy.

ENGINEERING LAND DEVELOPMENT:

50. 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.
51. 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.
52. The applicant shall maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to issuance of final certificate of occupancy by the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

53. Applicant shall submit and gain approval of a complete Water Quality Management Plan report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

54. The Applicant shall submit and gain approval of a final drainage study prepared in accordance with the County of San Bernardino Hydrology Manual and Fontana Master Storm Drainage Plan.

PRIOR TO MAP RECORDATION

55. Applicant shall provide a Subdivision Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.
56. Applicant shall record Community Facility District (CFD) map as required for the development.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

57. The Applicant shall record all maps as required for the development.
58. Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

PRIOR TO ISSUANCE OF FIRST BUILDING PERMIT

59. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practices transfer that reflects the constructed condition. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY

60. Applicant/Design Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
61. The Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction.
62. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
63. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be

maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).

64. 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.
65. 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.

BURRTEC WASTE & RECYCLING SERVICES:

66. Prior to the issuance of building permits, the developer shall meet with Burrtec to coordinate and develop a Waste Collection Service Plan satisfactory to Burrtec. The Service Plan shall be subject to review and approval by Burrtec and the City.

BUILDING & SAFETY DIVISION:

67. Shall comply with the latest adopted edition of the following codes as applicable:
 - I. California Building Code
 - J. California Residential Code
 - K. California Electrical Code
 - L. California Mechanical Code
 - M. California Plumbing Code
 - N. California Energy Code
 - O. California Fire Code
 - P. California Green Building Standards Code
68. The applicant shall install an automatic fire suppression systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code, and the requirements of the Fontana Fire Prevention District.
69. The requirements of the Department of Environmental Health Services and the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

70. 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
71. The applicant shall verify all perimeter/boundary walls shall be 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.
72. 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.
73. The Tentative Tract or Parcel map shall record prior to the issuance of any permits.
74. The applicant shall comply with the grading requirements:
 - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
 - B. All drainage water shall drain via approved methods, to an approved location – public street, 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 slag or 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:
 1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
 2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
 3. All proposed drainage structures; and
 4. Any proposed and/or required walls or fencing.

75. All signs shall be Underwriters Laboratories approved (or equal).

76. Permits are required prior to the removal and/or demolition of structures.

77. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

78. The project site is located in a VHFSZ, and the project will need to comply with all fire zone requirements.

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

79. The following items shall be completed and/or submitted to Building & Safety – as applicable – prior to the issuance of building permits for this project:

- C. Precise grading plans shall be approved
- D. Rough grading completed
- E. Compaction certification
- E. Pad elevation certification
- F. Rough grade inspection signed off by a City Building Inspector

FIRE PROTECTION DISTRICT:

80. 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.

81. 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.
82. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
83. Street Signs. Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code Chapter 5 & SBCoFD Standard A-2.
84. 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.
85. Water System Residential. Prior to map recordation or lot line adjustment, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than six hundred (600) feet apart as measured along vehicular travel-ways. California Fire Code Chapter 5 & SBCoFD Standard W-2.

The Fire Flow for this project shall be: 1,500 GPM for a one (1) hour duration at 20 psi residual operating pressure. Fire Flow is based on a 2,307 Square Foot structure.

86. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
87. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water

improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite. California Fire Code Chapter 5.

88. 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.
89. Combustible Native Vegetation. Combustible native vegetation shall be removed as follows: Where the average slope of the site is less than 15%, combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. Where the average slope of the site is 15% or greater, combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. California Fire Code Chapter 49.
90. Fuel Modification Zones. A Fire Protection Plan has been designed specifically for the subject project and approved by the Fire Department. All requirements of the Plan shall be adhered to, and any landscaping or construction within these areas shall be submitted to the Fire Department for review and approval in compliance with appropriate standards. California Fire Code Chapter 49.
91. 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.
92. Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 & SBCoFD Standard B-1
93. 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
94. 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

95. Secondary Access. The development shall have a minimum of two (2) points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCoFD Standard A-11
96. Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Fire Code Chapter 6.

MANAGEMENT SERVICES:

97. To eliminate the negative fiscal impact on municipal services associated with this proposal, the project will be required to annex into an existing community facilities district (CFD) or form a new community facilities district (CFD) for the purpose of financing the costs of maintenance and operation of the public street lighting, landscaping, the water quality basin, parkways, and the removal of or cover of graffiti within the boundaries of, or along the perimeter of the district. The district's annual levy will include an amount for the maintenance of city parks. The city will determine which is more appropriate for the project, establishing a new district or annexing into an existing district. The district formation or annexation must be completed prior to the issuance of building permits.

END OF CONDITIONS OF APPROVAL

Certificate Of Completion

Envelope Id: B4E39F9F64C540A3B86A735BDCDF116B

Subject: Please Sign Reso 2023-085.pdf

Source Envelope:

Document Pages: 60

Signatures: 4

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

8/10/2023 | 10:53 AM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran

ruben.duran@bbklaw.com

Security Level: Email, Account Authentication
(None)**Signature***Ruben Duran*

Signature Adoption: Pre-selected Style

Using IP Address: 74.116.243.2

Timestamp

Sent: 8/10/2023 | 10:55 AM

Viewed: 8/14/2023 | 07:44 AM

Signed: 8/14/2023 | 07:45 AM

Electronic Record and Signature Disclosure:

Accepted: 8/14/2023 | 07:44 AM

ID: 3b84518e-2e1d-4773-82e5-57604a757b09

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)*Acquanetta Warren*

Signature Adoption: Pre-selected Style

Using IP Address: 108.184.102.134

Signed using mobile

Sent: 8/14/2023 | 07:45 AM

Viewed: 8/14/2023 | 11:56 AM

Signed: 8/14/2023 | 11:57 AM

Electronic Record and Signature Disclosure:

Accepted: 8/14/2023 | 11:56 AM

ID: 4fd06c67-2997-4761-ba38-64d4f16095f6

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication
(None)*Germaine Key*

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Sent: 8/14/2023 | 11:57 AM

Viewed: 8/14/2023 | 12:22 PM

Signed: 8/14/2023 | 12:23 PM

Electronic Record and Signature Disclosure:

Accepted: 8/14/2023 | 12:22 PM

ID: ff2e48b1-2388-4a1a-befe-477ab42361a1

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Carbon Copy Events

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Status**COPIED****Timestamp**

Sent: 8/14/2023 | 12:23 PM

Viewed: 8/14/2023 | 04:30 PM

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

8/10/2023 | 10:55 AM

Certified Delivered

Security Checked

8/14/2023 | 12:22 PM

Signing Complete

Security Checked

8/14/2023 | 12:23 PM

Completed

Security Checked

8/14/2023 | 12:23 PM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.

EXHIBIT "B"
LEGAL DESCRIPTION

LOT 28 OF TRACT NO. 12064-2, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 176 OF MAPS, PAGES 78 TO 97, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS, PETROLUEM, ALL KINDRED SUBSTANCES, PRECIOUS METALS, ORES, ASPHALTUM, MINERALS, WHETHER KNOWN OR UNKNOWN, AND ANY OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF FIVE HUNDRED (500) FEET, MEASURED VERTICALLY FROM THE SURFACE OF THE LAND, BUT WITHOUT ANY RIGHT OF SURFACE ENTRY TO TAKE OR RECOVER SAME, BY DEED RECORDED JANUARY 10, 1983, AS INSTRUMENT NO. 83-5299.

FURTHER EXCEPTING THEREFROM ALL MINERALS AND MINERAL ORES OF EVERY KIND OF CHARACTERS, INCLUDING PETROLEUM AND OTHER HYDROCARBON SUBSTANCE OR OTHER MINERAL DEPOSITS, BUT WITHOUT THE RIGHT OF SURFACE ENTRY OVER THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 1S, RANGE 6W SBBM, BY DEED RECORDED MAY 16, 1960 IN BOOK 5137, PAGE 1 OF OFFICIAL RECORDS.

FURTHER EXCEPTING THEREFROM ALL OIL, GAS, OR OTHER HYDROCARBON SUBSTANCES OR OTHER MINERAL DEPOSITS, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, BY DEED RECORDED FEBRUARY 3, 1959 IN BOOK 4721, PAGE 447 OF OFFICIAL RECORDS.

RECORDING REQUESTED BY

City of Fontana
5353 Sierra Avenue
Fontana, CA 92335

WHEN RECORDED MAIL TO

City of Fontana
Attn: City Clerk
5353 Sierra Avenue
Fontana, CA 92335

APN: 0237-212-25

Exempt from Recording Fees per Govt. Code §27383
Exempt from Documentary Transfer Tax per Calif. Rev. & Tax. Code §11922

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Fontana Public Financing Authority, a California joint powers agency, hereby GRANTS, CONVEYS, and TRANSFERS in fee simple to City of Fontana, a California municipal corporation, all right, title, and interest in and to that certain real property situated in the City of Fontana, County of San Bernardino, California as described in Exhibit A, attached hereto and incorporated herein by this reference for street and utility right-of-way purposes.

Date: _____

Name: _____

By: Matthew Ballantyne

Its: Executive Director

**EXHIBIT A TO
GRANT DEED**

LEGAL DESCRIPTION

LOT 28 OF TRACT NO. 12064-2, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 176 OF MAPS, PAGES 78 TO 97, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS, PETROLUEM, ALL KINDRED SUBSTANCES, PRECIOUS METALS, ORES, ASPHALTUM, MINERALS, WHETHER KNOWN OR UNKNOWN, AND ANY OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF FIVE HUNDRED (500) FEET, MEASURED VERTICALLY FROM THE SURFACE OF THE LAND, BUT WITHOUT ANY RIGHT OF SURFACE ENTRY TO TAKE OR RECOVER SAME, BY DEED RECORDED JANUARY 10, 1983, AS INSTRUMENT NO. 83-5299.

FURTHER EXCEPTING THEREFROM ALL MINERALS AND MINERAL ORES OF EVERY KIND OF CHARACTERS, INCLUDING PETROLEUM AND OTHER HYDROCARBON SUBSTANCE OR OTHER MINERAL DEPOSITS, BUT WITHOUT THE RIGHT OF SURFACE ENTRY OVER THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 1S, RANGE 6W SBBM, BY DEED RECORDED MAY 16, 1960 IN BOOK 5137, PAGE 1 OF OFFICIAL RECORDS.

FURTHER EXCEPTING THEREFROM ALL OIL, GAS, OR OTHER HYDROCARBON SUBSTANCES OR OTHER MINERAL DEPOSITS, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, BY DEED RECORDED FEBRUARY 3, 1959 IN BOOK 4721, PAGE 447 OF OFFICIAL RECORDS.

CITY OF FONTANA
CERTIFICATE OF ACCEPTANCE OF
GRANT DEED

[APN: 0237-212-25]

This Certificate of Acceptance pertains to the interest in certain real property conveyed by the Grant Deed dated _____, 2025 to which this Certificate of Acceptance is attached,

from: **FONTANA PUBIC FINANCING AUTHORITY, a California joint powers agency**
("Grantor")

to: **CITY OF FONTANA, a California municipal corporation ("Grantee")**

Said Grant Deed is hereby accepted by the undersigned officer on behalf of Grantee pursuant to authority conferred by the Grantee's governing board, and Grantee hereby consents to recordation of said Grant Deed.

Dated: _____

CITY OF FONTANA,
a California municipal corporation

By: _____

Matthew Ballentyne

Its: City Manager

ATTEST:

City Clerk

SCALE: 1" = 500'

IN THE CITY OF FONTANA, SAN BERNARDINO COUNTY, CALIFORNIA

SHEET 4 OF 20 SHEETS

TRACT NO 12064-2

BEING A SUBDIVISION OF A PORTION OF SECTION 35, T.1 S., R.6 W., S.B.B.M.
AND A PORTION OF TRACT 12064-1, M.B. 167/29-49 ALL OF OFFICIAL RECORDS.

McCUTCHAN CO. INC.

MARCH, 1984

TOTAL AREA OF TR. 12064-2 IS 394.11 ACRES

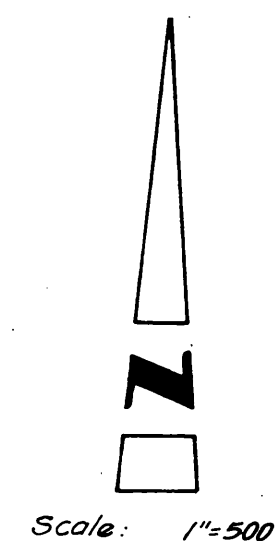
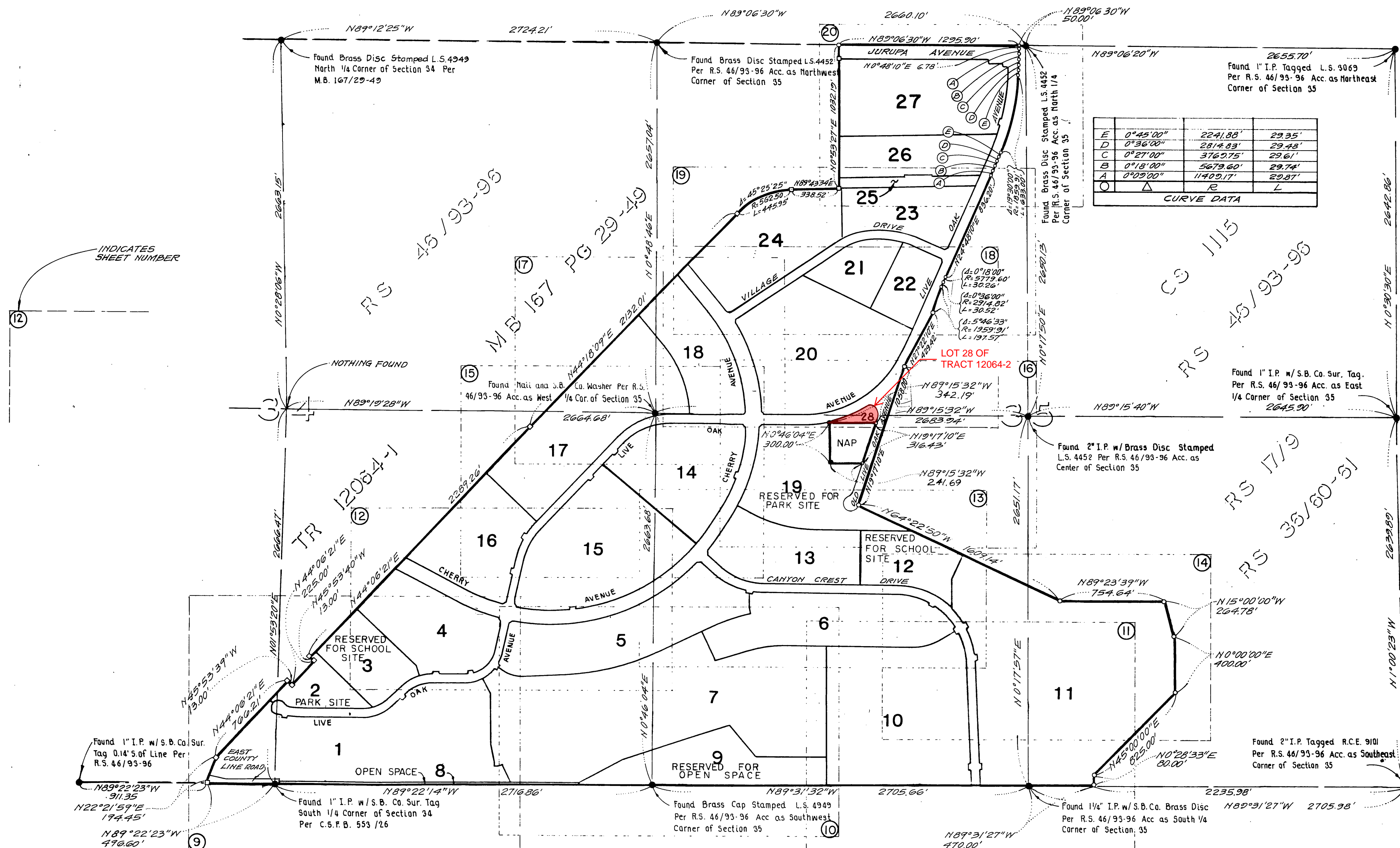
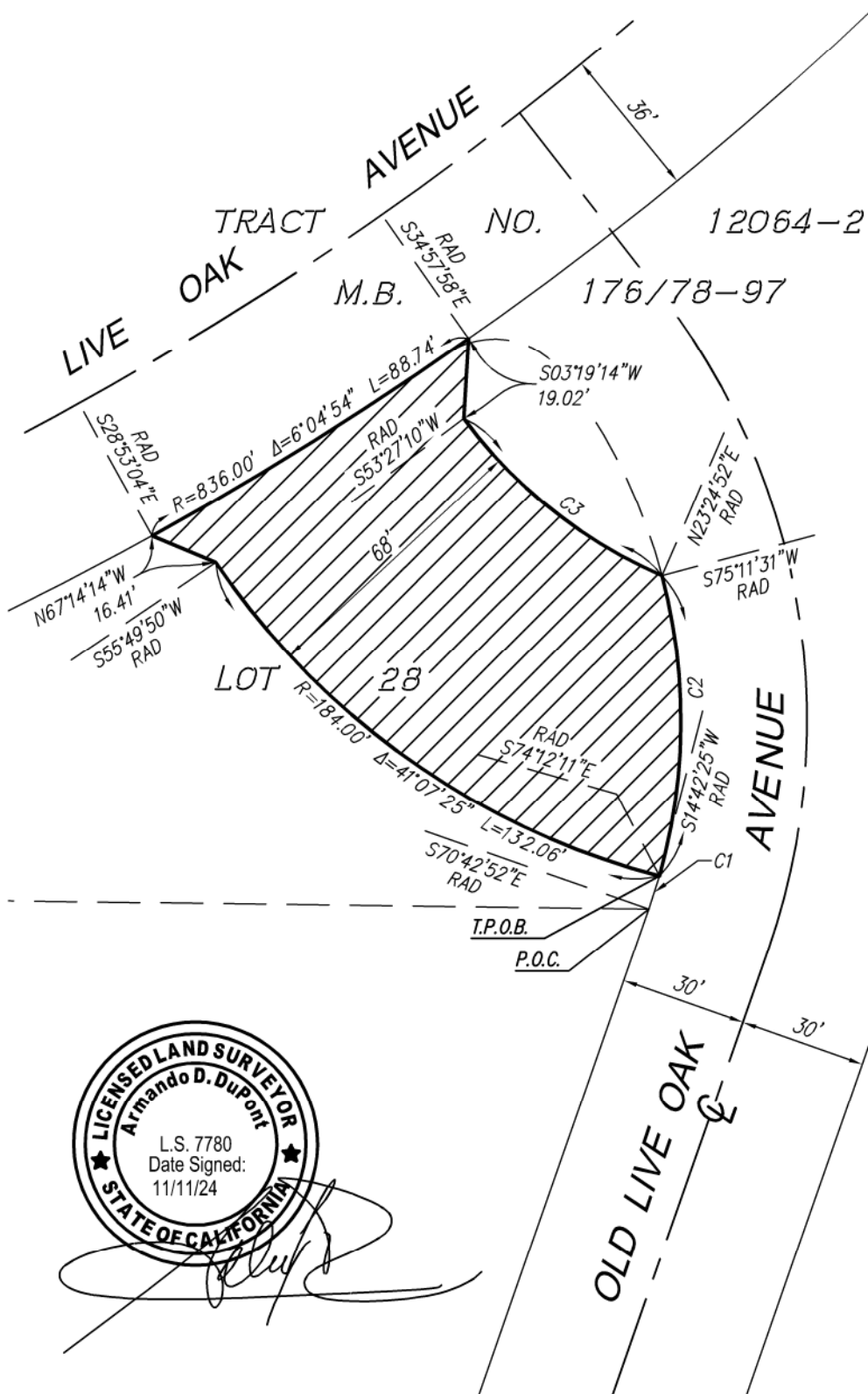


EXHIBIT PLAT OF AREA TO BE DECLARED RIGHT-OF-WAY ON LOT 28



= STREET DEDICATION
AREA = 7,860 SQ. FT. OR 0.180 AC.



CALVADA
SURVEYING, INC.

0' 20' 40'
SCALE: 1"=40'

PARCEL 1
PM NO. 20565
P.M.B. 262/100-103



CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	135.51'	3°29'19"	8.25'
C2	135.51'	30°36'18"	72.38'
C3	116.00'	30°02'18"	60.82'

CALVADA

SURVEYING, INC.

411 JENKS CIRCLE, SUITE 205, CORONA, CA. 92878

Los Angeles

PHONE: 951-280-9960

FAX: 951-280-9746

Job No. 22191-2

www.calvada.com **84**