

# **City of Fontana**

8353 Sierra Avenue  
Fontana, CA 92335



## **Regular Agenda**

**Resolution PC No. 2021-038**

**Tuesday, October 19, 2021**

**6:00 PM**

**Grover W. Taylor Council Chambers**

## **Planning Commission**

*Cathline Fort, Chair*

*Raj Sangha, Vice Chair*

*Idilio Sanchez, Secretary*

*Matthew Gordon, Commissioner*

*Ralph Thrasher, Commissioner*

**Welcome to a meeting of the Fontana Planning Commission.**

Welcome to a meeting of the Fontana Planning Commission. A complete agenda packet is located in the binder on the table in the lobby of the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Planning Commission, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act, the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

**CALL TO ORDER/ROLL CALL:****A. Call To Order/Roll Call:****INVOCATION/PLEDGE OF ALLEGIANCE:****A. Invocation/Pledge of Allegiance:****PUBLIC COMMUNICATIONS:**

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

**A. Public Communications:****CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Planning Commission votes on them, unless a member of the Planning Commission requests a specific item be removed from the Consent Calendar for discussion. Does any member of the public wish to address the Planning Commission regarding any item on the Consent Calendar before the vote is taken?

**A. Approval of Minutes**

Approve the Regular Planning Commission Meeting Minutes of October 5, 2021.

**CC-A Approval of Minutes of October 5, 2021.**

**[21-959](#)**

**Attachments:** [Draft Planning Commission Minutes of October 5, 2021](#)

**Approve Consent Calendar Item as recommended by staff.**

## **PUBLIC HEARINGS:**

To comment on Public Hearing Items, you may submit comments via e-mail at [planning@fontana.org](mailto:planning@fontana.org). In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 5:00 p.m. on the day of the meeting. You may also fill out a card at the meeting and give it to the City Clerk. Public Comments should be no longer than three (3) minutes. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

### **All Public Hearings will be conducted following this format:**

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

**PH-A Master Case No. 20-052; Tentative Tract Map No. 18973 (TTM No. 20-003); Design Review Permit No. 20-021 - A request for the subdivision of an existing 0.88 acre lot into a condominium map; and a Design Review for the design and architecture review of 10 condominiums.**

[21-957](#)

#### **RECOMMENDATION:**

**Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_; and,**

- 1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,**
- 2. Approve Tentative Tract Map (TTM) No. 18973 (20-003); and,**
- 3. Design Review Permit No. 20-021.**

#### **APPLICANT:**

Cesar Navarro  
475 E. Badillo Street  
Covina, CA 91723

**LOCATION:**

The project site is located at 9154 Date Street (APN: 0193-061-03).

**PROJECT PLANNER:**

Fernando Herrera, Assistant Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Site Plan](#)

[Attachment No. 3 - Tract Map](#)

[Attachment No. 4 - Elevations](#)

[Attachment No. 5 - Planning Commission Resolution and Conditions of Approval](#)

[Attachment No. 6 - Notice of Exemption](#)

[Attachment No. 7 - Public Hearing Notice](#)

**PH-B Master Case No. 21-041; Design Review Project No. 21-015 - A request to construct an approximately 64,694 square foot warehouse building on approximately 2.72-acres of land.**

**[21-965](#)**

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination; and,

2. Approve Design Review No. 21-015

**APPLICANT:**

Calabash LPIV 6 LLC  
2442 Dupont Drive  
Irvine, CA 92612

**LOCATION:**

The project site is located on three parcels, 11202, 11232 and 11252 Calabash Avenue, and is generally located northwest of the corner of Calabash Avenue and Jurupa Avenue (APNs:



0236-151-34, - 50 and -51).

**PROJECT PLANNER:**

George Velarde, Assistant Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Site Plan](#)

[Attachment No. 3 - Elevations](#)

[Attachment No. 4 - Planning Commission Resolution and  
Conditions of Approval](#)

[Attachment No. 5 - Notice of Determination](#)

[Attachment No. 6 - Public Hearing Notice](#)

**PH-C Master Case No. 21-044; Design Review No. 21-018 - A request to review and approve a proposed construction of an approximately 95,600 square foot warehouse, which includes approximately 5,000 square feet of office area.**

**21-946**

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-018.

**APPLICANT:**

Newcastle Partners  
Courtney Smith  
4740 Green River Rd No. 110  
Corona, CA 92878

**LOCATION:**

The project site is located at 16355 and 16381 Slover Ave (APN's: 0255-021-02 and -03).

**PROJECT PLANNER:**

Rina Leung, Senior Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)  
[Attachment No. 2 - Site Plan](#)  
[Attachment No. 3 - Elevations](#)  
[Attachment No. 4 - Planning Commission Resolution and Conditions of Approval](#)  
[Attachment No. 5 - Notice of Exemption](#)  
[Attachment No. 6 - Public Hearing Notice](#)

**PH-D Master Case No. 21-043; Tentative Parcel Map No. 21-008 (TPM No. 20466); Minor Use Permit No. 21-001; Design Review Project No. 21-017 - A request to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students within a new three-story, 51,000 square foot building.**

**[21-966](#)**

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021 -\_\_\_\_, to:

1. Adopt the Mitigated Negative Declaration, Mitigation Monitoring Reporting Program (MMRP) and direct staff to file a Notice of Determination; and,
2. Approve Tentative Parcel Map No. 21-008 (TPM No. 20466);
3. Approve Minor Use Permit No. 21-001; and,
4. Approve Design Review No. 21-017.

**APPLICANT:**

Red Hook Capital Partners  
Hugo Garcia  
2120 E. Grand Avenue, Suite 135  
El Segundo, CA 90245

**LOCATION:**

The project site is located at 7775 Sierra Avenue (APNs: 0190-171-69 and -71).

**PROJECT PLANNER:**

Paul Gonzales, Senior Planner

**Attachments:** [Attachment No. 1 - Vicinity Map](#)  
[Attachment No. 2 - Site Plan](#)  
[Attachment No. 3 - Floor Plan](#)  
[Attachment No. 4 - Elevations](#)  
[Attachment No. 5 - Tentative Parcel Map](#)  
[Attachment No. 6 - Planning Commission Resolution and Conditions of Approval](#)  
[Attachment No. 7 - Notice of Determination](#)  
[Attachment No. 8 - Public Hearing Notice](#)  
[Attachment No. 9 - Mr. Constant Public Comment](#)

## UNFINISHED BUSINESS:

A. None

## NEW BUSINESS:

A. None

## DIRECTOR COMMUNICATIONS:

A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [21-960](#)

An update of future City Council agenda items for October 26, 2021, November 9, 2021, November 23, 2021, and December 14, 2021 for the Planning Commission's information.

An update of future Planning Commission agenda items for November 2, 2021, November 16, 2021, and December 7, 2021 for the Planning Commission's information.

**Attachments:** [Upcoming City Council Agenda Items Memo](#)  
[Upcoming Planning Commission Agenda Items Memo](#)

## COMMISSION COMMENTS:

A. Planning Commission Remarks:

## WORKSHOP:

A. None

**ADJOURNMENT:****A. Adjournment**

Adjourn to the next Regular Planning Commission Meeting on Tuesday, November 2, 2021 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-959  
**Agenda #:** CC-A

**Agenda Date:** 10/19/2021  
**Category:** Consent Calendar

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**FROM:**  
Planning

**TITLE:**  
Approval of Minutes

**RECOMMENDATION:**  
Approve the minutes of the Planning Commission Meeting of October 5, 2021.

**DISCUSSION:**  
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of October 5, 2021. The draft minutes are attached to this report for the Planning Commission to review and approval.

**MOTION:**  
Approve staff recommendation.



# City of Fontana

## Planning Commission

### Minutes

Cathline Fort, Chair  
Raj Sangha, Vice Chair  
Idilio Sanchez, Secretary  
Matthew Gordon, Commissioner  
Ralph Thrasher, Commissioner

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**Tuesday, October 5, 2021**

**6:00 P.M.**

**Grover W. Taylor Council Chambers**

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#### **CALL TO ORDER/ROLL CALL:**

##### **A. Call to Order/Roll Call:**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, October 5, 2021. Chair Fort called the meeting to order at 6:01 p.m.

**Present:** Chair Cathline Fort, Vice Chair Raj Sangha, Secretary Sanchez, and Commissioner Thrasher

**Absent:** Commissioner Gordon

#### **INVOCATION/PLEDGE OF ALLEGIANCE:**

##### **A. Invocation/Pledge of Allegiance:**

Following the Invocation by Commissioner Thrasher, the Pledge of Allegiance was led by Vice Chair Sangha.

#### **PUBLIC COMMUNICATIONS:**

##### **A. Public Communications:**

None.

**CONSENT CALENDAR:****A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of September 21, 2021.

**ACTION: A Motion was made by Vice Chair Sangha, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to approve the Consent Calendar.**

**The motion carried by the following vote:**

**Aye:** Chairperson Fort, Vice Chair Sangha, and Secretary Sanchez and Commissioner Thrasher

**Absent:** Commissioner Gordon

**PUBLIC HEARINGS:**

**PH- A Master Case No. 18-025R1; Design Review No. 18-007R1 - a request to amend the previously approved multi-family senior housing development. The amendment includes modifying the site plan, floor plans and architecture, as well as increasing the total number of units from 77 to 78 units.**

Chair Fort opened Public Hearing Item.

Cecily Session-Goins, Associate Planner presented the staff report. Staff noted that a modification was made to Condition of Approval No. 16 regarding the Air Conditioning Unit.

The commission inquired about the additional proposed unit.

The commission ensued a discussion regarding the roof mounted equipment and the screening of the equipment.

The applicant, Ali Monshizadeh, has read and accepted the conditions of approval, including the modification to Condition No. 16. The applicant thanked staff, DiTanyon Johnson and Cecily Session-Goins for walking them through the process for this project. The applicant discussed the opportunity to enhance this project and discussed the difference between the original project and the project being presented tonight. In addition, the applicant further explained how the extra unit came about for the updated project.

The commission and applicant discussed the type of air conditioning units for the units within the project.

The commission requested for the applicant to include water filler or water stations on the track; and the applicant acknowledge the request.

The commission thanked the applicant for bringing the project to Fontana, but especially for bringing senior housing, and for being attentive to the details for the amenities.

Public Hearing was closed.

**RECOMMENDATION:**

**Based on the information in this staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-037 and;**

**1. Determine that the project Categorically Exempt pursuant to Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Exemption; and,**

**2. Approve Design Review No. 18-007R1.**

**ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to adopt this Public Hearing with the modification to Condition of Approval No. 16. The motion carried by the following vote:**

**Aye:** Chairperson Fort, Vice Chair Sangha, Secretary Sanchez, and Commissioner Thrasher

**Absent:** Commissioner Gordon

**UNFINISHED BUSINESS:**

A. None

**NEW BUSINESS:**

A. None

**DIRECTOR COMMUNICATIONS:**

A. Director Communications:

No other communications were received.



**COMMISSION COMMENTS:****A. Public Communication Remarks:**

Commissioner Thrasher thanked staff and the applicant.

Secretary Sanchez thanked the applicant for bringing a great project to the city and commented that we need to take care of the seniors. He also thanked the staff for providing the project information.

Vice Chair Sangha thanked staff for the staff reports and thanked the applicant for bringing their development to Fontana. He also acknowledged Secretary Sanchez's presence at the meeting and commented that his prayers are still with him and his family. Additionally, he thanked the viewers at home and wished everyone a good evening.

Chair Fort echoed her fellow commissioners' comments and stated that it is a privilege and a blessing to serve the City of Fontana in the capacity that they do. She acknowledged her husband's presence at the meeting, who decided to spend the day with her on a special day.

Secretary Sanchez wished Chair Fort a Happy Birthday.

**WORKSHOP:****A. None****ADJOURNMENT:**

By consensus, the meeting adjourned at 6:27 p.m. to a Joint City Council and Planning Commission Workshop on Tuesday, October 12, 2021, at 5:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California; then to the next Regular Planning Commission Meeting on Tuesday, October 19, 2021, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

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Maria Torres  
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION  
ON THE 19TH DAY OF OCTOBER 2021.**

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Cathline Fort  
Chair



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-957  
**Agenda #:** PH-A

**Agenda Date:** 10/19/2021  
**Category:** Public Hearing

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**FROM:**  
Planning

**TITLE:**

Master Case No. (MCN) 20-052; Tentative Tract Map No. 18973 (TTM No. 20-003); Design Review Permit (DRP) No. 20-021 - A request for the subdivision of an existing 0.88 acre lot into a condominium map; and a Design Review for the design and architecture review of 10 condominiums.

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,
2. Approve Tentative Tract Map (TTM) No. 19873 (20-003); and,
3. Design Review Permit No. 20-021.

**APPLICANT:**

Cesar Navarro  
475 E. Badillo Street  
Covina, CA 91723

**LOCATION:**

The project site is located at 9154 Date Street APN: (0193-061-03).

**REQUEST:**

The applicant is requesting the Planning Commission review and approve Tentative Tract Map No. 18973 (TTM No. 20-003) a request for the subdivision of an existing 0.88 acre lot into a condominium map and Design Review Permit No. 20-021 for the design and architecture review of 10 condominiums.

**PROJECT PLANNER:**

Fernando Herrera, Assistant Planner

I. BACKGROUND INFORMATION:

A. Land Use Designation:

General Plan	Zoning/ Overlay	Existing Land Use
Site: Medium Density Residential (R-M)	Medium-Density Residential (R-2)	Vacant
North: Medium Density Residential (R-M)	Medium-Density Residential (R-2)	Single Family Home
South: Medium Density Residential (R-M)	Medium-Density Residential (R-2)	Multi-Family
East: Medium Density Residential (R-M)	Medium-Density Residential (R-2)	Multi-Family
West: Single Family Residential (R-SF)	Single-Family Residential (R-1)	Single Family Home/Multi-Family

B. Environmental Review Finding:

The proposed project is for the establishment of 10 condominiums. The project site is currently a vacant lot surrounded by development, on five (5) gross acres or less (0.88 acres), and streets, schools, water, and fire protection have already been developed and are provided in the general area. Therefore, it has been determined that the project qualifies for a categorical exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.

II. PROJECT DESCRIPTION:

A. Site Area: Approximately 0.88 adjusted gross acres

B. Lot Development Standards:

Lot Coverage  
Allowed: 50% maximum coverage  
Provided: 18.76%  
Setbacks:  
Front: 20 feet minimum  
Rear: 25 feet minimum  
Side (Interior): 25 feet to the north 15 feet to the south  
Provided: All setbacks meet established minimums

Height  
Maximum: 35 feet  
Provided: All of the proposed homes meet the maximum height

C. Density Analysis:

Maximum: 12 du/ acre  
Proposed: 11.4 du/ acre

D. Parking Analysis:

Vehicle Spaces  
Required: 2 spaces per unit and one half open space plus one guest parking for every three units (29 spaces required)  
Provided: 30 spaces

### III. ANALYSIS:

The applicant is requesting that the Planning Commission approve Tentative Tract Map No. 18973 (TTM No. 20-003) for the establishment of a condominium map and the proposed architectural and design review for 10 proposed condominiums along with associated site improvements that include landscaping, lighting, block walls and parkway landscaping. The project site is one vacant parcel that totals 0.88 acres. The project is located in the Medium Density Residential (R-2) zoning district and has a General Plan Map Designation of Medium Density Residential (R-M).

Additionally, this project has previously been reviewed for the architecture and design at a workshop with the Planning Commission on March 2, 2021.

#### Tentative Tract Map No. 18973 (TTM No. 20-003):

As previously mentioned, the project site is located within the R-2 zoning district. The R-2 zone is a "multiple-family zoning district that permits the development of attached and detached single-family, duplex and multiple-family dwellings, as well as condominiums." The surrounding properties and uses are predominately characterized by a mix of multifamily apartments and single-family homes. The project consists of one (1) parcel totaling approximately 0.88 adjusted gross acres. The applicant is proposing the development of ten condominiums. The proposed condominiums will be within the parameters in the Zoning and Development Code. A point of access will be provided by the development of Date Street which is identified as a collector.

The General Plan encourages a variety of housing including single-family residential developments in order to preserve and enhance stable residential neighborhoods and support a high quality of life and economic prosperity. Land Use Element Goal No. 2, of the 2018 City of Fontana General Plan states that "Fontana development patterns support a high quality of life and economic prosperity" (page 15.34).

#### Design Review Permit No. 20-021:

The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with articulated features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood. The applicant has proposed a contemporary design for the condominiums. The contemporary style will utilize clean lines, smooth finishes, and a variety of angles to create a well-designed product that will provide a modern style. The condominiums will incorporate architectural elements such as stone veneer, wood accents, and decorative lighting to complement the surrounding development. Associated improvements such as lighting, landscaping, parking, and paving would also be a part of this project. The project will provide the three required amenities for residents that include an open space area, a barbeque and picnic area, and a tot lot with multiple play equipment.

The project site is physically suitable in size and shape to support the development of the proposed condos. The allowable density of the R-2 zone is up to 12 units per acre and the proposed density of the development will be 11.3 units per acre, which is within the allowable density. Access will be provided by the development of Date Street which is identified as a collector. The applicable building codes, zoning codes, and fire codes and standards, will

make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the standards of the Zoning and Development Code.

**MOTION:**

Approve staff recommendation.

**ATTACHMENTS:**

1. Vicinity Map
2. Tentative Tract Map
3. Site Plan
4. Elevations
5. Planning Commission Resolution, Findings and Conditions of Approval
6. Notice of Exemption
7. Public Hearing Notice

**UNDER SEPARATE COVER:**

1. 11" x 17" size plans

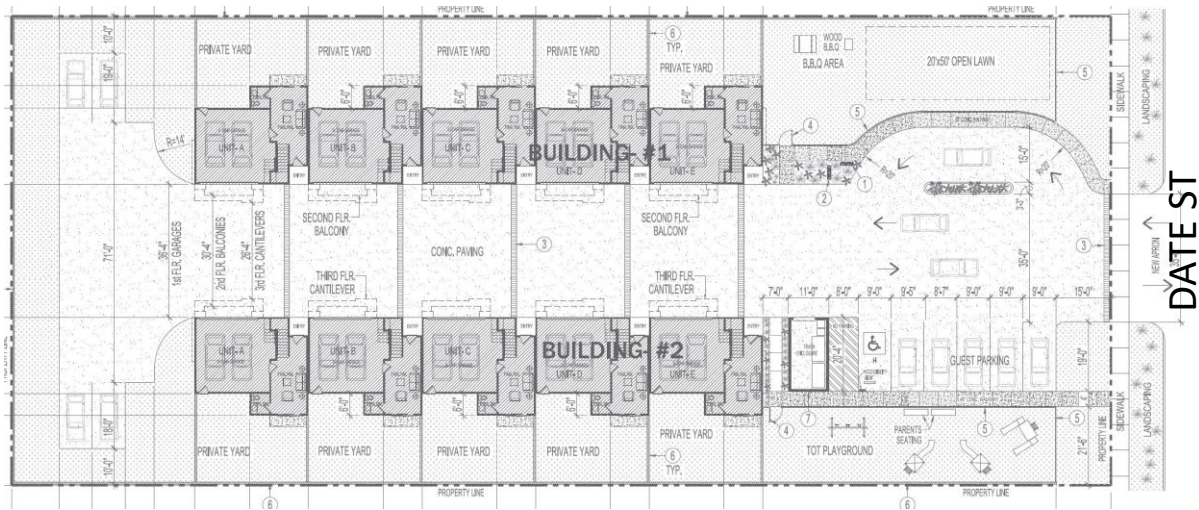


## VICINITY MAP

**DATE:** October 19, 2021

**CASE:** Master Case No. 20-052  
Tentative Tract Map No.18973  
(TTM No. 20-003)  
Design Review Permit No. 20-021





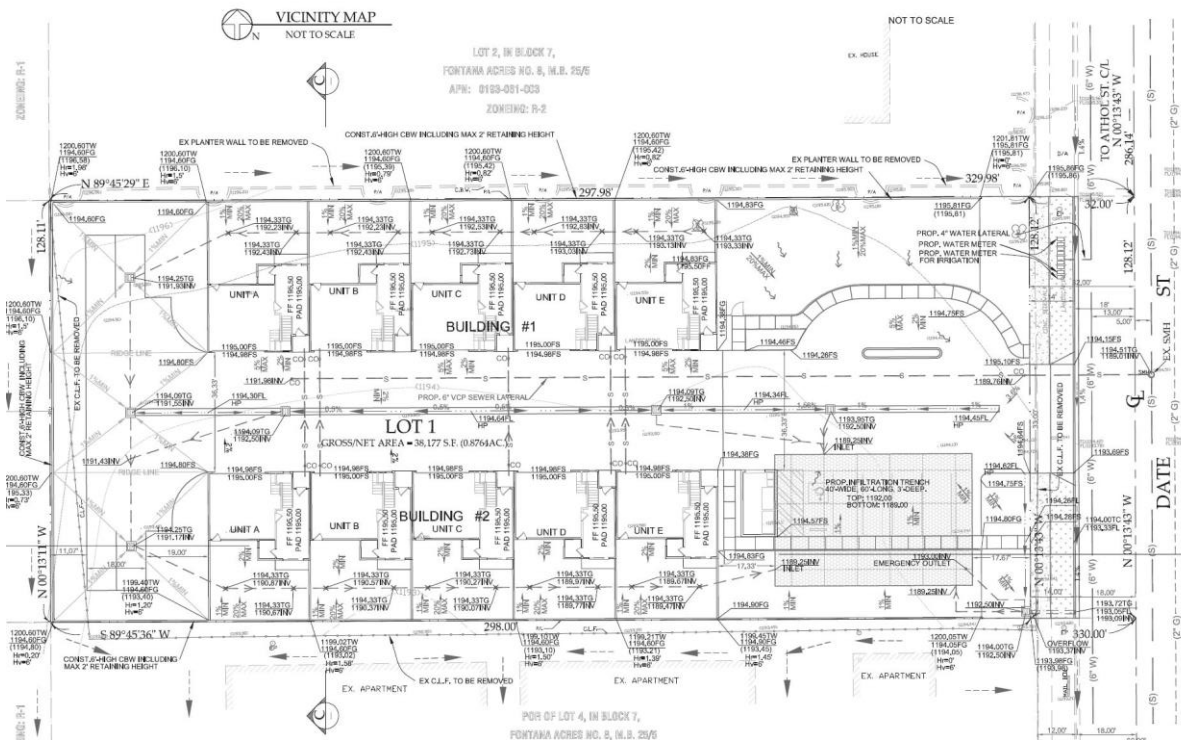
## SITE PLAN

**DATE:** October 19, 2021

**CASE:** Master Case No. 20-052  
Tentative Tract Map No.18973  
(TTM No. 20-003)  
Design Review Permit No. 20-021



# CITY OF FONTANA PLANNING DEPARTMENT



## TENTATIVE TRACT MAP

**DATE:** October 19, 2021

**CASE:** Master Case No. 20-052  
Tentative Tract Map No. 18973  
(TTM No. 20-003)  
Design Review Permit No. 20-021



**Building 1**



**Building 2**

# ELEVATIONS

**DATE:** October 19, 2021

**CASE:** Master Case No. 20-052  
Tentative Tract Map No.18973  
(TTM No. 20-003)  
Design Review Permit No. 20-021

**RESOLUTION PC NO. 2021-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE TRACT MAP NO. 18973 (TTM No. 20-003) AND DESIGN REVIEW PERMIT NO. 20-021 FOR THE ESTABLISHMENT AND SITE AND ARCHITECTURAL REVIEW OF 10 CONDOMINIUMS ON A 0.88 ACRE PROJECT SITE LOCATED AT 9154 DATE STREET (APN: 0193-061-03).**

**WHEREAS**, the City of Fontana received an application on June 1, 2020, for a tentative tract map for condominium purposes and the architecture and design review of 10 condominiums on a 0.88 acre project site (APNs 0237-191-15 and 33).

**Project Applicant:** Caesar Navarro  
475 E. Badillo Street  
Covina, CA 91723

**Project Location:** 9154 Date Street APN: (0193-061-03)

**Site Area:** 0.88 adjusted gross acres

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

**WHEREAS**, the proposal is for the establishment of a condo map and the architecture and design review of 10 condominiums; 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**, Conditions of Approval have been prepared and attached hereto as **Exhibit “A”** for Tentative Tract Map No. 18973 (20-003) and **Exhibit “B”** for Design Review Permit No. (DRP No. 20-021); and

**WHEREAS**, the project qualifies for a Categorical Exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act; and

**WHEREAS**, the subject site includes one (1) parcel totaling, approximately 0.88 adjusted gross acres, that was part of the City’s original incorporation in 1952; and

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, the approval of more than five (5) residential units requires the approval of a Design Review Permit by the Planning Commission; 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 local *Fontana Herald* newspaper on October 8, 2021, posted at City Hall, and onsite at the project site; and

**WHEREAS**, on October 19, 2021, a duly noticed public hearing on Tentative Tract Map No. 18973 (TTM No. 20-003) and Design Review Permit No. 20-021 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

**WHEREAS**, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on October 19, 2021; 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 Tentative Tract Map No. 18973 (TTM No. 20-003) in accordance with Section 26-55 (e) "Findings for approval" of the Fontana Zoning and Development Code:

Finding No. 1: **That the proposed map is consistent with the city's general plan and any applicable specific plan.**

Findings of Fact: Tentative Tract Map No. 18973 (TTM No. 20-003) is a request for a condominium subdivision of one (1) lot that is approximately 0.88 adjusted gross acres. The proposed condominium project is located in the Medium Density Residential (R-M) General Plan Map land use designation and is located in the Medium-Density Residential (R-2) zoning designation which allows the establishment of condominiums.

The tentative tract map will comply with the City of Fontana's Municipal Code, the Subdivision Sections of the Code (Chapter 26) General Plan, and Zoning and Development Code (Chapter 30). The tentative tract map is compatible with the surrounding residential land uses. The Medium Density Residential (R-M) General Plan designation permits multi-family uses from 5.1 to 12 dwelling units per acre (du/acre). The proposed project is 11.3 du/acre; therefore, the proposed Tentative Tract Map No. 18973 is consistent with the City's General Plan. The proposed project is not located in 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 proposed subdivision, as mentioned in Finding No. 1, above is consistent with the General Plan. Street improvements including curb, gutter, and sidewalks conform to the requirements of the General Plan, Subdivisions (Chapter 26), and the Zoning and Development Code (Chapter 30). This project is required to connect to the City's sewer system. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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

Findings of Fact: The proposed 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 as mentioned in Finding 2 above. The project site, shape, and topography is suitable for the proposed subdivision. The project site is a relatively flat approximately 0.88 gross acre parcel that is currently vacant. The project site will accommodate the proposed 10 condominiums along with recreational amenities and parking facilities for the residents. A point of access will be provided to the project from Date Street which is designated as a collector street. The proposed project at 11.4 du/ac is well within the General Plan land use designation of Medium Density Residential (R-M) that permits multi-family uses from 5.1 to 12 dwelling units per acre (du/acre).

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

Findings of Fact: The design of the subdivision and the proposed improvements as described in Finding No. 1 through Finding No. 3 above complies with the City of Fontana's Municipal Code requirements, 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. Moreover, the site is completely surrounded by development and is highly disturbed. The project site is not listed as a potential site for habitat for any endangered or threatened species per the City's General Plan. The project has been reviewed by traffic

engineering and will not cause any impacts to the adjacent streets or transportation network.

Finding No. 5: **That the design of the subdivision or the 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 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; therefore, the design of the subdivision and the public improvements 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 alternate 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 subdivision and improvements will not conflict with any access easements acquired by the public. The proposed subdivision will have adequate access from Date Street. Currently, there are no other existing public access easements through or within the proposed subdivision boundaries.

**Section 3.** The City of Fontana's, Planning Commission hereby makes the following findings for Design Review Permit No. 20-021 in accordance with Section No. 30-120 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The proposal for the development of 10 condominiums is consistent with the General Plan designation for the project site which is Medium Density Residential (R-M). The Medium Density Residential land use designation category is intended to accommodate single-family detached housing up to 7.6 du per acre and single family attached or multi-family housing up to 12 du per acre (the proposal is for 11.4 du

per acre). The General Plan, which sets the framework for the City of Fontana is a document that provides the overall policies for development within the community and does not specifically regulate development standards.

The proposal meets the following goals of the General Plan:

Land Use Element Goal 2, of the 2018 City of Fontana General Plan (FGP) states that “Fontana development patterns support a high quality of life and economic prosperity” (page 16.65 FGP) through actions D and E which seek to promote higher density development that will create more walkable neighborhoods. The proposed project seeks to add an additional medium density development 10 additional residential units with a sidewalk that connect the site to other streets making this project consistent with the aforementioned Goal and Actions.

Land Use Element Goal 7, which states that “public and private development meets high design standards” (page 16.72 FGP) through action D which seeks to integrate housing projects into existing city grids. The proposed project is an infill project that will add housing into the existing city grids promoting Goal 7 mentioned above.

The proposed project is located in the Medium-Density Residential (R-2) zoning designation. The R-2 zoning district is an area intended as a “medium intensity, multiple-family zoning district that permits the development of attached and detached single-family, duplex and multiple-family dwellings, as well as condominiums”. The proposed 10 condominiums will meet all zoning and development standards set forth in the Fontana Municipal Code as noted in the Staff Report and the findings herein and, therefore, is consistent with the General 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 proposed development as referenced in Finding No. 1 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. Additionally, the proposed development meets all setback, height, landscaping, design, architecture, parking, access and safety requirements as mentioned in findings 1 to 4 and in the attached Staff Report.

The site improvements have been reviewed by the Fire, Building and Safety, Engineering, and Police Departments. During the project

review process, changes were made to the plans to ensure that the project is a well-designed project. Street lighting and on-site lighting has been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.

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 proposal as referenced in Finding No. 1 has been designed to enhance and compliment the surrounding neighborhood. The architectural theme for the project is described as Contemporary. The proposed project incorporates elements of the contemporary style including straight lines, clean finishes, and sharp edges to create a modern aesthetic. The result is a high-quality architectural design appropriate and desirable for the surrounding neighborhood. The proposed development will enhance the character of the surrounding neighborhood through appropriate attention to aesthetics and design.

Architectural relief utilized for the proposed project consists of stone veneer, decorative window treatments, decorative lighting, varied roof lines, architectural “pop-outs,” and other features appropriate to the theme. The use of a variety of colors and decorative elements of a contrasting color will further add architectural diversity to the neighborhood. The proposed project enhances the surrounding neighborhood by developing a vacant lot and incorporating architectural styles that complement the surrounding homes. Additionally, all garage doors will incorporate windows and varied door colors and patterns appropriate for each plan.

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

Findings of Fact: The proposed project complies with the City of Fontana Zoning and Development Code.

As mentioned in Finding No. 2 above the site improvements have been reviewed by the Fire, Building and Safety, Engineering, and Police Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. Street lighting and on-site lighting has been included to provide ample visibility at night. Landscaping has been incorporated to create an attractive atmosphere along adjacent parcels.



**Section 4.** The Planning Commission hereby determines that the project is Categorically Exempt pursuant to Section No. 15332, Class No. 32 (in-Fill Development), and Section No. 3.22 of the Local 2019 Guidelines for Implementing the California Environmental Quality Act.

**Section 5.** Based on the foregoing, the City of Fontana Planning Commission hereby approves Tentative Parcel Map No. 18973 (TTM No. 20-003) and Design Review Permit (DRP) No. 20-021 and subject to the findings listed above and the conditions of approval which are attached hereto as **Exhibits “A” and “B”** respectively.

**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 No. 21081.6.

**Section 7.** 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 19<sup>th</sup> day of October 2021.

**City of Fontana**

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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 the 19<sup>th</sup> day of October 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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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.

4. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
5. 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.
6. 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.
7. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
8. 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.
9. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.

10. 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.

**ENGINEERING DEPARTMENT:**

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.
12. 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.
13. The applicant will install streetlights where necessary in accordance with City of Fontana Standard Drawing 404.

**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 map required for the development.
17. Applicant shall provide Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

**PRIOR TO FINAL ACCEPTANCE OF PROJECT**

18. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
19. 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).
20. 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.

21. 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.

**EXHIBIT "B"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 20-052  
Design Review Permit (DRP) No. 20-021

**DATE:** October 19, 2021

**LOCATION:** 9154 Date Street APN (0193-061-03)

**PLANNING DEPARTMENT:**

1. This approval is for Design Review Permit No. 20-021 to approve the design and architecture review of 10 condominiums on a 0.88-acre project site, as approved by the Planning Commission on October 19, 2021 as shown on Attachment No. 2 (site plan) and Attachment No. 4 (elevations).
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy 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.
3. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third party action or proceeding, the City shall have the right to retain 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.

4. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
5. 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.
6. 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.
7. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
8. 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.
9. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
10. Color combinations and color schemes for commercial buildings approved under an 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.

11. 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 ½ inch thick, or as determined by the Director of Planning.
12. 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 and is well-lit. The mail box shall 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 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.
13. The applicant shall install built in gas barbeques grills with a safety locks to the satisfaction of the Planning Director.
14. Applicant shall install trash containers within the grass and barbecue area.
15. 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.
16. 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.
17. 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.
18. The construction contractor will use the following source controls at all times:
- A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
  - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - D. Have only necessary equipment onsite.
  - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
    - 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
    - 2. Temporarily enclose localized and stationary noise sources.
19. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical

**PRIOR TO ISSUANCE OF GRADING PERMIT**

20. 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**

21. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
22. 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.

**ENGINEERING DEPARTMENT:**

23. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards.
24. 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.
25. The applicant will install streetlights where necessary in accordance with City of Fontana Standard Drawing 404.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

26. 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**

27. 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**

28. Record map required for the development.
29. Applicant shall provide Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

**PRIOR TO FINAL ACCEPTANCE OF PROJECT**

30. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
31. 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).
32. 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.
33. 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:**

34. 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
35. 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.
36. 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.
37. 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.

38. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
39. 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.
40. The site, or a portion of the site, is located in a flood hazard area. The applicant shall provide justification that the proposed development does not adversely affect the location or carrying capacity of the floodway, nor does it adversely affect upstream or downstream sites shall be provided to Building & Safety. Additionally,

all development shall comply with Chapter 12 – FLOOD CONTROL of the Code of the City of Fontana and all requisite provisions must be taken by the applicant to protect the site from flood damage.

41. 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**

42. 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
43. Please be aware that a Construction Waste Management Plan (CWMP) will be required at time of plan check submittal. For more information regarding waste diversion, please contact Burrtec Waste at (909) 889-0911.
44. For more information related to Building & Safety, please visit our web page at <https://www.fontana.org/136/Building-Safety>.

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

45. **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.
46. **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
47. **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

48. **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
49. **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.
50. **Water System Residential.** 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 six hundred (600) feet as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1
51. 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 Type V Construction sq.ft. structure.
52. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
53. **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.
54. **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
55. **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.
56. **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

57. **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.
58. **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.
59. **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
60. **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
61. **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
62. **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
63. **Secondary Access.** The development shall have a minimum of \_\_\_\_1\_\_\_\_ points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1
64. **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.

#### **POLICE DEPARTMENT:**

65. Adhere to the city light standard of one foot candle minimum of light for all entrances, exits, pedestrian walkways, parking lots and amenity areas. Reflect all light fixtures on the site plan. The type of illumination shall be either florescent,

metal halide or white L.E.D.'s., and the luminaries shall be vandal resistant. All luminaries shall remain lit from dusk until dawn. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.

66. The development shall maintain an active Homeowner's Association at all times. The City shall be a third party to the H.O.A. in the event the development cannot maintain said H.O.A. A property management company is strongly recommended to manage the site appropriately.
67. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall comply with Fontana City Code section 22-62 and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.
68. Full time participation in the Fontana Police Department's Crime-Free Multi-Housing program prior to 90 days of tenant occupancy. Participation shall be initiated by the property owner and/or the Homeowner's Association.
69. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

#### **END OF CONDITIONS**



## NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors  
County of San Bernardino  
385 N. Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

FROM: City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

1. Project Title: **MCN 20-052, Tentative Tract Map No. 18973 (TTM No. 20-003), DRP 20-021,**
2. Project Location - Specific: **9154 Date Street (APN: 0193-061-03)**
3. (a) Project Location - City: **Fontana, CA 92335**  
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project: **Tentative Tract Map No. (TTM No. 20-003) is for the subdivision of one lot into 10 condos. Design Review No. 20-021 is a request to develop a currently vacant site with a 10 unit multi-family condominium project along with associated improvements.**
4. Name of Public Agency approving project: **City of Fontana**
5. Name of Person or Agency carrying out project: **Cesar Navarro**
6. Exempt status: (Check one)
  - (a) \_\_\_\_\_ Ministerial project.
  - (b) \_\_\_\_\_ Not a project.
  - (c) \_\_\_\_\_ Emergency Project.
  - (d) ☒ **Categorical Exemption. State type and class number: Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) and Section 3.22 of the 2019 Local Guidelines for implementing CEQA**
  - (e) \_\_\_\_\_ Declared Emergency.
  - (f) \_\_\_\_\_ Statutory Exemption. State Code section number: \_\_\_\_\_
  - (g) \_\_\_\_\_ Other. Explanation: \_\_\_\_\_
7. Reason why project was exempt: **The proposed project is for the site and architecture review of a 10 unit condominium project. The project site is one highly disturbed vacant surrounded by development, on five (5) gross acres or less (.88 acres), and streets, schools, water, and fire protection have already been developed and are provided in the general area. Therefore, it has been determined that the project qualifies for a categorical exemption pursuant to Section No. 15332, Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.**
8. Contact Person: **Fernando Herrera, Assistant Planner** Telephone: **(909) 350-7608**

Date Received for Filing:

\_\_\_\_\_  
Rina Leung  
Senior Planner

(Clerk Stamp Here)



# NOTICE PUBLIC HEARING

***Si desea información en Español referente a esta notificación o proyecto,  
favor de comunicarse al (909) 350-6728.***

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

**Master Case No. (MCN) 20-052, Design Review No. (DRP) 20-021, and Tentative Tract Map (TTM) No. 18973 (TTM No. 20-003)**

Design Review No. 20-021 is a request to develop a 10 unit multi-family condominium project along with associated improvements. Tentative Tract Map No. 18973 (20-003) is for the subdivision of one lot for the purposes of a condo map.

**Environmental  
Determination:**

This project has been determined to be Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.

**Location of  
Property:**

9154 Date Street (APN: 0193-061-03).

**Date of  
Hearing:**

October 19, 2021

**Place of  
Hearing:**

City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

**Time of  
Hearing:**

6:00 pm



Project Site



Should you have any questions concerning this project, please contact Fernando Herrera, Assistant Planner, at (909) 350-7608 or by email at [fherrera@fontana.org](mailto:fherrera@fontana.org)

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION AT THE PLANNING DEPARTMENT, CITY HALL. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: October 8, 2021



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-965  
**Agenda #:** PH-B

**Agenda Date:** 10/19/2021  
**Category:** Public Hearing

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**FROM:**  
Planning

**TITLE:**  
Master Case No. 21-041; Design Review Project No. 21-015 - A request to construct an approximately 64,694 square foot warehouse building on approximately 2.72-acres of land.

**RECOMMENDATION:**  
Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination; and,
2. Approve Design Review No. 21-015

**APPLICANT:**  
Calabash LPIV 6 LLC  
2442 Dupont Drive  
Irvine, CA 92612

**LOCATION:**  
The project site is located on three parcels, 11202, 11232 and 11252 Calabash Avenue, and is generally located northwest of the corner of Calabash Avenue and Jurupa Avenue (APNs: 0236-151-34, - 50 and -51).

**REQUEST:**  
The applicant is requesting the Planning Commission review and approve the following:

Design Review No. 21-015 for an approximately 64,694 square foot warehouse building on approximately 2.72-adjusted gross acres of land.

**PROJECT PLANNER:**  
George Velarde, Assistant Planner

I. BACKGROUND INFORMATION:

	<u>General Plan</u>	<u>Zoning /Overlay</u>	<u>Existing Land Use</u>
Site:	Light Industrial (I-L)	Southwest Industrial Park Specific Plan (SWIP) Jurupa North District (JND)	Legal Nonconforming Residences and Industrial Businesses
North:	Light Industrial (I-L)	Southwest Industrial Park Specific Plan (SWIP) Jurupa North District (JND)	Truck Business
South:	Light Industrial (I-L)	Southwest Industrial Park Specific Plan (SWIP) Jurupa North District (JND)	Legal Nonconforming Residences and Industrial Businesses
East:	Light Industrial (I-L)	Southwest Industrial Park Specific Plan (SWIP) Jurupa North District (JND)	Legal Nonconforming Residences and Industrial Businesses
West:	Light Industrial (I-L)	Southwest Industrial Park Specific Plan (SWIP) Jurupa North District (JND)	Legal Nonconforming Residences and Industrial Businesses

**II. PROJECT DESCRIPTION:**

- A. Site Area: Approximately 2.72 adjusted gross acres
- B. FAR Ratio: Allowed: 55% (maximum coverage)  
 Provided: 54.7%
- C. Building/Unit Analysis:
- |                 |               |                    |
|-----------------|---------------|--------------------|
| Office Area:    | Approximately | 3,000 square feet  |
| Warehouse Area: | Approximately | 61,694 square feet |
| Total Area:     | Approximately | 64,694 square feet |
- D. Vehicle Spaces:
- |                |           |           |
|----------------|-----------|-----------|
| Vehicle Spaces | Required: | 57 spaces |
|                | Provided: | 57 spaces |
| Loading Spaces | Required: | 3 spaces  |
|                | Provided: | 8 spaces  |
- E. Landscaping: Minimum Required: 15 percent (8,048 square feet)  
 Proposed: 18.99 percent (19,188 square feet)

**III. ANALYSIS:**

The applicant, Calabash LPIV 6 LLC, is requesting that the Planning Commission review and approve a warehouse building totaling approximately 64,694 square feet including 3,000 square feet of office space within the building footprint. In addition to the construction of the building and associated site improvements, all off-site improvements for curb and gutter along Calabash Avenue will be completed.

The project site is generally located on the west side of Calabash approximately 350 feet north of the intersection of Calabash Avenue and Jurupa Avenue. The project site has a General Plan land use designation of Light Industrial (I-L) and is within the Jurupa North District (JND) of the Southwest Industrial Park Specific Plan (SWIP).

**Design Review No. 21-015:**

As previously mentioned, the proposed building is approximately 64,694 square feet. The warehouse facility has been designed for one (1) potential tenant with office space totaling approximately 3,000 square feet within the building footprint. The warehouse includes eight (8) dock doors and 57 auto parking spaces. Offices are proposed to be located on the northeast corner of the proposed building. The use of glazing, tower elements, and a variety of colors will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements proposed at 45 feet will be architecturally pleasing and be consistent with the surrounding buildings.

Access to the site will be from a proposed driveway along Calabash Avenue at the northeast corner of the project site. This will serve both truck and automobile uses. The unloading/loading dock area for the trucks is proposed on the northern portion of the project site. Unloading/loading areas will be screened from view from Calabash Avenue with the use of screen walls up to 12 feet in height.

The project site is physically suitable in size and shape to support the development of the proposed warehouse facility. Applicable building codes, zoning codes, specific plan and fire codes and standards, will be met and make for a safe, attractive, and well-designed project. Currently, the surrounding area reflects industrial and legal nonconforming residential uses. The project design incorporates safety measures for automobiles and pedestrians in the area. The proposal provides a development that has been designed with features (architectural relief, landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

**MOTION:**

Approve staff recommendation.

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Elevations
4. Planning Commission Resolution, and Conditions of Approval
5. Notice of Determination
6. Public Hearing Notice

**UNDER SEPARATE COVER:**

1. Full Size Plans
2. Initial Study (Environmental Checklist), Addendum, and Mitigation Monitoring and Reporting Program





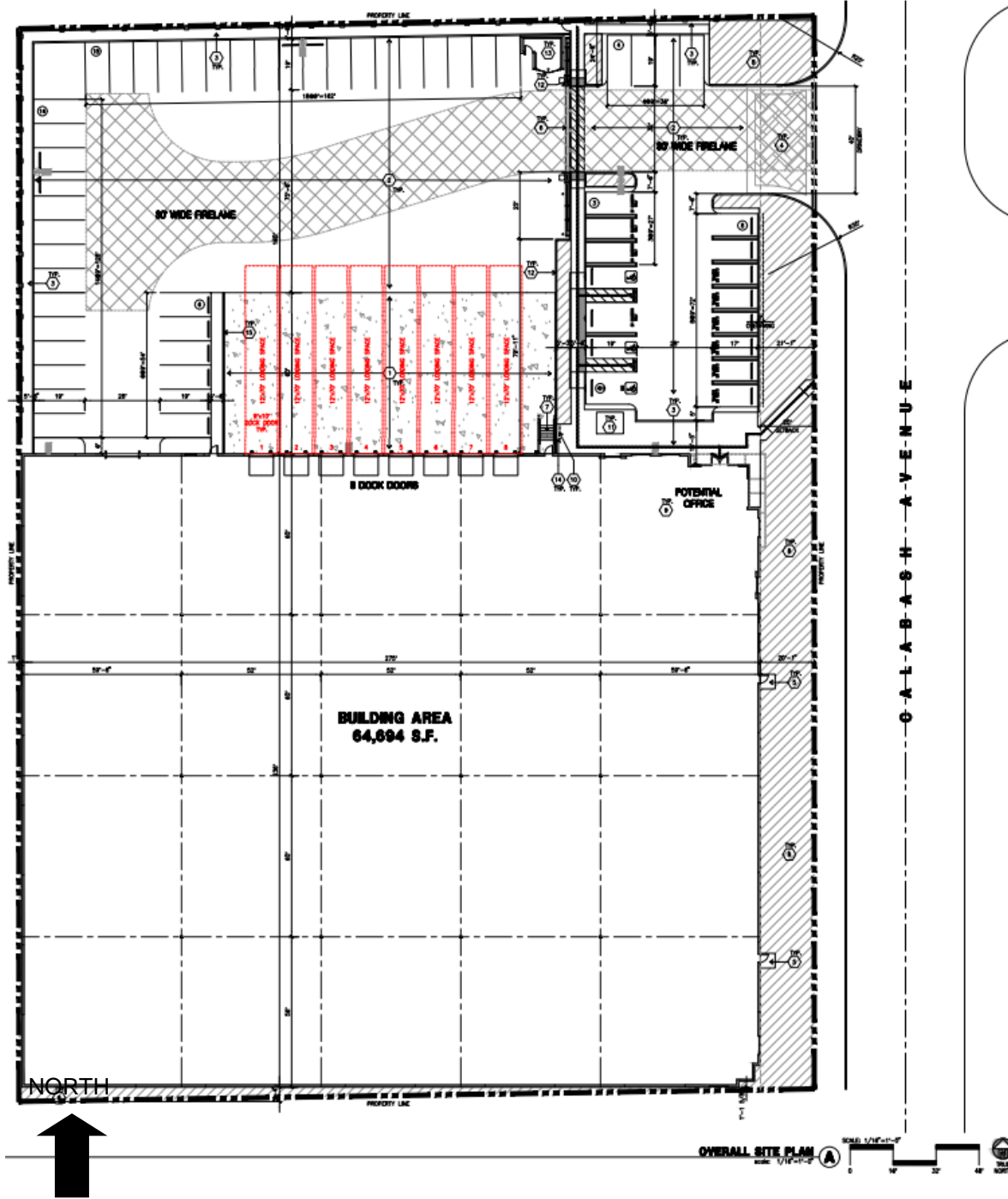
**Project Site**



# VICINITY MAP

**DATE:** October 19, 2021

**CASE:** Master Case No. 21-041  
Design Review No. 21-015

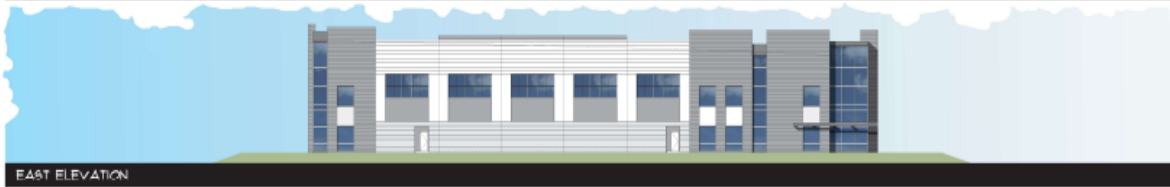


## SITE PLAN

DATE: October 19, 2021

CASE: Master Case No. 21-041  
Design Review No. 21-015





## ELEVATIONS

**DATE:** October 19, 2021

**CASE:** Master Case No. 21-041  
Design Review No. 21-015

## RESOLUTION PC NO. 2021-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW PROJECT NO. 21-015 FOR SITE AND ARCHITECTURAL REVIEW OF A PROPOSED WAREHOUSE FACILITY TOTALING APPROXIMATELY 64,694 SQUARE FEET ON AN APPROXIMATELY 2.72 ACRE SITE LOCATED AT 11202, 11232 AND 11252 CALABASH AVENUE (APNs: 0236-151-34, -50 and -51).**

**WHEREAS**, the City of Fontana received a Design Review application on April 22, 2021, for site and architectural review of a proposed warehouse facility totaling approximately 64,694 square feet on an approximately 2.72 adjusted gross acre site (APNs: 0236-151-34, -50 and -51).

**Project Applicant:** Calabash LPIV 6 LLC  
2442 Dupont Drive  
Irvine, CA 92612

**Project Location:** Generally located northwest of the intersection of Calabash Avenue and Jurupa Avenue (APNs: 0236-151-34, -50 and -51)

**Site Area:** 2.72 adjusted gross acres

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

**WHEREAS**, the proposal is for the construction of a warehouse building totaling approximately 64,694 square feet; 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**, Conditions of Approval have been prepared and attached hereto as **Exhibit "A"** for the Design Review Project No. 21-015; and

**WHEREAS**, the subject site, approximately 2.72 adjusted gross acres, and was annexed from San Bernardino County into the City of Fontana on October 24, 2006; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Program Environmental Impact Report (FEIR) be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the SWIP Specific Plan Update and Annexation Area; and

**WHEREAS**, the City prepared and certified the Final Program EIR (FEIR) on June

12, 2012 for the SWIP Specific Plan Update, consisting of comments received during the 45-day public review and comment period on the Draft FEIR, written responses to those comments, and revisions and errata to the Draft FEIR. For the purposes of this Resolution, the “FEIR” shall refer to the Draft FEIR, as revised by the Final FEIR’s errata section, together with the other sections of the Final FEIR; and

**WHEREAS**, the SWIP Specific Plan Update was approved and adopted by the City of Fontana (City) on June 12, 2012 pursuant to the certified FEIR; and

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

**WHEREAS**, by way of preparation of an addendum for the project site, staff evaluated the proposed project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana’s 2019 Local Guidelines for Implementing CEQA by preparing an Initial Study and accompanying technical reports (Addendum); and

**WHEREAS**, based on that evaluation, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Proposed Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

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

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, industrial facilities over 49,999 square feet require the submittal and approval of a Design Review application by the Planning Commission; 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 local *Fontana Herald* newspaper on October 8, 2021, posted at City Hall, and onsite at the project site; and

**WHEREAS**, on October 19, 2021, a duly noticed public hearing on Design Review No. 21-015 was held by the Planning Commission to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

**WHEREAS**, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on October 19, 2021;

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.** Compliance with California Environmental Quality Act. As the decision-making body for the Project, the Planning Commission has reviewed and considered the Southwest Industrial Park Specific Plan FEIR and Addendum, 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 Addendum and Southwest Industrial Park Specific Plan FEIR contain a complete and accurate reporting of all of the environmental impacts associated with the Project. The Planning Commission further finds that the Addendum have been completed in compliance with the State CEQA Guidelines and Section 6.21 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

**Section 3.** Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the substantial evidence set forth in the record, including but not limited to, the Southwest Industrial Park Specific Plan FEIR, the Addendum, and all related information presented to the Planning Commission, the Commission finds that the Projects necessitate only minor modifications to the Southwest Industrial Park Specific Plan FEIR. Therefore, pursuant to State CEQA section 15164 and Section 8.06 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the Southwest Industrial Park Specific Plan FEIR is the appropriate document for each project.

The Planning Commission further finds that the preparation of a subsequent or supplemental EIR is not required for the proposed Project because the Project:

- A. will not result in substantial changes that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. will not result in substantial changes with respect to the circumstances under which the Proposed Project are developed that would require major revisions of the Southwest Industrial Park Specific Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the

time the Southwest Industrial Park Specific Plan FEIR documents were certified showing any of the following:

- (i) the proposed Project would have one or more significant effects not discussed in the EIR;
- (ii) that significant effects previously examined would be substantially more severe than shown in the EIR;
- (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and
- (iv) that mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

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

**Section 5. Adoption of the Addendum to the Southwest Industrial Park Specific Plan FEIR.** The Planning Commission hereby adopts the Addendum to the EIR for the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (SCH No. 2009091089) and Mitigation, Monitoring, and Reporting Program (MMRP) that have been prepared pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA.

**Section 6.** The City of Fontana's, Planning Commission hereby makes the following findings for Design Review No. 21-015 in accordance with Section No. 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 proposal is for a design review for the development of a warehouse building totaling approximately 64,694 square feet on 2.72 adjusted gross acres. Architectural features for the project include varying roof heights, window statements and aluminum framing. The site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code and SWIP. As required, the project has high quality architecture, appropriate screening comprised of screen walls and landscaping that will make for an appropriate and desirable development.

As proposed, the project is consistent with General Plan Chapter 15 which allows warehousing in the Light Industrial (I-L) land use district. Furthermore, the proposed building is designed in a manner that limits off-site impacts. For example, the dock area is located away from public view and there is sufficient stacking distance along all the driveways. Therefore, this warehouse project is consistent with the General Plan Land Use Designation and SWIP .

**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 proposed project will result in the construction of a warehouse building totaling approximately 64,694 square feet. This facility will be built pursuant to all applicable building, zoning, and fire codes and standards, in addition to the Conditions of Approval as referenced herein. Architectural features such as glazing, aluminum frames, and a variety of colors will add structural and visual interest to the building. Additionally, variations to the building face and roof lines, with tower elements proposed at 45-feet will be architecturally pleasing and be consistent with the surrounding area. The project will include curb and gutter improvements to Calabash Avenue. Therefore, the project will promote the public health, safety and welfare of the occupants and, therefore, the community.

**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 proposed project as identified and referenced in Finding No. 1 and 2, has been determined to be aesthetically and architecturally pleasing and compatible with the surrounding area. The project site is approximately 2.72 adjusted gross acres and is physically suitable

in size and shape to support the proposed warehouse building. Applicable building, zoning, and fire codes and standards will make for a safe, attractive, and well-designed project. As stated in Finding No. 2, the project will create visual interest with architectural features such as glazing, tower elements, and a variety of colors with variations to the building face and roof lines. The character of the surrounding neighborhood reflects industrial uses and legal nonconforming residences. The proposal has been designed to be compatible with the surrounding uses while providing a development that has been designed with features (architectural relief, landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

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

Findings of Fact: The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. Project features include sidewalks, drainage, grading, and perimeter and privacy walls and fencing to provide a safe and well-designed neighborhood. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. As referenced in Finding No. 1 through Finding No. 3, above, this warehouse project meets and exceeds the standards of the Zoning and Development Code and will provide a safe design for public access.

**Section 7.** Based on the foregoing, the Planning Commission adopts a resolution approving Design Review No. 21-015 subject to the findings as indicated herein and the Conditions of Approval, including Conditions voluntarily proposed by Calabash LPIV 6 LLC have been prepared and are attached hereto as **Exhibit “A”**.

**Section 8.** Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

**Section 9.** 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 19<sup>th</sup> day of October 2021.

**City of Fontana**

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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 the 19<sup>th</sup> day of October, 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary



**EXHIBIT “A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 21-041  
Design Review No. (DRP) No. 21-015

October 19, 2021

**LOCATION:** The project site is generally located near the northwest corner of Calabash Avenue and Jurupa Avenue (APNs: 0236-151-34, -50 and -51).

**PLANNING DEPARTMENT:**

1. This approval is for Design Review No. 21-015, a request for site and architectural review of a distribution and logistics warehouse building totaling approximately 64,694 square feet on a project site of approximately 2.72 adjusted gross acres, as approved by the Planning Commission on October 19, 2021, and as shown in Attachment No. 3 and Attachment No. 4 in the accompanying staff report.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - a. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy (C of O) or other document evidencing the City's final inspection and acceptance of the work.
  - b. All requirements of the Fontana Municipal Code shall be complied with.
  - c. All other Conditions of Approval imposed by this project have been fulfilled.
3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section No. 30-31 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.
5. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain 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.

6. 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.
7. 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.

8. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
9. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
10. This project will comply with all applicable provisions, regulations, and development standards of the Southwest Industrial Park Specific Plan.
11. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
12. Sidewalks shall be provided for all new developments in accordance with the city's circulation element of the General Plan.
13. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
14. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, car pool, or any other designated parking as required by law.
15. 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.
16. All signs shall be reviewed under a separate Design Review Sign application.
17. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
18. 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.
19. The construction contractor shall use the following source controls at all times:
- a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(b7) of the Municipal Code.
  - b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - d. Have only necessary equipment onsite.

- e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
  - f. Temporarily enclose localized and stationary noise sources.
  - g. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
20. Pursuant to the Migratory Bird Treaty Act (MBTA) and California Department of Fish & Game (CDFG) Code, removal of any trees, shrubs, or any other potential nesting habitat shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to the Planning Department.
21. Up lighting shall be provided throughout the project site to complement the architectural detail of the building and the landscaped areas, except where the building is adjacent to residential properties.
22. All roof-mounted mechanical units shall be screened from view of adjacent streets by a parapet in height equal or greater to the installed unit, unless another method of visual screening is approved by the Director of Planning.
23. The applicant/developer shall comply with the mitigation measures identified in the CEQA Addendum Mitigation (SCH No. 2009091089) Monitoring and Reporting Program (MMRP) as approved by the Planning Commission.
24. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.

*Additional General Plan Conditions Agreed to by Applicant*

25. In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant/developer and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.
26. To reduce energy demand associated with potable water conveyance, future projects shall implement the following, as applicable:
- a. Landscaping palette emphasizing drought tolerant plants

- b. Use of water-efficient irrigation techniques
  - c. U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.
27. Future projects shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations).
28. The applicant/developer shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.
29. To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP [On-Road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-In for NOx] funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.
30. The applicant/developer shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on such cleaning products.
31. All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.
32. In the event that any off-site utility and/or infrastructure improvements are required as a direct result of future projects, construction of such off-site utility and infrastructure improvements shall not occur concurrently with the demolition, site preparation, and grading phases of project construction. This requirement shall be clearly noted on all applicable grading and/or building plans.

*PRIOR TO ISSUANCE OF BUILDING PERMIT*

33. The current Development fees must be paid prior to issuance of building/construction permits.

**BUILDING & SAFETY:**

34. 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
35. 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.
36. The applicant shall comply with the requirements of the South Coast Air Quality Management District (909-396-2000). SCAQMD requirements shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
37. 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.
38. 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.
39. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
40. The applicant shall have the Lot Line Adjustment recorded prior to the issuance of any building permits.
41. 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.

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.
42. 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.



43. The applicant is required to obtain permits for the removal and/or demolition of structures.
44. A full accessibility plan will be required.

*PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS*

45. 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
46. If hazardous substances are used and/or stored, the applicant shall provide a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

**ENGINEERING DEPARTMENT:**

47. 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.
48. 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.
49. 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.
50. Provide street lights along Calabash Avenue frontage, per City Standard Plan No. 404.

*PRIOR TO ISSUANCE OF GRADING PERMIT*

51. 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.

*PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS*

52. Record lot line adjustments, right-of-way dedications or easements required for the development.
53. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms.

*PRIOR TO FINAL ACCEPTANCE OF PROJECT*

54. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
55. 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).
56. 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.
57. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan (WQMP) and Storm Water Best Management Practice (BMP) Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

**FONTANA FIRE PREVENTION DISTRICT:**

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 Lot Line Adjustment 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 Lot Line Adjustment 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: 2,625 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 64,694 sq.ft. Type III-B 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.** All fire access roadways required by the Fire Code and this Standard shall be installed to an extent that will provide all-weather paved access for emergency vehicles prior to combustibles being brought to the site or combustible construction taking place. The Fire Code shall determine the adequacy of fire access roads during construction. All fire access roadway surfaces, except for driveways providing fire access to no more than two (2) single family dwellings or accessory structures, shall be capable of support for a fire apparatus with a gross vehicle weight of 75,000 pounds (lbs.). For design purposes, fire apparatus weight is distributed at 55,000 lbs. on the rear dual axles and 20,000 lbs. on the front axle. When required by the by the Fire Code Official, the design of fire access roadways shall bear the stamp of a registered professional engineer in order to verify that they meet this requirement. Fire access roadways shall be paved with a concrete or asphalt material in order to provide "all weather" safe driving conditions. The appropriate thickness of surface materials and base materials shall be determined by a qualified engineer and subject to the approval of the County or City having jurisdiction. Temporary fire access roads shall be designed by a registered professional engineer and submitted to the SBCFPD for approval in accordance with this Standard. Such roadways may be designed and constructed of any materials that will provide safe, all-weather drivable surface, provided these are evaluated by the design engineer and meet all applicable requirements of this Standard.
67. **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.
68. **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.
69. **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.
70. **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

71. **Key Box.** An approved Fire Department key box is required. SBCFD Standard 506
72. **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
73. **Material Identification Placards.** The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Standard 2703.5.
74. **High-Piled Storage.** The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division. SBCFD Standard 2301.
75. **Secondary Access.** The development shall have a minimum of **one** point of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1

**END OF CONDITIONS**

## NOTICE OF DETERMINATION

**TO:** X County Clerk, County of  
San Bernardino  
  
\_\_\_\_ Office of Planning and Research

**FROM:** City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

**SUBJECT:** Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

**Project Title:** Master Case No. 21-041 and Design Review No. 21-015 – Calabash Warehouse Project

**State Clearinghouse Number:** 2009091089

**Name of Person or Agency carrying out project:** George Velarde – Assistant Planner, City of Fontana (Lead Agency) 8353 Sierra Avenue, Fontana, CA 92335.

**Project Location:** 11202, 11232 and 11252 Calabash Avenue (APNs: 0236-151-34, -50 & -51)

**Project Description:** Design Review No. 21-015 is a proposal to construct an approximately 64,694 square foot warehouse facility on approximately 2.72-acres of land, including approximately 3,000-square feet of office.

**Project Proponent & Address:** Michael Sizemore, Calabash LPIV 6 LLC, 2442 Dupont Drive, Irvine, CA 92612

**Contact Name & Phone:** Michael Sizemore – (949) 296-2989

This is to certify that the City of Fontana approved the above-described project along with the aforementioned Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) on October 19, 2021 and made the following determinations:

1. The project \_\_\_\_ will X will not have a significant effect on the environment.
2. An Environmental Impact Report (EIR) was previously prepared and approved and fully analyzed the effects of the project. The EIR thoroughly analyzed and discussed all potential environmental impacts. None of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent EIR or MND have occurred. Additionally, this action does not include any additional impacts beyond those impacts already disclosed in the previous EIR and no further environmental review is required.
3. Mitigation measures X were \_\_\_\_ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations \_\_ was X was not adopted for this project.
5. Findings \_\_\_\_ were X were not made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Addendum are specified as follows:

**Custodian:** City of Fontana, Planning Department

**Location:** 8353 Sierra Avenue, Fontana, CA 92335

\_\_\_\_\_  
Paul Gonzales  
Senior Planner

Date Received for Filing



FONTANA  
CALIFORNIA

## NOTICE OF PUBLIC HEARING

***SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.***

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

**Master Case (MCN) No. 21-041/Design Review (DRP) No. 21-015:** Site and architectural review of a proposed warehouse facility totaling approximately 64,694 square feet on 2.72 adjusted gross acres.

**Environmental  
Determination:**

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines an Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2009091089) has been prepared for this proposed project. The aforementioned EIR was adopted by the City Council on June 12, 2012 and it anticipated the development of a warehouse building and also adequately identified any potential impacts associated with this project. No new additional impacts beyond what was anticipated in the EIR mentioned above were identified and an addendum was prepared for the project.

**Location of  
Property:**

11202, 11232 & 11252 Calabash Avenue (Accessor Parcel Number [APN]: 0256-151-34, -50 and -51)

**Date of Hearing:**

October 19, 2021

**Place of Hearing:**

City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

**Time of Hearing:**

6:00 P.M.





Should you have any questions concerning this project, please contact George Velarde, Assistant Planner, at (909) 350-6569. E-mail: [gvelarde@fontana.org](mailto:gvelarde@fontana.org)

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.





# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-946  
**Agenda #:** PH-C

**Agenda Date:** 10/19/2021  
**Category:** Public Hearing

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**FROM:**  
Planning

**TITLE:**

Master Case No. 21-044; Design Review No. 21-018 - A request to review and approve a proposed construction of an approximately 95,600 square foot warehouse, which includes approximately 5,000 square feet of office area.

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,
2. Approve Design Review No. 21-018.

**APPLICANT:**

Newcastle Partners  
Courtney Smith  
4740 Green River Rd No. 110  
Corona, CA 92878

**LOCATION:**

The project site is located at 16355 and 16381 Slover Ave (APNS: 0255-021-02 and -03).

**REQUEST:**

A Design Review request for the proposed construction of an approximately 95,600 square foot warehouse, which includes approximately 5,000 square feet of office area.

**PROJECT PLANNER:**

Rina Leung, Senior Planner

I. BACKGROUND INFORMATION:

	General Plan	Zoning /Overlay	Existing Land Use
Site:	Light Industrial (I-L)	Light Industrial (M-1)	Single Family Residential
North:	Light Industrial (I-L)	Light Industrial (M-1)	Industrial/ Single Family Residential
South:	Residential Planned Community (R-PC)	Residential Planned Community (R-PC)	Single Family Residential
East:	Light Industrial (I-L)	Light Industrial (M-1)	Warehouse
West:	Residential Planned Community (R-PC)	Residential Planned Community (R-PC)	Single Family Residential

## II. PROJECT DESCRIPTION:

A. <u>Site Area:</u>	Approximately 4.61 net acres		
B. <u>Building/Unit Analysis:</u>			
Office Area:	Approximately	5,000	square feet
Warehouse Area:	Approximately	90,600	square feet
Total Area:	Approximately	95,600	square feet
C. <u>Parking Analysis:</u>			
Vehicle Spaces	Required:	42 spaces	
	Provided:	43 spaces	
D. <u>Landscaping:</u>			
Minimum Required:	15 percent		
Proposed:	28.8 percent		

## III. ANALYSIS:

The applicant, Courtney Smith representing Newcastle Partners, is requesting that the Planning Commission review and approve a new warehouse facility of approximately 95,600 square feet with 5,000 square feet of office space, 12 warehouse dock doors, 3 trailer parking spaces and 43 auto parking spaces. The applicant has also filed a Lot Line Adjustment application to administratively consolidate two (2) parcels into one to accommodate the proposed project. In addition to the construction of the building and associated site improvements, the project will include new streetlights and undergrounding of electrical poles along Slover Avenue.

### Design Review No. 21-018:

The warehouse facility has been designed with an office totaling approximately 5,000 square feet. A gate-secured truck court with 12 loading docks are proposed on the east side of the building. The building's trash enclosures are proposed inside the secured truck court area. Automobile parking spaces are distributed on the north and east sides of the site. The truck court area along the east is secured by an existing wall of approximately eight to ten feet tall. Also, tubular steel fencing and

gates are utilized throughout to secure the site. In addition, a 14-foot-high decorative screen wall with a sand blasted finish to match the building is proposed along the south and east property lines to provide a buffer and screen the use from nearby residential homes. The use of glazing, parapets, canopies, accent colors, pop outs, sand blasted finishes along sections of the facade and painted banding will add structural and visual interest to the building. Additionally, variations to the building face and roof lines will be architecturally pleasing. Access to and from the project site would be provided from two driveways along Slover Avenue.

Proposed landscaping would be ornamental in nature and features trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcover. Landscaping would also occur at building entries, adjacent to the building, around the automobile parking areas, and along the perimeter of the site to accommodate trees to be planted in 36-inch boxes. These 36-inch boxed evergreen pine trees along the perimeter along with 14-foot high decorative screen walls adjacent to residential uses will serve to buffer the site. The applicant has proposed uplighting for the project, which are depicted on the nighttime rendering under separate cover and also required as a Condition of Approval. Prior to building permit issuance, the project applicant would be required to submit final lighting and planting/irrigation plans to the city for review and approval.

The project site is physically suitable in size and shape to support the development of the proposed warehouse facility. The applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. As proposed, the project is consistent with the standards of the Zoning and Development Code and General Plan. The development has been designed with features (architectural relief, added landscaping, street improvements, screen walls, and lighting), to enhance the character of the area.

**MOTION:**

Approve staff's recommendation.

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Elevations
4. Planning Commission Resolution, Findings and Conditions of Approval
5. Notice of Exemption
6. Public Hearing Notice

**UNDER SEPARATE COVER:**

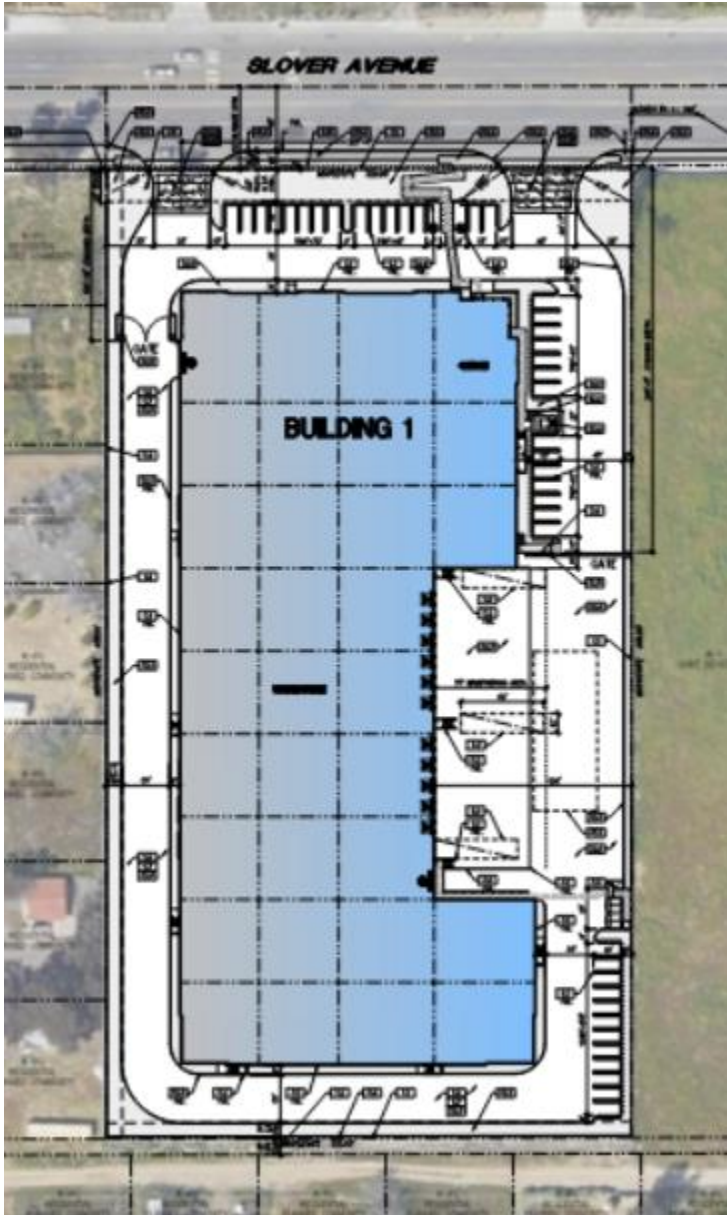
1. Full Size Plans
2. Reduced Color Plans
3. Categorical Exemption



## VICINITY MAP

**DATE:** October 19, 2021

**CASE:** Master Case No. 21-044  
Design Review No. 21-018



# SITE PLAN

**DATE:** October 19, 2021

**CASE:** Master Case No. 21-044  
Design Review No. 21-018





## ELEVATIONS

**DATE:** October 19, 2021

**CASE:** Master Case No. 21-044  
Design Review No. 21-018

**RESOLUTION PC NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 21-018 FOR A WAREHOUSE BUILDING TOTALING APPROXIMATELY 95,600 SQUARE FEET ON 4.61 ADJUSTED GROSS ACRES FOR A PROPERTY LOCATED 16355 AND 16381 SLOVER AVE (APNS: 0255-021-02 AND -03)**

**WHEREAS**, the City of Fontana received an application on April 26, 2021, Design Review No. 21-018 for the development of a warehouse building totaling approximately 95,600 square feet.

**Project Applicant:** Newcastle Partners  
Courtney Smith  
4740 Green River Rd No. 110  
Corona, CA 92878

**Project Location:** 16355 and 16381 Slover Ave (APNS: 0255-021-02 and -03)

**Site Area:** 4.61 adjusted gross acres

**WHEREAS**, the proposed project would accommodate the improvements required for lighting and undergrounding of utilities for the proposed project site; and

**WHEREAS**, the proposed project qualifies as a Categorically Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and a Notice of Exemption has been prepared; and

**WHEREAS**, the subject site was annexed from San Bernardino County into the City of Fontana on January 5, 1968 (Annex 030) for APN: 0255-021-02 and September 19, 2006 (Annex168\_D) for APN: 0255-021-03; and

**WHEREAS**, pursuant to Chapter 30, Article II, Section 30-118 of the City of Fontana Zoning and Development Code, Design Reviews require approval by the Planning Commission; 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**, Conditions of Approval have been prepared and attached hereto as Exhibit "A" for the Design Review Project No. 21-018; 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 local *Fontana Herald* newspaper on October 8, 2021, posted at City Hall and at the project site; and

**WHEREAS**, the Commission carefully considered all information pertaining to the proposed projects, including the staff report, findings, and all the information, evidence, and testimony presented at its public hearing on October 19, 2021; and

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

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

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

**Section 2.** Findings on Design Review. The City of Fontana Planning Commission hereby makes the following findings for the Design Review No. 21-018 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 proposal is for a design review for the development of a warehouse building totaling approximately 95,600 square feet on 4.61 adjusted gross acres. The use of embellished architectural elements on the facades and pop outs create depth and interest, and towers will add structural and visual interest to the building that conforms to the Zoning and Development Code.

Furthermore, the site and building design comply with the criteria contained in the design review section of the Fontana Zoning and Development Code. The project has high quality architectural design, appropriate screening comprised of screen walls and landscaping that will be an appropriate and desirable development.

The propose project is consistent with the General Plan Land Use Designation for the project site, because the proposed project is for a warehouse use, which is allowed in the Light Industrial (I-L) land use district of the General Plan as cited in Chapter 15. Furthermore, the proposed building is designed in a manner that limit off-site impacts; in that, the dock area is located in the interior of the site and there is sufficient stacking distance along all the driveways. Therefore, the proposed warehouse project is consistent with the General Plan Land Use and Zoning Designation.

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



**Findings of Fact:** The proposal as mentioned in Finding No. 1 has been designed in a manner that is consistent with the Zoning and Development Code design guidelines that results in a safe and desirable community. Improvements for the project include drainage, lighting, and grading to provide a safe and well-designed project in the neighborhood. The project frontage along Slover Avenue includes sidewalks; as well as, new driveway locations to further improve the site and to make this area safer for pedestrians.

**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 proposed building as referenced in Finding No. 1 will use glazing, parapets, canopies, accent colors, pop outs, sand blasted finishes along sections of the facade and painted banding will add structural and visual interest to the building. Additionally, variations to the building face and roof lines will be architecturally pleasing. tower elements will add structural and visual interest to the building. Additionally, variations to the building roofline are incorporated to add architectural interest. The tower elements will break up the massing of the building creating a more vibrant and aesthetically pleasing design.

Landscaping would also occur at building entries, adjacent to the building, around the automobile parking areas, and along the perimeter of the site to accommodate trees to be planted in 36-inch boxes. These 36-inch boxed evergreen pine trees along the perimeter along with 14-foot decorative screen walls adjacent to residential will serve to buffer the site from these nearby residential uses.

The surrounding neighborhood is currently developed with a combination industrial, residential, school and warehouses uses. The proposed warehouse that includes an articulated design, loading dock that is screened in the interior portion of the site, and additional landscaping with screen walls will be an improvement to the site and also compatible with the existing uses in the neighborhood.

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

**Findings of Fact:** The proposal as mentioned in Findings Nos. 1 through 4 will result in the construction of a 95,600 square foot warehouse building pursuant to all applicable building, zoning, and fire codes and standards. The proposed building is designed in a manner that promotes safety and also limits off-site impacts; in that, the dock area

is located in the interior of the site and there is sufficient stacking distance along all the driveways. In addition, the project will be required to connect to the sewer.

**Section 3.** Based on the foregoing, the City of Fontana Planning Commission determines that this project is Categorically Exempt pursuant to Section 15332 Class 32, (Infill Development) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the Local 2019 Guidelines for Implementing CEQA.

**Section 4.** Based on the foregoing, the City of Fontana Planning Commission hereby approves Design Review Project No. 21-018 subject to the findings listed above and the conditions of approval as shown in the attached Exhibit "A" for the construction of a warehouse building on property at 16355 and 16381 Slover Ave (APNS: 0255-021-02 and -03).

**Section 5. 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 6.** 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 19<sup>th</sup> day of October 2021.

**City of Fontana**

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Cathline Fort, Chairperson

Resolution PC No. 2021 - \_\_\_\_\_

**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 the 19th day of October, 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary

**EXHIBIT "A"**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 21-044  
Design Review No. 21-018

**DATE:** October 19, 2021

**LOCATION:** 16355 and 16381 Slover Ave (APNS: 0255-021-02 and -03)

**PLANNING DEPARTMENT:**

1. This approval is for Design Review No. 21-018 for site and architectural review for a warehouse building totaling approximately 95,600 square feet, as approved by the Planning Commission on October 19, 2021 and as shown in Attachments No. 2 and 3 in the accompanying staff report.
2. Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy (C of O) or other document evidencing the City's final inspection and acceptance of the work.
  - B. All requirements of the Fontana Municipal Code shall be complied with.
  - C. All other Conditions of Approval imposed by this project have been fulfilled.
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 Planning Director 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.
5. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.

6. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
7. 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.

8. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section 30-23 of the Municipal Code.
9. Color combinations and color schemes for buildings approved under a design review application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color

changes may be approved by the Planning Director. The Planning Director may refer minor hue color changes to the original approving body for consideration under a revision to the original application.

10. 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.
11. Two (2) bicycle parking racks or secured bicycle lockers shall be provided for all nonresidential developments.
12. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, car pool, or any other designated parking as required by law.
13. The proposed new screen walls along the south and west portions of the project site shall include concrete block split face proto II treatment on all sides to match the finishes on the building.
14. All signs shall be reviewed under a separate Design Review Sign application.
15. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
16. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Planning Director.
17. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Planning Director or his/her designee.
18. The transformer(s) shall be screened by either a screen wall or mature, dense landscaping, and not visible from the public right-of-way.
19. After the fifteen (15) day appeal period, the applicant shall remove the notice of filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.
20. There shall be no refrigerated uses on site; unless, a future tenant proposes to have such uses conducts an update of the California Environmental Quality Act

(CEQA) document (i.e. Mitigated Negative Declaration) and any applicable studies/memorandums to amend this Condition of Approval.

21. Development fees and Planning Division final inspection fee must be paid prior to Certificate of Occupancy.
22. The applicant shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Planning Director or his/her designee.
23. There shall be no cueing of trucks or vehicles in the public-right of-way.
24. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
25. The construction contractor shall use the following source controls at all times:
  - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(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:
  - 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.
26. Pursuant to the Migratory Bird Treaty Act (MBTA) and California Department of Fish & Game (CDFG) Code, removal of any trees, shrubs, or any other potential

nesting habitat shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to the Community Development Department.

27. 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.

**PRIOR TO ISSUANCE OF A GRADING PERMIT**

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

*Additional General Plan Conditions Agreed to by Applicant*



29. In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.
30. To reduce energy demand associated with potable water conveyance, the project shall implement the following, as applicable:
  - a. Landscaping palette emphasizing drought tolerant plants
  - b. Use of water-efficient irrigation techniques U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.
31. The project shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations).
32. The applicant shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.
33. To promote alternative fuels and help support "clean" truck fleets, the applicant shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the applicant shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP On-Road Heavy Duty Voucher Incentive Program, HVIP Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, and SOON Surplus Off-Road Opt-In for NOx funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.
34. The applicant shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the SCAQMD, CARB, and EPA on such cleaning products.
35. All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.

36. All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City of Fontana verification. The following additional measures, as determined applicable by the City Engineer, shall be included as conditions of the Grading Permit issuance:
- a. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - b. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
  - c. Reroute construction trucks away from congested streets or sensitive receptor areas.
  - d. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
  - e. Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.
  - f. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If 2010 model year or newer diesel trucks cannot be obtained the contractor shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements.
  - g. During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:
    - i. January 1, 2012, to December 31, 2014: all off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
    - ii. Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emissions standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
    - iii. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

37. Prior to the issuance of any grading permits, applicant shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project.
38. All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Specifically, the following measures shall be implemented, as feasible:
  - a. Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.
  - b. Construct or build with materials that do not require painting.
  - c. Require the-use of pre-painted construction materials.
39. All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.
40. Prior to the issuance of grading permits or approval of grading plans for the project, applicant shall provide a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following:
  - a. Phase and schedule activities to avoid high-ozone days and first-stage smog alerts.
  - b. Discontinue operation during second-stage smog alerts.
  - c. All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas.
  - d. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.
  - e. Moisten soil each day prior to commencing grading to depth of soil cut.
  - f. Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site.
  - g. Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.
  - h. Wash mud-covered tires and under carriages of trucks leaving construction sites.
  - i. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
  - j. Securely cover all loads of fill coming to the site with a tight-fitting tarp.
  - k. Cease grading during periods when winds exceed 25 miles per hour.
  - l. Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.
  - m. Use low-sulfur diesel fuel in all equipment.
  - n. Use electric equipment whenever practicable.
  - o. Shut off engines when not in use.

41. The project shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes.
42. The project shall designate preferential parking for vanpools.
43. The proposed building shall incorporate provision of food and beverages.
44. All tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas.
45. All tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible.
46. The project shall incorporate light colored roofing materials.

#### **BUILDING & SAFETY**

47. Shall comply with the latest adopted edition of the following codes as applicable:
  - A. California Building Code
  - B. California Electrical Code
  - C. California Mechanical Code
  - D. California Plumbing Code
  - E. California Energy Code
  - F. California Fire Code
  - G. California Green Building Standards Code
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. The applicant shall comply with the requirements of the South Coast Air Quality Management District (909-396-2000). SCAQMD requirements shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
50. 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.
51. 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.

52. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
53. The applicant shall have the Lot Line Adjustment recorded prior to the issuance of any building permits.
54. Grading Requirements:
  - A. Grading plans shall be submitted to, and approved by Building & Safety Division. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-offs.
  - B. All drainage water shall drain via approved methods to an approved location such as a public street, public drainage system, etc.
  - C. Drainage water shall not cross over a public sidewalk. Drainage water may however cross under a sidewalk if an approved drainage structure is used.
  - D. No water course or natural drainage shall be obstructed.
  - E. 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.
  - F. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to, and approved by Building & Safety Division.

The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.
  - G. 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.
55. The applicant is required to obtain permits for the removal and/or demolition of structures.
56. 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

57. The following items shall be completed and/or submitted to Building & Safety Division – as applicable – 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
58. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
59. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.

**FIRE DEPARTMENT**

60. Jurisdiction. The above referenced project is under the jurisdiction of the Fontana Fire Protection District as served by the San Bernardino County Fire Department (SBCFD) (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.
61. 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 **\*Fire access roadway shall be a minimum of thirty (30) foot width based on access for project.**

62. 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
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: 3,250 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a maximum 95,600 sq.ft. structure.**

Commercial/industrial projects with a building(s) exceeding 100,000 square feet shall be required to have a looped fire line system and with a minimum of two (2) points of connection to the public water source.

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 job-site.
66. 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.
67. 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.

68. 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
69. 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.
70. Security Gates. Project shall not have gates or other barriers obstructing access per SBCFD Standard A-1
71. 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
72. High-Piled Storage. The applicant shall submit an application for a High-Piled Storage permit for storage of over 12' in height of Class I-IV commodities and/or over 6' in height of high hazard commodities. Three (3) sets of detailed plans and a commodity analysis report shall be submitted to the Fire Department for review and approval. The applicant shall submit to the Fire Department concurrently with any racking permits to the Building and Safety division. SBCFD Standard 2301.

#### **POLICE DEPARTMENT:**

73. All block walls on-site shall incorporate an anti-graffiti coating.
74. Incorporate hostile landscape into the interior, perimeter landscape setback areas to discourage subjects from accessing the site.
75. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. To ensure the minimum light standard is met, provide a photometric layout under separate exhibit.

#### **ENGINEERING DEPARTMENT**

76. 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.

77. 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.
78. 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.
79. At such time, as median improvements are completed on Slover Avenue all driveways facing Slover Avenue shall be right in and right out. No median opening will be provided.

#### PRIOR TO ISSUANCE OF GRADING PERMIT

80. 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.

#### PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

81. Applicant shall process and record lot line adjustments, right-of-way dedications or easements required for the development.
82. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

#### PRIOR TO FINAL ACCEPTANCE OF PROJECT

83. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
84. 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).
85. 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.

86. 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 Water Quality Management Plan Certification for best management practices Completion must be submitted to the City Project Engineer.

**PUBLIC WORKS DEPARTMENT – ENVIRONMENTAL CONTROL**

87. All industrial / warehousing facilities are required to obtain coverage under the State Industrial General Permit and shall file with the State Board a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Industrial Activity.

Applicants shall be required to provide a copy of the Waste Discharger Identification Number (WDID) issued by the State Board as evidence of coverage under the Industrial General Permit to; Sal Romero 909-428-8809 or sromero@fontana.org.

(40 CFR, CA-WQCB Order No 2014-0057-DWQ, CA-RWQCB Order No. R8-2010-0036, FMC 23-520, SB205)

For further information about the Industrial General Permit, please visit the following website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/indusfaq.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/indusfaq.shtml)

## NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors  
County of San Bernardino  
385 N. Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

FROM: City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

1. Project Title: **Master Case No. MCN21-044; Design Review No. DRP21-018**
2. Project Location - Specific: **16355 and 16381 Slover Avenue (APN: 0255-021-02 and 0255-021-03)**
3. (a) Project Location - City: **Fontana**  
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project:  
**Review for a 95,600 square foot warehouse building which includes 5,000 square foot of office space. The Project would include associated parking, landscaping, utility improvements, and offsite improvements.**
5. Name of Public Agency approving project: **City of Fontana**
6. Name of Person or Agency carrying out project: **Courtney Smith**
7. Exempt status: (Check one)  
(a) \_\_\_\_\_ Ministerial project.  
(b) \_\_\_\_\_ Not a project.  
(c) \_\_\_\_\_ Emergency Project.  
(d) ☒ **X** Categorical Exemption. Exempt under Section 15332 Class 32, (Infill Development) of the California Environmental Quality Act (CEQA).  
(e) \_\_\_\_\_ Declared Emergency.  
(f) \_\_\_\_\_ Statutory Exemption. State Code section number: \_\_\_\_\_  
(g) \_\_\_\_\_ Other. Explanation: \_\_\_\_\_
8. Reason why project was exempt: **The project site is less than 5 acres in size and located in an area that does not support sensitive wildlife. The project is consistent with the existing General Plan and Zoning regulations. The site can be adequately served by all required utilities and public services. The project will not result in any significant effects related to traffic, noise, air quality or water quality. The project is also consistent with the zoning and development Code as well as the General Plan.**
9. Contact Person: **Rina Leung, Senior Planner** Telephone: **(909) 350-6566**

Date Received for Filing:

\_\_\_\_\_  
DiTanyon Johnson  
Principal Planner

(Clerk Stamp Here)



# NOTICE OF PUBLIC HEARING

***Si desea información en Español referente a esta notificación o proyecto,  
favor de comunicarse al (909) 350-6728.***

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

## **Master Case No. 21-044 and Design Review Project No. 21-018**

Design Review No. 21-018 is for a site and architectural review of a proposed approximately 95,600 square foot warehouse on a site comprised of approximately 4.61 net acres.

**Environmental  
Determination:**

This project has been determined to be Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.

**Location of  
Property:**

16355 and 16381 Slover Ave (APNS: 0255-021-02 and -03)

**Date of  
Hearing:**

October 19, 2021

**Place of  
Hearing:**

City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

**Time of  
Hearing:**

6:00 pm



Should you have any questions concerning this project, please contact Rina Leung, Senior Planner, at (909) 350-6566 or by email at [rleung@fontana.org](mailto:rleung@fontana.org)



ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION AT THE PLANNING DEPARTMENT, CITY HALL. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: October 8, 2021



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-966  
**Agenda #:** PH-D

**Agenda Date:** 10/19/2021  
**Category:** Public Hearing

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**FROM:**  
Planning

**TITLE:**

Master Case No. 21-043; Tentative Parcel Map No. 21-008 (TPM No. 20466); Minor Use Permit No. 21-001; Design Review Project No. 21-017 - A request to operate a charter high school (Real Journey Academies, Inc.) grades 9<sup>th</sup> and 12<sup>th</sup> with a maximum capacity of 800 students within a new three-story, 51,000 square foot building.

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021 -\_\_\_\_, to:

1. Adopt the Mitigated Negative Declaration, Mitigation Monitoring Reporting Program (MMRP) and direct staff to file a Notice of Determination; and,
2. Approve Tentative Parcel Map No. 21-008 (TPM No. 20466);
3. Approve Minor Use Permit No. 21-001; and,
4. Approve Design Review No. 21-017.

**APPLICANT:**

Red Hook Capital Partners  
Hugo Garcia  
2120 E. Grand Avenue, Suite 135  
El Segundo, CA 90245

**LOCATION:**

The project site is located at 7775 Sierra Avenue (APNs: 0190-171-69 and -71).

**REQUEST:**

Approval of:

1. Tentative Parcel Map No. 21-008 (TPM No. 20466): a request to consolidate two parcels into one parcel totaling 2.5 acres.
2. Minor Use Permit No. 21-001: a request to operate a charter high school (Real Journey Academies);
3. Design Review No. 21-017: a request to construct a new 51,000 square foot commercial building for a charter high school, to construct onsite and offsite improvements and

install fencing, shade covers, and synthetic turf.

**PROJECT PLANNER:**

Paul Gonzales, Senior Planner

I. BACKGROUND INFORMATION:

A. Existing Land Use Designation:

	General Plan	Zoning	Existing Land Use
<b>Site:</b>	Walkable Mixed Use - 1 (WMXU-1)	Form Based Code (Transitional District)	Vacant
<b>North:</b>	Walkable Mixed Use - 1 (WMXU-1)	Form Based Code (Transitional District)	Vacant
<b>South:</b>	Walkable Mixed Use - 1 (WMXU-1)	Form Based Code (Transitional District)	Single-Family Residential Homes
<b>East:</b>	Single-Family Residential (R-SF)	Single-Family Residential (R-1)	Single-Family Residential Homes
<b>West:</b>	Walkable Mixed Use - 1 (WMXU-1)	Form Based Code (Transitional District)	Church and Single-Family Homes.

**PREVIOUS HEARINGS/APPROVALS:**

- **June 23, 1952:** The subject property was annexed into the City of Fontana as part of the incorporation of the City.

**ENVIRONMENTAL FINDING:**

An Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, no significant impact is anticipated as a result of project implementation, with mitigation incorporated, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Planning Commission's consideration per Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act.

II. PROJECT DESCRIPTION:

The applicant has applied for a Minor Use Permit to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students within a new three-story, 51,000 square foot building located east of Sierra Avenue and south Miller Avenue. The proposal includes the consolidation of two parcels into one, a design review for the site and architectural review for a new commercial building and the installation of the onsite and offsite improvements. Additionally, the proposed project will have an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area. The outdoor PE area will include a play court (synthetic turf), shade structure, and three strips of turf area.

III. ANALYSIS:

**Tentative Parcel Map No. 21-008 (TPM No. 20466):**

The proposed charter school project site is currently composed of two (2) parcels. The applicant has filed for a tentative parcel map to consolidate two (2) currently vacant parcels into one (1) parcel totaling approximately 2.5 acres for the proposed charter school site.

**Minor Use Permit No. 21-001:**

The applicant is requesting approval of Minor Use Permit No. 21-001 to operate a charter high school for grades 9th through 12th, with a maximum capacity of 800 students, staff, and visitors in a new 51,000 square foot building.

The proposed school's layout includes three floors of school related functions. The first floor will have teachers work area, teachers' lounge, conference rooms, offices, parents' workroom, restrooms, atrium, e-sports area, make space, storage, media recording studio, lockers, and kitchen. The second floor will include classrooms, two science classrooms, restrooms, janitor closet, and the maker space. Finally, the third floor will have regular classroom, science classroom, Special Education classrooms, restrooms, teachers' lounge,

The applicant (Real Journey Academies) currently operates two (2) elementary schools, one middle school, and one high school within the San Bernardino, Moreno Valley, and Highland area. The following sections include a summary of the operations of the proposed Real Journey Academy to be located on the subject site.

Real Journey Academies School Program:

According to the application, students are focused on an entrepreneur-infused curriculum for 9th and 12th graders that includes entrepreneurial skills within their daily interactions, such as, storytelling, working in teams, analyzing data, and pitching ideas. In addition to learning entrepreneurial skills, students will take all the required courses to qualify for admissions to California State University (CSU) and University of California (UC) colleges, which may include Financial Algebra, Geometry, Biology, World History, English, Spanish, Physical Education, Project Management, Introduction to Media, and Online Marketing. The teacher-to-student classroom ratio at the proposed charter school will be 1:25.

Academic Year:

The length of the proposed school's academic year is 10 months (180 instructional days) that commences the first week of August and ends the last week of May. Students and teachers will have time off during the summer, winter, and spring breaks while administrators and staff work on-site year-round.

Hours of Operation:

The school will maintain three (3) daily schedules as follows:

1. Site Hours: 7:00 a.m. - 6:00 p.m.
2. Business Hours 7:30 a.m. - 6:00 p.m.
3. School Hours: 9:00 a.m. - 4:00 p.m.

All grade levels will start at the same time. The students will be commencing at 9:00 a.m. and ending at 4:00 pm. The students will have two different schedules (A and B). For example, one day they will



have schedule A and the following day will house schedule B students.

Outside Activity/Physical Education (PE):

According to the applicant, P.E. activities will be held within the e-sports room and play court. The charter high school will have extracurricular activities such as basketball, soccer, track, and other sports that are requested by the students. The high school will enter into agreements with different facilities to accommodate the proposed sports.

The applicant will not use any form of outdoor amplification or sound system or outdoor bell system. The practice of not using a bell system has been in place at the applicant's other campuses for the last six years.

Circulation:

The site will have two access points but during the peak time of drop off and picking up of students, the southern access point will be used as the primary entrance and the northerly access point will be used as a secondary access point. Vehicles will enter on Sierra Avenue and will be directed onto the site in a counter-clockwise circular pattern as depicted on the site plan when dropping off or picking up the students.

Daily drop-off will begin 45 minutes prior to the start of school and daily pick-up will begin at the end of school for 30 minutes.

A total of four (4) to six (6) adult staff will serve as traffic monitors. The staff members will guide the cars to the queuing line of pick-up/drop-off vehicles, and another staff member will be stationed at the various turns to keep the vehicles moving and finally a staff member will be directing vehicles to exit onto Sierra Avenue.

During regular school hours, the southerly driveway will remain open to allow visitors and deliveries, however, southerly gate and the northerly driveway will remain closed after pick-up and drop-off times are completed and during business hours.

Campus Security Plan:

The applicant is anticipating implementing a closed-campus policy that prohibits students from leaving the site during school hours, including lunches and breaks. Additionally, the school will employ, as it does for its other campuses, a full-time security officer that will be on-site and outdoors patrolling the school from the beginning of the drop-off time (7:00 a.m.) until the end of pick-up time (6:00 p.m.) to ensure general safety for students and the community.

**Design Review No. 21-017:**

As previously mentioned, the applicant is proposing to construct a three-story 51,000 square foot commercial building for the establishment of a charter high school. The building will be located along Sierra Avenue on two vacant parcels totaling 2.5 acres.

The proposal also includes a recreational area and shade structure located at the rear of the building. As mentioned above, the project is located in the Transitional District of the Form Based Code. The Transitional District allows for 65% of the total parking requirement as identified in the Fontana Municipal Code. The applicant has provided a total of 157 parking spaces. This number will be

sufficient for the proposed charter school given the 9th and 10th grade students will not be permitted to drive per the charter and the school does not anticipate on having more than 45 staff members on site at one time.

The applicant is proposing a modern architectural style for the proposed building. The building will be painted with a modern color scheme (beige, white, dark brown, and blue-grayish color) to complement the modern design of the building. The use of a variety of colors and decorative awnings of a contrasting color will further add architectural diversity to building. The west and east side (facing Sierra Avenue and rear of the building) of the building will have a tower element painted in beige to further enhances the modern design of the building. The building will have rectangle shapes storefront windows and metal awnings on three sides of the building to enhance the architectural style.

The applicant will install a six-foot high tubular steel fence along the north, east, and west property lines. A six (6) foot high solid wall is proposed on the southerly property line to maintain the privacy of the existing home adjacent to the project site. The block will provide additional security and privacy for the students and staff. Additionally, the project will have two six-foot high wrought iron gates located at the north and south entrance of the property. Furthermore, the applicant will provide a decorative trash enclosure that will complement the color scheme of the building.

**MOTION:**

Approve staff recommendation.

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Elevations
5. Tentative Parcel Map No. 21-008
6. Planning Commission Resolution and Conditions of Approval
7. Notice of Determination
8. Notice of Public Hearing
9. Mr. Constant's Public Comment

**UNDER SEPARATE COVER:**

1. Site and Floor Plan Sets
2. Initial Study and Mitigation Monitoring and Reporting Program (MMRP)



## VICINITY MAP

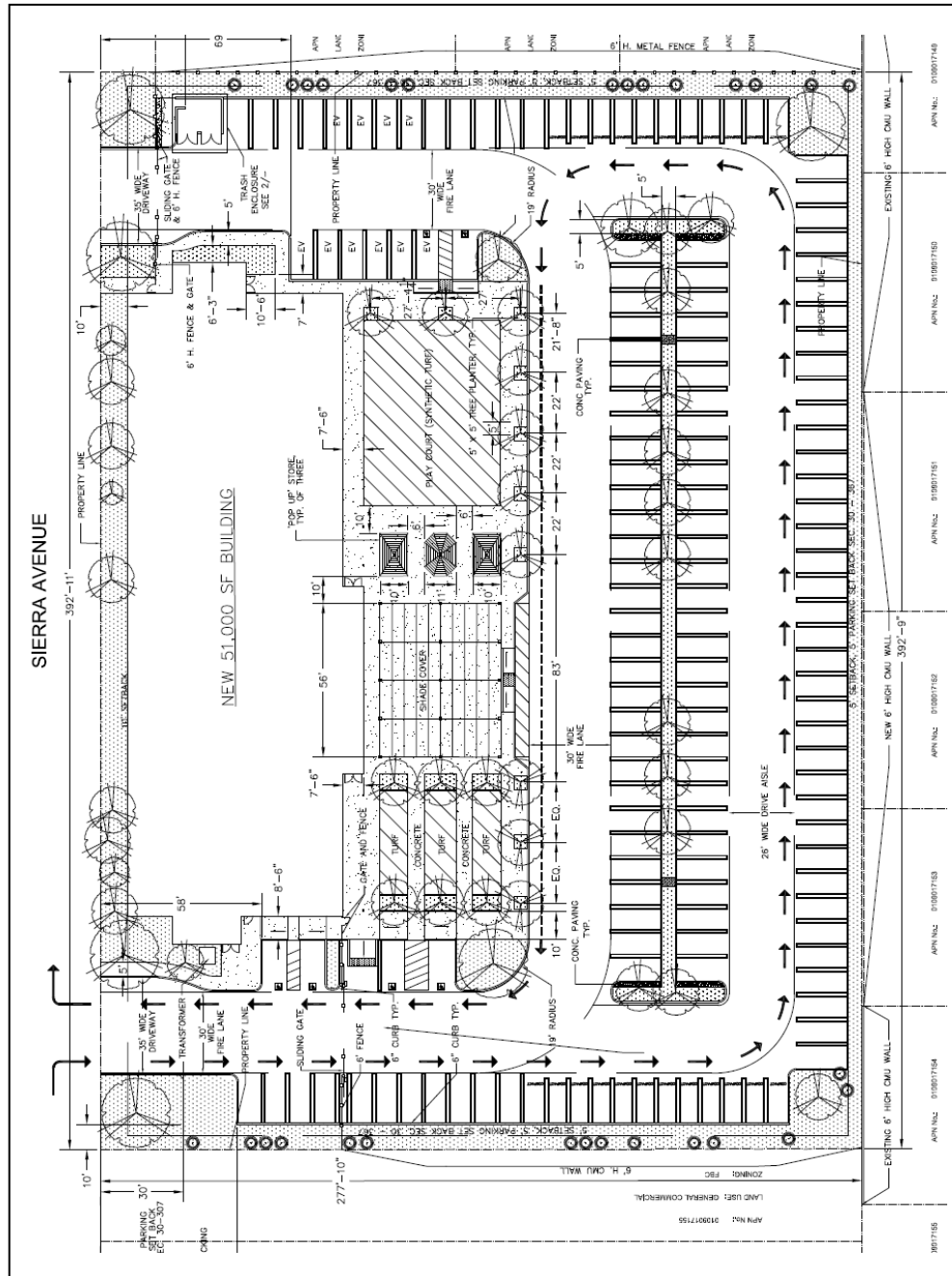
DATE: October 19, 2021

CASE: Master Case No. 21-043  
Tentative Parcel Map No. 21-008  
Minor Use Permit No. 21-001  
Design review No. 21-017

# SITE PLAN

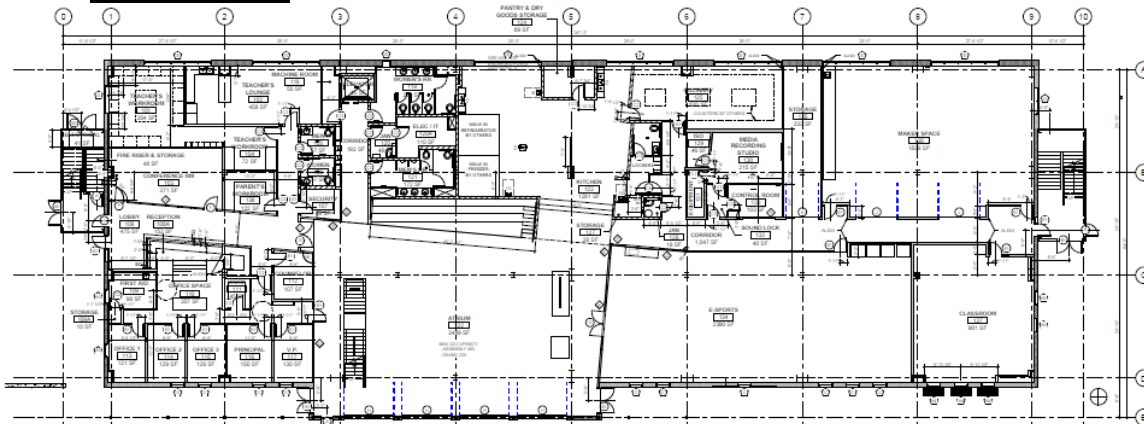
DATE: October 19, 2021

CASE: Master Case No. 21-043  
Tentative Parcel Map No. 21-008  
Minor Use Permit No. 21-001  
Design review No. 21-017

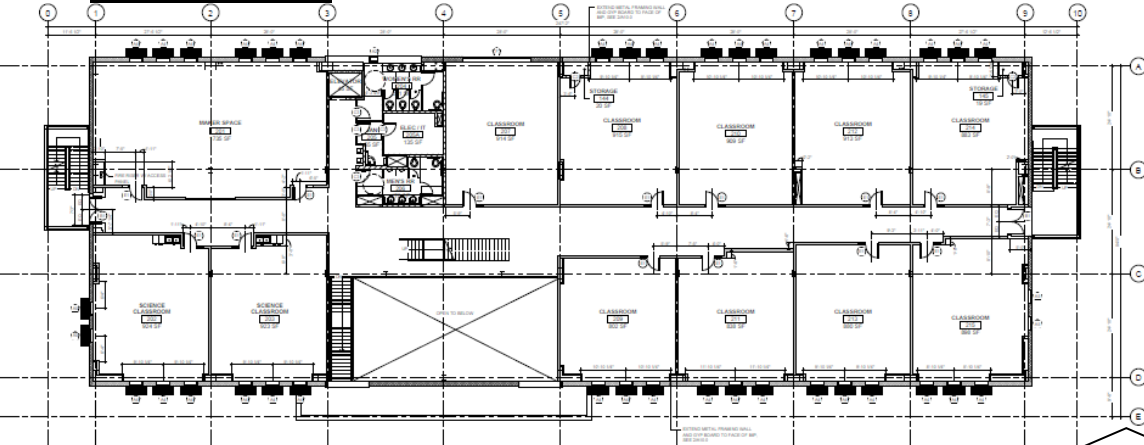


CITY OF FONTANA PLANNING DEPT.

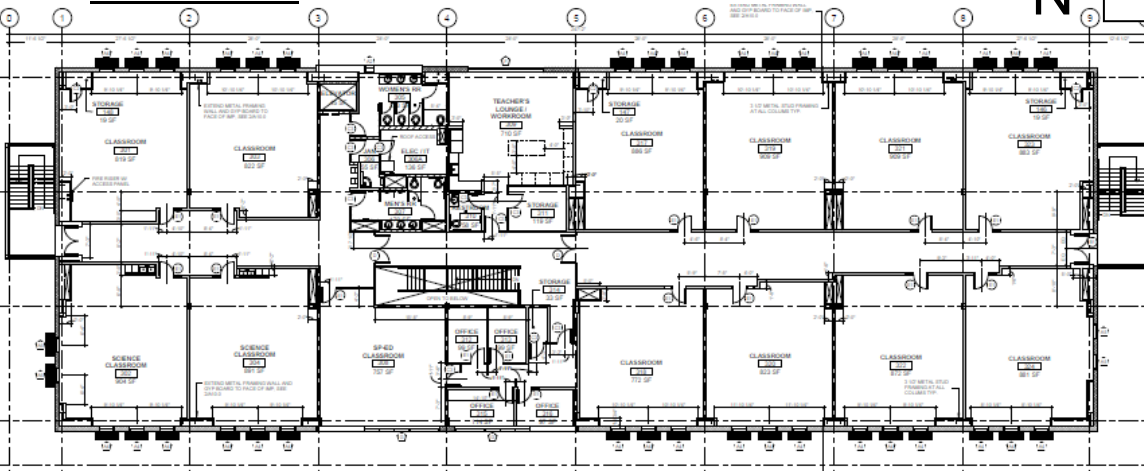
First Floor Plan



Second Floor Plan



Third Floor Plan



# FLOOR PLANS

DATE: October 19, 2021

CASE: Master Case No. 21-043  
Tentative Parcel Map No. 21-008  
Minor Use Permit No. 21-001  
Design review No. 21-017



Facing Sierra Avenue



Rear of the Building



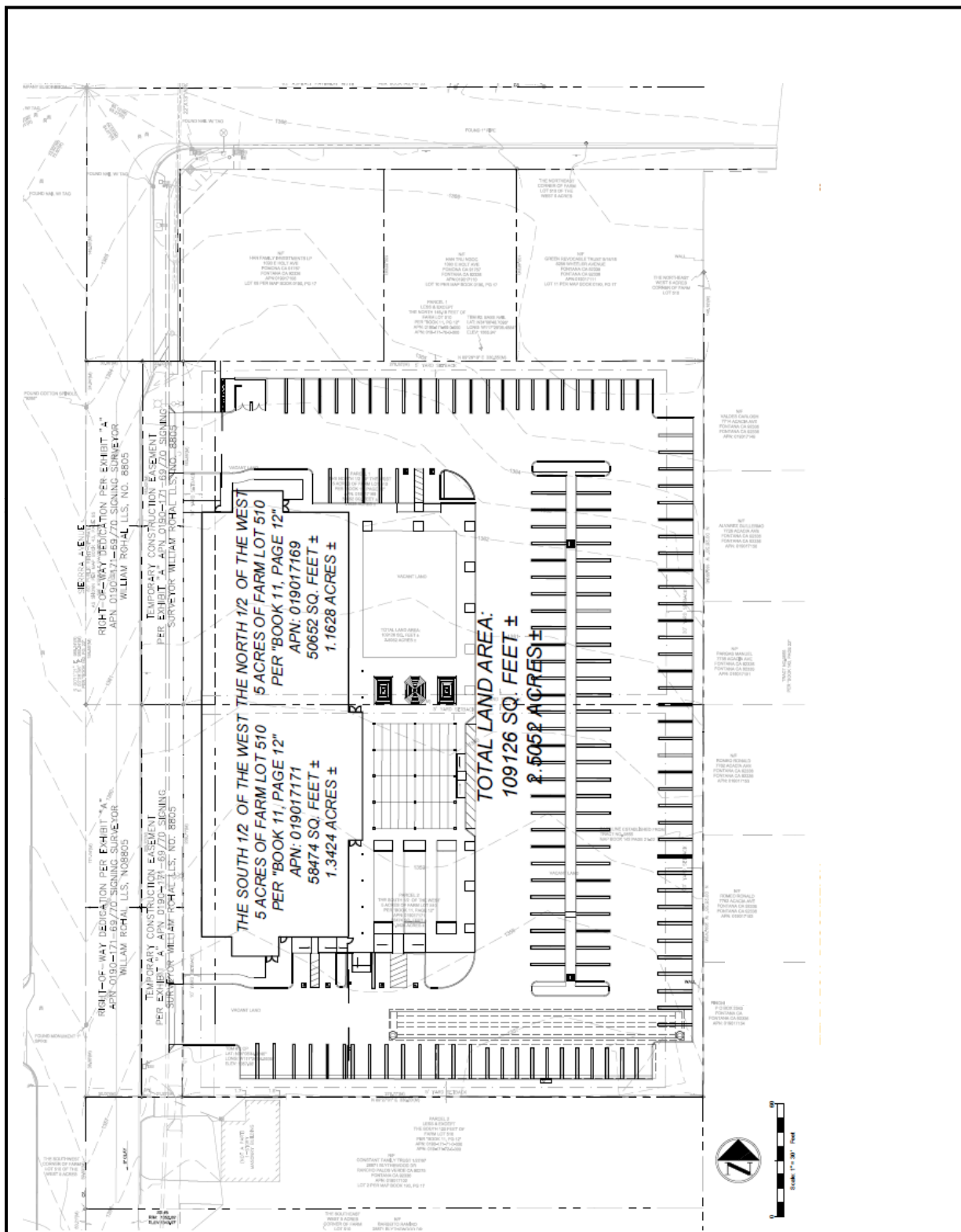
PLANNING DEPT.

CITY OF FONTANA

## Renderings

DATE: October 19, 2021

CASE: Master Case No. 21-043  
Tentative Parcel Map No. 21-008  
Minor Use Permit No. 21-001  
Design review No. 21-017



**RESOLUTION PC NO. 2021 - \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING TENTATIVE PARCEL MAP NO. 21-008 (TPM NO. 20466), MINOR USE PERMIT NO. 21-001, AND DESIGN REVIEW NO. 21-017 TO OPERATE A CHARTER HIGH SCHOOL (REAL JOURNEY ACADEMIES), CONSOLIDATE TWO PARCELS, SITE AND ARCHITECTURAL REVIEW FOR A NEW 3-STORY 51,000 SQUARE FOOT COMMERCIAL BUILDING AND SITE IMPROVEMENTS THAT INCLUDES STRIPING PARKING AREAS, FENCING, AND INSTALLATION OF PLAY COURT, AND SHADE STRUCTURE LOCATED AT 7775 SIERRA AVENUE, ON THE EAST SIDE OF SIERRA AVENUE AND SOUTH OF MILLER AVENUE (APNS: 0190-171-69 AND -71) WITHIN THE FORM BASED CODE (TRANSITIONAL DISTRICT).**

**WHEREAS**, the City of Fontana received an application on April 26, 2021, for the request to operate a charter high school (Real Journey Academies, Inc.) grades 9th through 12th with a maximum capacity of 800 students along with review of improvements that include constructing a new 51,000 square foot building along with the development of an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area.

**Project Applicant:** Red Hook Capital Partners  
Hugo Garcia  
2120 E. Grand Avenue, Suite 135  
El Segundo, CA 90245

**Project Location:** 7775 Sierra Avenue  
(APNs: 0190-171-69 and -71)

**Site Area:** 2.5 adjusted gross acres

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

**WHEREAS**, the subject site was annexed from San Bernardino County into the City of Fontana on June 23, 1952; and

**WHEREAS**, the proposal is to operate a charter school and for the review of a new 51,000 square foot commercial building and other site improvements comprised of an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area; and

**WHEREAS**, the project site is located within the Walkable Mixed Use -1 (WMXU-1) General Plan Land Use designation and within the Form Based Code (Transitional District) zoning district and a school is a minor permitted use in this land use district; and

**WHEREAS**, the proposed project is in an area that is developed with a combination of residential, retail, religious assemblies, and public schools and the proposed project is consistent with the existing General Plan and Zoning designation. In addition, the project site is vacant and it will be developed with sufficient water and fire protection.

**ATTACHMENT NO. 6**



**WHEREAS**, an Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, no significant impact is anticipated as a result of project implementation, with mitigation incorporated, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Planning Commission's consideration per Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act; and

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

**WHEREAS**, Conditions of Approval have been prepared and attached hereto as **Exhibit "A"** for Tentative Parcel Map No. 21-008 (TPM No. 20466), **Exhibit "B"** for Minor Use Permit No. 21-001; and **Exhibit "C"** for Design Review No. 21-017

**WHEREAS**, the subject site includes the consolidation of two (2) parcels totaling approximately 2.5 adjusted gross acres, that is currently vacant; and

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, a charter school requires the approval of a Minor Use Permit (MUP); and

**WHEREAS**, pursuant to the Fontana Zoning and Development Code, site improvements and construction of a new commercial building requires the approval of a Design Review (DR); 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 local Fontana Herald newspaper on Monday, September 27, 2021, posted at City Hall and onsite at the project site; and

**WHEREAS**, on October 19, 2021, a duly noticed public hearing on Tentative Parcel Map No. 21-008 (TPM No. 20466), Minor Use Permit No. 21-001, and Design Review No. 21-017 was held by the Planning Commission ("Commission") to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

**WHEREAS**, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on October 19, 2021; and

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

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

**Section 1.** The City of Fontana Planning Commission hereby makes the following findings for Minor Use Permit No. 21-001 in accordance with Section 30-178 "Findings for Approval" for Minor Use Permit of the Fontana Zoning and Development Code.

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

Findings of Fact: The proposed charter school is located in the Walkable Mixed Use - 1 (WMXU-1) General Plan Land Use designation and within the Form Based Code (Transitional District) zoning district. The aforementioned land use designations above allow for a charter school with approval of a Minor Use Permit by the Planning Commission and is therefore consistent with the General Plan. The project site is in an area developed with combination of retail, residential, public school, and religious facilities that are consistent and compatible with the Land Use Designation of Walkable Mixed Use -1 (WMXU-1) General Plan Land Use designation and Form Based Code (Transitional District). The City's General Plan, Land Use Element, Goal No. 7, states that the "public and private development meets high design standards." The applicant is modern style design building with high quality architectural features that will enhance the Sierra Avenue corridor. Therefore, the project is consistent with the General Plan Land Use Designation.

The proposed school would contribute to the generation of a concentration of commercial, recreation, educational, and cultural uses in the Form Based Code, Transitional District. Thus, the proposed school would provide an additional interim school site to support any increase of additional housing in the area.

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

Findings of Fact: The proposed project site is 2.5 acres in size, and is adequate in size, shape, and topography, accessibility and other physical characteristics to accommodate the use. The site is currently vacant. The applicant has proposed a parking lot, an outdoor PE area, and drop off/pick up area to facilitate the school. Primary access to the project site will be taken from the southern portion of the property along Sierra Avenue. Vehicles will enter on Sierra Avenue and will be directed onto the drop-off/pick-up that is in a counter-clockwise circular pattern as depicted on the plans as referenced herein, and exit on back onto Sierra Ave. The proposed circulation has been reviewed and complies with the requirements of City of Fontana's Engineering Department.

The proposed school use is compatible with area and the school's proposed space and hours of operation does not interfere or conflict with the surrounding area. The applicant's school staff are required to stay until all students are picked up; staff will therefore stay on-site until the school is secured, circulation is safe, and shut down should a scheduling overlap occur.

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

Findings of Fact: The proposed charter school is compatible with the surrounding area as they are developed with a combination of retail, religious facilities, and residential. In addition, the project is conditioned, as referenced herein, to ensure that it is constructed, operated, and maintained in a matter appropriate for the area.

As described in Finding Nos. 1 and 2, this project will not adversely affect the surrounding area. The project has been designed in a healthy and safe manner in accordance with the General Plan and the Chapter 30 of the Fontana Municipal Code. The project is conditioned, as referenced herein, including conditions from the Fontana Fire Protection District and City of Fontana Building and Safety Division. In addition, a condition of approval will be included to restrict the hours of operations of the schools. Also, all outdoor activities shall be restricted from 9:00am until 6:30pm, daily.

**Section 2.** The City of Fontana Planning Commission hereby makes the following findings for Design Review (DR) No. 21-017 in accordance with Section 30-120 "Findings for approval" of the Fontana Zoning and Development Code.

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

Finding of Fact: The proposed charter school is located in the Walkable Mixed Use - 1 (WMXU-1) General Plan Land Use designation and within the Form Based Code (Transitional District) zoning district. The aforementioned land use designations above allow for a charter school with approval of a Minor Use Permit by the Planning Commission and is therefore consistent with the General Plan. The project site is in an area developed combination of retail, residential, public school, and religious facility that are consistent and compatible with the Land Use Designation of Walkable Mixed Use -1 (WMXU-1) General Plan Land Use designation and Form Based Code (Transitional District).

Conditions of approval are provided to eliminate any negative impacts to the surrounding area. Thus, the proposed school in would provide an additional interim school site to support any increase of additional housing in the area.

**Finding No. 2: This 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.**

Finding of Fact: The proposed charter school, including constructing the new building and striping parking areas, fencing, and installation of play court improvements on the site, as further described in the staff report, meets or exceeds the criteria contained in the Design Review Section of the Municipal Code regarding Building & Safety requirements for grading, circulation, landscaping, buffering, design, etc. Additionally, the project complies with the applicable standards in Chapter 30 of the Fontana Municipal Code.

**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.**

Finding of Fact: The applicant will be making improvements to the parcels as part of the overall construction of the project site, such improvements include but limited to striping the parking areas, fencing, and installation of play court improvements to enhance the site and surrounding area. The building will be painted with a modern color scheme (beige, white, dark brown, and blue-gray color) to complement the design of the building. While most of the surrounding neighborhood is already developed, the construction of the new building and new improvements to the project site will enhance the surrounding neighborhood.

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

Finding of Fact: The proposed project will construct a new building and improvements to the project site. The applicant will provide an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking. The proposed site design, parking, and circulation are adequate to accommodate the intended use. Additionally, the proposed drive aisles meet the required dimension to provide efficient circulation. The proposed improvements are appropriate and will result in a safe, well-designed facility.

**Section 3.** The City of Fontana's, Planning Commission hereby makes the following findings for Tentative Parcel Map No. 21-008 (TPM No. No. 20466) in accordance with Section No. 26-219(e) "Processing of application," of the Fontana Subdivision Code:

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

Findings of Fact:     The project site is located east Sierra Avenue and south of Miller Avenue and is approximately 2.5 adjusted gross acres. (APNs: 0190-171-69 and -71) Tentative Parcel Map No. 21-008 (TPM No. 20466) to consolidate two (4) parcels into one (1) parcel for future development of 51,000 square foot commercial building for the purpose to establish a charter school. The project is consistent with the Walkable Mixed Use -1 (WMXU-1) General Plan Land Use designation and within the Form Based Code (Transitional District) zoning district. The WMXU-1 designation anticipates school uses. In addition, specific uses to be implemented within projects in WMXU-1 areas may be evaluated on the basis of their compatibility with adjacent land uses. The school building is compatible with the surrounding uses in that there are similar and comprised of residential, retail, public schools, and religious facility uses; therefore, the use is consistent with the General Plan Land Use Designation.

**Finding No. 2:       The design and improvements of the proposed Tentative Parcel Map is consistent with the General Plan.**

Findings of Fact:     The design of Tentative Parcel Map No. 21-008 (TPM No. 20466) for the consolidation of two (4) parcels into one (1) parcel for the future development of 51,000 square foot commercial building for the purpose to establish a charter school. As indicated in the Planning Commission staff report, the lot size and street configuration conform to the requirements of the Land Use, Zoning, and Subdivisions (Chapter No. 26). The project includes all on-site and off-site improvements to meet all the General Plan goals and objectives as well as all of the zoning requirements. Improvements consist of public sewer, public storm drain, streets, gutter, sidewalks, drainage, and grading to provide a safe and well-designed project for the area.

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

Findings of Fact:     The project site is approximately 2.5 adjusted gross acres and is adequate in size to accommodate the development referenced herein. The proposed charter school development complies with the standards in the Zoning and Development Code. The lot size is

consistent with other commercial buildings and commercial developments in the area.

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

**Findings of Fact:**      The design of Tentative Parcel Map No. 21-008 (TPM No. 20466) is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. The site and the area surrounding the project site have been developed with housing, church, trucking facilities, and retail uses.

An Initial Study (IS) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Based on the information in the IS, no significant impact is anticipated as a result of project implementation, with mitigation incorporated, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Planning Commission's consideration per Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act. Additionally, the proposed project does not result in new significant environmental effect nor does it lead to a substantial increase in the severity of previously identified significant effects.

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

**Findings of Fact:**      Tentative Parcel Map No. 21-008 (TPM No. 20466) will not cause public health problems. The proposed development complies with the Zoning and Development Code and the General Plan. Improvements include connection to the public sewer, connection to the public storm drain, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

**Finding No. 6:**      **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 Tentative Parcel Map No. 21-008 (TPM No. 20466) and public improvements will not conflict with access easements acquired by the public. The proposed lot is accessed from Sierra Avenue, which is publicly maintained streets. Currently, there are no other public access easements through or within the proposed project site. 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.** The Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration, 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 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 CEQA and the State CEQA Guidelines.

**Section 5.** Based on the foregoing, the City of Fontana Planning Commission hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approves Tentative Parcel Map No. 21-008 (TPM No. 20466), Minor Use Permit No. 21-001, and Design Review No. 21-017 subject to the Conditions of Approval, which are attached hereto as “Exhibits A, B, & C”.

**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 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 7.** 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 the 19<sup>th</sup> day of October, 2021.

**City of Fontana**

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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 the 19<sup>th</sup> day of October 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary



**EXHIBIT “A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. (MCN) 21-043  
Tentative Parcel Map No. 21-008 (TPM No. 20466)

October 19, 2021

**LOCATION:** 7775 Sierra Avenue (APNs: 0190-171-69 and -71)

**PLANNING DEPARTMENT:**

1. Tentative Parcel Map No. 20466 (TPM No. 20-008) is a request to consolidate two (2) for the future development of approximately 2.5 adjusted gross acres as approved by the Planning Commission on October 19, 2021, and as shown in an attachment under separate cover in the accompanying staff report.
2. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
  - a. All requirements of the Fontana City's Municipal Code shall be complied with.
  - b. All Conditions of Approval imposed on this project have been fulfilled.
3. 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.

4. Tentative Parcel Map shall comply with all applicable development standards of, Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development), and the Subdivision Map Act.
5. 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 Community Development. A note to this effect shall be placed on the map prior to recordation of the final map.
6. The applicant/developer shall comply with the mitigation measures identified in the CEQA Mitigation Monitoring and Reporting Program (MMRP) attached under separate cover as approved by the Planning Commission.
7. All Conditions of Approval and Mitigation Monitoring and Reporting Program (MMRP) contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
8. The Tentative Parcel Map shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
9. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed

amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-23 of the Municipal Code.

10. 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.

#### **ENGINEERING DEPARTMENT:**

##### **PRIOR TO MAP RECORDATION**

11. 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**

12. Record any maps and right-of-way dedications required for the development.
13. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

**EXHIBIT “B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**CASE:** Master Case No. 21-043  
Minor Use Permit No. 21-001

**DATE:** October 19, 2021

**LOCATION:** 7775 Sierra Avenue (APNs: 0190-171-69 and -71)

**PLANNING DEPARTMENT**

1. Minor Use Permit (MUP) No. 21-001, is a request to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students along with review of improvements that include the construction of 51,000 square foot commercial building for the establishment of a charter high school along with the development of an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area on approximately 2.5 adjusted gross acres as approved by the Planning Commission on October 19, 2021 and as shown in Attachment Nos. 1-2.
2. Minor Use Permit (MUP) No. 21-001 shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
4. 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.

5. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
6. The conditions of approval shall be posted in a location on the property in which it is readily visible to employees and agents of the business.
7. The applicant shall keep the site well-maintained and operate the facility in a professional manner. The property owner shall abate any graffiti at the project site within 48 hours of appearance of such graffiti.
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 or grading plans prior to issuance of any building or grading permits.
9. 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.

10. The operator of the site shall not utilize any form of outdoor amplification or sound system.
11. Students shall not leave the campus during breaks or lunch hour.
12. A full-time security officer shall be on-site and outdoors patrolling both lots from the beginning of the drop-off time (7:00 a.m.) until the end of pick-up time (6:00 p.m.) to ensure general safety for students and the community. Furthermore, a school staff or security officer shall stay on site to monitor the all students until the school is closed and students have left the campus.
13. The school shall not exceed the capacity of 800 students.
14. The school shall maintain a minimum teacher/student ratio of 1:25 at all times.

### **POLICE DEPARTMENT**

15. The applicant, and/or business shall maintain compliance with all applicable city, state and federal laws and requirements at all times. Any disregard or lack of compliance, or continued lack of compliance for any city, state or federal law or requirement, shall be grounds for revocation of the approved entitlement.
16. The management and staff of the charter school shall prevent on-site loitering. The management and staff shall regularly police the areas to the front and to the rear of the location to prevent the loitering of persons about the premises.
17. Students waiting to be picked up by a parent or guardian shall wait within the interior waiting area of the charter school. The exception would be prior to school starting, and at school dismissal. During the time students are being dropped-off or picked up, before and after the school day, school staff members shall be outside during monitoring the student and vehicle traffic for site security.
18. If a video surveillance system is existing or proposed at the premise, it is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
19. There shall be no obstructions placed within the windows or within the doors of the any entrance to the building, which would hinder visual surveillance. Obstructions would include signage, window tint, window coverings, advertisements, etc.
20. In the event security problems occur, the Police Department (Chief of Police) will issue a letter to the owner requesting a meeting to discuss said security problems. If security problems are not resolved by the owner in the timeframe mutually agreed upon in said meeting, at the discretion of the Chief of Police, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards

shall comply with Fontana City Code section 22-62 and shall be registered with the State of California's Bureau of Security and Investigative Services as a security guard prior to employment within the City of Fontana.

21. The hours of operation of the charter school and after school programs shall not exceed 6:00 a.m. – 7:00 p.m., Monday through Friday.

#### **ENGINEERING DEPARTMENT**

22. Any and all changes to the approved student drop-off and pick-up areas shall be coordinated with the City Traffic Staff.

#### **END OF CONDITIONS OF APPROVAL**

**EXHIBIT “C”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**CASE:** Master Case No. 21-043  
Design Review No. 21-017

**DATE:** October 19, 2021

**LOCATION:** 7775 Sierra Avenue (APNs: 0190-171-69 and -71)

**PLANNING DEPARTMENT**

1. Design Review No. 21-017, is a request to operate a charter high school (Real Journey Academies, Inc.) grades 9th through 12th with a maximum capacity of 800 students along with review of improvements that include constructing a 51,000 square foot building along with the development of an outdoor physical education (PE) area, fencing, drop off/pick up area, and parking area on approximately 2.5 adjusted gross acres as approved by the Planning Commission on October 19, 2021 and as shown in Attachment Nos. 1-4.
2. Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The 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 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.
  - B. All requirements of the Fontana Municipal Code shall be complied with.
  - C. All other Conditions of Approval imposed by this project have been fulfilled.
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 Community Development 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.

5. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
6. The occupants of this facility shall comply with applicable provisions of local, state and federal laws and regulations with respect to noise, vibration, smoke, odors, fire and explosive hazards, including, but not limited to the City's adopted Hazardous Materials Management Plan and Industrial Wastewater/Discharge requirements.
7. 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.

8. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
9. 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.

10. The construction contractor shall use the following source controls at all times:
  - a. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(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:
  - f. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
11. All new roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets to the satisfaction of the Director of Community Development.
12. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Community Development or his/her designee.
13. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Division.
14. The applicant shall keep the site, including landscaping, well maintained and operate the facility in a professional manner. The property owner shall abate any graffiti at the project site within 48 hours of appearance of such graffiti.
15. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
16. A Planning Division final inspection fee shall be paid prior to issuance of the Certificate of Occupancy.

17. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
18. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in a commercial/retail parking facility, except for disabled persons parking, van pool, carpool, or any other designated parking as required by law.
19. The trash enclosure shall be constructed in a manner that complies with City standards and Waste Hauling Facility (Burrtec) standards.
20. Historic Archaeological Resources:
  - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
  - B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
  - C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

**BUILDING & SAFETY**

20. Shall comply with the latest adopted edition of the following codes as applicable:
  - A. California Building Code
  - B. California Electrical Code
  - C. California Mechanical Code
  - D. California Plumbing Code
  - E. California Energy Code
  - F. California Fire Code
  - G. California Green Building Standards Code
21. 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.
22. 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.
23. 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.
24. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
25. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.
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.

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.
- 27. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
- 28. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
- 29. 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.

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

- 30. 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
31. The applicant shall combine the existing parcels into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) does not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.
32. Provide (2) "Clean Air/EV" parking stalls.

SPECIFIC COMMENTS (NOTE: THESE COMMENTS ARE NOT CONDITIONS):

33. Please be aware that a Construction Waste Management Plan (CWMP) will be required at time of plan check submittal. For more information regarding waste diversion, please contact Burrtec Waste at (909) 889-0911.
34. For more information related to Building & Safety, please visit our web page at <https://www.fontana.org/136/Building-Safety>.

**FONTANA FIRE PROTECTION DISTRICT**

34. **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.
35. **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
36. **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
37. **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

38. **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.
39. **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: 3,000 GPM for a 4- hour duration at 20 psi residual operating pressure. Fire Flow is based on a 51,000 sq.ft. structure.
40. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
41. **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.
42. **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
43. **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.
44. **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.
45. **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.
46. **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 (800) 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

47. **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
48. **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
49. **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
50. **Secondary Access.** The development shall have a minimum of 2 points of vehicular access during each phase of construction for fire and emergency access purposes and for evacuation routes. SBCFD Standard 503.1

#### **POLICE DEPARTMENT**

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

#### **ENGINEERING DEPARTMENT**

52. 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.
53. 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.
54. Applicant shall place the gate at the northerly exit-only driveway approach at the property line.

#### **PRIOR TO ISSUANCE OF GRADING PERMIT**



55. 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 ISSUANCE OF CONSTRUCTION PERMITS**

56. Record any maps, right-of-way dedications or easements required for the development.
57. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed in triplicate on City-provided forms.

**PRIOR TO FINAL ACCEPTANCE OF PROJECT**

58. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
59. 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).
60. 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.
61. 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**

## NOTICE OF DETERMINATION

**TO:** X County Clerk, County of  
San Bernardino  
  
\_\_\_\_ Office of Planning and Research

**FROM:** City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

**SUBJECT:** Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

**Project Title:** Master Case (MCN) No. 21-043: Minor Use Permit (MUP) No. 21-001, Design Review (DRP) No. 21-017, and Tentative Parcel Map (TPM) No. 21-008 (TPM No. 20466).

**State Clearinghouse Number:** N/A

**Name of Person or Agency carrying out project:** Hugo Garcia, Red Hook Capital Partners, 2120 E. Grand Avenue, Suite 135, El Segundo, CA 90245

**Project Location:** East of Sierra Avenue and South of Merrill Avenue (APNs: 0190-171-69 and -71).

**Project Description:** Minor Use Permit No. 21-001 is to establish a private school (Entrepreneur High School) for grades 9-12. A Design Review No. 21-017 is for the site and architectural review of a 3-story 51,000 square foot commercial building and Tentative Parcel Map No. 21-008 (TPM No. 20466) is a request to consolidate two (2) lots into one lot with a total area of approximately 2.5 adjusted gross acres. Mitigated Negative Declaration and MMRP has been prepared for this proposed project.

This is to certify that the City of Fontana approved the above described project on October 19, 2021 and made the following determinations:

1. The project \_\_\_\_ will X will not have a significant effect on the environment.
2. Based on CEQA guidelines, The environmental impacts associated with the project were previously analyzed and an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND) were prepared and adopted by the Planning Commission on June 16<sup>th</sup>, 2020. Per Section 15162 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act
3. Mitigation measures X were \_\_\_\_ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations \_\_ was X was not adopted for this project.
5. Findings \_\_ were X were not made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Mitigated Negative Declaration are specified as follows:

**Custodian:** City of Fontana, Planning Department

**Location:** 8353 Sierra Avenue, Fontana, CA 92335

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DiTanyon Johnson  
Principal Planner

Date Received for Filing

**ATTACHMENT NO. 7**



## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

### **Master Case No. 21-043 -Minor Use Permit No. 21-001, Design Review No. 21-017, and Tentative Parcel Map No. 21-008**

A request from Red Hook Capital Partners for the proposed construction of a 51,000 square foot building to establish a charter high school (Entrepreneur High School) for grades 9-12. Applications include a Minor Use Permit (MUP) to establish the use of a charter school, Design Review (DR) application for the site and architectural review of the proposed building and site improvements, and Tentative Parcel Map (TPM) to combine two existing parcels into one (1) parcel (APNs: 0190-171-69 and -71).

**Environmental Determination:** A Mitigated Negative Declaration (MND) has been prepared pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana 2019 Local Guidelines for Implementing the California Environmental Quality Act

**Location:** East of Sierra Avenue and south of Merrill Avenue (APNs: 0190-171-69 and -71).

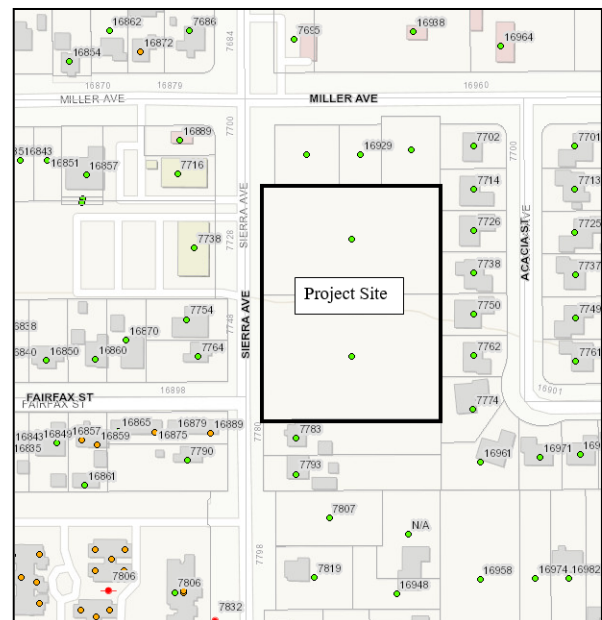
**Date of Hearing:** October 19, 2021

**Place of Hearing:** City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

**Time of Hearing:** 6:00 P.M.

Should you have any questions concerning this project, please contact **Paul Gonzales, Senior Planner**, at (909) 350-6658 or [pgonzales@fontana.org](mailto:pgonzales@fontana.org).

The period for comment regarding the mitigated negative declaration for this project is from September 30th, 2021, to October 19th, 2021. The initial study and proposed mitigated negative declaration are available for review at City Hall (8353 Sierra Avenue Fontana, CA 92335).



**Planning Commission Meeting of October 19, 2021****PUBLIC COMMENT RECEIVED ON October 9, 2021 VIA EMAIL**

**Project:** Master Case No. 21-043; Tentative Parcel Map No. 21-008 (TPM No. 20466); Minor Use Permit No. 21-001; Design Review Project No. 21-017 - A request to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students within a new three-story, 51,000 square foot building.

**PUBLIC HEARING ITEM D**

1. Email from Mr. Robert Constant

**Maria Torres**

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**Subject:** Opposition to charter high schools on Sierra Avenue

----- Original message -----

From: Robert Constant1 <[bobcon56@cox.net](mailto:bobcon56@cox.net)>

Date: 10/9/21 9:48 AM (GMT-08:00)

To: Paul Gonzales <[pgonzales@fontana.org](mailto:pgonzales@fontana.org)>

Cc: Toni Lewis <[tlewis@fontana.org](mailto:tlewis@fontana.org)>, Tanya Ruiz <[truiz@fontana.org](mailto:truiz@fontana.org)>, Jesse Sandoval <[jsandoval@fontana.org](mailto:jsandoval@fontana.org)>, Acquanetta Warren <[awarren@fontana.org](mailto:awarren@fontana.org)>, Gregory Snarr <[bbklaw.com](mailto:bbklaw.com)>, Nikos Constant <[nkscnstnt@gmail.com](mailto:nkscnstnt@gmail.com)>, Robert Constant1 <[bobcon56@cox.net](mailto:bobcon56@cox.net)>

Subject: Opposition to charter high schools on Sierra Avenue

**CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM**  
 Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Gonzales,

Because of the Covid pandemic I will not be able to attend the October 19, 2021 meeting. Please consider my comments below and also include them in the minutes of the meeting.

The proposed Red Hook Capital Partners charter high school on the east side of Sierra Avenue and south of Merrill Avenue will be very damaging to the City of Fontana and its residents, therefore, I am opposed to its approval by the City. There are several reasons for opposing its going forward. Some of the reasons are environmental, economic, social, racial, political, legal, constitutional, etc.

By declaring the project "A Mitigated Negative Declaration" project, the CEQA issues are not addressed. Such shortcuts to environmental issues are what has caused the air quality in Fontana and the Inland Empire to be unacceptable and unhealthy. The California Attorney General Rob Bonta has sued Fontana for its neglect of CEQA requirements. This project will cause traffic congestion, pollution, noise, safety, health, crime, policing and many other problems. Therefore it should be rejected.

The necessity for the project has not been investigated. Charter schools increase school costs and adversely impact the support and funding of the

regular public education system , that has served well the nation for centuries. Therefore it should be rejected

The project is located in a prime commercial and residential zoned area and it will adversely impact such uses. A zone change or special use permit may also be required. Therefore it should be rejected.

The project will reduce the value of the commercial and residential projects and that will result in smaller property tax income for the City. Many property owners will be damaged. Therefore it should be rejected.

The project adversely impacts the unity and cohesiveness of the community. Therefore it should be rejected.

Prior to reaching a decision, the City should seek "expert" advice on each of the items cited above.

Sincerely,

Robert Constant



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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**File #:** 21-960  
**Agenda #:** DC-A

**Agenda Date:** 10/19/2021  
**Category:** Director Comments

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Director's Communications: Upcoming City Council and Planning Commission memos.



## **MEMORANDUM**

**TO:** Planning Commission

**FROM:** Phillip Burum, Deputy City Manager

**RE:** Agenda for Upcoming City Council Items

**DATE:** October 19, 2021

The items listed below are for agenda forecast purposes. The listed items are subject to change.

<b><u>CITY COUNCIL OCTOBER 26, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
1. Appeal No. 21-004 (MCN#20-049; DRP#20-019; TPM#20235 (20-014) Appeal to Build a Warehouse of approx. 247,786 square feet - 10191 Redwood Ave.	Jon Dille	Public Hearing

<b><u>CITY COUNCIL NOVEMBER 9, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
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*No items listed for this meeting, as of the date of this memo.*

<b><u>CITY COUNCIL NOVEMBER 23, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
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*This Meeting has been Cancelled.*

<b><u>CITY COUNCIL DECEMBER 14, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
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*No items listed for this meeting, as of the date of this memo.*





## **MEMORANDUM**

**TO: Planning Commission**

**FROM: Phillip Burum, Deputy City Manager**

**RE: Future Planning Commission Agenda Items**

**DATE: October 19, 2021**

The items listed below are for agenda forecast purposes. The listed items are subject to change.

<b><u>PLANNING COMMISSION NOVEMBER 2, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
1. MCN#20-100; DRP#20-040; TPM#20-025 83,619 sq. ft. Elm Warehouse 10407 Elm Ave.	Rina Leung	Public Hearing
2. MCN#21-066; CUP#11-036 Upgrade from a Type 41 to a Type 47 ABC License La Katrina Mexican Grill 17122 Slover Avenue	Alejandro Rico	Public Hearing

<b><u>PLANNING COMMISSION NOVEMBER 16, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
1. MCN#20-082; SPA#21-003 SWIP Specific Plan Amendment Clean Up SWIP Planning Area	Rina Leung	Public Hearing

<b><u>PLANNING COMMISSION DECEMBER 7, 2021</u></b>	<b><u>PLANNER</u></b>	<b><u>PLACEMENT</u></b>
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***No items listed for this meeting, as of the date of this memo.***