

RESOLUTION PC NO. 2021-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM AND DIRECT STAFF TO FILE THE NOTICE OF DETERMINATION AND ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT 21-003, ADOPT AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT NO. 21-006, ADOPT AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 21-005 AND ADOPT A RESOLUTION APPROVING TENTATIVE TRACT MAP NO. 20441 (TTM NO. 21-002), AND DESIGN REVIEW NO. 21-024 FOR THE CONSTRUCTION OF ONE HUNDRED CONDOMINIUM UNITS ON A LOT OF APPROXIMATELY 6.5 ADJUSTED GROSS ACRES.

WHEREAS, a request to recommend approval to the City Council for the proposed project which includes General Plan Amendment No. 21-003, Specific Plan Amendment No. 21-006, Zoning Code Amendment No. 21-005, Tentative Tract Map No. 20441 (TTM No. 21-002) and Design Review No. 21-024.

Project Applicant: Gordon Nichols
Frontier Enterprises
2151 E. Convention Center Way
Ontario, CA 91764

Project Location: The project site is located on the southwest corner of South Highland Avenue and Mango Avenue (APN 0238-171-50) within the Walnut Village Specific Plan.

Project Site Area: 6.5 adjusted gross acres

WHEREAS, on December 7, 2021, the Planning Commission received a staff report and all the information, evidence, and public testimony and considered General Plan Amendment No. 21-003, Specific Plan Amendment No. 21-006, Zoning Code Amendment No. 21-005, Tentative Tract Map No. 20441 (TTM No. 21-002) and Design Review No. 21-024; and,

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

WHEREAS, the Walnut Village Specific Plan includes approximately 320.8 gross acres, located within the northern portion of the City of Fontana and County of San Bernardino, California; and,

WHEREAS, the Walnut Village Specific Plan site has a total of 8 (eight) planning areas, based on residential and commercial land uses; and,

WHEREAS, the proposed Aragon West District area is currently located within the Corner district of the Walnut Village Specific Plan and consists of the development of approximately 6.5 acres; and,

WHEREAS, with approval of the associated General Plan and Specific Plan amendments, the proposed project is consistent with the Fontana General Plan Land Use Element and the proposed Aragon West District land use regulations; and,

WHEREAS, pursuant to Section No. 15070 California Environmental Act (CEQA), and pursuant Section No. 6.04 of the 2019 Local Guidelines for Implementing CEQA, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared in April 2021, and concluded that no significant impacts would be caused by the project, therefore, a Notice of Determination was prepared for Planning Commission's consideration; and,

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit "A" for Tentative Tract Map No. 20441 (TTM No. 21-002); and,

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit "B" for Design Review No. 21-024; 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 *Fontana Herald* newspaper on November 12, 2021, at City Hall and at the project site; and,

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on December 7, 2021; and,

WHEREAS, General Plan Amendment No. 21-003, Specific Plan Amendment No. 21-006, Zone Change No. 21-006, Tentative Tract Map No. 20441 (TTM No. 21-002) and Design Review No. 21-024 are supported by goals and policies of the General Plan; and

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

Section 1. Recitals. The above recitals are incorporated herein by reference.

Section 2. The City of Fontana Planning Commission hereby makes the following findings for General Plan Amendment No. 21-003 in accordance with Section 30-31 "Purpose" of the Fontana Zoning and Development Code:

Finding: **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 applicant is proposing to change the General Plan Land Use Designation of the site from Community Commercial (C-C) to Residential-Planned Community (R-PC). This would allow for the construction of 100 condominium units as the applicant is proposing. Currently, residents of Fontana and the Inland Empire are facing a housing shortage. The reclassification of this site from C-C to R-PC for this project will allow residents the opportunity to purchase high quality condominiums with Spanish architecture, amenities and landscaping.

Section 3. The City of Fontana Planning Commission hereby makes the following findings for Zone Change No. 21-005 in accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding: **The Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety, or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact: The applicant is proposing to remove the project site from the Auto Center Overlay District. Currently, the Auto Center Overlay District does not permit residential development. This would allow the applicant to develop the proposed Aragon West District to build 100 condominium units. The Walnut Village Specific Plan will have design, architecture, amenities and landscaping requirements to ensure that the proposed development is attractive and enhances the local area.

Section 4. The City of Fontana Planning Commission hereby makes the following findings for Specific Plan Amendment No. 21-006 in accordance with Section 30-67 “Purpose” of the Fontana Zoning and Development Code:

Finding: **A Specific Plan may be amended by changing the development standards or zoning designation of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact: The applicant is proposing to modify the Walnut Village Specific Plan to establish the Aragon West District. This District will require attractive development with quality Spanish architecture, vast landscaping, ample amenities for residents, housing needs and pedestrian paseos to promote walkability. This type of development will enhance the local areas with an attractive street scene and high-quality residential community between the commercial center to the north and residential area to the south.

Section 5. The City of Fontana Planning Commission hereby makes the following findings for Tentative Tract Map No. 20441 (TTM No. 21-002) in accordance with Section 26-55 (e) "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The Tentative Tract Map is a request for condominium units to be established on a lot that is approximately 6.5 adjusted gross acres. The project is proposed with attached multi-family residential units and is within the proposed density range of the Aragon West District of the Walnut Village Specific Plan. The proposed lot would be consistent with the proposed General Plan designation for the project site and the regulations of the Zoning and Development Code and the Walnut Village Specific Plan.

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

Findings of Fact: The design of the proposed project, as mentioned in Finding No. 1, above would be consistent with the General Plan. Street improvements including curb, gutter, and requirements of the Community Mobility and Circulation chapter of the General Plan, Subdivisions (Chapter 26), and the Zoning and Development Code (Chapter 30) have been met. 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 size, shape, and topography are suitable for this type and density of development. The project site is approximately 6.5 adjusted gross acres and accommodates the proposed 100 attached multi-family units within the Aragon West District of the Walnut Village Specific Plan. All street improvements will be constructed pursuant to applicable building, zoning, and fire code standards, as mentioned in Finding No. 2 above. Access to this

proposed project site will be provided by two (2) access points from South Highland Avenue, a Primary Highway and Mango Avenue, a Collector Street.

Finding No. 4: The design of the tentative tract map 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 Tentative Tract Map and the proposed improvements as described in Finding No. 1 through Finding No. 3, complies with the City of Fontana's Municipal Code requirements, Conditions of Approval (referenced herein), and will not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. A Notice of Determination has been prepared for the proposed project pursuant to Section No. 15070 of the California Environmental Act (CEQA) and pursuant to Section No. 6.04 of the 2019 Local Guidelines for Implementing CEQA an Initial Study (IS), Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Program. The project is not anticipated to have a significant effect on the environment.

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

Findings of Fact: The design of the subdivision as described in Finding No. 1 through Finding No. 4 above complies with the City of Fontana's Municipal Code requirements. The improvements associated with the subdivision such as street, curb, gutter, and sidewalk will be constructed and have been designed as part of this project pursuant to the Zoning and Development Code and Fontana Municipal Code. Additional improvements such as water connection will be built pursuant to applicable building, zoning, and fire code standards; therefore, the project shall promote the public health, safety, and welfare of the surrounding community and will not cause public health problems. The project was reviewed by the Fontana Fire District and Building and Safety, and the appropriate conditions have been placed on the project.

Finding No. 6: The design of the tentative tract map 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 tentative tract map and improvements will not conflict with any access easements acquired by the public. The proposed project site will be accessed from South Highland Avenue, and Mango Avenue. Currently there are no other public

access easements through or within the proposed subdivision.

Section 6. The City of Fontana Planning Commission hereby makes the following findings for a Design Review in accordance with Section 30-111 of the Fontana Zoning and Development Code:

Finding No. 1: **This proposal meets or exceeds the criteria contained in Division 2 of the Zoning and Development Code and will result in an appropriate and desirable development.**

Findings of Fact: The project, as proposed, is a request for the Planning Commission to review and forward recommendation of approval for the site and architectural design for the proposed 100 multi-family attached condominium units within the proposed Aragon West District of the Walnut Village Specific Plan. The units will range in size from 1,418 square feet for a two (2) bedroom unit and up to 1323 square feet for a three (3) bedroom unit. The project meets or exceeds the criteria contained in the Design Review section of the Zoning and Development Code and the requirements of the Walnut Village Specific Plan with approval of the proposed amendments. The proposed design is a Spanish style and consistent with the theme envisioned with the Aragon West District, resulting in a high-quality project desirable for the immediate community. The Design Review includes site and architectural review of an approximate 6.5-acre site. If approved, the density will be 15.4 units per acre which is under the seventeen (17) units per acre limit of the amended specific plan. Additionally, 2.5 acres of active open space are proposed including a tot lot and addition five (5) parks with furnishing. Paseos are proposed with trees, shrubs and groundcover with broad spaces between buildings.

The project will be an appropriate and desirable development for the area. This project meets or exceeds the criteria contained in the Design Review section of the Fontana Zoning and Development Code and the Walnut Village Specific Plan.

Finding No. 2: **The proposal is in its design and appearance is aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The proposed attached condominium residential units reach a maximum height of twenty-eight (28) feet and five (5) inches. The architectural theme for the multi-family complex is described as Spanish with three color designs. Each color style will reflect light earth tone warm colors. Architectural relief utilized for the proposed project consists of roofed doorways, decorative window treatments, varied roof lines, architectural “pop-outs,” recessed windows, banding, porches, balconies, and other features appropriate to the Spanish theme. The use of a variety of colors

and decorative shutters of a contrasting color and pot shelves on balconies will further add architectural diversity to each plan. All units are designed with concrete tile roofing material coordinated to match the color scheme of the project elevation. All Plans are proposed as two (2) story structures. Additionally, garage doors will incorporate varied door colors, windows and patterns appropriate for each plan. Landscaping is included to provide shade, screening and to beautify the site. The architecture proposed is Spanish, which is consistent with the requirements in the Walnut Village Specific Plan. Decorative gables and porcelain tile are used to enhance the design.

Finding No. 3: The site improvements are appropriate and will result in a safe, well designed facility.

Findings of Fact: The proposed development complies with the proposed Walnut Village Specific Plan and Zoning and Development Code. The improvements include sewer and storm drain systems, site circulation, parking, landscaping, parks, lighting, driveways, sidewalks and decorative paving , which are appropriate and will result in a well designed facility.

Finding No. 4: The proposal is consistent with the General Plan and applicable Specific Plan.

Findings of Fact: The proposed General Plan land use designation Residential Planned Community (R-PC) provides for a consistent blend of residential development and is intended to accommodate multi-family housing. The proposed project is within the Walnut Village Specific Plan and will have an average density of 15.4 dwelling units per acre. With approval of the associated General Plan and Specific Plan amendments, the proposed project will be consistent with the General Plan and applicable Specific Plan.

Finding No. 5: The proposal promotes the public health, safety, and welfare of the community.

Findings of Fact: The proposed project as described in the above findings will result in the construction of one-hundred (100) attached units. All new improvements such as driveways, streets, sidewalks, drive aisles, and setbacks will comply with all applicable building, zoning, and fire codes and standards, and therefore, shall promote the public health, safety, and welfare of the surrounding community.

Section 7. 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 have been completed in compliance with the 2019 Local CEQA Guidelines and the State CEQA Guidelines.

Section 8. Based on the foregoing, the City of Fontana Planning Commission recommends that the City Council adopts a resolution adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and direct staff to file the Notice of Determination and adopt a resolution approving General Plan Amendment No. 21-003, adopt an ordinance approving Specific Plan Amendment No. 21-006, adopt an ordinance approving Zoning Code Amendment No. 21-006, and adopt a resolution approving Tentative Tract Map No. 20441 (TTM No. 21-002) and Design Review No. 20-024 subject to the findings as indicated herein and the Conditions of Approval, which have been prepared and are attached hereto as **Exhibit “A”** and **Exhibit “B”**.

Section 9. 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 Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

Section 10. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 7th day of December, 2021.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 7th day of December 2021, by the following vote, to-wit:

AYES:

NOES:
ABSENT:
ABSTAIN:

Idilio Sanchez, Secretary

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. This tentative tract map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code) of the Municipal Codes of the City of Fontana and the Subdivision Map Act.
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. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
7. This Tentative Tract Map shall become null and void two (2) years from the date of approval as outlined by Section 26-58 of the Municipal Code, 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. 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.
10. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.

ENGINEERING:

11. 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.
12. 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.
13. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

14. 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.

PRIOR TO MAP RECORDATION

15. A Security to guarantee the proper setting of all survey monuments within the project limits, and replacement of any existing survey monuments damaged or removed during construction; will be collected during the bond and agreement process. Survey monuments shall be placed as required by plans and corner records must be recorded with the County.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

16. Record tract map (for condominium purposes) required for the development.
17. Applicant shall provide a Subdivision Improvement Agreement with accompanying security.

PRIOR TO CERTIFICATE OF OCCUPANCEY

18. Traffic signal modification at the South Highland Avenue driveway entry must be complete and fully functional.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

19. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
20. 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).
21. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive

to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

22. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

END OF CONDITIONS OF APPROVAL

EXHIBIT “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-063
Design Review Project No. 21-024

DATE: December 7, 2021

LOCATION: The project site is located on the southwest corner of South Highland Avenue and Mango Avenue (APN: 0240-121-22) within the Walnut Village Specific Plan.

PLANNING DEPARTMENT:

1. 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.
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.

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.

3. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Zoning and Development Code.
4. 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) whom 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.
5. 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.
6. 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.
- 7. 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.
 - 8. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
 - 9. The current development fees must be paid prior to issuance of building/construction permits.
 - 10. 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. 30-30 and Sections No. 30-31 of the Municipal Code.
 - 11. The developer shall provide clustered and/or individual mail box(es) for the delivery of mail to future residents of the development in a convenient location that does not block the line of sight. The mail boxes 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 Post Office currently approves freestanding mailboxes that are F-series and wall-mounted boxes that are 4C series. The developer is

responsible for contacting the Post Office for the type and location of the mail boxes within their development. Any replacements of the mail boxes subsequent to the original installation shall be the responsibility of the developer, each individual homeowner and/or the homeowners association, and the Post Office.

12. 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 end of automobile parking aisles.
13. All park space and open space areas shall have furnishings such as BBQ's, bike racks, tot lots, benches, tables, dog park, and water fountains to the satisfaction of the Director of Planning.
14. Adequate visual screening shall be provided adjacent to the interior lots to the south and west of the project site and provided by the developer. Screening shall be provided by a combination of trees and block wall up to nine (9) feet high above grade on the project side to the satisfaction of the Director of Planning.
15. A monument sign shall be constructed at the intersection of Mango Avenue and South Highland Avenue and match the design of the site to the satisfaction of the Director of Planning.
16. Carriage lights shall be a minimum of 18 inches in height and placed on each side of all garage doors.
17. Landscaping shall include:
 - A. 24-inch Tree Boxes shall be planted in parking area and along project perimeter facing Mango Avenue and South Highland.
 - B. One shrub shall be required for each nine (9) square feet of planter area. Shrub sizes shall vary, with 50 percent being a minimum of five (5) gallon, and 50 percent being a minimum of one (1) gallon.
 - C. Groundcover shall be planted 12 inches on center so that coverage is achieved within one year of initial planting. Such planting shall be done to the satisfaction of the Director of Planning/City Engineer or his/her designee.
18. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.

PRIOR TO CERTIFICATE OF OCCUPANCY

19. The applicant shall have fully provided, constructed, or otherwise meet all Planning Division's requirements per approved plans, and shall have addressed all punch list items to the satisfaction of the Director of Planning.

Public Works Department:

20. All landscape and irrigation plans shall comply with the City of Fontana Standard Specifications.
21. Provide a CFD exhibit showing all proposed letter lots, Landscape Medians, WQMP and any existing and proposed street lights.

22. Maintain Intersection Sight Distance for all intersections (City Standard Drawing 140) taking into account plant height, elevation changes, monument walls, garden and retaining walls. Accumulative height shall not exceed thirty (30) inches.
23. All landscape and irrigation design shall incorporate drought tolerant plant materials and water efficient irrigation systems. (Ordinance #1087) Article IV Sec. 28-91 F.C.C. and AB 1881 Ordinance.
24. City Landscape Inspector is responsible for streetscape inspections and final recommendation for acceptance of all Landscape areas and parks.
25. Street trees are required to be planted in accordance with city standards. Species to be selected by Landscape Architect and approved by Landscape Development and Parks and Landscape Department.
26. Walls within the landscape areas or park areas shall be coated with Victrocem anti-graffiti coating or as directed by city staff during plan check.
27. Parks shall be designed with the input of the Parks and Landscape Department. Parks shall be designed per the Public Works Park Design Standards.
28. The developer shall submit to the Parks and Landscape Department the following for plan check:
 - A. Landscape Submittal Form (completely filled out)
 - B. Two (2) complete sets of planting and irrigation plans, details and specifications.
 - C. Conceptual Landscape Design Plan as approved by the Development Advisory Board and/or Planning Commission.
 - D. Two (2) sets of Cost Estimates
 - E. CFD quantity estimate form
 - F. One (1) set of the Conditions of Approval from D.A.B and/or the Planning Commission
 - G. Water Conservation Landscape Package if applicable

(Landscape and Construction must be approved prior to issuance of building/construction permits)

29. A landscape plan and installation schedule in accordance with City Guidelines and Specifications for all areas between any curb and right of way line or perimeter wall shall be submitted to and approved by the City. The plans shall show that safe sight distance standards are met and indicate topographical information, plant species, sizes and location, and also show the related irrigation system/controls and water meter service points.

POLICE DEPARTMENT:

30. The Standard Building Security Specifications of the Fontana Police Department shall be adhered to.
31. Bollard lighting shall be incorporated into sidewalks located between solid walls. The light measurement shall meet or exceed the minimum light requirement of one (1) foot candle.

32. A locator map or directory shall be posted at site entrances. The directory shall be located on the site so as to be easily and quickly identified and free from visual obstruction. The directory shall be illuminated from dusk until dawn. The directory shall have vandal resistant glazing to minimize criminal damage and the structure shall be weather resistant.
33. Community address numbers and complex numbers shall be visible from the public right-of-way and interior walkways and drive aisles.
34. The City standard of one-foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas (amenities) shall be adhered to at all times. 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.

ENGINEERING LAND DEVELOPMENT:

35. 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.
36. 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.
37. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

38. 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.

PRIOR TO MAP RECORDATION

39. A Security to guarantee the proper setting of all survey monuments within the project limits, and replacement of any existing survey monuments damaged or removed during construction; will be collected during the bond and agreement process. Survey monuments shall be placed as required by plans and corner records must be recorded with the County.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

40. Record tract map (for condominium purposes) required for the development.
41. Applicant shall provide a Subdivision Improvement Agreement with accompanying security.

PRIOR TO CERTIFICATE OF OCCUPANCEY

42. Traffic signal modification at the South Highland Avenue driveway entry must be complete and fully functional.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

43. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
44. 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).
45. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
46. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING & SAFETY:

47. Shall comply 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
48. 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.
49. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
50. 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.

51. 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.

52. The Tract or Parcel map shall be recorded prior to the issuance of any building permit.

53. 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 a dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

The on site drainage system shall, as a minimum, be designed to handle the run off generated by a ten (10) year storm. Check for flooding of all on site structures (buildings) and all adjacent properties during a hundred (100) year storm.
- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 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.

54. All signs shall be Underwriters Laboratories approved, or equal.

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

56. All exterior lighting shall be orientated, 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

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

- a. Precise grading plans shall be approve
- b. Rough grading completed
- c. Compaction certification
- d. Pad elevation certification
- e. Rough grade inspection signed off by a City Building Inspector

SAN BERNARDINO COUNTY FIRE DEPARTMENT:

58. **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.

59. **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 sec 503, SBCFD Standard 503.1

60. **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 sec 503, SBCFD Standard 503.1

61. **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 sec. 505, SBCFD Standard 505.1

62. **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. SBCFD Standard 501.

63. **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 B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 11843 sq foot. structure.

64. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.

65. **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.

66. **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 sec 508, SBCFD Standard 508.1

67. **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.

68. **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. SBCFD Standard 903.

69. **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. SBCFD Standard 903D.

70. **Fire Sprinkler-NFPA #13R.** An automatic fire sprinkler system complying with NFPA 13R and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903 R-MF
71. **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 sec. 907, SBCFD Standard 907 FA-E.
72. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code sec. 907, SBCFD Standard 907 FA-M.
73. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code sec. 906.
74. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 505.1
75. **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 and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 901.4.4
76. **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 sec. 505, SBCFD Standard 505.1

77. 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. SBCFD Standard 505.1

78. 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. SBCFD Standard 506

79. 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. SBCFD Standard 503.1.2

80. Secondary Access. The development shall have a minimum of _____ points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1

81. 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 Building Code sec. 2082.

END OF CONDITIONS OF APPROVAL