

## RESOLUTION PC NO. 2024-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING A MITIGATION MONITORING REPORTING PROGRAM AND APPROVING TENTATIVE PARCEL MAP NO. 20669 (TPM NO. 22-034) TO CONSOLIDATE THIRTEEN (13) EXISTING PARCELS INTO TWO PARCELS OF APPROXIMATELY 11.6 GROSS ACRES AND DESIGN REVIEW NO. 22-065 FOR SITE AND ARCHITECTURAL REVIEW OF A 437-UNIT MULTI-FAMILY APARTMENT PROJECT WITH 4,000 SQUARE FEET OF RETAIL AREA LOCATED AT THE SOUTHWEST CORNER OF VALLEY BOULEVARD AND JUNIPER AVENUE (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 AND -35)**

**WHEREAS**, Assessor Parcel Numbers 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 and -35, totaling approximately 11.6 gross acres, were annexed from San Bernardino County and incorporated into the City of Fontana on October 16, 1980; and

**WHEREAS**, on November 3, 2022, the City of Fontana (City”) received an application from Jay Adamowitz on behalf of JPI Development (“Applicant”) for Tentative Parcel Map No. 22-034 (TPM 20669) to consolidate thirteen (13) existing parcels into two (2) parcels for the development of a mixed-use project of approximately 11.6 gross acres and Design Review 22-065 for the development of a 437-unit multi-family apartment project that includes 4000 square feet of commercial area with various amenities and associated site improvements for the property located east of Cypress Avenue, south of Valley Boulevard, north of Interstate (I) 10, and west of Juniper Avenue (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 and -35); and

**WHEREAS**, the Project site has a General Plan Land Use designation of Walkable Mixed Use Corridor and Downtown (WMXU-1) and is located within the Valley Gateway District of the Form Based Code zoning district, which allows for such projects; and

**WHEREAS**, pursuant to the California Environmental Act (CEQA), an Initial Study (IS)/Mitigated Negative Declaration and Mitigation Monitoring Program were prepared. A Notice of Intent to Adopt the IS/Mitigated Negative Declaration was issued on October 27, 2023, providing for a public comment period from October 27, 2023 to November 20, 2023. Comments were received from Lozeau Drury LLP on behalf of the Supporters Alliance for Environmental Responsibility and Mitchell M. Tsai on behalf of the Western States Regional Council of Carpenters. The developer responded to the comments and modified the MND accordingly. The IS concludes that no significant impacts would be caused by the project with the incorporation of mitigation measures, therefore, a Mitigated Negative Declaration has been recommended for adoption; and

**WHEREAS**, the Conditions of Approval have been prepared and are attached hereto as **Exhibit “A”** for Tentative Parcel Map No. 22-034 (TPM No.20669) and as **Exhibit “B”** for Design Review No. 22-065; and

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

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

**WHEREAS**, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the *SB Sun* newspaper on October 27, 2023 and simultaneously displayed at City Hall and at the Project site; and

**WHEREAS**, the project was originally scheduled for public hearing before the Planning Commission (“Planning Commission”) on November 21, 2023 and at that time was continued to the December 19, 2023 City of Fontana Planning Commission meeting, and was continued to the January 16, 2024, Planning Commission meeting due to lack of a quorum, and subsequently continued to the April 2, 2024 at the request of the Applicant; and

**WHEREAS**, on April 2, 2024, a duly noticed public hearing on Tentative Parcel Map No.22-034 (TPM No. 20669) and Design Review No. 22-065 was held by the City of Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and; and,

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

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

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

**Section 2. CEQA.** The Planning Commission has reviewed and considered the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The Planning Commission finds that the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been completed in compliance with the Sate CEQA Guidelines and Section 6.21 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA.

a. The Planning Commission has reviewed and considered the information contained in the Final MND and the administrative record, including all written and oral evidence presented to it, and finds, based on its independent review and analysis: (i) that the Final MND was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The Planning Commission further finds that the Final MND contains a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City. No new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

b. The Planning Commission has also reviewed and considered the MMRP for the Project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such MMRP is designed to ensure compliance with the mitigation measures during Project implementation.

c. **Approval and Adoption of MND.** Pursuant to Public Resources Code section 21080, subdivision (c)(2), the Planning Commission approves and adopts the Final IS/MND prepared for the Project.

d. **Approval and Adoption of MMRP.** Pursuant to Public Resources Code section 21081.6, the Planning Commission approves and adopts the MMRP, which was prepared for the Project and made a condition of Project approval, and is attached hereto.

e. **Notice of Determination.** The Planning Commission directs staff to file a Notice of Determination with the San Bernardino County Clerk and the Office of Planning and Research within five (5) working days of approval of the Project.

**Section 3. Tentative Parcel Map Findings.** The Planning Commission hereby makes the following findings for Tentative Parcel Map No. 22-034 (TPM No. 20669) in accordance with Section 26-218 (d) "Findings for approval of Tentative Parcel Map" of the Municipal Code:

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

Findings of Fact: Tentative Parcel Map No. 22-034 (TPM No. 20669) is a request to consolidate thirteen (13) existing parcels totaling approximately 11.6 gross acres into two (2) lots. The lots will provide for the development of the mixed-use project consisting of a 437 multi-family residential project and 4,000 square feet of retail. The General Plan and Walkable Mixed Use Downtown and Corridor (WMXU-1) designation

allows for this use and the FMC allows for the consolidation of parcels.

The lots comply with the FMC, specifically Chapter 26, and the Zoning and Development Code, specifically Chapter 30. The project has a density of 38.9 dwelling unit per acre which is below the maximum 39.0 units per acre density allowed in the Valley Gateway sub district of the Form Based Code (FBC). Therefore, Tentative Parcel Map 22-034 (TPM No. 20669) is consistent with Chapter 16 of the City's General Plan, particularly, Community and Neighborhoods Element Goal 6, by providing a "safe, attractive and lively central part of the city has new infill development and infrastructure and public realm improvements". Additionally, new utilities will be installed, and the street meets the minimum width requirement of a major street identified within the Hierarchy of Streets of the General Plan. The project is not within a specific plan.

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

Findings of Fact: The design of the project is consistent with the General Plan. Street improvements including curb, gutter, and sidewalks conform to the requirements of the General Plan, Chapter 26 of the FMC, and Chapter 30 of the Zoning and Development Code. 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: That 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 development. The project site is approximately 11.6 gross acres and will accommodate the mixed-use project including curb, gutter, and sidewalks. The WMXU-1 residential densities range from 24 – 39 dwelling units per acre. The project has a density of 38.9 dwelling units per acre which is within the allowed density. The lot size and scale of the project is suitable for Valley Boulevard which is classified as a Major Highway per the Hierarchy of Streets Plan. All street improvements will be constructed pursuant to applicable building, zoning, engineering and fire code standards.

**Finding No. 4: That 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 development and the improvements comply with the FMC requirements and conditions of approval (referenced herein), and will not have any impact on the environment or substantially and avoidably injury to fish, wildlife, or their habitat. Additionally, an Initial Study was completed for the project and no impact was found to be significant and unavoidable. A Mitigated Negative Declaration has been prepared for this project.

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

Findings of Fact: The design of the consolidation complies with the FMC and the improvements associated with the subdivision such as street, curb, gutter, sidewalk are required to be constructed and have been designed as part of this project pursuant to the Zoning and Development Code and the Engineering Department requirements. Additional improvements such as water and sewer connection will be built pursuant to applicable building, zoning, and fire code standards and shall promote the public health, safety, and welfare of the surrounding community and will not cause public health problems.

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

Findings of Fact: The design of the development and improvements will not conflict with any access easements acquired by the public. The project will provide four (4) points of access, one (1) from Valley Boulevard, two (2) from Juniper Avenue and one (1) from Washington Drive. Currently there is an access easement from the west side of the property that would connect this project with the shared access to Valley Boulevard. The subject property is not located within the Fire Hazard Overlay Zone; thus, the project is not subject to the requirements of the Fire Hazard Overlay Zone.

**Section 4. Design Review Findings.** The Planning Commission hereby makes the following findings for Design Review No. 22-065 in accordance with Section 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The construction of a mixed-use development consisting of a 437-unit multi-family residential project and 4,000 square feet of commercial space is consistent with the General Plan designation for the project site which is WMXU-1. The WMXU-1 land use designation category is described by the General Plan as a land use category that is intended to provide for the creation of areas that allow residents and visitors to walk, bike, and take transit to other uses for work, study, shopping, entertainment, recreation, and civic activities, and to provide compact residential development within walking distance of planned public transit stops and neighborhood shopping areas. The General Plan sets the framework for the City of Fontana and is a document that provides the overall policies for development within the community and does not specifically regulate development standards.

The development meets the following goals of the General Plan:

Chapter 15, Goal No. 2, Policy No. 2: “Locate multi-family development in mixed-use centers, preferably where there is nearby access to retail, services, and public transportation.” (page 15.34 FGP)

Chapter 15, Goal No. 2, Action D: “Encourage Livable Corridor design: more walkable neighborhoods with higher density housing and a mixed-use development on larger infill sites along corridors such as Foothill, Sierra, Valley, Baseline, Citrus and others, connecting them to adjoining neighborhoods.” (page 15.35FGP)

The project is located in the Valley Gateway sub district of the FBC. This district is an area that is intended to encourage pedestrian and transit-oriented development. New development should preserve and exemplify the character of the existing neighborhood. The mixed-use development will meet all zoning and development standards set forth in the FMC and is consistent with the General Plan. The project site is not located in a Specific Plan.

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

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed project. Additionally, the development meets all setback, height,

landscaping, design, architecture, parking, access and safety requirements.

The site improvements have been reviewed by the Fire, Building and Safety, Engineering and Public Works Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project including providing for 30 foot wide drive aisles as required by the Fire Department for buildings that are 3 stories or higher and providing for four points of access. Street lighting and on-site lighting have been included to provide ample visibility at night.

**Finding No. 3: The proposal, in its design and appearance, is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The project has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Modern. The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the buildings consists of decorative window treatments, decorative lighting, varied roof lines, architectural “pop-outs,” and other features appropriate to the style. The use of a variety of colors and materials used such as siding, metal accents, veneer and faux wood will further add architectural diversity to each building. The project enhances the surrounding neighborhood by incorporating architectural style that complements the surrounding area. Additionally, landscaping will utilize plants to complement the architecture of the building and the development as a whole. As mentioned above, this project has been reviewed by the Engineering, Building and Safety and Fire Departments for safety.

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

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood.

The project site improvements have been reviewed by the Fire, Building and Safety, and Engineering Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. Street lighting and on-site lighting have been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels and the right-of-way.

**Section 5. Approvals.** Based on the foregoing, the Planning Commission hereby adopts the Initial Study/Mitigated Negative Declaration and approves the Mitigation Monitoring Reporting Program and directs staff to file the Notice of Determination and approves Tentative Parcel Map No. 22-034 (TPM No. 20669) and Design Review No. 22-065 subject to findings listed above and subject to the Conditions of Approval attached hereto as **Exhibits “A” and “B”**, respectively, and incorporated herein by reference.

**Section 6. Resolution Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

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

**Section 8. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 9. 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** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 2<sup>nd</sup> day of April 2024.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Ricardo Quintana, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 2<sup>nd</sup> day of April 2024, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ricardo Quintana, Secretary

**Exhibit "A"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 22-145  
Tentative Parcel Map No. 22-034  
(TPM No. 20669)

**DATE:** April 2, 2024

**LOCATION:** The project site is located east of Cypress Avenue, south of Valley Boulevard, north of Interstate (I) 10, and west of Juniper Avenue. (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 and -35).

**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. Tentative Parcel Map No. 22-034 (TPM No. 20669) shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development, and the Subdivision Map Act.
4. The applicant/developer 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 project shall comply with all mitigation measures identified in the Mitigation Monitoring Reporting Program (MMRP).
6. All Conditions of Approval and mitigation measures 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.
7. Tentative Parcel Map No. 22-034 (TPM No. 20669) shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
8. 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.

9. 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.

10. The construction contractor shall use the following source controls at all times:

- a. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday.

- b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- d. Have only necessary equipment onsite.
- e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
- f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
- g. Temporarily enclose localized and stationary noise sources.
- h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

**BUILDING AND SAFETY:**

11. 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
12. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
13. 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.
14. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

15. The applicant shall comply with the following grading requirements:
  - A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. Provide 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 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 DAB Comments Page 3 of 3 pavement, plant material, etc.); and
    3. All proposed drainage structures; and
    4. Any proposed and/or required walls or fencing.
16. 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.
17. The project shall comply with all mitigation measures identified in the Mitigation Monitoring Reporting Program (MMRP).

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

18. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
  - A. Precise grading plans shall be approved
  - B. Rough grading completed
  - C. Compaction certification
  - D. Pad elevation certification
  - E. Rough grade inspection signed off by a City Building Inspector
19. Project must comply with accessibility provisions found in the CBC Chapter 111.

**ENGINEERING:**

20. 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.
21. 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.
22. 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.
23. The applicant shall design and construct the necessary signal modifications at Juniper Avenue/Valley Boulevard intersection to accommodate a southbound shared thru/right lane and an 8-phase signal operation removing the north/south split-phasing operation. This work shall include all related signing, striping, ADA improvements, and signal modifications at the intersection.
24. The applicant shall design and construct all necessary frontage improvements along Valley Boulevard, Juniper Avenue, and Washington Drive.
25. The applicant shall design and construct all necessary improvements at all vehicular and pedestrian access points being utilized for the project to meet current standards, including the shared driveway along Valley Boulevard.
26. A median shall be constructed on Valley Boulevard from Cypress Avenue to Juniper Avenue.
27. Driveway approaches on Valley Boulevard shall be restricted to right in and right out only and no median breaks will be provided.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

28. The 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.
29. 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 Plan of Drainage.

**PRIOR TO MAP RECORDATION**

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

**PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS**

31. The Applicant shall record a Parcel Map in substantial conformance with Tentative Parcel Map 20669.
32. The Applicant shall dedicate right-of-way for the ultimate frontage improvements on Valley Boulevard, Juniper Avenue, and Washington Drive.
33. The Applicant shall provide all easements required for the development.
34. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

**PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

35. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
36. 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.
37. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
38. The Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be

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

39. 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.
40. 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.
41. The Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water Best Management Practices transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.
42. The applicant's engineer shall develop a coordinated signal timing plan that includes the signalized intersections along Valley Boulevard at Cypress Avenue, Juniper Avenue, and Sierra Avenue. The applicant's engineer shall develop the plan based on empirical data gathered along the subject corridor and shall provide implementation support. The applicant has the option of replacing this requirement by implementing an equivalent or greater value TDM measure of either providing bus passes to residents or by providing and maintaining a bike-share program.
43. All Conditions of Approval issued to the project no. MCN 22-145 shall apply.
44. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

**END OF CONDITIONS**

**Exhibit "B"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 22-145  
Design Review Project (DRP) No. 22-065

**DATE:** April 2, 2024

**LOCATION:** The project site is located east of Cypress Avenue, south of Valley Boulevard, north of Interstate (I) 10, and west of Juniper Avenue. (APNs: 0251-171-19, 0251-321-17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27 and -35).

**PLANNING DEPARTMENT:**

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

In the event of any such third party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which

may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
5. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.
6. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
7. This Design Review Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
8. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.

9. Color combinations and color schemes for commercial buildings approved under a Design Review Permit application shall not be modified or changed without prior approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.
10. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
11. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.
12. The developer shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development in a convenient location and is well-lit. The mailbox shall not block the line of sight. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The developer is responsible for contacting the Post Office for the type and location of the mailboxes within their development. Any replacements of the mailboxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.
13. The applicant/developer/property owner shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
14. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
15. 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.

16. 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.
17. The developer shall provide a block wall with a cap along the easterly and northerly property line of 16592 Washington Drive as it abuts to the subject property. The wall shall be minimum of six (6) feet high from top of grade on the project side. If a retaining wall is being used, it must follow the requirements of the Zoning Code. Additionally, the portion of the wall within the street setback along Washington Drive shall adhere to the wall height requirements.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

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

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

19. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
20. Prior to the issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Planning.
21. The project shall comply with all mitigation measures identified in the Mitigation Monitoring Reporting Program (MMRP).

**BUILDING & SAFETY:**

22. 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
23. The applicant shall install an automatic fire suppression system shall be installed in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
24. 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.
25. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
26. The applicant shall comply with the following grading requirements:
- A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location, such as a public street, a public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may, however, cross under a sidewalk if an approved drainage structure is used.
  - D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
  - E. No water course or natural drainage shall be obstructed.
  - F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
  - G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
  - H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.
  - I. The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site

structures (buildings) and all adjacent properties during a hundred (100) year storm.

- J. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
1. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and
  2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
  3. All proposed drainage structures; and
  4. Any proposed and/or required walls or fencing.
27. 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**

28. The following items (as applicable) shall be completed by the applicant and submitted to Building & Safety prior to the issuance of building permits for this project:
- A. Precise grading plans shall be approved
  - B. Rough grading completed
  - C. Compaction certification
  - D. Pad Elevation certification
  - E. Rough grade inspection signed off by a City Building Inspector
29. Project must comply with accessibility provisions found in CBC Chapter 111

### **FONTANA FIRE PREVENTION DISTRICT:**

30. 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.
31. 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.**

32. **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.**
33. **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.**
34. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and “No Parking, Fire Lane” signs shall be installed on public and private roads in accordance with approved standards. **SBCoFD Standard A-2.**
35. **Water System Commercial.** Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4”x2.5”x2.5”) shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet as measured along vehicular travel-ways. **California Fire Code Chapter 5 & SBCoFD Standard W-2.** The Fire Flow for this project shall be 4,000 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 213,302 square foot structure.
36. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. **SBCoFD Standard W-2.**
37. **Water Improvement Plan.** The applicant shall submit “Water Improvement Plans” to Fontana Fire Prevention. W.I.P. to include site plan, existing and proposed PUBLIC fire hydrant locations, building construction type, largest building square footage details, lot size detail in square feet, and description of what is being constructed. Once approved by Fire Department, applicant will provide stamped/approved W.I.P. to water purveyor for their construction needs. **ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE. California Fire Code Chapter 5.**
38. **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.**

39. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. **California Fire Code Chapter 9 & SBCoFD Standard F-1.**
40. Standpipe system. A standpipe system is required. A fire sprinkler contractor shall submit three (3) sets of hydraulic calculations and detailed plans to the Fire Department for review and approval. The system shall comply with NPA 14 and Fire Department standards. The required fees shall be paid at the time of plan submittal. **California Fire Code Chapter 9.**
41. Fire Alarm, Manual or Automatic. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. **California Fire Code Chapter 9, SBCFD Standard F-5, & NFPA 72.**
42. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. **California Fire Code Chapter 9.**
43. Commercial (large facility) Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one half (1 ½ ) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. **California Fire Code Chapter 5 & SBCoFD Stanadard B-1.**
44. Illuminated Site Diagram. The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. **California Fire Code Chapter 5 & SBCoFD Stanadard B-1.**
45. 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 Stanadard A-4.**

46. 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 Stanadard A-3.**
47. Secondary Access. The development shall have a minimum of two points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. **SBCoFD A-1.**
48. San Bernardino County Fire Standards/Codes. Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Benardino County Fire Standards, California Fire Code, & NFPA.

**ENGINEERING:**

49. 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.
50. 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.
51. 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.
52. The applicant shall design and construct the necessary signal modifications at Juniper Avenue/Valley Boulevard intersection to accommodate a southbound shared thru/right lane and an 8-phase signal operation removing the north/south split-phasing operation. This work shall include all related signing, striping, ADA improvements, and signal modifications at the intersection.
53. The applicant shall design and construct all necessary frontage improvements along Valley Boulevard, Juniper Avenue, and Washington Drive.
54. The applicant shall design and construct all necessary improvements at all vehicular and pedestrian access points being utilized for the project to meet current standards, including the shared driveway along Valley Boulevard.
55. A median shall be constructed on Valley Boulevard from Cypress Avenue to Juniper Avenue.

56. Driveway approaches on Valley Boulevard shall be restricted to right in and right out only and no median breaks will be provided.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

57. The 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.
58. 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 Plan of Drainage.

**PRIOR TO MAP RECORDATION**

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

**PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS**

60. The Applicant shall record a Parcel Map in substantial conformance with Tentative Parcel Map 20669.
61. The Applicant shall dedicate right-of-way for the ultimate frontage improvements on Valley Boulevard, Juniper Avenue, and Washington Drive.
62. The Applicant shall provide all easements required for the development.
63. The Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including but not limited to streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

**PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY**

64. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans.
65. 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.
66. The Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.

67. The Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
68. 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.
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**END OF CONDITIONS OF APPROVAL**