

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Resolution PC No. 2021-044

Tuesday, December 7, 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 of 1990 (42 USC § 12132), the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traduccion en Español disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (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 November 2, 2021 and November 16, 2021.

CC-A Approval of Minutes of November 2, 2021.

[21-1080](#)

Attachments: [Draft Planning Commission Minutes of November 2, 2021](#)

CC-B Approval of Minutes of November 16, 2021.

[21-1072](#)

Attachments: [Draft Planning Commission Minutes of November 16, 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. 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
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

PH-A Master Case No. 20-081; Design Review No. 20-030 - A proposal to construct a mixed-use development containing twenty-four (24) residential apartment units, an 1,800 square foot retail unit, and a 1,300 square foot restaurant unit on approximately 0.62 adjusted gross acres.

[21-1017](#)

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, 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. 20-030.

APPLICANT:

**Milad Oueijan
B-Hive Group
2751 Rio Lempa Drive
Hacienda Heights, CA 91745**

LOCATION:

The project site is located at 13381 Foothill Boulevard (APN: 0229-052-11).

PROJECT PLANNER:

Cecily Session-Goins, Associate 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-B Master Case No. 21-063; General Plan Amendment No. 21-003; Specific Plan Amendment No. 21-006; Zoning Code Amendment No. 21-005; Tentative Tract Map No. 20441 (TTM No. 21-002); Design Review No. 21-024 - A request for the construction of 100 condominium attached units on a 6.5 acre lot at the southwest corner of South Highland Avenue and Mango Avenue. [21-1038](#)

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, forward a recommendation to the City Council to:

- 1. Adopt a resolution to adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and direct staff to file the Notice of Determination;**
- 2. Adopt a resolution approving General Plan Amendment No.**

21-003; and,

3. Adopt an ordinance approving Specific Plan Amendment No. 21-006; and,

4. Adopt an ordinance approving Zoning Code Amendment No. 21-005; and,

5. Adopt a resolution to approve Tentative Tract Map No. 20441 (TTM No. 21-002); and Design Review No. 21-024.

APPLICANT:

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

LOCATION:

The project site is located on the Southwest corner of Highland Avenue and Mango Ave (APNs: 0240-121-22).

PROJECT PLANNER:

Alejandro Rico, Associate Planner

Attachments: [Attachment No. 1 - Vicinity Map](#)
[Attachment No. 2 - Tentative Tract Map](#)
[Attachment No. 3 - Site Plan](#)
[Attachment No. 4 - Elevation Plans](#)
[Attachment No. 5 - Renderings](#)
[Attachment No. 6 - General Plan Amendment](#)
[Attachment No. 7 - Specific Plan Amendment](#)
[Attachment No. 8 - Zoning Code Amendment](#)
[Attachment No. 9 - Planning Commission Resolution and Conditions of Approval](#)
[Attachment No. 10 - Notice of Determination](#)
[Attachment No. 11 - Public Hearing Notice](#)

PH-C Master Case No. 21-057 and Design Review No. 21-021 - A request to construct a new 18-unit apartment complex consisting of four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units ranging in size from 960 square feet to 2,011 square feet, on one parcel of approximately 0.9 adjusted gross acres.

[21-1047](#)

RECOMMENDATION:

Based on the information contained within this 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, In-Fill) of the California Environmental Quality Act and Section No. 3.18 (Infill Projects) of the 2019 Local Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-021.

APPLICANT:

Dixi Design
1231 North Cactus Avenue, Suite "E"
Rialto, CA 92376

LOCATION:

The project site is located on the north side of Malaga Street approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue; the project site is otherwise identified as 16958 Malaga Avenue (APN: 0190-181-08).

PROJECT PLANNER:

Jon S. Dille, Associate 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. 21-059; Conditional Use Permit No. 21-010; and Design Review No. 21-022 are for site and architectural review and operation of a dealership comprised of a 30,660 square foot truck and trailer sales and rental facility with ancillary wash and repair uses on a site of approximately 4.39 adjusted gross acres.

[21-1024](#)

RECOMMENDATION:

Based on the information contained within this 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;
2. Approve Conditional Use Permit No. 21-010; and,
3. Approve Design Review No. 21-022.

APPLICANT:

Daniel Hartman
Lord Constructors, Inc.
1920 W 11th Street
Upland, Ca 91786

LOCATION:

The project site is located at 15762 Valley Boulevard (APN: 0235-141-06).

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, Findings and Conditions of Approval](#)

[Attachment No 5 - Notice of Exemption](#)

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

PH-E Master Case No. 21-032; Zone Code Amendment No. 21-001; Development Agreement No. 21-003; Tentative Parcel Map No. 20370 (TPM No. 21-006); Conditional Use Permit No. 21-004; Conditional Use Permit No. 21-005; Conditional Use Permit No. 21-006; Design Review Project No. 21-010; and Design Review Sign No. 21-018 - To review the proposed development of a new commercial shopping center with an anchor grocery store on an approximately 6.2 adjusted gross acre site located within Planning Area 1 of the Auto Center Overlay.

[21-1051](#)

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, forward a recommendation to the City Council to:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program (MMRP) and direct staff to file a Notice of Determination; and,
2. Adopt an ordinance approving Zoning Code Amendment No. 21-001; and,
3. Adopt an ordinance approving Development Agreement No. 21-003; and,
4. Adopt a resolution approving Tentative Parcel Map No. 20370 (TPM No. 21-006), approving Conditional Use Permit No. 21-004, approving Conditional Use Permit No. 21-005, approving Conditional Use Permit No. 21-006, approving Design Review No. 21-010 and approving Sign Program (DRS No. 21-018).

APPLICANT:

Sage Investco
4340 Von Karman Avenue, Suite 110
Newport Beach, CA 92660

LOCATION:

The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44).

PROJECT PLANNER:

Paul Gonzales, Senior Planner

Attachments: [Attachment No. 1 - Vicinity Map](#)
[Attachment No. 2 - Site Plan](#)
[Attachment No. 3 - Tentative Parcel Map](#)
[Attachment No. 4 - Elevations](#)
[Attachment No. 5 - Elevations](#)
[Attachment No. 6 - Rendering](#)
[Attachment No. 7 - ABC Census Tract 23.01](#)
[Attachment No. 8 - Planning Commission Resolution, Findings
and Conditions of Approval](#)
[Attachment No. 9 - Notice of Determination](#)
[Attachment No. 10 - Notice of Public Hearing](#)

UNFINISHED BUSINESS:

- A. None

NEW BUSINESS:

- A. None

DIRECTOR COMMUNICATIONS:

- A. Director Communications:

DC-A Upcoming cases scheduled for City Council and Planning Commission. [21-1073](#)

An update of future City Council agenda items for December 14, 2021, December 28, 2021, January 11, 2022, and January 25, 2022 for the Planning Commission's information.

An update of future Planning Commission agenda items for December 21, 2021 and January 4, 2022 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, December 21, 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

File #: 21-1080
Agenda #: CC-A

Agenda Date: 12/7/2021
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of November 2, 2021.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of November 2, 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

Tuesday, November 2, 2021 6:00 P.M. Grover W. Taylor Council Chambers

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, November 2, 2021. Chair Fort called the meeting to order at 6:04 p.m.

Present: Chair Cathline Fort, Vice Chair Raj Sangha, and Commissioner Gordon.

Absent: Secretary Sanchez and Commissioner Thrasher

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, 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 October 19, 2021.

ACTION: A Motion was made by Commissioner Gordon, seconded by Vice Chair Sangha, and passed unanimously by a vote of 3-0 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioner Gordon

Absent: Secretary Sanchez and Commissioner Thrasher

PUBLIC HEARINGS:

PH- A Master Case No. 21-066; Conditional Use Permit No. 11-007R1 - A request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

This public hearing item was pulled from the agenda.

PH- B A request to review and approve a Tentative Parcel Map which is a proposal to consolidate three (3) parcels totaling 5.12 adjusted gross acres into one (1) parcel for the development of a warehouse facility.

Chair Fort opened the Public Hearing Item.

Rina Leung, Senior Planner, presented the staff report.

The commission and staff discussed the night renderings and lighting for the project.

The commission and staff ensued a discussion regarding the vine wall, as demonstrated on the plans.

The commission and staff discussed resident, Michael James' concerns, and his support for the project.

The applicant, Mike Goodwin, stated that he had read and accepted the Conditions of Approval.

The commission, staff, and the Assistant Attorney ensued a discussion regarding correspondence received by Mr. Rolando Morelli and his public comment.

The following individual spoke, but showed no position on the project:

Pastor Rolando Morelli

Public Hearing was closed.

The commission and staff furthered discussed the up lighting for the project.

The commission inquired about the street improvements, traffic studies, mitigations, possible tenant, and hours of operation for the project.

Deputy City Manager Burum addressed the commission regarding Pastor Morelli's concern, and stated that the Engineering staff can reach out to him to discuss his concern, as it appears to be more of a practical usage concern.

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. 2021-042; and,

**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,
Approve Tentative Parcel Map No. 20319 (TPM No. 20-025); and,
Approve Design Review No. 20-040.**

ACTION: Motion was made by Commissioner Gordon, seconded by Vice Chair Sangha, and passed unanimously by a vote of 3-0 to adopt the Resolution presented with the request to add additional building up lighting, and signage, if needed. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioner Gordon

Absent: Secretary Sanchez and Commissioner Thrasher

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:**A. Director Communications:****DC-A Cancellation of Planning Commission Meeting of November 16, 2021.**

Patty Nevins, Director of Planning did state that since Public Hearing Item A was pulled from the agenda tonight, that item will be re-noticed for the meeting of November 16, 2021, to which tonight's meeting will be adjourned.

DC-B Upcoming cases scheduled for City Council and Planning Commission.

No further communications were received.

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

Commissioner Gordon thanked Deputy City Manager Burum for his thoughts and effort in the various conversations that they have had. He thanked him for meeting with him and looks forward to continuing the conversations.

Vice Chair Sangha thanked staff for providing the staff reports, and he thanked the Information Technology Department for setting up the meeting tonight. He also stated that he had a great weekend as he got to spend time with his children for Halloween. In addition, he commented that he is looking forward to the upcoming holidays. He thanked everyone for watching the meeting from home and wished everyone a good night.

Chair Fort thanked staff for their report and presentation; and wished everyone a good night.

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

By consensus, the meeting adjourned at 6:37 p.m. to the next Regular Planning Commission Meeting on Tuesday, November 16, 2021, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 7TH DAY OF DECEMBER 2021.**

Cathline Fort
Chair



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1072
Agenda #: CC-B

Agenda Date: 12/7/2021
Category: Consent Calendar

FROM:
Planning

TITLE:
Approval of Minutes

RECOMMENDATION:
Approve the minutes of the Planning Commission Meeting of November 16, 2021.

DISCUSSION:
The Planning Commission will consider approval of the minutes of a Regular Planning Commission meeting of November 16, 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

Tuesday, November 16, 2021 6:00 P.M. Grover W. Taylor Council Chambers

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, November 16, 2021. Chair Fort called the meeting to order at 6:03 p.m.

Present: Chair Cathline Fort, Secretary Sanchez, Commissioners Gordon and Thrasher

Absent: Vice Chair Sangha

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, the Pledge of Allegiance was led by Commissioner Thrasher.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

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

This consent calendar item was pulled from the agenda.

PUBLIC HEARINGS:

PH- A Master Case No. 21-066; Conditional Use Permit No. 11-007R1 - A request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

Chair Fort opened the Public Hearing Item.

Alejandro Rico, Associate Planner, presented the staff report.

The applicant, Josue Paiz, stated that he had read and accepted the Conditions of Approval.

No one spoke in favor or opposition of this project.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information contained within this staff report, and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-043; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and,

2. Approve Conditional Use Permit No. 11-007R1.

ACTION: Motion was made by Commissioner Gordon, seconded by Secretary Sanchez, and passed unanimously by a vote of 4-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Chairperson Fort, Secretary Sanchez, Commissioners Gordon and Thrasher

Absent: Vice Chair Sangha

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

There were no Director communications.

COMMISSION COMMENTS:

A. Public Communication Remarks:

Secretary Sanchez wished everyone a Happy Thanksgiving.

Chair Fort wished everyone a Happy Thanksgiving, wishing everyone enjoys the holiday with their family and friends.

WORKSHOP:

A. None

ADJOURNMENT:

By consensus, the meeting adjourned at 6:09 p.m. to the next Regular Planning Commission Meeting on Tuesday, December 7, 2021, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 7TH DAY OF DECEMBER 2021.**

Cathline Fort
Chair



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1017
Agenda #: PH-A

Agenda Date: 12/7/2021
Category: Public Hearing

FROM:
Planning

TITLE:

Master Case No. 20-081; Design Review No. 20-030 - A proposal to construct a mixed-use development containing twenty-four (24) residential apartment units, an 1,800 square foot retail unit, and a 1,300 square foot restaurant unit on approximately 0.62 adjusted gross acres.

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, 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. 20-030.

APPLICANT:

Milad Oueijjan
B-Hive Group
2751 Rio Lempa Drive
Hacienda Heights, CA 91745

LOCATION:

The project site is located at 13381 Foothill Boulevard (APN: 0229-052-11).

REQUEST:

Design Review No. 20-030 is a proposal to construct a mixed-use development containing twenty-four (24) residential apartment units, an 1,800 square foot retail unit, and a 1,300 square foot restaurant unit on approximately 0.62 adjusted gross acres.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

I. BACKGROUND INFORMATION:

A. Land Use Designations:

| | <u>General Plan</u> | <u>Zoning /Overlay</u> | <u>Existing Land Use</u> |
|--------|--------------------------------------|--|---------------------------|
| Site: | Walkable Mixed-Use I (WMXU-1) | Form-Based Code (FBC) – Route 66 Gateway Sub-District | Vacant |
| North: | Residential Planned Community (R-PC) | West End Specific Plan | Single-Family Residential |
| South: | Walkable Mixed-Use I (WMXU-1) | Form-Based Code (FBC) – Route 66 Gateway Sub-District | Single-Family Dwelling |
| East: | Walkable Mixed-Use I (WMXU-1) | Form-Based Code (FBC) – Route 66 Gateway Sub-District | Self-Storage Business |
| West: | Walkable Mixed-Use I (WMXU-1) | Form-Based Code (FBC) – Route 66 Gateway Sub-District | Retail Auto Parts |

II. **PROJECT DESCRIPTION:**

A. Site Area:

Approximately .62 adjusted gross acres (27,015 square feet)

B. Residential Unit Density:

Allowed: 18.0-39.0 dwelling units/acre

C. Unit/Building Analysis:

Retail: Approximately 1,800 square feet

Restaurant: Approximately 1,300 square feet

Total Area: Approximately 3,200 square feet

Residential:

1-bedroom, 6 units

2-bedrooms, 15 units

3-bedrooms, 3 units

Total 24 units

D. Parking Analysis:

Vehicle Spaces:

Required: 45 spaces

Provided: 48 spaces

III. **ANALYSIS:**

The applicant, B-Hive Group, is requesting that the Planning Commission review and approve a new mixed-use development containing twenty-four (24) residential apartment units, a 1,800 square foot retail unit, and a 1,300 square foot restaurant unit. The project site consists of one (1) parcel totaling approximately .62 adjusted gross acres (27,015 square feet).

The proposed density of residential apartment units is approximately 38.7 dwelling units per acre, which is within the allowable density of 18.0 to 39.0 dwelling units per acre. The unit mixture includes six (6) one-bedroom units, fifteen (15) two-bedroom units and three (3) three-bedroom units. Each unit will have attached private open space in the form of a balcony or terrace. Common open space will include covered outdoor seating, picnic tables, a shuffleboard court, a horseshoe pit, outdoor exercise equipment and a hot tub. These amenities will be located on the roof and will be accessed via stairs and elevator.

The proposed development will also have a 1,800 square foot retail unit and a 1,300 square foot restaurant located on

the ground floor adjacent to Foothill Boulevard. The restaurant will also have 450 square feet of outdoor dining. These units are speculative and do not have an intended tenant at this time.

The project site will be accessed by one driveway from Foothill Boulevard on the western portion of the parcel. The driveway will provide access to the customer parking for the retail and restaurant space as well as the semi-subterranean parking for the residential units. The residential parking area will be secured by a roll-down gate. In addition to parking spaces for the units, secured storage units for each unit and bicycle parking will also be provided. An additional emergency vehicle access point is provided at the southeastern portion of the site through the adjacent parcel to the east.

The project is aesthetically pleasing in appearance. The proposed project is also consistent with the goals and policies of the General Plan and applicable provisions of the General Commercial zoning district including Goal 5.3, Policy 5: (Community Design Element) stating that buildings "shall incorporate distinct and varied architectural details through varied rooflines, and detailed façade treatments". The architecture incorporates the use of stucco, glass, and reclaimed wood to accentuate the Modern architectural style.

Environmental:

The project qualifies for a Categorical Exemption pursuant to Section No. 15332 (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3.22 (Infill Projects) of the 2019 Local Guidelines for Implementing CEQA. This project site is considered In-Fill Development and meets the CEQA exemption requirements for In-Fill, based on : 1) the project is consistent with the Walkable Mixed-Use Downtown and Corridors (WMXU-1) General Plan land use designation; 2) the project site is approximately 0.9 adjusted gross acres (less than 5 acres); 3) the project site is not within any known sensitive or threatened habitat area; 4) the project will not have a significant effect relating to traffic, noise, air quality, or water quality; and 5) there are adequate public utilities and service for the development of the proposed 18-unit apartment complex project.

MOTION:

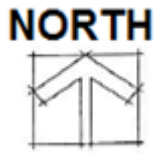
Approve staff's recommendation

ATTACHMENTS:

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

UNDER SEPARATE COVER:

1. Large Plans and Elevations
2. Reduced Color Copies of Site Plan and Elevations



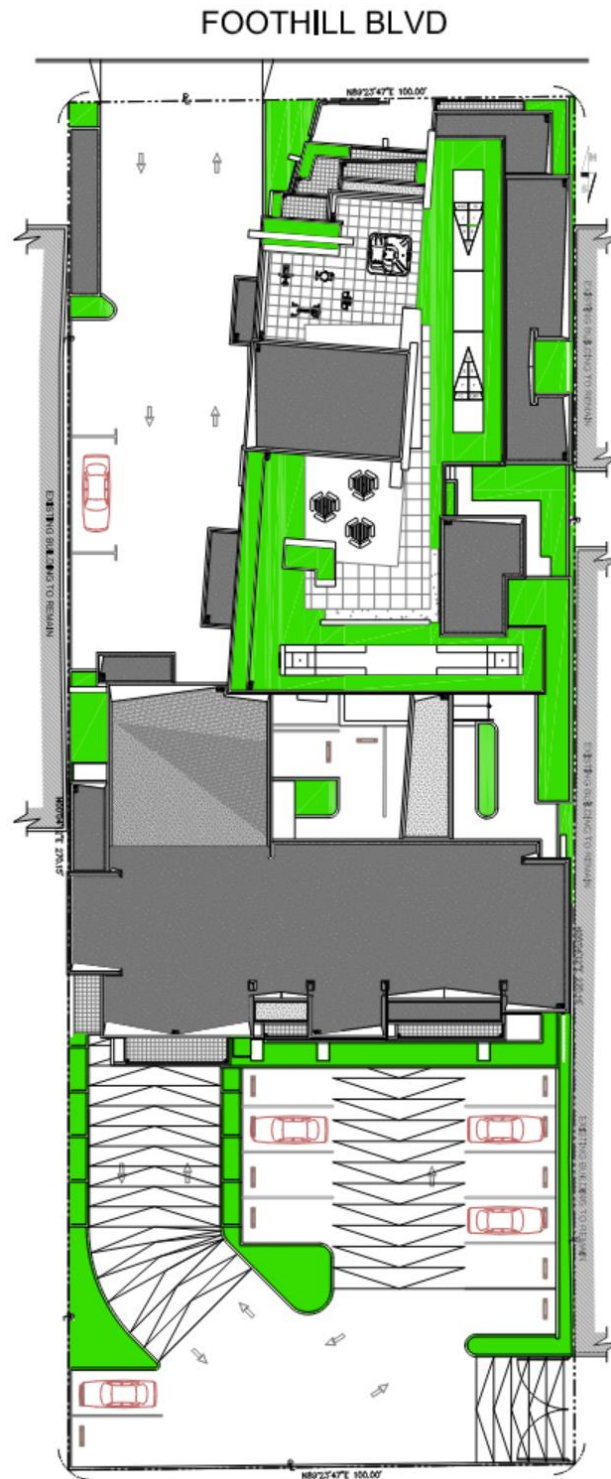
Project Site

CITY OF FONTANA PLANNING DEPARTMENT

VICINITY MAP

DATE: December 7, 2021

CASE: Master Case No. 20-081
Design Review No. 20-030



SITE PLAN

DATE: December 7, 2021

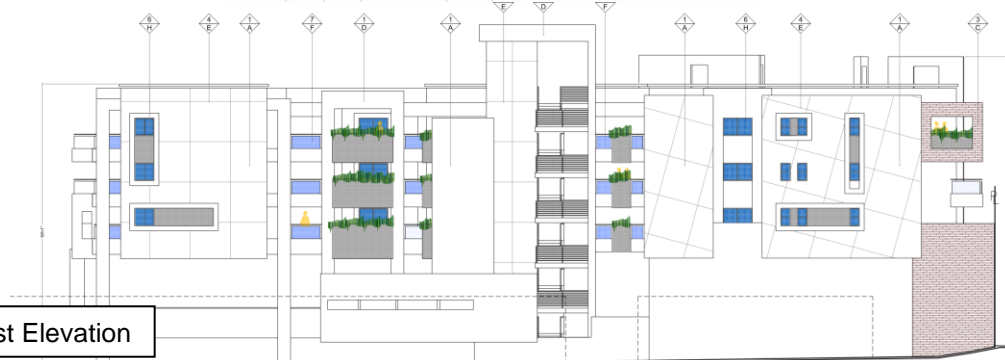
CASE: Master Case No. 20-081
Design Review No. 20-030



West Elevation



North Elevation



East Elevation



South Elevation

ELEVATIONS

DATE: December 7, 2021

CASE: Master Case No. 20-081
Design Review No. 20-030

RESOLUTION PC NO. 2021-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 20-030, A PROPOSAL TO CONSTRUCT A MIXED-USE DEVELOPMENT CONTAINING TWENTY-FOUR (24) RESIDENTIAL UNITS, A 1,800 SQUARE FEET RETAIL UNIT, AND A 1,300 SQUARE FEET RESTAURANT UNIT WITH 450 SQUARE FEET OF OUTDOOR DINING LOCATED AT 13381 FOOTHILL BOULEVARD (APN: 0229-052-11)

WHEREAS, the City of Fontana received an application on September 30, 2020, for a Design Review request for site and architectural review of a mixed-use development containing twenty-four (24) residential apartment units, a 1,800 square foot retail unit and a 1,300 square foot restaurant unit to be constructed on a .62 acre site

Project Applicant: B-Hive Group
2751 Rio Lempa Drive
Hacienda Heights, CA 91745

Project Location: 13381 Foothill Boulevard (APN: 0229-052-11)

Site Area: .62 adjusted gross acres (approximately 27,015 square feet)

WHEREAS, the subject site was annexed from San Bernardino County into the City of Fontana on June 21, 2005 (annex 161); and

WHEREAS, the site is located within the Form-Based Code (FBC) zoning district and has a General Plan Land Use designation of Walkable Mixed-Use I (WMXU-1); and

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit A for Design Review No. 20-030 and incorporated herein; and

WHEREAS, pursuant to Section 30, Article III, Division 2 (Design Review) of the Fontana Zoning and Development Code, an application for a design review requires approval by the Planning Commission; and

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

WHEREAS, 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. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result

ATTACHMENT NO. 4

in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

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 Friday, November 26, 2021, posted at City Hall and onsite at the project site; and

WHEREAS, on December 7, 2021, a duly noticed public hearing on Design Review No. 20-030 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 December 7, 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 Design Review No. 20-030 in accordance with Section 30-129 “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 other applicable specific plan.**

Finding of Fact: The project site is zoned Form-Based Code (FBC) and is in the Route 66 Gateway subdistrict. The project site is approximately .62 adjusted gross acres. The site is surrounded by other residentially and commercially developed properties. The proposed mixed-used development with twenty-four (24) residential apartment units, a 1,800 square foot retail unit and a 1,300 square foot restaurant unit with 450 square feet of outdoor dining has been designed to be compatible with the surrounding uses while also providing a pedestrian-friendly development that has been designed with features (appropriate architecture, added landscaping, and lighting) consistent with the Form-Based Code zoning district standards. The primary exterior finish is stucco finish with reclaimed wood, tile and glass. Simple but varied roof lines provide visual interest and exemplify the Modern architectural style.

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.**

Finding of Fact: This project (a proposed mixed-used development with twenty-four (24) residential apartment units, a 1,800 square foot retail unit and a 1,300 square foot restaurant unit with 450 square feet of outdoor dining) meets the criteria contained in the design review section of the Fontana City Code. The project has high quality architectural design that is consistent and appropriate for the Form-Based Code (FBC) zoning district and Route 66 Gateway sub-district, providing exceptional architecture, through the use of colors, materials, and textures that will enhance the existing neighborhood. In addition, the project will include additional retail and restaurant use that could serve the community. The County Fire Prevention, Building Department and Engineering Department has reviewed the access and circulation to ensure that it complies with standards and requirements. 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.**

Finding of Fact: The proposed development and improvements, as described in Findings No. 1 and 2 above, complies with the Fontana City Code. Improvements include one entry/exit point off of Foothill Boulevard, sidewalks, drainage, and grading to provide a safe and well-designed project. The proposed mixed-use development has been reviewed by Planning, Engineering, Building and Safety, Police Department, and County Fire Prevention for site circulation, access, and safety. The project meets or exceeds the standards of the Form-Based Code (FBC) zoning district and incorporates Crime Prevention Through Environmental Design (CPTED) standards.

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

Finding of Fact: The proposal will result in the construction of a mixed-use development containing twenty-four (24) residential apartment units, 1,800 square feet of retail sales and 1,300 square feet of restaurant space, pursuant to all applicable building, zoning, and fire codes and standards and, therefore, shall promote the public health, safety and welfare of the occupants and community. In addition, Crime Prevention through Environmental Design (CPTED) elements were

included into the project design. 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 2. 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. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

Section 3. Based on the foregoing, the City of Fontana Planning Commission hereby approves Design Review No. 20-030, subject to the Conditions of Approval, which are attached hereto as "Exhibit A".

Section 4. 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 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

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

City of Fontana

Cathline Fort, Chairperson

ATTEST:

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT "A"



CITY OF FONTANA
CONDITIONS OF APPROVAL

CASE: Master Case No. 20-081
Design Review No. 20-030

DATE: December 7, 2021

LOCATION: 13381 Foothill Boulevard (APN: 0229-052-11)

PLANNING DEPARTMENT:

1. This approval is to construct a mixed-use development containing twenty-four (24) residential apartment units, a 1,800 square foot retail unit, and a 1,300 square foot restaurant space as approved by the Planning Commission on December 7, 2021, and as shown on Attachment No. 2 and Attachment No. 3 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 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 30-30 and 30-31 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.
7. 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 Department inspection, has commenced within this period.
8. 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.
9. All exterior light fixtures shall be a minimum of eighteen (18) inches in height.
10. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.

- a. The applicant shall be required to obtain city approval for the installation of barbeques or any other amenities.
 - b. The applicant shall provide decorative pavement at the driveways leading into and out of the site, to the satisfaction of the Planning Director.
11. Color combinations and color schemes for buildings approved under a Design Review 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.
12. On-site pedestrian walkways and paths shall be provided between the buildings and the public streets and sidewalks or transit stops, for all new residential development and shall have decorative treatments.
13. 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.
14. Air conditioning units shall not be roof-mounted. All ground-mounted air conditioning units shall be placed in a screened location.
15. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
16. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
17. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
18. 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.
19. Historic Archaeological Resources
 - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery

for educational purposes. Work may continue on other parts of the project while evaluation takes place.

- B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
- C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

20. The construction contractor will use the following source controls at all times:

- A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
- B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- D. Have only necessary equipment onsite.
- E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - 2. Temporarily enclose localized and stationary noise sources.

3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
21. The trash enclosure(s) shall be constructed of decorative block, stucco and painted to match the main buildings, with eight (8) inch wide by three (3) inch high P.C.C. curb for backstop. All trash enclosures shall be provided with a solid decorative cover.
22. All block walls shall be decorative and be capped with a prefabricated block cap.
23. 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 \$300.00 sign deposit; the request shall be in writing. The request shall be submitted to the Planning Department.

PRIOR TO ISSUANCE OF GRADING PERMIT

24. 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.
25. Development fees shall be paid prior to issuance of building permits.
26. The applicant shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

27. 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.

The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic.

28. A reciprocal access easement shall be recorded on the project site and the adjacent parcel to the east (APN 0229-052-11 and 0229-052-25) for the purpose of emergency vehicle access and proof shall be provided to the Planning Department. Said reciprocal access easement shall remain in place in perpetuity.

ENGINEERING LAND DEVELOPMENT:

29. 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.

30. 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.
31. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way prior to final acceptance by the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

32. Applicant shall submit and gain approval of a complete Water Quality Management Plan (WQMP) Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

33. 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

34. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
35. 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).
36. 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.
37. 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 (BMP) Transfer. The Access, Maintenance, and the Water Quality Management Plan (WQMP) Certification for BMP Completion must be submitted to the City Project Engineer.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

38. 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.

BUILDING & SAFETY:

39. Shall comply with the latest adopted edition of the following codes as applicable:
- A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code.
 - G. California Fire Code
 - H. California Green Building Standards Code
40. 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.
41. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
42. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
43. 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.
44. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

45. Grading Requirements:

- A. Grading plans shall be submitted to, and approved by Building & Safety. The grading plans shall indicate all site improvements, and shall indicate complete drainage paths of all drainage water run-offs.
- B. All drainage water shall drain via approved methods, to an approved location – public street, public drainage system, etc.
- C. Drainage water shall not cross over a public sidewalk. Drainage water may however cross under a sidewalk if an approved drainage structure is used.
- D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
- E. No water course or natural drainage shall be obstructed.
- F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
- G. Drainage water shall not pass from an ‘improved’ type of drainage structure to an ‘unimproved’ type of drainage structure (e.g., concrete swale to slag or dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to, and approved by Building & Safety.

The on-site drainage system shall, as a minimum, be designed to handle the run-off generated by a ten (10) year storm. Check for flooding of all on-site structures (buildings) and all adjacent properties during a hundred (100) year storm.

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

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

47. The site, or a portion of the site, is located in a flood hazard area. 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 to protect the site from flood damage.

48. 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

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

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

50. 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. 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.

SAN BERNARDINO COUNTY FIRE DEPARTMENT:

51. Jurisdiction. The above referenced project is under the jurisdiction of the Fontana Fire Protection District as served by the San Bernardino County Fire Department (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.
52. Fire Access Road Width. 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
53. 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

54. 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
55. 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. Water System Commercial.
56. Water System Residential/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
57. 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 28,500 sq.ft. structure.
58. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
59. 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.
60. 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
61. 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.
62. 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

63. Hood and Duct Extinguishing system. An automatic hood and duct fire extinguishing system is required. A licensed contractor shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code sec. 904.
64. 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.
65. 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.
66. 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
67. 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 (1/2) 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
68. 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
69. 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

70. 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
71. 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
72. 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:

73. All pedestrian access points to any building on-site shall be by key-card access. All pedestrian access points to any building shall be well-lit, open and visible.
74. Full time participation in the Fontana Police Department's Crime-Free Multi-Housing program shall be a condition of approval.
75. The installation and maintenance of the Fontana Police Department's R.E.A.C.T. electronic gate system will be a condition of approval (in addition to the County's Knox Box system).
76. The developer/applicant shall provide an on-site management company to manage and maintain the property.
77. A digital video surveillance system is required at the premise. The surveillance system 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.
78. A locator map or directory should be posted at the site entrance. The directory should be located on the site so as to be easily and quickly identified and free from visual obstruction. The directory should be illuminated from dusk until dawn. The directory should have vandal resistant glazing to minimize criminal damage and the structure should be weather resistant.
79. Community address numbers and complex numbers should be visible. Building and unit numbers should be posted and visible. Address specifications are meant to ensure identification and location of buildings. Proper posting and maintenance minimizes confusion as to location and expedites public safety response.

80. 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 (pole and wall-mounted) 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.
81. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

END OF CONDITIONS OF APPROVAL

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: **Design Review No. 20-030**
2. Project Location: **13381 Foothill Boulevard (APN: 0229-052-11)**
3. (a) Project Location - City: **Fontana, CA 92336**
(b) Project Location - County: **San Bernardino**
Description of nature, purpose, and beneficiaries of Project: **A proposal to construct a mixed-use development containing twenty-four (24) residential apartment units (six one-bedroom units, fifteen two-bedroom units, and three three-bedroom units), 1,800 square feet of retail and 1,300 square feet of restaurant.**
4. Name of Public Agency approving project: **City of Fontana**
Name of Person or Agency carrying out project: **B-Hive Group**
2751 Rio Lempa Drive
Hacienda Heights, CA 91745
5. Exempt status: (Check one)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency Project.
 - (d) ☒ Categorical Exemption. State type and class number: Exempt under **Section No. 15332 (Class 32, In-Fill Development Projects)** of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for Implementing the California Environmental Quality Act.
 - (e) ☐ Declared Emergency.
 - (f) ☐ Statutory Exemption. State Code section number:
 - (g) ☐ Other Explanation: _____
6. Reason why project was exempt: **The project site is less than 5 acres in size and 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.**
7. Contact Person: **Cecily Session-Goins, Associate Planner** Telephone: **(909) 350-6723**

Date Received for Filing:

Rina Leung
Senior 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. 20-081 and Design Review No. 20-030

Design Review No. 20-030 is a proposal to construct a mixed-use development containing twenty-four (24) residential units, an 1,800 square feet retail unit, and a 1,300 square feet restaurant unit. The subject site is located on the south side of Foothill Boulevard, east of Ilex Avenue, at 13381 Foothill Boulevard (APN: 0229-052-11)

**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:**

South of Foothill Blvd. and east of Ilex Avenue at 13381 Foothill Boulevard (APN: 0229-052-11).

**Date of
Hearing:**

December 7, 2021

**Place of
Hearing:**

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

**Time of
Hearing:**

6:00 pm



Subject Site

Should you have any questions concerning this project, please contact Cecily Session-Goins, Associate Planner, at (909) 350-6723 or by email at csgoins@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: November 26, 2021



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1038
Agenda #: PH-B

Agenda Date: 12/7/2021
Category: Public Hearing

FROM:
Planning

TITLE:

Master Case No. 21-063; General Plan Amendment No. 21-003; Specific Plan Amendment No. 21-006; Zoning Code Amendment No. 21-005; Tentative Tract Map No. 20441 (TTM No. 21-002); Design Review No. 21-024 - A request for the construction of 100 condominium attached units on a 6.5 acre lot at the southwest corner of South Highland Avenue and Mango Avenue.

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, forward a recommendation to the City Council to:

1. Adopt a resolution to adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and direct staff to file the Notice of Determination;
2. Adopt a resolution approving General Plan Amendment No. 21-003; and,
3. Adopt an ordinance approving Specific Plan Amendment No. 21-006; and,
4. Adopt an ordinance approving Zoning Code Amendment No. 21-005; and,
5. Adopt a resolution to approve Tentative Tract Map No. 20441 (TTM No. 21-002); and Design Review No. 21-024.

APPLICANT:

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

LOCATION:

The project site is located on the Southwest corner of Highland Avenue and Mango Ave (APNs: 0240-121-22).

REQUEST:

1. General Plan Amendment No. 21-003 is a request to change the General Plan land use design of a parcel (APN: 0240-121-22) from Community Commercial (C-C) to Residential Planned Community (R-PC). The R-PC designation would allow for the construction of 100 condominiums. In conjunction with the land use designation change, the General Plan

Amendment would remove this parcel from the Auto Center Overlay District.

2. Specific Plan Amendment No. 21-006 is a request to modify the Walnut Village Specific Plan to establish the Aragon West District. This district would be created over the project site boundary and the text of the Walnut Village Specific Plan would be modified to establish the development and design standards of the Aragon West District. These standards would establish requirements for the proposed condominium project. Regulations include requirements for architecture, landscaping, open space amenities, walls and fencing, lighting and building design.
3. Zoning Code Amendment No. 21-005 is a request to remove the project site from the Auto Center Overlay District.
4. Tentative Tract Map No. 21-002 is a proposal to establish a condo map for 100 condominium units on the project site (APN: 0240-121-22) totaling 6.5 adjusted gross acres. The map is for condo purposes only.
5. Design Review No. 21-024 is a proposal for site and architectural review for 100 condominium units on approximately 6.5 adjusted gross acres, with a density of 15.4 du/ac.

PROJECT PLANNER:

Alejandro Rico, Associate Planner

I. BACKGROUND INFORMATION:

Land Use Designations:

| | <u>General Plan</u> | <u>Zoning /Overlay</u> | <u>Existing Land Use</u> |
|------------|---|---|--|
| Site: | Community Commercial (C-C) / Residential-Planned Community (R-PC) | Walnut Village Specific Plan/Auto Center Overlay District | Vacant Lot |
| Northwest: | Community Commercial (C-C) | Walnut Village Specific Plan/Auto Center Overlay District | Commercial Shopping Center (Raising Caines, Sprouts Farmers Market, Jack in the Box) |
| South: | Residential-Planned Community (R-PC) | Walnut Village Specific Plan | Single-Family Residential |
| East: | Residential-Planned Community (R-PC) | Walnut Village Specific Plan | Single-Family Residential |

II. PROJECT DESCRIPTION:

A. Site Area:

Approximately 6.5 adjusted gross acres

B. FAR Ratio:

Maximum allowed: 80 percent (maximum coverage)

Provided: 77 percent

C. Building/Unit Analysis:

Units per Acre:

Max Allowed: 17 Units per Acre

Provided: 15.4 Units per Acre

D. Parking Analysis:

Automobile Parking Required: 270 spaces

Provided: 274 spaced

E. Landscaping:

Minimum Required: 15 percent

Proposed: 38.5 percent

III. **ANALYSIS:**

The applicant, Frontier Enterprises, is requesting that the Planning Commission review and approve a 100-unit condominium project on approximately 6.5 gross acres, with a density of 15.4 du/ac. In addition, to the construction of the building and associated site improvements, the project will include off-site improvements for sidewalks and parkways along with curb and gutter along South Highland Avenue and Mango Avenue.

General Plan Amendment No. 21-003:

The current General Plan land use designation on the project site is Community Commercial (C-C) and Residential-Planned Community (R-PC). Most of the parcel has the C-C land use designation, which the applicant is proposing to change. In order for the condominium project to be built, the General Plan land use designation of the lot must be Residential-Planned Community (R-PC), which allows for multi-family development as part of a specific plan. With the R-PC areas to the south and east of the project site, the density of all the lots with the R-PC land use designation within the Walnut Village Specific Plan will be 5.69 units per acre.

Specific Plan Amendment (SPA 21-006):

The specific plan amendment is a request from the applicant to modify the existing zoning within the specific plan identified as "The Corner" zoning district and establish a new zoning district called "Aragon West" District for the project site within the Walnut Village Specific Plan. This change is shown on Attachment No. 7. This district would designate the project site as the Aragon West District and implement new land use regulations. The newly proposed Aragon West zoning district would allow a maximum of 17 units per acre, however the proposed project has density of 15.4 du/ac. To ensure that the development is attractive and encourages desired development as required by the General Plan and Zoning Code, the Aragon West District has been drafted with detailed land use requirements proposed as part of the amended specific plan. The architecture is proposed with a high-quality Spanish style with recessed arched windows, tile roofing, "Juliet" windows, pop-outs,

Spanish tile, capped walls and roofed doorways. Development within the Aragon West District has requirements for landscaping to ensure that there are adequate and attractive trees, shrubs and groundcover. Pedestrian paseos also shown will provide connectivity within the project and utilize a walking path for the residents.

Zoning Code Amendment No. 21-005:

Currently, the project site is located within the Auto Center Overlay District (ACOD) on the Zoning District Map as well as within the Zoning Code text. As previously mentioned, the applicant is proposing to remove the project site from the overlay district to accommodate the residential project as the ACOD only allows commercial uses. Attachment No. 8 shows the proposed changes indicating that the project site would be removed from the Auto Center Overlay District and the text within the Zoning Code would also be modified in relation to removing the project site from the overlay.

Tentative Tract Map No. 20441 (TTM No. 21-002):

As previously mentioned, the project site is located in the proposed Aragon West District of the Walnut Village Specific Plan. The Aragon West District, if approved, would permit multi-family development at a density of up to 17 units per acre. The surrounding properties and uses are predominately characterized by a mix of a large commercial shopping center north of South Highland Avenue and single-family homes to the south and east. The project consists of one (1) parcel totaling approximately 6.5 adjusted gross acres. The applicant is proposing the development of 100 condominiums which requires a Tentative Tract Map for condominium purposes.

Design Review No. 21-024:

The applicant has proposed a high-quality Spanish style architecture to be built for this project of 100 condominium units as detailed above. As mentioned in the specific plan amendment section, Spanish style features include recessed arched windows, roofed door entries, pop-outs, capped walls and tile roofing. Also proposed is a variety of buildings with different color schemes and distinct buildings. The number of units vary per building from three (3) to six (6) units per building. Units are proposed with two (2) to three (3) bedrooms with a kitchen, two (2) car garage, 200 cubic feet of storage space, washer and dryer room and 100 square feet of private outdoor patio space.

Entry statements in the project site are proposed along South Highland Avenue and Mango Avenue. Each entryway will have dense landscaping, monumentation signs, and decorative paving at the entryway. The paseos throughout the project site are designed to enhance pedestrian access with wide sidewalks throughout the project site and between buildings and landscaping. Additionally, a centralized park with park furniture, trellis and tot lot are proposed in the public open space. Five (5) additional open space areas are planned throughout the project and will also be designed with park furniture that will include benches and tables.

Environmental:

Pursuant to Section No. 15070 of the California Environmental Act (CEQA) and pursuant to Section No. 6.04 of the 2019 Local Guidelines for Implementing CEQA an Initial Study (IS), Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Program have been prepared for this project. Based on the information in the IS/MND, the project would not have a significant effect on the environment provided that the mitigation measures identified in the Mitigated Negative

Declaration and Mitigation Monitoring and Reporting Program are implemented. A Notice of Determination has been prepared for the Planning Commission's consideration. The mitigation measures from the Mitigation Monitoring and Reporting Program are included herein as part of the Conditions of Approval.

MOTION:

Accept staff's recommendation.

ATTACHMENTS:

1. Vicinity Map
2. Tentative Tract Map No. 20441
3. Site Plan
4. Elevations
5. 3-D Rendering
6. General Plan No. 21-003
7. Specific Plan Amendment No. 21-006 Proposed Specific Plan Amendment Changes
8. Zoning Code Amendment No. 21-005
9. Planning Commission Resolution, Findings and Conditions of Approval
10. Notice of Determination
11. Notice of Public Hearing

UNDER SEPARATE COVER:

1. Large Plans and Elevations
2. Reduced Color Copies of Site Plan and Elevations
3. Walnut Village Specific Plan Amendment
4. Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP)



Vicinity Map

Date: December 7, 2021

CASE: MCN No. 21-063
 GPA No. 21-003
 SPA No. 21-006
 ZCA No. 21-005
 TTM No. 21-002 (20441)
 DRP No. 21-024

R/ DEVELOPER:

RRPSES
P.E. SITE 300
MONTANA, CA 91730
354-8000

EER:

ERING
AVENUE
MONTANA 92335
356-1815
3-1795

SUMMARY

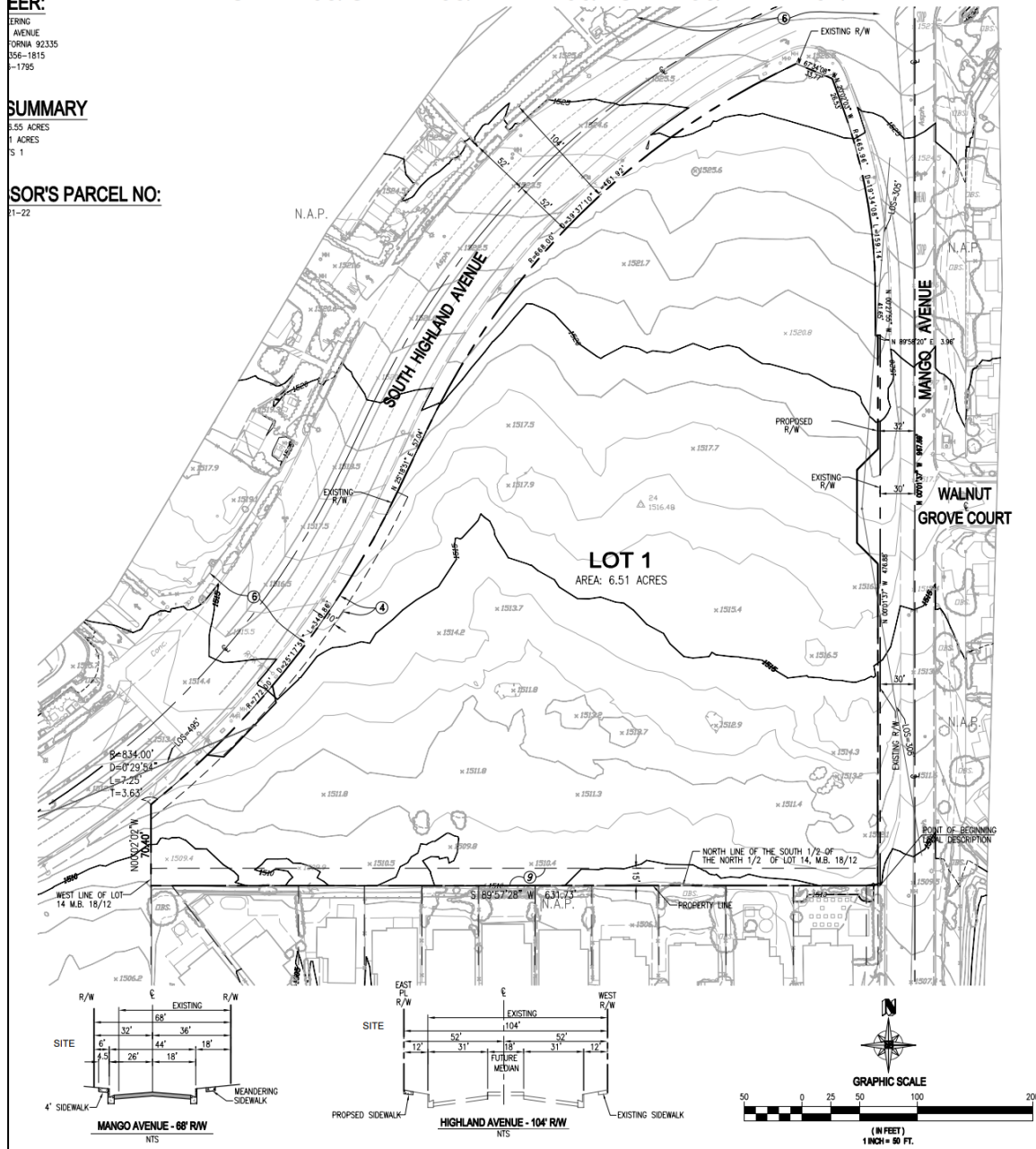
5.55 ACRES
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SOR'S PARCEL NO:

11-22

CITY OF FONTANA
TENTATIVE TRACT MAP NO. 20441
FOR CONDOMINIUM PURPOSES

MCN 21-63/GPA21-03/SPA21-06/ZCA21-06/TTM21-02/DRP21-24

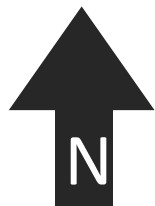


CITY OF FONTANA PLANNING DEPARTMENT

**Tentative Tract Map
20441**

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024



Site Plan

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024



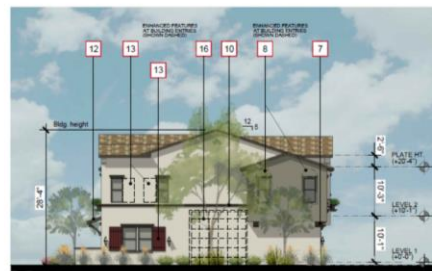
BUILDING A - REAR ELEVATION



BUILDING A - LEFT ELEVATION



BUILDING A - FRONT ELEVATION



BUILDING A - RIGHT ELEVATION



BUILDING B - REAR ELEVATION



BUILDING B - LEFT ELEVATION



BUILDING B - FRONT ELEVATION



BUILDING B - RIGHT ELEVATION

Elevations

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024



Elevations

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024



Looking from Interior Paseo



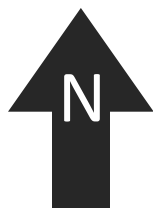
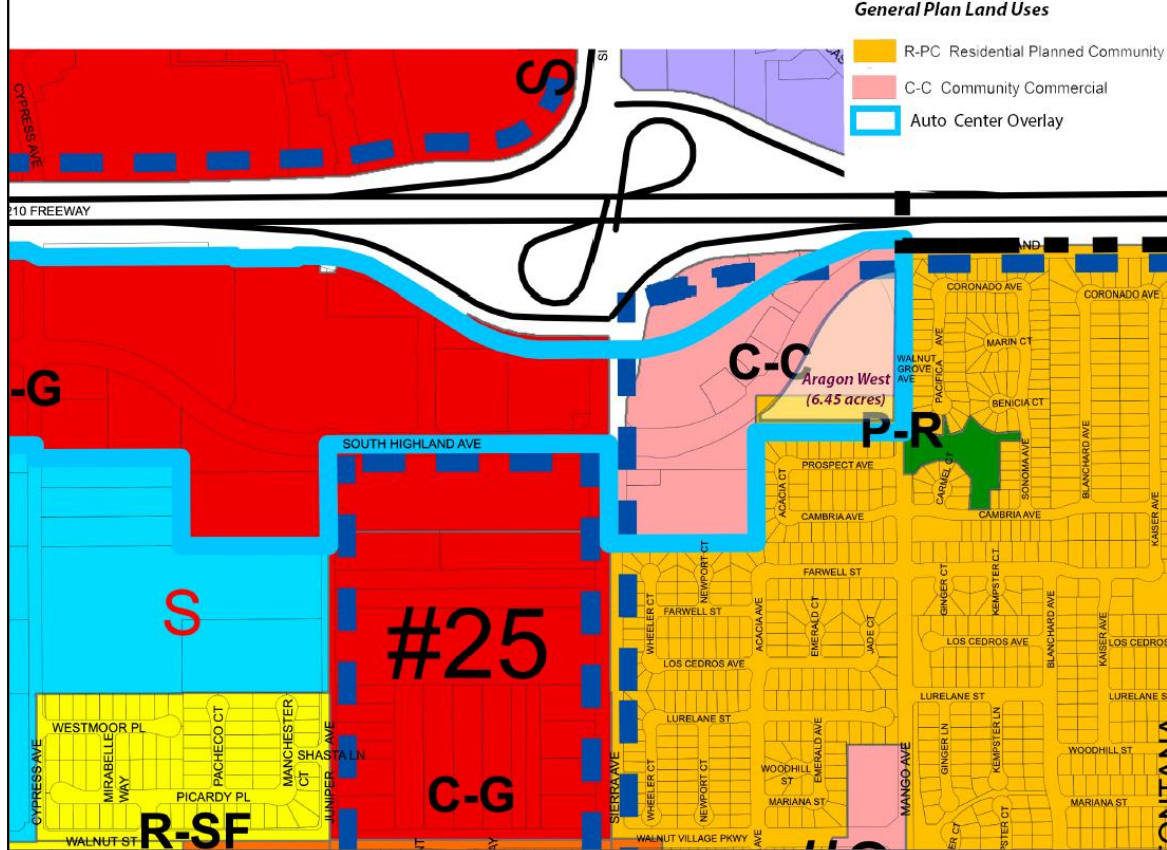
Looking from Interior Paseo

Rendering

Date: December 7, 2021

CASE: MCN No. 21-063
 GPA No. 21-003
 SPA No. 21-006
 ZCA No. 21-005
 TTM No. 21-002 (20441)
 DRP No. 21-024

ARAGON WEST - EXISTING GENERAL PLAN LAND-USE



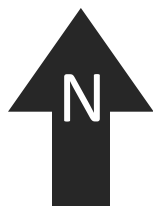
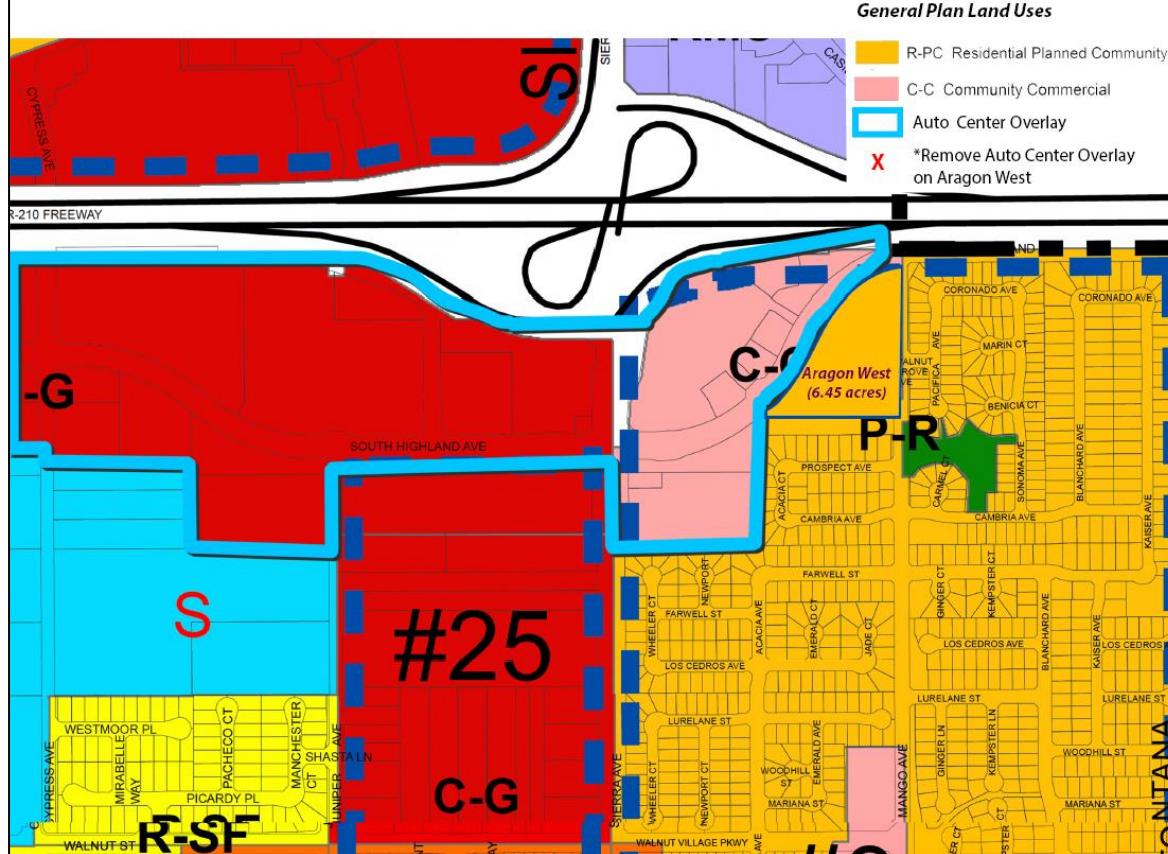
General Plan No. 21-003 Exhibit

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

CITY OF FONTANA PLANNING DEPARTMENT

ARAGON WEST - PROPOSED GENERAL PLAN LAND-USE

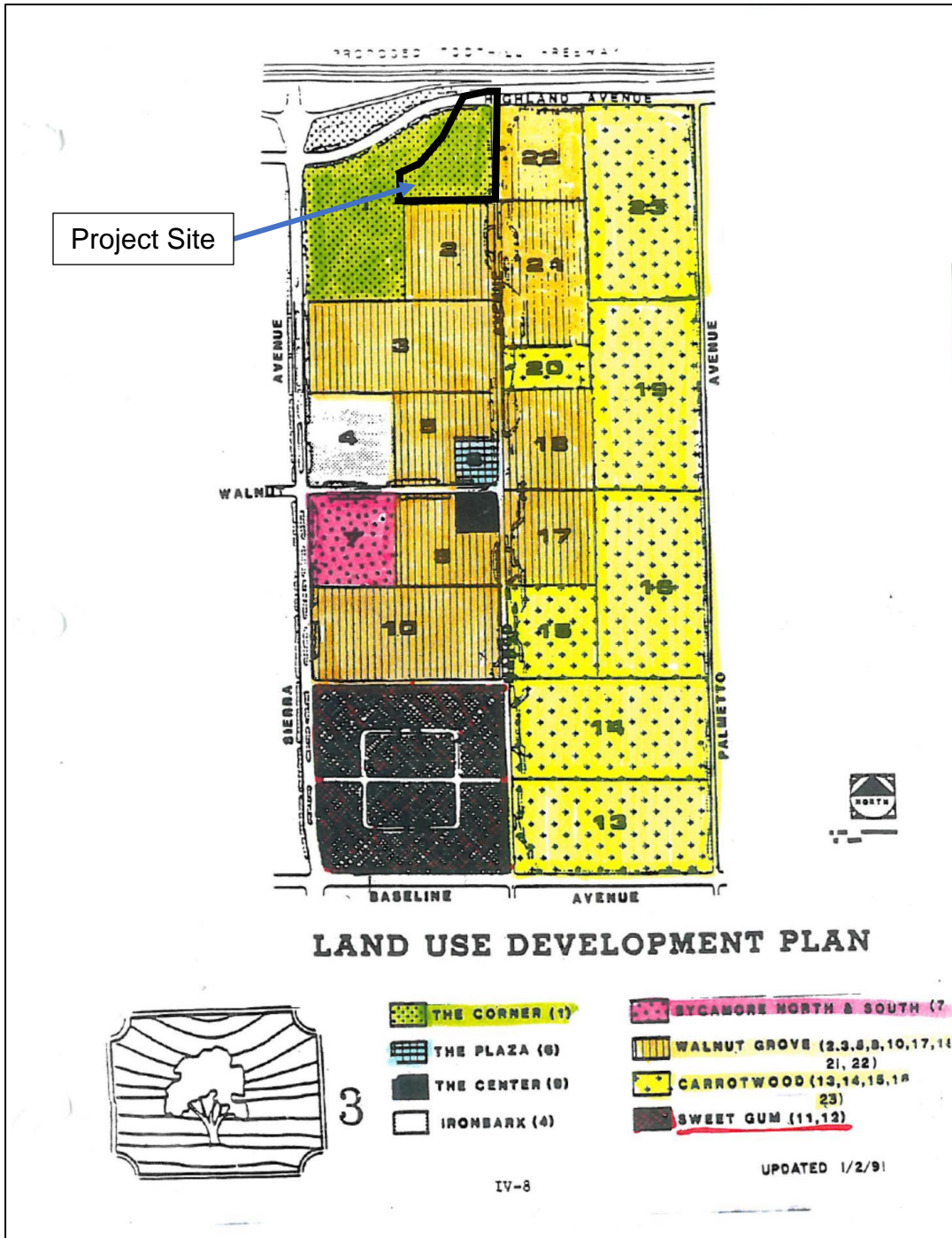


General Plan No. 21-003 Exhibit

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

Existing Land Use Designation



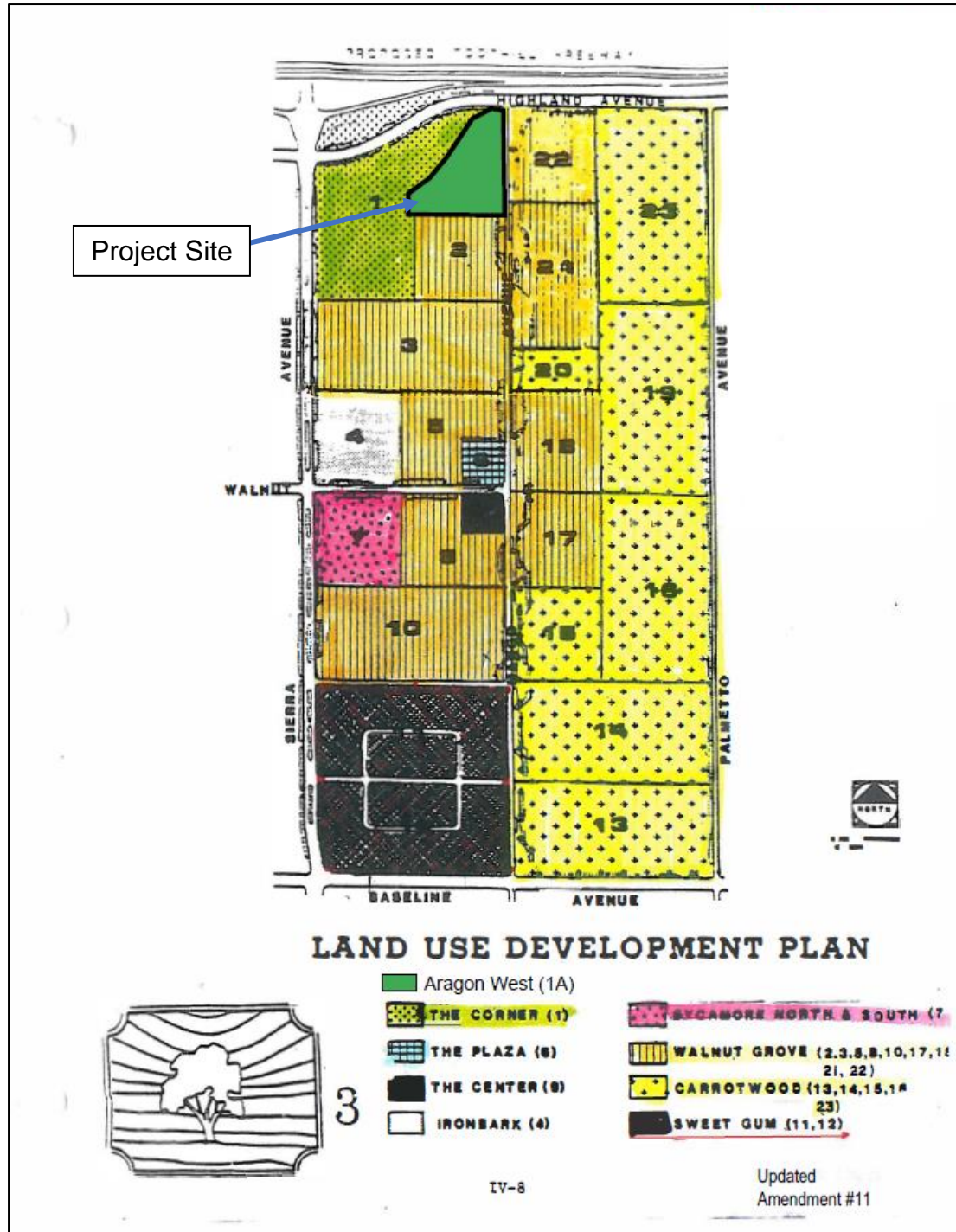
CITY OF FONTANA PLANNING DEPARTMENT

**Specific Plan Amendment
No. 21-006 Exhibit
Current Walnut Village Specific Plan
Land Use Map**

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

Proposed Land Use Designation



CITY OF FONTANA PLANNING DEPARTMENT

**Specific Plan Amendment
No. 21-006 Exhibit
Proposed Walnut Village Specific
Plan Land Use Map**

Date: December 7, 2021

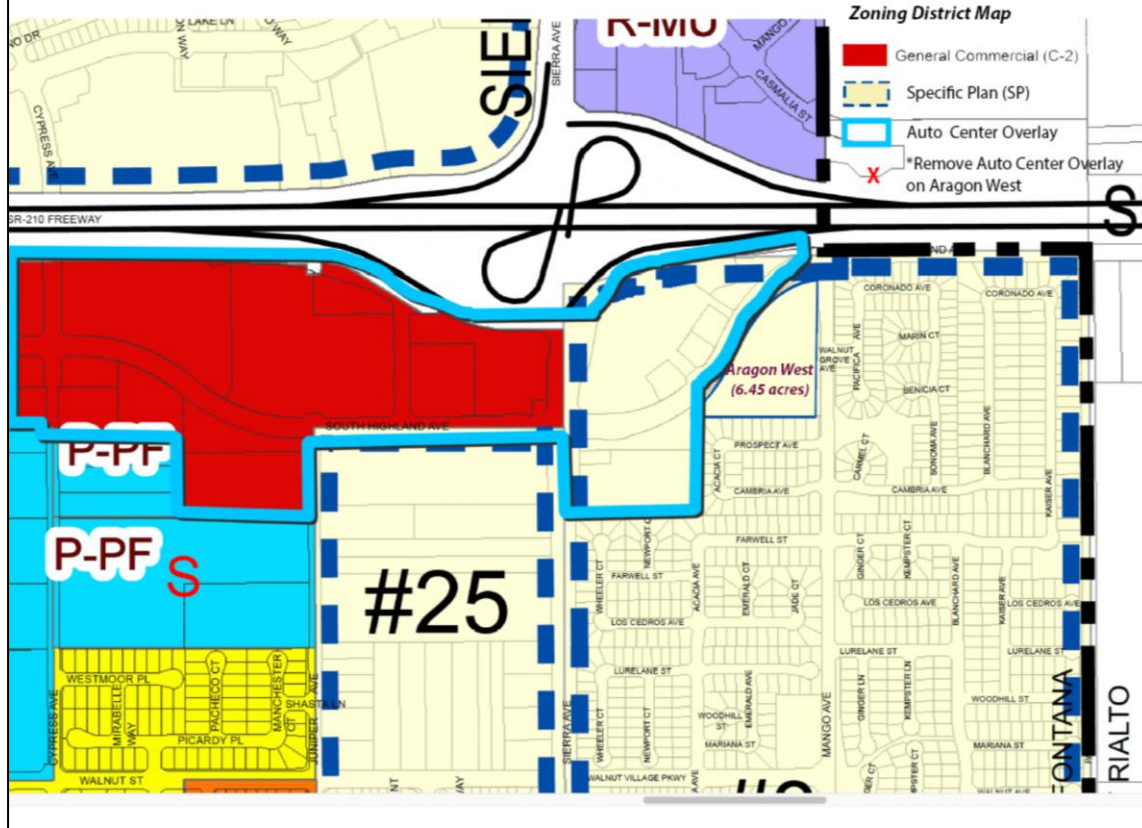
CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

[illegible]

CITY OF FONTANA **PLANNING DEPARTMENT**

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

ARAGON WEST - PROPOSED ZONING DISTRICT MAP



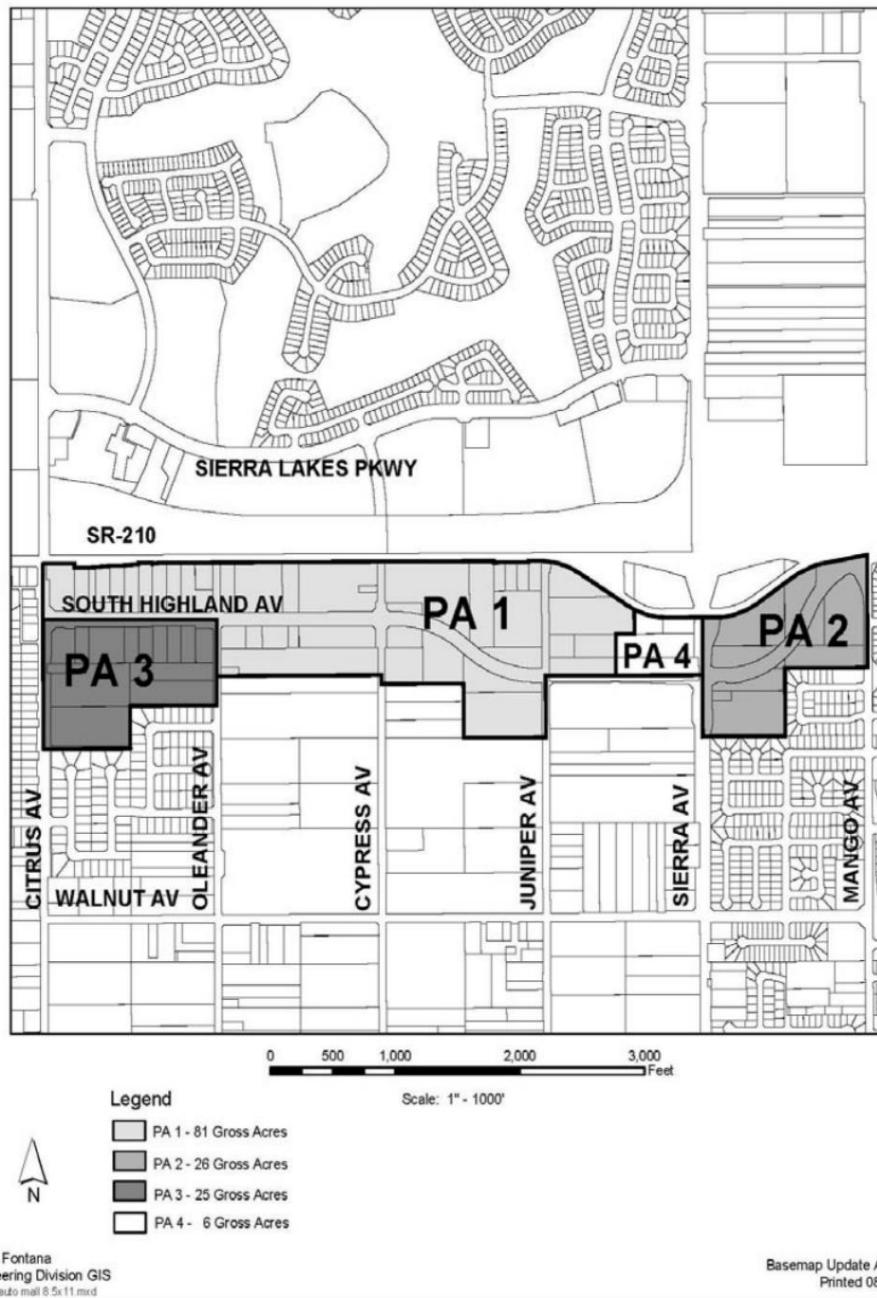
CITY OF FONTANA PLANNING DEPARTMENT

**Zoning Code Amendment
No. 21-005 Exhibit**

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

Fontana Auto Mall Existing Overlay

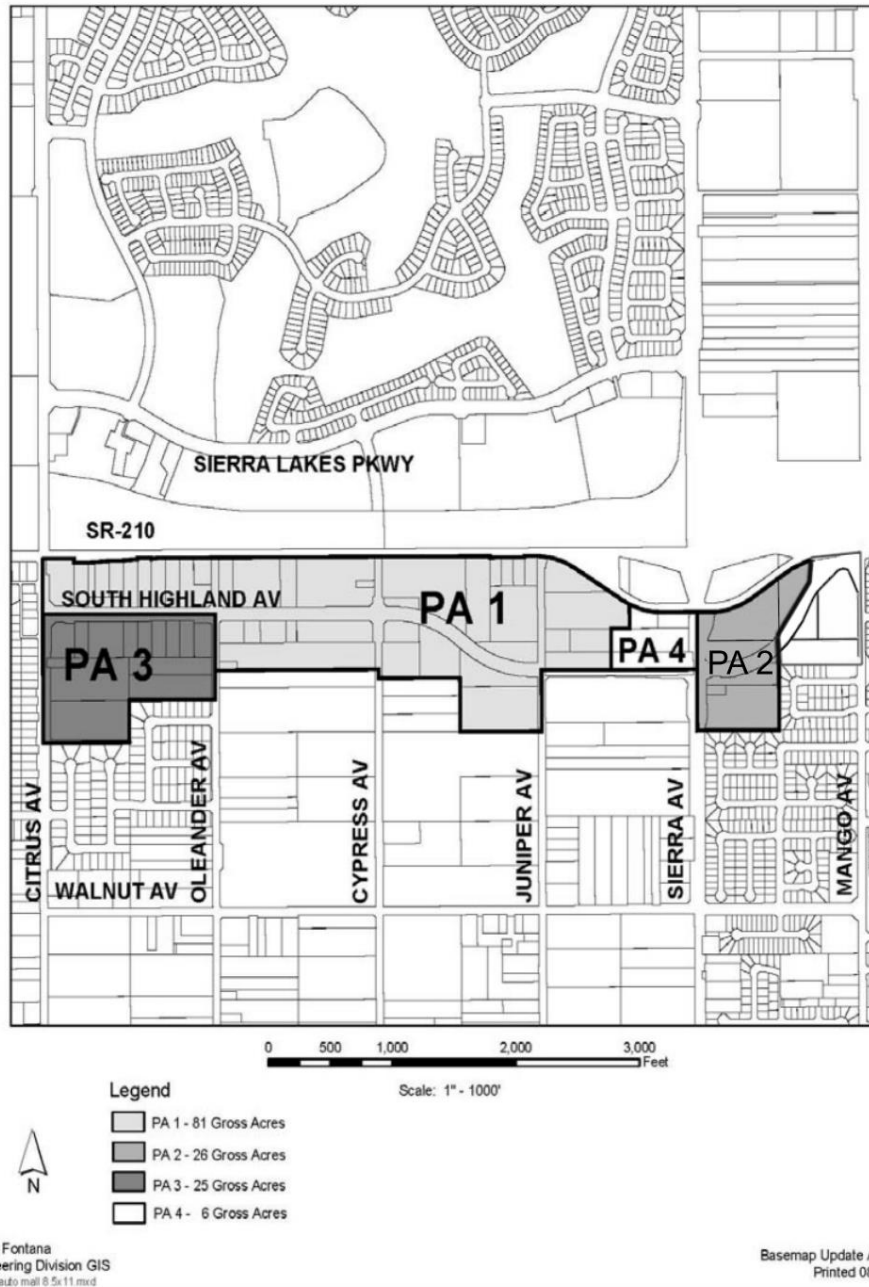


**Zoning Code Amendment
No. 21-005 Exhibit**

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

Fontana Auto Mall Proposed Overlay



CITY OF FONTANA PLANNING DEPARTMENT

Zoning Code Amendment No. 21-005 Exhibit

Date: December 7, 2021

CASE: MCN No. 21-063
GPA No. 21-003
SPA No. 21-006
ZCA No. 21-005
TTM No. 21-002 (20441)
DRP No. 21-024

RESOLUTION PC NO. 2021-____

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

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

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

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

Project Site Area: 6.5 adjusted gross acres

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

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

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

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

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

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

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

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as Exhibit "B" for Design Review No. 21-024; and,

WHEREAS, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the *Fontana Herald* newspaper on November 12, 2021, at City Hall and at the project site; and,

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

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

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

NOW, THEREFORE, the Planning Commission RESOLVES as follows:

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

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

Finding: **The purpose and intent is to keep an updated General Plan to reflect the current desires and needs of the citizens for the long-term growth of the City.**

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact: The design of the proposed project, as mentioned in Finding No. 1, above would be consistent with the General Plan. Street improvements including curb, gutter, and requirements of the Community Mobility and Circulation chapter of the General Plan, Subdivisions (Chapter 26), and the Zoning and Development Code (Chapter 30) have been met. This project is required to connect to the City's sewer system. Additionally, the project has been reviewed by the Engineering Department and San Bernardino County Fire Department for safety and access.

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

Findings of Fact: The project size, shape, and topography are suitable for this type and density of development. The project site is approximately 6.5 adjusted gross acres and accommodates the proposed 100 attached multi-family units within the Aragon West District of the Walnut Village Specific Plan. All street improvements will be constructed pursuant to applicable building, zoning, and fire code standards, as mentioned in Finding No. 2 above. Access to this

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

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

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

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

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

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

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

access easements through or within the proposed subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. The Planning Commission has reviewed and considered the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, any oral or written comments received, and the administrative record prior to making any decision on the proposed project. The Planning Commission finds that the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting

Program contain a complete and accurate reporting of all the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with the 2019 Local CEQA Guidelines and the State CEQA Guidelines.

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

Section 9. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

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

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

City of Fontana

Cathline Fort, Chairperson

ATTEST:

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

AYES:

NOES:
ABSENT:
ABSTAIN:

Idilio Sanchez, Secretary

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

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
4. This tentative tract map shall comply with all applicable development standards of Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code) of the Municipal Codes of the City of Fontana and the Subdivision Map Act.
5. The applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Director of Planning. A note to this effect shall be placed on the map prior to recordation of the final map.
6. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
7. This Tentative Tract Map shall become null and void two (2) years from the date of approval as outlined by Section 26-58 of the Municipal Code, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
8. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
9. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit. The request shall be submitted to the Planning Department.
10. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.

ENGINEERING:

11. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
12. The applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
13. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

14. Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO CERTIFICATE OF OCCUPANCEY

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

PRIOR TO FINAL ACCEPTANCE OF PROJECT

19. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
20. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
21. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive

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

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

END OF CONDITIONS OF APPROVAL

EXHIBIT “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

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

DATE: December 7, 2021

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

PLANNING DEPARTMENT:

1. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

Except as required under applicable State and Federal law, the City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not

sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

3. This project shall comply with all applicable provisions, regulations and development standards of the Fontana Zoning and Development Code.
4. A Register of Professional Archaeologists (RPA)-qualified archeologist experienced with Native American artifact identification and approved by the City of Fontana shall be present to monitor the first two (2) days of site preparation/grubbing; the first two (2) days of mass grading; and the first two (2) days of utility trenching. Such monitoring activities may be reduced or terminated depending on the findings and recommendations of the archeologist. In the event that prehistoric or historic cultural resources be uncovered during these activities, representatives of the tribal entity(s) whom consider the project site to be within their traditional use area shall be contacted and invited to the site to review the find, and monitoring shall be continued at the discretion of archeologist.
5. Historic Archaeological Resources
 - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
 - C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.
6. The construction contractor shall use the following source controls at all times:

- A. Construction shall be limited to 7:00 am to 6:00 pm on weekday, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and holidays unless it is approved by the Building Inspector for cases that are considered urgently necessary as defined in Section No. 18-63(7) of the Municipal Code. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - B. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - C. Have only necessary equipment onsite.
 - D. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
 - E. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - F. Temporarily enclose localized and stationary noise sources.
 - G. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.
- 7. Any foam treatment used for architecture treatments and/or projections located on the first floor shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Community Development.
 - 8. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
 - 9. The current development fees must be paid prior to issuance of building/construction permits.
 - 10. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-30 and Sections No. 30-31 of the Municipal Code.
 - 11. The developer shall provide clustered and/or individual mail box(es) for the delivery of mail to future residents of the development in a convenient location that does not block the line of sight. The mail boxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office. The Post Office currently approves freestanding mailboxes that are F-series and wall-mounted boxes that are 4C series. The developer is

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

12. There shall be five (5) feet of landscaping and two (2) feet of decorative concrete for passengers to step out of vehicles, total of seven (7) feet, at end of automobile parking aisles.
13. All park space and open space areas shall have furnishings such as BBQ's, bike racks, tot lots, benches, tables, dog park, and water fountains to the satisfaction of the Director of Planning.
14. Adequate visual screening shall be provided adjacent to the interior lots to the south and west of the project site and provided by the developer. Screening shall be provided by a combination of trees and block wall up to nine (9) feet high above grade on the project side to the satisfaction of the Director of Planning.
15. A monument sign shall be constructed at the intersection of Mango Avenue and South Highland Avenue and match the design of the site to the satisfaction of the Director of Planning.
16. Carriage lights shall be a minimum of 18 inches in height and placed on each side of all garage doors.
17. Landscaping shall include:
 - A. 24-inch Tree Boxes shall be planted in parking area and along project perimeter facing Mango Avenue and South Highland.
 - B. One shrub shall be required for each nine (9) square feet of planter area. Shrub sizes shall vary, with 50 percent being a minimum of five (5) gallon, and 50 percent being a minimum of one (1) gallon.
 - C. Groundcover shall be planted 12 inches on center so that coverage is achieved within one year of initial planting. Such planting shall be done to the satisfaction of the Director of Planning/City Engineer or his/her designee.
18. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.

PRIOR TO CERTIFICATE OF OCCUPANCY

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

Public Works Department:

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

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

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

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

POLICE DEPARTMENT:

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

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

ENGINEERING LAND DEVELOPMENT:

35. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
36. The applicant shall obtain design and plan approval from all utility providers having jurisdiction over the on-site and off-site utilities. Completion of all undergrounding of on-site and off-site utilities is required by Section 27-52 of the City Municipal Code and in accordance with plans and specifications approved by the City Engineer.
37. It is the Applicant's responsibility to maintain all improvements and utilities within the public right-of-way, including street sweeping, prior to final acceptance by the City. Where applicable, the applicant must provide provisional street sweeping schedules to the City.

PRIOR TO ISSUANCE OF GRADING PERMIT

38. Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO MAP RECORDATION

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

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO CERTIFICATE OF OCCUPANCEY

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

PRIOR TO FINAL ACCEPTANCE OF PROJECT

43. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
44. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
45. All underground utilities (sewer and storm drain) shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Videos to be inspected and approved by City Inspection. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
46. Applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING & SAFETY:

47. Shall comply with the latest adopted edition of the following codes as applicable:
- A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code.
 - G. California Fire Code
 - H. California Green Building Standards Code
48. Automatic fire suppression systems shall be installed in all new construction per Article II, Chapter 11 of the Code of the City of Fontana. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
49. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
50. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances

greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.

51. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

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

53. Grading Requirements:

- A. Grading plans shall be submitted to and approved by Building & Safety. The grading plans shall indicate all site improvements, and shall indicate complete drainage paths of all drainage water run-offs.
- B. All drainage water shall drain via approved methods, to an approved location – public street, public drainage system, etc.
- C. Drainage water shall not cross over a public sidewalk. Drainage water may however cross under a sidewalk if an approved drainage structure is used.
- D. A recorded drainage acceptance agreement is required from adjoining property(s) receiving flows from this property.
- E. No water course or natural drainage shall be obstructed.
- F. Minimum slope or grade for ALL drainage structures shall be one half (0.50) percent for concrete and one (1.0) percent for all other, or as otherwise approved by the Building Official.
- G. Drainage water shall not pass from an 'improved' type of drainage structure to an 'unimproved' type of drainage structure (e.g., concrete swale to a dirt swale) unless otherwise approved by the Building Official.
- H. A complete hydrology study using the latest edition of the San Bernardino County Flood Control Hydrology Manual, and complete hydraulic calculations justifying the size, slope, capacity, etc. of any and all drainage structures being utilized, shall be submitted to and approved by Building & Safety.

The on site drainage system shall, as a minimum, be designed to handle the run off generated by a ten (10) year storm. Check for flooding of all on site structures (buildings) and all adjacent properties during a hundred (100) year storm.
- I. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
 - 1. The relationship between the proposed finished on site grade elevations and the existing adjacent property grade elevations (Indicate any additional drainage water that may come from an adjacent property.); and

2. The ground cover/finished surface material being proposed (e.g., type of pavement, plant material, etc.); and
3. All proposed drainage structures; and
4. Any proposed and/or required walls or fencing.

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

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

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

PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS

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

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

SAN BERNARDINO COUNTY FIRE DEPARTMENT:

58. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

59. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code sec 503, SBCFD Standard 503.1

60. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code sec 503, SBCFD Standard 503.1

61. **Street Signs.** Approved temporary or permanent street signs shall be installed throughout the project prior any combustible materials being placed on the construction site. California Fire Code sec. 505, SBCFD Standard 505.1

62. **Fire Lanes.** The applicant shall submit on a site plan to the Fire Department for review and approval all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. SBCFD Standard 501.
63. **Water System Commercial.** Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1
- The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 11843 sq foot. structure.
64. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
65. **Water System Certification.** The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the jobsite.
66. **Combustible Protection.** Prior to combustibles being placed on the project site an approved paved roadway providing fire access and fire hydrants providing an acceptable fire flow shall be installed. California Fire Code sec 508, SBCFD Standard 508.1
67. **Combustible Native Vegetation.** Combustible native vegetation shall be removed as follows: Where the average slope of the site is less than 15%, combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. Where the average slope of the site is 15% or greater, combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
68. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903.
69. **Fire Sprinkler-NFPA #13D.** An automatic life safety fire sprinkler system complying with NFPA 13D and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic

calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903D.

70. **Fire Sprinkler-NFPA #13R.** An automatic fire sprinkler system complying with NFPA 13R and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans with hydraulic calculations and manufacturer specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. SBCFD Standard 903 R-MF
71. **Fire Alarm, Manual or Automatic.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code sec. 907, SBCFD Standard 907 FA-E.
72. **Fire Alarm, Waterflow Monitoring.** A water flow monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for fire sprinkler systems with twenty (20) sprinkler heads or more. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code sec. 907, SBCFD Standard 907 FA-M.
73. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code sec. 906.
74. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 505.1
75. **Commercial (large facility) Addressing.** Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. SBCFD Standard 901.4.4
76. **Residential Addressing.** The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½)

inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. California Fire Code sec. 505, SBCFD Standard 505.1

77. **Illuminated Site Diagram.** The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. SBCFD Standard 505.1

78. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. SBCFD Standard 506

79. **Security Gates.** In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. SBCFD Standard 503.1.2

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

81. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with Fire Department requirements. California Building Code sec. 2082.

END OF CONDITIONS OF APPROVAL

NOTICE OF DETERMINATION

TO: X County Clerk, County of
San Bernardino

X Office of Planning and Research

FROM: City of Fontana
Planning Division
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. 21-063, General Plan Amendment No. 21-003, Specific Plan Amendment No. 21-006, Zoning Code Amendment No. 21-005, Tentative Parcel Map No. 20441 (TTM No. 21-002) and Design Review No. 21-024 – Aragon West Condominium Project.

State Clearinghouse Number: N/A

Name of Person or Agency carrying out project: Alejandro Rico – Associate Planner, City of Fontana (Lead Agency) 8353 Sierra Avenue, Fontana, CA 92335.

Project Location: The Project site is located on the southwest corner of Mango Avenue and South Highland Avenue (APN: 0240-121-22).

Project Description: Master Case No. 21-063 is a proposal to construct 100 condominium units on a 6.5 acre lot with parking, landscaping, park space and off-site improvements.

Project Proponent & Address: Gordon Nichols, Frontier Communities, 2151 E. Convention Center Way, Suite 114, Fontana, CA 91764

Contact Name & Phone: Gordon Nichols – (909) 354-8044

This is to certify that on _____, the City Council of the City of Fontana approved the above described project along with the aforementioned Mitigated Negative Declaration, and made the following determinations:

1. The project ____ will X will not have a significant effect on the environment.
2. A Mitigated Negative Declaration (MND) was prepared and approved and fully analyzed the effects of the project. The MND thoroughly analyzed and discussed all potential environmental impacts in accordance with Section 15072 of the California Environmental Quality Act (CEQA) and Chapter 6 of the 2019 Local Guidelines for Implementing the CEQA for the purpose of deciding whether the project may have a significant effect on the environment.
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 X were ____ 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 Addenda 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



NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND 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 No. 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section No. 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. 21-063, GENERAL PLAN AMENDMENT NO. 21-003,
SPECIFIC PLAN AMENDMENT NO. 21-006, ZONING CODE AMENDMENT NO.
21-005, DESIGN REVIEW NO. 21-024, and
TENTATIVE TRACT MAP NO. 20441 (TTM NO. 21-002)**

The proposed project includes site and architectural review to construct a 100 unit condominium project on one parcel totaling approximately 6.5 adjusted gross acres. The project includes a General Plan Amendment to change the General Plan land use designation from Community Commercial (C-C) to Residential-Planned Community (R-PC), Specific Plan Amendment to establish the Aragon West District with development requirements to allow multi-family development, Zoning Code Amendment to remove the Auto Center Overlay District boundary from the project site, Tentative Tract Map to for a proposed condominium map, and Design Review for site and architectural review of 20 condominium buildings, and 2.5 acres of park space with amenities.

**Environmental
Determination:**

Pursuant to Section No. 15070 of the California Environmental Act (CEQA) and pursuant to Section No. 6.04 of the 2019 Local Guidelines for Implementing CEQA an Initial Study (IS), Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Program has been prepared for this project.

The Initial Study and Mitigated Negative Declaration are available for public review from November 17, 2021 until December 7, 2021, at the Planning Division counter, Fontana Lewis Library, and on the City of Fontana's website, <https://www.fontana.org/2137/Environmental-Documents>

**Location of
Property:**

The project site is located on the southwest corner of the intersection of South Highland Avenue and Mango Avenue (APN 0240-121-22)



Date of Hearing: December 7, 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 Alejandro Rico, Associate Planner, at (909) 350-6558.

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DIVISION, CITY HALL.

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 CITY AT, OR PRIOR TO, THE PUBLIC HEARING.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1047
Agenda #: PH-C

Agenda Date: 12/7/2021
Category: Public Hearing

FROM:

Planning Department

TITLE:

Master Case No. 21-057 and Design Review No. 21-021 - A request to construct a new 18-unit apartment complex consisting of four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units ranging in size from 960 square feet to 2,011 square feet, on one parcel of approximately 0.9 adjusted gross acres.

RECOMMENDATION:

Based on the information contained within this 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, In-Fill) of the California Environmental Quality Act and Section No. 3.18 (Infill Projects) of the 2019 Local Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and,
2. Approve Design Review No. 21-021.

APPLICANT:

Dixi Design
1231 North Cactus Avenue, Suite "E"
Rialto, CA 92376

LOCATION:

The project site is located on the north side of Malaga Street approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue; the project site is otherwise identified as 16958 Malaga Avenue (APN: 0190-181-08).

REQUEST:

Design Review No. 21-021 is proposal for a new 18-unit apartment complex within four (4) two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four bedroom units ranging in size from 960 square feet to 2,011 square feet, on one parcel of approximately 0.9 adjusted gross acres.

PROJECT PLANNER:

Jon S. Dille, Associate Planner

I. BACKGROUND INFORMATION:

A. Land Use Designations:

| | <u>General Plan Designation</u> | <u>Zoning and District</u> | <u>Existing Land Use</u> |
|--|---------------------------------|--|--------------------------|
| Site: | *WMXU-1 | Form-Base Code (FBC)/ Transitional District | Vacant |
| North: | *R-SF | Residential-Single Family (R-1) | Single Family Homes |
| South: | *WMXU-1 | Form-Base Code (FBC)/ Transitional District | Parking Lot for a Church |
| East: | *WMXU-1 | Form-Base Code (FBC)/ Transitional District | Single Family Home |
| West: | *WMXU-1 | Form-Base Code (FBC)/ Transitional District | Single Family Homes |
| *(WMXU-1), Walkable Mixed-Use Downtown and Corridors | | | |
| *(R-SF) Residential-Single Family | | | |

II. PROJECT DESCRIPTION:

Development Standards:

Density:

Required: 11 to 35 du/ac

Proposed: 19 du/ac

Setbacks:

Front:

Required: 10-foot min.

Proposed: 15'-0"

Side:

Required: 5-foot min.

Proposed: 5'-0"

Rear:

Required: 20-foot max.

Proposed: 20'-0"

Building Height:

Required: 1 to 18 stories

Proposed: Two Story (32'-8")

Parking:

Per Unit:

Required: 1.5

Proposed: Two-Car Garage

Guest Spaces:

Required: None

Proposed: Four (4)

III. ANALYSIS:

The applicant, Dixi Design, is requesting that the Planning Commission review and approve a new 18-unit apartment complex consisting of four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units ranging in size from 960 square feet to 2,011 square feet.

Design Review No. 21-021:

The project consists of 16 three-bedroom units with three different floor plan lay outs and two four-bedroom units as follows:

| PLAN NO. | Type A | Type B | Type C | Type D |
|---------------|-------------|---------------|---------------|-------------|
| SIZE | 960 sq. ft. | 2,011 sq. ft. | 1,400 sq. ft. | 940 sq. ft. |
| NO. BDRMS | 3-Bed | 4-Bed | 3-Bed | 3-Bed |
| NO. BATHS | 2-Bath | 3-Bath | 2-Bath | 2 ¼ -Bath |
| GARAGE | 440 sq. ft. | 456 sq. ft. | 430 sq. ft. | 430 sq. ft. |
| OPEN SPACE | 295 sq. ft. | None | 272 sq. ft. | 500 sq. ft. |
| PORCH/BALCONY | 64 sq. ft. | 85 sq. ft. | 50 sq. ft. | 72 sq. ft. |

Project amenities include an open lawn area with stationary play equipment and a trellis-covered seating area totaling approximately 723 square feet.

In addition to the proposed common amenities, each unit has adequate private open space directly accessible from the living unit. Sixteen of the eighteen units have a small private open space area in addition to the balcony area. Each private yard area is secured with a fence and an emergency access gate for fire access.

The applicant proposes Spanish/Mediterranean architectural styles. The buildings will reflect light earth tone colors and a red accent color. This architectural style includes a smooth stucco finish with stone veneer, barrel tile low pitched roofs, arched openings, and covered porches and balconies. There are added architectural feature such as wood shutters, stucco banding, window trim, and decorative iron work. The development will comply with the required setbacks and will not exceed the maximum height or maximum lot coverage. All other applicable development standards specified in the Zoning and Development Code will be met.

Environmental:

The project qualifies for a Categorical Exemption pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3.22 (Infill Projects) of the 2019 Local Guidelines for Implementing CEQA. This project site is considered In-Fill Development and meets the CEQA exemption requirement for In-Fill, based on: 1) the project is consistent with the Walkable Mixed-Use Downtown and Corridors (WMXU-1) General Plan land use designation; 2) the project site is approximately 0.9 adjusted gross acres (less than 5 acres); 3) the project site is not within any known sensitive or threatened habitat area; 4) the project will not have a significant effect relating to traffic, noise, air quality, or water quality; and 5) there are adequate public utilities and service for the development of the proposed 18-unit apartment complex project.

MOTION:

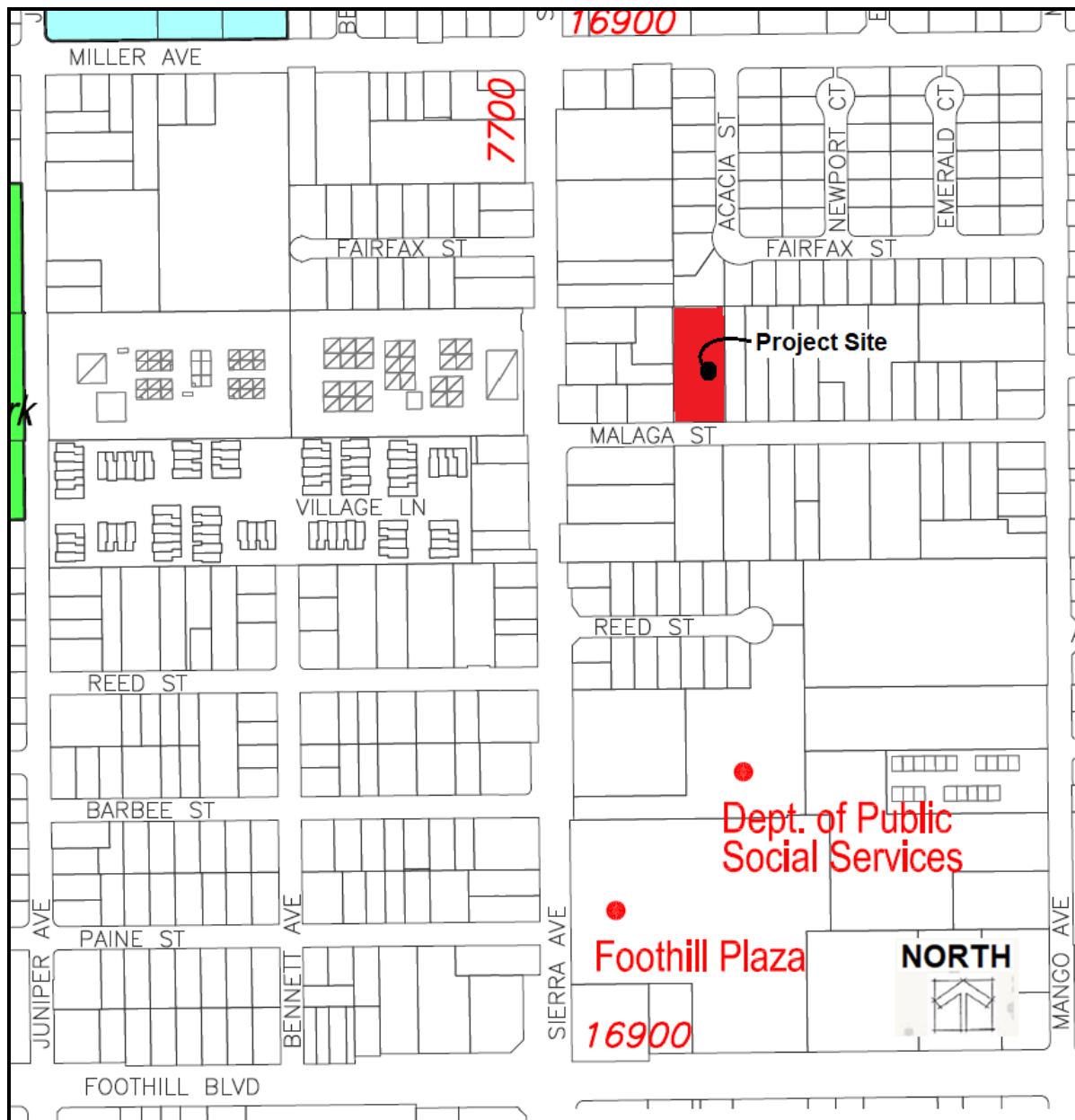
Approve staff's recommendation

ATTACHMENTS:

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

UNDER SEPARATE COVER:

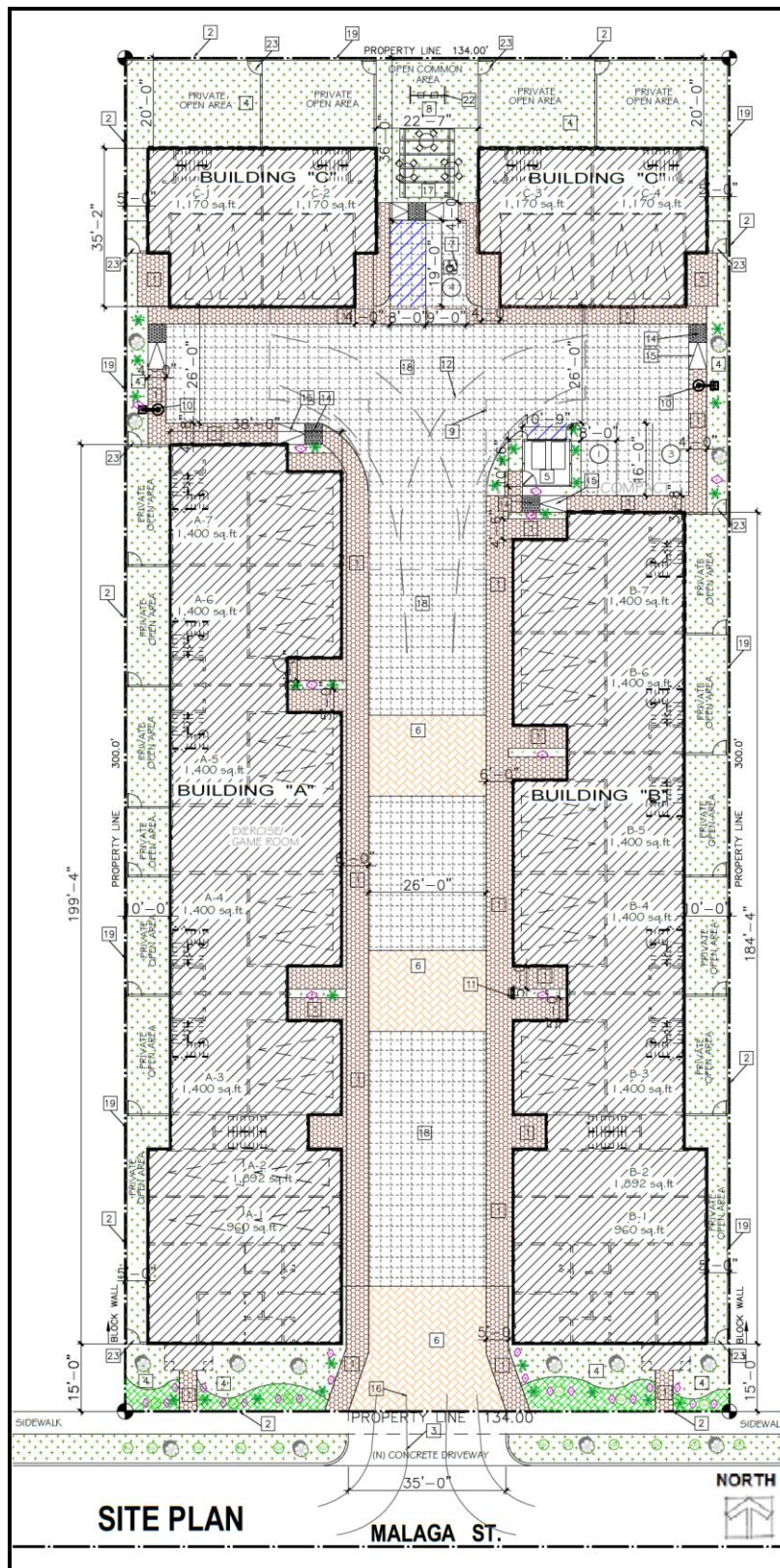
1. Full size plans
2. 11x17 Color Binders



VICINITY MAP

DATE: December 7, 2021

CASE: Master Case No. 21-057
Design Review No. 21-021



SITE PLAN

DATE: December 7, 2021

CASE: Master Case No. 21-057
Design Review No. 21-021



Building "A"

Building "B"

Malaga Street Elevation



Alley View Elevation - Building "A" and Building "B"



Back Side Elevation -- Building "A" and Building "B"



**Alley View
Building "C" Elevations**

Side View

Rear View

ELEVATIONS

DATE: December 7, 2021

CASE: Master Case No. 21-057
Design Review No. 21-021

RESOLUTION PC NO. 2021-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 21-021 FOR A NEW 18-UNIT APARTMENT COMPLEX, THE PROJECT SITE IS OTHERWISE IDENTIFIED AS 16958 MALAGA AVENUE (APN: 0190-181-08).

WHEREAS, the City of Fontana received an application on June 7, 2021, for the site and architecture review and approval to construct a new 18-unit apartment complex consisting of four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units ranging in size from 960 square feet to 2,011 square feet within the Transitional District of the Form-Base Code (FBC) Zoning District on one parcel totaling approximately 0.9 adjusted gross acres.

Project Applicant: Dixi Design
1231 North Cactus Avenue, Suite “E”
Rialto, CA 92336

Project Location: The project site is located on the north side of Malaga Street approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue (APN: 0190-181-08)

Site Area: Approximately 0.9 adjusted gross acres

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

WHEREAS, pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and Section No. 3-18 (Infill Projects) of the 2019 Local Guidelines for Implementing CEQA, a Notice of Exemption was prepared; and .

WHEREAS, the subject site includes one parcel that has been previously developed with a single-family dwelling, the house was demolished in June of 1999, and was part of the original incorporation from San Bernardino County into the City of Fontana on June 25, 1952; and

WHEREAS, pursuant to the City of Fontana’s Zoning and Development Code, residential projects of five units or more require approval of a Design Review by the Planning Commission; and

WHEREAS, Design Review No. 21-021 is in compliance with the General Plan; and,

WHEREAS, pursuant to Article III of the Zoning and Development Code, a

multi-family housing project up to 39 dwelling units per acre is a permitted use and requires approval of a Design Review application for the review a 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 are attached hereto as **Exhibit “A”** for the Design Review; 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 November 10, 2021, posted at City Hall and at the project site; and

WHEREAS, on December 7, 2021, a duly noticed public hearing on Design Review No. 21-021 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 December 7, 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’s Planning Commission hereby makes the following findings for Design Review No. 21-021 is in accordance with Section No. 30-120 “Findings for Approval” for Design Review of the 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 project site is located on the north side of Malaga Street approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue, (APN: 0190-181-08). The project site has a General Plan land use designation of Walkable Mixed-Use Downtown and Corridors (WMXU-1). The WMXU-1 include a variety of medium density to high-density residential types, retail and services, office, entertainment, education, civic, and open space. WMXU-1 residential densities range from 11 to 39 dwelling units per acre. The proposed project with the density range of 19 dwelling units per acre is within the allowable density mention above.

The General Plan is the document that sets the framework for the City of Fontana and provides the overall policies for development within the community. Furthermore, the General Plan encourages variety of housing including multi-family housing pursuant to the City of Fontana's, General Plan Land Use Element, (Chapter No. 3), Goal No. 1, (Policy 2, pages. 3-29).

This project is for the site and architecture and approval of a new 18-unit apartment complex within four two-story buildings totaling approximate 17,520 square feet with three-bedroom units and four-bedroom units, which range in size from 960 square feet to 2,011 square feet.

The amenities include an open lawn area with stationary play equipment and a trellis-covered seating area totaling approximately 723 square feet.

In addition to the proposed amenities, each unit has adequate private open space directly accessible from the private unit. Sixteen of the eighteen units have small private open space/yard areas. All eighteen units have a balcony area of approximately 76 square feet. Each private yard area is secured with a fence and an emergency access gate for fire access.

The applicant proposes a Spanish/Mediterranean architectural styles. The building will reflect light earth tone colors and a red accent color. This architectural style includes a smooth stucco finish with stone veneer, barrel tile low pitched roofs, arched openings, and covered porches and balconies. There are added architectural feature like: wood shutters, stucco banding, window trim, and decorative iron work. The development will comply with the required setbacks and will not exceed the maximum height or maximum lot coverage. All other applicable development standards specified in the Zoning and Development Code will be met.

This development meets the criteria contained in the Design Review section of the Municipal Code. Additionally, the project is aesthetically enhanced with architectural detail and the site design incorporates Crime Prevention Through Environmental Design (CPTED) elements resulting in a desirable development. The project has high quality architectural design and will be an appropriate and desirable development for the community. The development will comply with the required setbacks. All other applicable development standards specified in the Zoning and Development Code will be met.

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 as identified and referenced in Finding No. 1, above, is located within the Transitional District of the Form-Based Code (FBC) has been determined to be aesthetically and architecturally pleasing and compatible with the neighborhood. The proposed complex is contemporary and true to style with the surrounding uses resulting in high quality architectural design appropriate and desirable for the surrounding community. The proposed development will enhance the character of the surrounding residential area through appropriate attention to aesthetics and design. The project provides both common and private amenities in excess of that required by the Zoning and Development Code. In addition, the project features many Crime Prevention in Environmental Design (CPTED) elements and incorporates them into the design.

The project includes street improvements: sidewalks, drainage, grading and perimeter and privacy walls to provide a safe and well-designed complex. The proposed complex has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. In addition, CPTED elements are incorporated into the site design so that the complex will provide a safe and well-designed facility. The proposed project meets or exceeds the standards of the Zoning and Development Code and will provide a safe design for normal public access.

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 identified and referenced in Finding No. 1 and Finding No. 2, above, will result in much needed and appropriate improvements, not only for the project site, but the surrounding area as well. The project includes street improvements: sidewalks, drainage, grading and perimeter and privacy walls to provide a safe and well-designed complex. The proposed complex has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. These structures will be built pursuant to all applicable building, zoning, and fire codes and standards and therefore, shall promote the public health, safety, and welfare of the surrounding community.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, Finding No. 2, and Finding No. 3, above, has been determined to be appropriate and will result in a safe, well-designed facility. There will be one vehicle access points to the site. The entrance will be accessed from Malaga Street. The driveway is designed to accommodate passenger vehicle traffic and service vehicle as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. The character of the surrounding neighborhood reflects residential uses consisting primarily of single-family dwellings and a church.

Section 2. 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. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

Section 3. Based on the foregoing, the City of Fontana's Planning Commission hereby approves Design Review No. 21-021, subject to the conditions of approval, which are attached hereto as **Exhibit "A"** to this Resolution and incorporated herein by this reference.

Section 4. 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 5. The Secretary shall certify to the adoption of this Resolution.

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

City of Fontana

Resolution PC No. 2021-_____

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 7th day of December 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

Exhibit “A”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-057
Design Review No. 21-021

DATE: December 7, 2021

LOCATION: The project site is located approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue, (APN: 0190-181-08).

PLANNING DEPARTMENT:

1. The applicant/developer/property owner 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.

2. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
3. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and shall be placed on a sheet in the final building and grading plans prior to issuance of any building or grading permits.
4. 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 all of the following have occurred:
 - A. All requirements of the City of Fontana's Municipal Code shall be complied with.
 - B. All Conditions of Approval imposed on this project have been fulfilled.
 - C. All of the improvements, construction, alteration, and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's final inspection and acceptance of the work.
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 residential structure until corrections are approved in writing by all appropriate staff.
6. The Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing on items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
7. Foam treatment used for architecture features and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
8. If solar panel systems are installed on the roof of any residential structure, the installation shall be on top or above the approved roof tile. If a solar panel system is flush-mounted to the roof, matching roof tiles shall be replaced immediately upon removal of the solar panels.
9. No solid masonry wall shall be higher than nine-foot from top of ground when used in combination with a retaining wall unless otherwise stated in mitigations for this project.

10. All new block walls shall be constructed with a decorative block and capped with a prefabricated block cap to match the existing walls on the adjacent properties.
11. Wall-mounted decorative lighting fixtures shall be provided at the front porch area and both sides of the garage doors.
12. Prior to the issuance of a Certificate of Occupancy, 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.
13. The applicant shall employ a certified professional manager or management company to provide maintenance, security, and other services. The professional manager or management company shall be California Association of Community Managers (CACM) certified or equivalent.
14. 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 of the Municipal Code.
15. The current Development Fees shall be paid.

Prior to Issuance of Building /Construction Permits

16. The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic.

ENGINEERING LAND DEVELOPMENT:

17. 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.
18. It is the applicant/developer/property owner'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/developer/property owner must provide provisional street sweeping schedules to the City.

Prior To Issuance of Grading Permit

19. The applicant/developer/property owner 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

20. The applicant/developer/property owner 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

21. The applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
22. The applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
23. 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. The 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.
24. The applicant/Engineer of Record shall submit a conforming copy of the recorded Memorandum of Agreement for the Water Quality Management Plan and Storm Water BMP Transfer. The Access, Maintenance, and the WQMP Certification for BMP Completion must be submitted to the City Project Engineer.

BUILDING AND SAFETY DIVISION:

25. The applicant/developer/property owner 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

26. The applicant/developer/property owner shall install an automatic fire suppression system, which is required in all new construction per Fontana Municipal Code, 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.
27. The applicant/developer/property owner shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with Fontana Municipal Code, Chapter 5 Article XIV.
28. The applicant/developer/property owner 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.
29. The applicant/developer/property owner 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.
30. The applicant/developer/property owner 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

31. The following items shall be completed and/or submitted to Building & Safety – as applicable – prior to the issuance of building permits for this project:
- A. Precise grading plans shall be approved
 - B. Rough grading completed
 - C. Compaction certification
 - D. Pad elevation certification
 - E. Rough grade inspection signed off by a City Building Inspector
32. 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.
33. For more information related to Building & Safety, please visit our web page at <https://www.fontana.org/136/Building-Safety>.

FIRE PROTECTION DISTRICT:

34. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department (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; and 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 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 three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

The Fire Flow for this project shall be **1500 GPM for a 2-hour duration at 20 psi** residual operating pressure. Fire Flow is based on a **7374.00 square foot 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/developer/property owner 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.
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. Combustible Native Vegetation. Combustible native vegetation shall be removed as follows: Where the average slope of the site is less than 15 percent, combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures

or to the property line, whichever is less. Where the average slope of the site is 15 percent or greater, combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.

44. 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.
45. 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
46. 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
47. 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
48. 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
49. 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
50. Security Gates. In 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

END OF CONDITIONS OF APPROVAL



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. 21-057**
Design Review No. 21-021
2. Project Location: **The project site is located approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue, (APN: 0190-181-08)**
3. (a) Project Location - City: **Fontana, CA 92335**
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project: **Design Review No. 21-021 is for the site and architectural review and approval for a new 18-unit apartment complex consisting of four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units ranging in size from 960 square feet to 2,011 square feet.**
5. Name of Public Agency approving project: **City of Fontana**
6. Name of Person or Agency carrying out project: **Dixi Design**
1231 North Cactus Avenue, Suite "E"
Rialto, CA 92336
1. Exempt status: (Check one)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency Project.
 - (d) ☒ Categorical Exemption. State type and class number: Exempt under **Section No. 15332 (Class 32, In-Fill Development Projects) of the California Environmental Quality Act and Section No. 3.22 (Existing Facility) of the 2019 Local Guidelines for Implementing CEQA.**
 - (e) ☐ Declared Emergency.
 - (f) ☐ Statutory Exemption. State Code section number:
 - (g) ☐ Other Explanation: _____
2. Reason why project was exempt: **This project site is considered In-Fill Development and meets the CEQA requirement of In-Fill.**
3. Contact Person: **Jon S. Dille, Associate Planner** Telephone: **(909) 350-6681**

Date Received for Filing:

(Clerk Stamp Here)

Rina Leung
Senior Planner



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 No. 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 shall be made 48 hours prior to the meeting to 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. 21-057 and Design Review No. 21-021

Design Review No. 21-021 is a request for the site and architectural review for a new 18-unit apartment complex within four two-story buildings totaling approximately 17,520 square feet, with three-bedroom units and four-bedroom units, range in size from 960 square feet to 2,011 square feet.

**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 and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

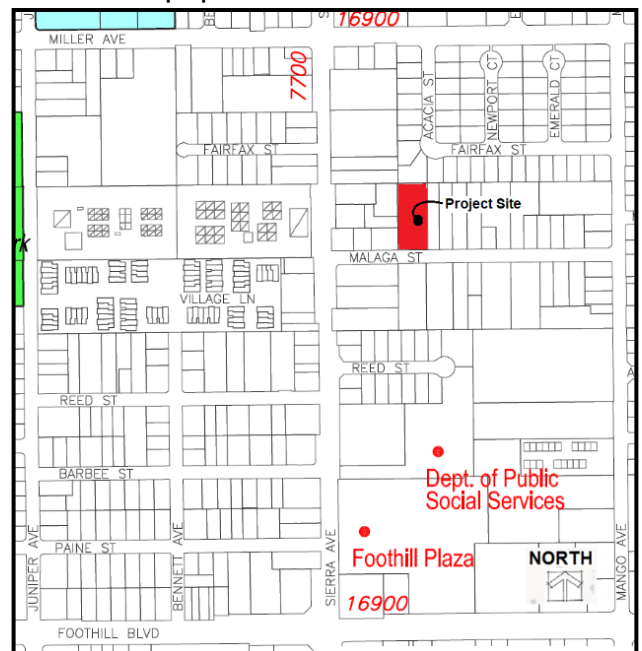
**Location of
Property:**

The project site is located on the north side of Malaga Street approximately 300-foot east of the northeast corner of Malaga Street and Sierra Avenue, (APN: 0190-181-08)

Date of Hearing: December 7, 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 Jon Dille, Associate Planner, at (909) 350-6681 or by email at jdille@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: November 26, 2021



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1024
Agenda #: PH-D

Agenda Date: 12/7/2021
Category: Public Hearing

FROM:
Planning

TITLE:

Master Case No. 21-059; Conditional Use Permit No. 21-010; and Design Review No. 21-022 are for site and architectural review and operation of a dealership comprised of a 30,660 square foot truck and trailer sales and rental facility with ancillary wash and repair uses on a site of approximately 4.39 adjusted gross acres.

RECOMMENDATION:

Based on the information contained within this 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 Conditional Use Permit No. 21-010; and,
3. Approve Design Review No. 21-022.

APPLICANT:

Daniel Hartman
Lord Constructors, Inc.
1920 W 11th Street
Upland, Ca 91786

LOCATION:

The project site is located at 15762 Valley Boulevard (APN: 0235-141-06).

REQUEST:

Conditional Use Permit No. 21-010 is a proposal to operate a truck and trailer sales and rental facility with ancillary wash, and repair services. Design Review No. 21-022 is a proposal for site and architectural review of a dealership comprised of a 30,660 square foot truck and trailer sales and rental facility with ancillary wash and repair uses.

PROJECT PLANNER:

Rina Leung, Senior Planner

I. BACKGROUND INFORMATION:

Land Use Designations:

| Property | General Plan | Zoning | Existing Land Use |
|----------|--------------------------|--------------------------|-------------------------------|
| Site: | General Industrial (I-G) | Light industrial (M-1) | Vacant |
| North: | Public Facilities (P-PF) | Public Facilities (P-PF) | Poplar Elementary School |
| South: | General Industrial (I-G) | Light industrial (M-1) | Warehouse and industrial Uses |
| East: | General Industrial (I-G) | Light industrial (M-1) | Dealership |
| West: | General Industrial (I-G) | Light industrial (M-1) | Truck Rental and Leasing |

II. PROJECT DESCRIPTION:

A. Site Area: 4.39 adjusted gross acres

B. Building Analysis:

Office: 5,160 square feet
Storage Mezzanine: 3,400 square feet
Parts: 9,775 square feet
Wash Bay: 2,125 square feet
Shop/Service Bays: 10,200 square feet
Total: 30,660 square feet

C. Parking:

Vehicle Spaces: Required: 72 spaces
Provided: 72 spaces

Additional Spaces:

Trailer: 22 spaces
Tractor/Van: 37 spaces
Display: 12 spaces
Total: 71 spaces

D. Landscaping:

Minimum Required: 15 percent
Proposed: 15 percent

III. ANALYSIS:

The applicant, Lord Constructors, Inc., is requesting that the Planning Commission review and approve the construction and operation of a dealership comprised of a 30,660 square foot truck and trailer sales and rental facility with ancillary wash and repair with seven (7) bays. The project is located at 15762 Valley Boulevard on a 4.39 adjusted gross acres site.

Conditional Use Permit No. 21-010:

An application to operate a truck and trailer sales and rental facility with a sales display area and

ancillary wash along with repair from 7:00am to 7:00pm, seven (7) days a week with approximately 10-15 employees. The facility operator Pride Group Enterprises specializes in transportation equipment retail, wholesale, rental, and leasing. According to the applicant and site plan, they will be installing electric chargers on site to facilitate the sales and rental of their commercial electric vehicles and are working towards achieving 100 percent electric vehicle fleet. The electric chargers will be used to charge the vehicles at the dealership and also be available to the public.

In addition, the dealership includes a service department comprised of service bays to provide minor repair service to customers along with service of their incoming inventory of trucks and trailers. The applicant anticipates minor repair service at this dealership; such as, oil changes, tire changes, brake repair, and tune-ups. The facility also includes a wash bay, which will be equipped with a handheld water spray, drain, and clarifier to rinse off trucks and trailers.

Design Review No. 21-022:

As previously mentioned, the proposed dealership building is comprised of two stories with approximately 30,660 total square feet that includes offices, storage, shop, along with a wash bay; the building will be located on the center of the site. The dealership includes seven (7) bays and 71 trailer spaces, which includes 12 display spaces, and 72 vehicle spaces. The office area is located on the south portion of the building near the street. The use of windows, reveals, vertical green bands, accent Alucobond aluminum composite panels, pop outs, and varied roof lines are included to enhance the visual interest of the building and add to the overall modern architectural style.

There are two (2) driveways along Valley Boulevard. Automobile and display parking is provided along the front of the site. The service/bay area along with additional parking is located within a gated area on the interior of the site. Fencing along the perimeter of the site is comprised of tubular steel and block wall along with the planting of Bougainvillea, Austrian Willow, and Desert Willow that will buffer the site from the adjacent school and dealership uses.

The project site is physically suitable in size and shape to support the development of the proposed facility. Applicable building codes, zoning codes, and fire codes and standards, will make for a safe, attractive, and well-designed project. The General Plan designates this area as General Industrial (I-G) and the surrounding area is currently developed with a combination of industrial, warehouse, and dealership uses along with a school to the north. The project design incorporates safety measures such as, sidewalks, curb and gutter, and lighting to facilitate pedestrians walking in the area. The building is placed along the interior of the site with the service area enclosed within a fenced area to secure the site and also bay doors are oriented facing away from the Valley Boulevard and the adjacent school. Additionally, the applicant has proposed an eight (8) foot tall block wall along with the planting of Austrian Willow trees on the north property line adjacent to the school to buffer the use from the school site. The proposal provides a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting) to enhance the character of the surrounding neighborhood.

Environmental:

The project has been determined not to have a significant effect on the environment and is Categorically Exempt pursuant to Section 15332 (Infill Development) of the California Environmental Quality Act and Section No. 3.22 of the 201 Local Guidelines for Implementing CEQA. The CEQA exemption 15332 is based on the following: (a) The project is consistent with the applicable general

plan designation, all applicable general plan policies, and the applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare, or threatened species; (d) Approval of the project will not result in any significant effects related to traffic, noise, air quality or water quality; and € The site can be adequately served by all required utilities and public services. Further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

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

ATTACHMENTS:

1. Full-Sized Plans
2. Reduced 11" x 17" Plans
3. Categorical Exemption Memorandum

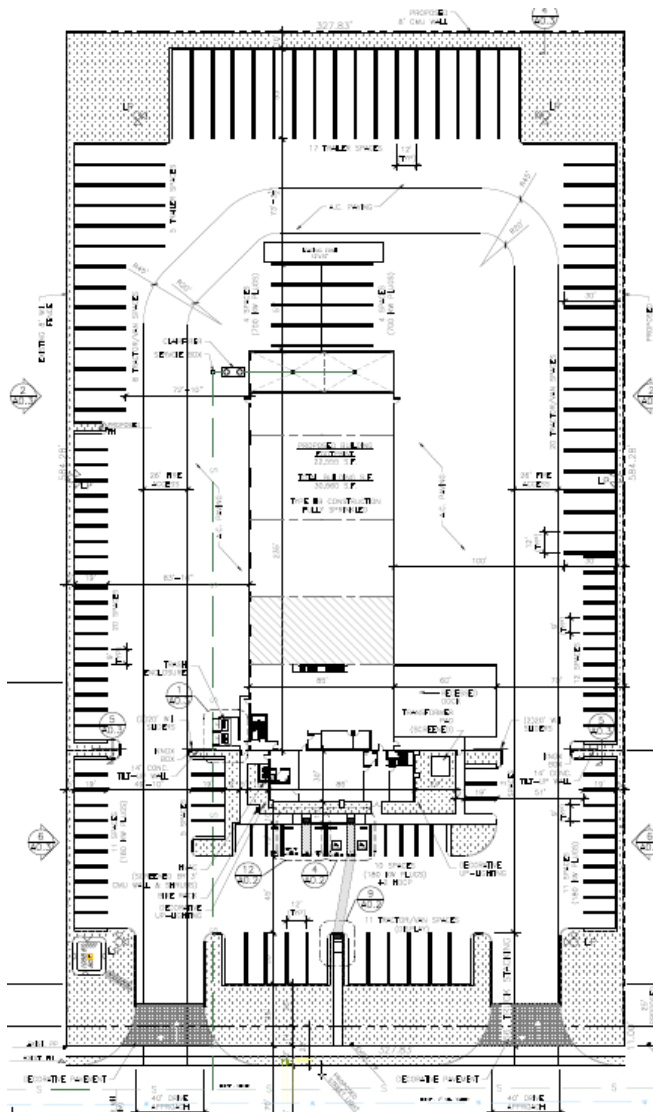


CITY OF FONTANA PLANNING DEPARTMENT

VICINITY MAP

DATE: December 7, 2021

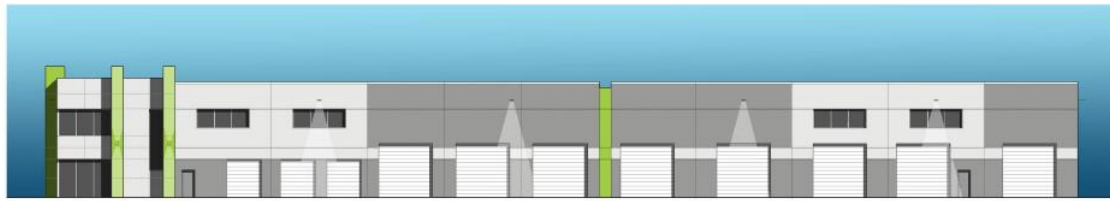
CASE: Master Case No. 21-059
Conditional Use Permit No. 21-010
Design Review No. 21-022



SITE PLAN

DATE: December 7, 2021

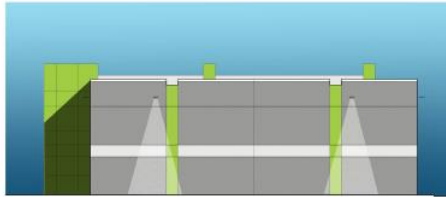
CASE: Master Case No. 21-059
Conditional Use Permit No. 21-010
Design Review No. 21-022



East Elevation



South Elevation



North Elevation



West Elevation

Rendering - Southeast Facades



ELEVATIONS

DATE: December 7, 2021

CASE: Master Case No. 21-059
Conditional Use Permit No. 21-010
Design Review No. 21-022

RESOLUTION PC NO. 2021-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING CONDITIONAL USE PERMIT NO. 21-010 AND DESIGN REVIEW NO. 21-022 FOR THE CONSTRUCTION AND OPERATION OF A 30,660 SQUARE FOOT TRUCK AND TRAILER TRUCK, SALES AND RENTAL DEALERSHIP FACILITY WITH ANCILLARY WASH AND REPAIR USES ON A 4.39 ADJUSTED GROSS ACRE SITE LOCATED AT 15762 VALLEY BOULEVARD (APN: 0235-141-06)

WHEREAS, the City of Fontana received an application on June 9, 2021, for Conditional Use Permit (CUP) No. 21-010 and Design Review (DRP) No. 21-022 for the construction and operation of a 30,660 square foot dealership comprised of a truck and trailer lease, sales, wash, and repair facility with seven (7) bays for Pride Group Enterprises.

Project Applicant: Daniel Hartman
Lord Constructors, Inc.
1920 W 11th Street
Upland, Ca 91786

Project Location: 15762 Valley Boulevard (APN: 0235-141-06)

Site Area: Approximately 4.39 adjusted gross acres

WHEREAS, the subject site was annexed from the San Bernardino County into the City of Fontana on March 2, 1979 (Annex 082); 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 are attached hereto as **Exhibits “A,” and “B,”** for Conditional Use Permit (CUP) No. 21-010 and Design Review (DRP) No. 21-022; and

WHEREAS, the proposed project qualifies of 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 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 Friday, November 26, 2021, posted at City Hall and onsite at the project site; and

WHEREAS, on December 7, 2021, a duly noticed public hearing for Conditional Use Permit (CUP) No. 21-010 and Design Review (DRP) No. 21-022, 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 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 December 7, 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. The City of Fontana's Planning Commission hereby makes the following findings for Conditional Use Permit No. 21-010 in accordance with Section No. 30-150 "Findings for Approval" of the Zoning and Development Code:

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

Findings of Fact: The project site is located on the north side of Valley Boulevard and has a General Plan land use designation of General Industrial (I-G). The I-G designation is intended for manufacturing, warehousing, fabrication, assembly, processing, trucking equipment, automobile and trucking sales and services. The proposed truck and trailer sales and rental facility with ancillary wash and repair uses is consistent with its land use designation of General Industrial.

The request is for the review of Conditional Use Permit No. 21-010 to operate a truck and trailer truck, sales and rental facility with ancillary wash and repair within the Light industrial (M-1) Zoning District. According to the application and supplemental material, the applicant is proposing to operate the proposed dealership from 8:00am to 6:00pm Monday through Saturday with approximately 10-15 employees. The facility operator Pride Group Enterprises specializes in transportation equipment retail, wholesale, rental, and leasing.

This facility includes an approximately 5,160 square foot office building, 10,200 square foot service building, 2,125 square foot carwash bay and 13,175 square feet of ancillary storage with a total building area of 30,660 square feet.

The project site will comply with the applicable building codes, zoning codes, fire codes and appropriate standards, and 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. The character of the surrounding neighborhood reflects industrial uses and commercial development since the adjacent properties to the west and east along Valley Boulevard are also utilized for truck and automobile sales. The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with architectural relief, added landscaping, block wall, fencing and lighting to enhance the character of the surrounding neighborhood. Furthermore, fencing along the perimeter of the site comprised of tubular steel and block wall along with the planting of Bougainvillea, Austrian Willow, and Desert Willow that will buffer the site from the adjacent school and dealership uses.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, above, meets or exceeds the criteria contained in the Conditional Use Permit section of the Zoning and Development Code. This facility will be built pursuant to all applicable building, zoning, and fire codes and standards. The project includes street improvements and sidewalks, grading, drainage, and perimeter fencing to provide a safe and well-designed facility.

There will be two (2) vehicle access point to the site on Valley Boulevard. The driveways will be designed to accommodate passenger vehicle traffic, tractor-trailer traffic, and service vehicles, as necessary. The site plan depicts a loading area adjacent to the parking spaces to the north of the building. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

The project site is physically suitable in size and shape to support the development of the proposed facility. The applicable building codes, zoning code, fire codes and appropriate 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. The character of the surrounding neighborhood reflects industrial, and school uses. The proposal has been designed to be compatible with the local area while also providing a development that has been designed with features and buffers (architectural relief, fencing, wall, landscaping, and lighting), to enhance the character of the surrounding neighborhood.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1 and Finding No. 2, above, has been determined not to be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons or property. The proposed on-site circulation has been reviewed by staff and is adequate. The site will be accessed from Valley Boulevard. For the anticipated traffic to the project site, there is two (2) proposed driveway for the purpose of ingress and egress. The driveways are designed to accommodate passenger vehicle traffic, tractor-trailer traffic, and service vehicles, as necessary. All drive aisle widths meet both the Zoning and Development Code and Fontana Fire Prevention District requirements for vehicular access. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

Section 3. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 21-022, 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.**

Finding of Fact: This project meets the criteria contained in the design review section of the Fontana Zoning and Development Code. The proposed dealership building is comprised of two stories approximately 30,660 total square feet that includes offices, storage, shop, along with a wash bay and will be located on the center of the site. The dealership includes seven (7) bays and 71 trailer spaces, which includes 12 display spaces, and 72 vehicle spaces. The office area is proposed to be located on the south portion of the building.

The project site is zoned Light industrial (M-1), which allows for manufacturing, warehousing, assembly, processing, trucking equipment, automobile and trucking sales and services. The proposed project for the operation of a dealership comprised of a 30,660 square foot truck and trailer truck, sales and rental facility with ancillary wash and repair uses meets all the minimum standards in the Fontana Municipal Code. The project is proposed with a high-quality architectural design appropriate for the Light industrial (M-1) district. Appropriate screening from the public right-of-way and adjacent school has been incorporated into the site design.

Finding No. 2: **The proposal meets or exceed 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 use of windows, reveals, vertical green bands, accent Alucobond aluminum composite panels, pop outs, and varied roof lines are included to enhance the visual interest of the building and add to the overall modern architectural style. The proposed dealership building will be compatible with the existing dealerships located to the west and east. Furthermore, fencing along the perimeter of the site comprised of tubular steel and block wall along with the planting of Bougainvillea, Austrian Willow, and Desert Willow will buffer the site from the adjacent school and dealership uses.

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 project site is approximately 4.39 adjusted gross acres. The character of the surrounding neighborhood includes existing automobile/truck sales dealerships, industrial, and a school. The proposal has been designed to be compatible with the surrounding uses as indicated in Findings No. 1 above while also providing a development that has been designed with features (appropriate architecture, added landscaping, street improvements, fencing, block wall, and lighting) enhancing the character of 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 development and improvements complies with the Fontana City Code. Improvements with the project include streets, sidewalks, parkway, curb and gutter, drainage, and grading to provide a safe and well-designed project in the neighborhood. The proposed improvements will be sufficient to accommodate the proposed project.

Section 4. 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. based on the following: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services; and that further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

Section 5. Based on the foregoing, the Planning Commission approves Conditional Use Permit No. 21-010 and Design Review No. 21-022, subject to the findings listed above and the conditions of approval as shown in the attached Exhibits “A” and “B” for site and architectural review of a for site and architectural review for the operation of a dealership comprised of a 30,660 square foot truck and trailer truck, sales and rental facility with ancillary wash and repair uses at 15762 Valley Boulevard (APN: 0235-141-06).

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 – 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 7th day of December 2021.

City of Fontana

Cathline Fort, Chairperson

ATTEST:

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT “A”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-059
Conditional Use Permit No. 21-010

DATE: December 7, 2021

LOCATION: 15762 Valley Boulevard (APN: 0235-141-06)

PLANNING DEPARTMENT:

1. The approval is for Conditional Use Permit No. 21-010 for the operation of a dealership comprised of a 30,660 square foot truck and trailer truck, sales and rental facility with ancillary wash and repair uses as shown on Attachments No. 2-3.
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. This Conditional Use 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.
4. 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.
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 legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

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

6. 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.
7. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
8. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.
9. All repair and maintenance of the trucks and accessories shall occur within the enclosed buildings.
10. There shall be no storage of shipping containers on the premises. There shall be no outdoor storage of equipment, tires, or parts.
11. Exterior lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.

12. The permitted hours of operation for the facility shall be between the hours of 7:00 a.m. and 7:00 p.m., seven days a week.
13. There shall be no loading/unloading of any truck, trailers, vehicles, or equipment in the public right-of-way. All loading and unloading shall be done on site.
14. There shall be no cueing of trucks or vehicles in the public-right of-way.
15. Historic Archaeological Resources
 - a. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
 - b. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
 - c. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.
16. The construction contractor shall use the following source controls at all times:

- a. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- d. Have only necessary equipment onsite.
- e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
- f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
- g. Temporarily enclose localized and stationary noise sources.
- h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

ENGINEERING DEPARTMENT

- 17. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standard plans. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
- 18. 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.
- 19. Applicant shall submit an exhibit indicating the location of additional street lights to meet the City Standard Plans and provide a plan to install them.

PRIOR TO ISSUANCE OF GRADING PERMIT

- 20. The Applicant shall submit and gain approval of a complete Water Quality Management Plan (WQMP) Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

23. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
24. 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.
25. 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).
26. 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 Best Management Practices (BMP) Completion must be submitted to the City Project Engineer.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

27. 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.

BUILDING & SAFETY DEPARTMENT:

28. Shall comply with the latest adopted edition of the following codes as applicable:
 - A. California Building Code
 - B. California Residential Code
 - C. California Electrical Code
 - D. California Mechanical Code
 - E. California Plumbing Code
 - F. California Energy Code

G. California Fire Code

H. California Green Building Standards Code

29. 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.
30. The requirements of the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
31. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
32. 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.
33. 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.

34. All signs shall be Underwriters Laboratories approved or equal.

35. 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

36. The following items (as applicable) shall be completed and/or 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

37. 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. 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.

PUBLIC WORKS DEPARTMENT – ENVIRONMENTAL CONTROL:

38. Any facility proposing the discharge of non-domestic wastewater to the sanitary sewer shall demonstrate in the plan check process, through the submittal of detailed plans showing pretreatment facilities and operating procedures, that the user will pretreat wastewater to a level required to comply with FMC 23-136 - Concentration

Limitations and/or FMC 23-138 – Applicability of Federal Categorical Pretreatment Standards, and/or any other applicable standard as established. (FMC 23-186).

39. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
 - a. Any facility maintained for the washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment. The facility is required to have a designated covered area with all service bay doors protected by floor/trench drains connected to sand/oil separator to prevent the washout and/or discharge of liquids. (FMC 23-161).
 - b. Any facility maintained for the servicing of vehicles, construction equipment, industrial transportation or power equipment and has installed trench or floor drains in service bays is required to connect to a sand/oil separator. (FMC 23-161)
40. Any facility proposing the discharge of non-domestic wastewater to a septic system, holding tank, closed-loop system, or similar equipment, and is not connected to the sanitary sewer, is required to obtain written approval from the Santa Ana Regional Water Quality Control Board (SARWQCB).

Per the State Water Resources Control Board Resolution No. 2012-0032 all Onsite Wastewater Treatment Systems must be approved by the SARWQCB beginning May 13, 2018. A copy of the policy is available at: [http://www.waterboards.ca.gov/water issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water%20issues/programs/owts/index.shtml)

Submit drawings to the SARWQCB for approval. Provide a copy of the SARWQCB approval letter and their approved plans to the City of Fontana.

For more information, or to submit your plans, please contact Susan Beeson at sbeeson@waterboards.ca.gov or 951-782-4902.

STORMWATER – UPON CERTIFICATE OR PERMIT APPROVAL AND DURING OCCUPANCY:

41. All Commercial, Industrial, Institutional, and/or other facilities deemed to have the potential to discharge pollutants to the storm drain system shall implement source control and pollution prevention practices to prevent unauthorized, non-storm water discharges, at all times.
42. Vehicle, equipment and/or exterior washing activities are prohibited unless a wastewater recovery system is in place. All wastewater shall be recovered, stored and disposed of by proper and legal means through a waste disposal facility. Contractors hired for washing activities shall maintain a current City of Fontana Business License Tax Certificate to operate as a mobile washing business.

43. Facilities that conduct regular and routine washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment are required to have a designated wash rack area. (See Pretreatment Conditions above).

PRIOR TO BUSINESS LICENSE AND CERTIFICATE OF OCCUPANCY APPROVAL:

44. 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

END OF CONDITIONS OF APPROVAL

EXHIBIT “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-059
Design Review No. 21-022

DATE: December 7, 2021

LOCATION: 15762 Valley Boulevard (APN: 0235-141-06)

PLANNING DIVISION:

1. The approval is for a Design Review (DRP No. 21-022) for the operation of a dealership comprised of a 30,660 square foot truck and trailer truck, sales and rental facility with ancillary wash and repair uses as shown on Attachments No. 2-3.
2. 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 the first sheet of the final building plans prior to issuance of any building or grading permits.
3. 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 Department inspection, has commenced within this period.
4. 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.
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.

6. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
7. 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.
8. 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.
9. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

10. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City manager shall bring such proposed

amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.

11. 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.
12. Exterior lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties.
13. 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.
14. There shall be no cueing of trucks or vehicles in the public-right of-way.
15. The transformer(s) shall be screened by either a screen wall or mature, dense landscaping, and not visible from the public right-of-way.
16. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Planning Director or his/her designee.
17. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets with colors and materials that are compatible with the architecture of the building(s).
18. The block wall and pilaster shall include a graffiti resistant coating.
19. The City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas shall be adhered to at all times. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit.
20. 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.
21. All future signs shall be reviewed under a separate Design Review Sign application.

22. 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.

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

- a. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
- c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- d. Have only necessary equipment onsite.

- e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
- f. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
- g. Temporarily enclose localized and stationary noise sources.
- h. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

PRIOR TO ISSUANCE OF A GRADING PERMIT:

- 24. The applicant shall have fully provided, constructed, or otherwise meet all Planning Department's requirements per approved plans, and shall have addressed all punch list items to the satisfaction of the Director of Planning.
- 25. 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.
- 26. All architecture treatments and /or projections located on any elevation of any building shall be of durable non-foam e.g. (extrusive polystyrene) material; the use of foam for additional detailing is permitted above the first 14 feet in height on the elevations.

BUILDING & SAFETY DIVISION:

- 27. 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
- 28. 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.
- 29. The requirements of the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

30. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
31. 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.
32. 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.
33. Permits are required prior to the removal and/or demolition of structures.
34. 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

35. The following items (as applicable) shall be completed and/or 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
36. 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. 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 LAND DEVELOPMENT

37. The project shall be served by the City's sanitary sewer system, all sewer facilities shall be constructed in accordance with the City Standard plans. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer.
38. 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.
39. Applicant shall submit an exhibit indicating the location of additional street lights to meet the City Standard Plans and provide a plan to install them.

PRIOR TO ISSUANCE OF GRADING PERMIT

40. The Applicant shall submit and gain approval of a complete Water Quality Management Plan (WQMP) Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.

PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS

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

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

43. Applicant/Design Engineer to provide the City of Fontana with As-Built/Record Drawings for all public improvement plans.
44. 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.
45. 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).
46. 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.

PRIOR TO FINAL ACCEPTANCE OF PROJECT

47. 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.

FONTANA FIRE PREVENTION DISTRICT:

48. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department serving 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.

49. 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
50. 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; and 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.
51. 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.
52. 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.
53. 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
54. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
55. 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.
56. 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.

57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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.

65. 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.
66. 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.

PUBLIC WORKS DEPARTMENT – ENVIRONMENTAL CONTROL:

70. Any facility proposing the discharge of non-domestic wastewater to the sanitary sewer shall demonstrate in the plan check process, through the submittal of detailed plans showing pretreatment facilities and operating procedures, that the user will pretreat wastewater to a level required to comply with FMC 23-136 - Concentration Limitations and/or FMC 23-138 – Applicability of Federal Categorical Pretreatment Standards, and/or any other applicable standard as established. (FMC 23-186).
71. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of the Fontana Municipal Code (FMC Section 23-190) unless the requirement is modified by a variance issued by the Public Works Manager.
 - a. Any facility maintained for the washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment. The facility is required to have a designated covered area with all service bay doors protected by floor/trench drains connected to sand/oil separator to prevent the washout and/or discharge of liquids. (FMC 23-161).
 - b. Any facility maintained for the servicing of vehicles, construction equipment, industrial transportation or power equipment and has installed trench or floor drains in service bays is required to connect to a sand/oil separator. (FMC 23-161)
72. Any facility proposing the discharge of non-domestic wastewater to a septic system, holding tank, closed-loop system, or similar equipment, and is not connected to the sanitary sewer, is required to obtain written approval from the Santa Ana Regional Water Quality Control Board (SARWQCB).

Per the State Water Resources Control Board Resolution No. 2012-0032 all Onsite Wastewater Treatment Systems must be approved by the SARWQCB beginning May 13, 2018. A copy of the policy is available at: [http://www.waterboards.ca.gov/water issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water%20issues/programs/owts/index.shtml)

Submit drawings to the SARWQCB for approval. Provide a copy of the SARWQCB approval letter and their approved plans to the City of Fontana.

For more information, or to submit your plans, please contact Susan Beeson at sbeeson@waterboards.ca.gov or 951-782-4902.

STORMWATER – UPON CERTIFICATE OR PERMIT APPROVAL AND DURING OCCUPANCY:

73. All Commercial, Industrial, Institutional, and/or other facilities deemed to have the potential to discharge pollutants to the storm drain system shall implement source control and pollution prevention practices to prevent unauthorized, non-storm water discharges, at all times.
74. Vehicle, equipment and/or exterior washing activities are prohibited unless a wastewater recovery system is in place. All wastewater shall be recovered, stored and disposed of by proper and legal means through a waste disposal facility. Contractors hired for washing activities shall maintain a current City of Fontana Business License Tax Certificate to operate as a mobile washing business.
75. Facilities that conduct regular and routine washing and/or cleaning of vehicles, construction equipment, industrial transportation or power equipment are required to have a designated wash rack area. (See Pretreatment Conditions above).

PRIOR TO BUSINESS LICENSE AND CERTIFICATE OF OCCUPANCY APPROVAL:

76. 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

SAN BERNARDINO COUNTY HAZARDOUSE MATERIALS DIVISION:

77. Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.

78. Prior to Occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>.
79. Facilities having an aggregate store capacity of over 1320 gallons of petroleum products on site must prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan prior to having petroleum product in them. 40 CFR 112.3

END OF CONDITIONS OF APPROVAL

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. 21-059; Conditional Use Permit No. 21-010; Design Review No. 21-022**
2. Project Location - Specific: **15762 Valley Boulevard (APN: 0235-141-06)**
3. (a) Project Location - City: **Fontana**
(b) Project Location - County: **San Bernardino**
4. Description of nature, purpose, and beneficiaries of Project:
Review for a 30,660 square foot concrete tilt-up building for a truck sales and leasing dealership facility which includes 2,580 sf of first-floor office space, 2,580 sf of second-floor office space, 3,400 sf of storage mezzanine space, and 11,900 sf of shop/parts space, and 10,200 sf of service/wash bays on 4.39 acres. The project would include associated parking, landscaping, utility improvements, and minor offsite improvements.
5. Name of Public Agency approving project: **City of Fontana**
6. Name of Person or Agency carrying out project: **Daniel Hartman of Lord Constructors, Inc.**
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. 21-059, Conditional Use Permit No. 21-010, and
Design Review No. 21-022 for Pride Group Enterprises**

Review of Conditional Use Permit No. 21-010 and Design Review No. 21-022 for site and architectural review for the operation of a dealership comprised of a 30,660 square foot truck and trailer truck, sales and rental facility with ancillary wash and repair uses on a site comprised of approximately 4.39 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:**

15762 Valley Boulevard (APN: 0235-141-06)

**Date of
Hearing:**

December 7, 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

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:



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1051
Agenda #: PH-E

Agenda Date: 12/7/2021
Category: Public Hearing

FROM:
Planning

TITLE:

Master Case No. 21-032; Zone Code Amendment No. 21-001; Development Agreement No. 21-003; Tentative Parcel Map No. 20370 (TPM No. 21-006); Conditional Use Permit No. 21-004; Conditional Use Permit No. 21-005; Conditional Use Permit No. 21-006; Design Review Project No. 21-010; and Design Review Sign No. 21-018 - To review the proposed development of a new commercial shopping center with an anchor grocery store on an approximately 6.2 adjusted gross acre site located within Planning Area 1 of the Auto Center Overlay.

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, forward a recommendation to the City Council to:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program (MMRP) and direct staff to file a Notice of Determination; and,
2. Adopt an ordinance approving Zoning Code Amendment No. 21-001; and,
3. Adopt an ordinance approving Development Agreement No. 21-003; and,
4. Adopt a resolution approving Tentative Parcel Map No. 20370 (TPM No. 21-006), approving Conditional Use Permit No. 21-004, approving Conditional Use Permit No. 21-005, approving Conditional Use Permit No. 21-006, approving Design Review No. 21-010 and approving Sign Program (DRS No. 21-018).

APPLICANT:

Sage Investco
4340 Von Karman Avenue, Suite 110
Newport Beach, CA 92660

LOCATION:

The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44).

REQUEST:

A request to recommend approval to the City Council for:

1. Zone Change Amendment (ZCA) No. 21-001 is a proposal to amend text and boundaries within the Auto Center Overlay.

2. Development Agreement (AGR) No. 21-003 is a proposal for a developer agreement between the Applicant and the City of Fontana.
3. Tentative Parcel Map (TPM) No. 20370 is a proposal to consolidate eight (8) parcels into one (1) parcel.
4. Conditional Use Permit (CUP) No. 21-004 is a proposal for a Type-21 ABC License to authorize the sale of beer, wine and distilled spirits for consumption off the premises where sold for to the 40,100 square foot anchor grocery store.
5. Conditional Use Permit (CUP) No. 21-005 is a proposal to develop a 2,400 square foot drive-thru establishment for food services.
6. Conditional Use Permit (CUP) No. 21-006 is a proposal to develop a 2,200 square foot coffee shop with drive-thru services.
7. Design Review Project (DRP) No. 21-010 is a proposal for site and architectural review of a commercial shopping center to include a grocery store of approximately 40,100 square feet, a future drive-thru restaurant of approximately 2,400 square feet, a coffee shop with drive-thru services of approximately 2,200 square feet and three (3) additional pads for future retail development totaling approximately 13,640 square feet.
8. Design Review Sign (DRS) No. 21-018 is a proposal to amend the sign program to the Auto Center Overlay within Planning Area 3.

PROJECT PLANNER:

Paul Gonzales, Senior Planner

I. BACKGROUND INFORMATION:

Land Use Designations:

| | <u>General Plan</u> | <u>Zoning /Overlay</u> | <u>Existing Land Use</u> |
|--------|--------------------------|---|------------------------------------|
| Site: | General Commercial (C-G) | General Commercial (C-2) / Planning Area 1 of the Auto Center Overlay | Vacant |
| North: | Interstate 210 Freeway | Interstate 210 Freeway | Freeway |
| South: | General Commercial (C-G) | General Commercial (C-2) / Planning Area 3 of the Auto Center Overlay | Existing service station/vacant |
| East: | General Commercial (C-G) | General Commercial (C-2) / Planning Area 1 of the Auto Center Overlay | Existing auto dealership |
| West: | General Commercial (C-G) | General Commercial (C-2) | Vacant |

II. PROJECT DESCRIPTION:

A. Site Area:

Approximately 6.20 adjusted gross acres

B. FAR Ratio:

Maximum Allowed: 50 percent (maximum coverage)

Provided: 19.7 percent

C. Building/Unit Analysis:

Grocery Store: Approximately 40,100 square feet

Commercial Center: Approximately 13,640 square feet

Total Area: Approximately 53,740 square feet

D. Parking Analysis:

Vehicle Spaces:

Required: 266 spaces

Provided: 268 spaces

E. Landscaping:

Minimum Required: 15 percent

Proposed: 15.9 percent

III. ANALYSIS:

The applicant, Sage Investco, has submitted applications for the proposed development of a new commercial shopping center with an anchor grocery store on an approximately 6.2 adjusted gross acre site located within Planning Area 1 of the Auto Center Overlay. The site has a General Commercial land use designation for both the General Plan Land Use Map and Zoning District Map. The site is located on the northeast corner of Citrus Avenue and South Highland Avenue. The project, as proposed, will require the following approvals: Zoning Code Amendment to amend the Planning Area for the site from Planning Area 1 to Planning Area 3 of the Auto Center Overlay, a Tentative Parcel Map to consolidate eight (8) lots into one (1), a Development Agreement between the City of Fontana and the applicant, one (1) Conditional Use Permit for a Type 21 ABC License for the 40,100 square foot anchor tenant, two (2) Conditional Use Permits for the proposed drive-thru establishments, a Design Review for site and architectural review of the total site, and a Design Review Sign application for a sign program encompassing the project site.

Zoning Code Amendment No. 21-001:

The project site is zoned General Commercial (C-2) within Planning Area 1 of the Auto Center Overlay District. Standards for the Auto Center Overlay are listed in Section 30-636 (Purpose and Intent) of Division 5 (Auto Center Overlay District) of the Fontana Zoning and Development Code. The Auto Center Overlay District is intended to reserve certain specified properties for certain types of uses within the four planning areas.

The applicant is proposing to amend the Auto Center Overlay from the existing Planning Area 1 (reserved primarily for automobile retail sales, service, and related uses) to Planning Area 3 which permits for additional commercial uses such as drive thru restaurants and other supporting uses. All automobile related uses, including car sales dealerships, will continue to be permitted in Planning Area 3. The applicant is also requesting to amend Section 6403(a) to allow for a grocery store use.

City approval of a Zoning and Development Code Amendment (Amendment) is required for this proposal. Specifically, this will require an amendment to, Figure 1 (Auto Center Overlay District Planning Area Boundaries Map) Section 30-639 of the Fontana Zoning and Development Code. If approved, Figure 1 will be amended to extend the boundary of Planning Area 3 to encompass the project site as shown in Attachment No. 6. Drive thru fast-food restaurants are permitted with a Conditional Use Permit (CUP) application in Planning Area 3 of the Auto Overlay District. Additional proposed commercial retail uses are also permitted in PA3 either by right or with approval of a CUP application.

The General Plan land use designation of General Commercial (C-G) for the site allows for the development of retail, malls, wholesale, auto dealerships and offices that can serve the regional population. Therefore, Planning Area 3 will be consistent with the site.

Development Agreement No. 21-003:

A development agreement has been submitted for consideration by the City. As part of the overall project, staff and the Developer have worked together on an agreement with deal points that will provide for a public benefit for the City and residents.

Tentative Parcel Map No. 20370:

Tentative Parcel Map No. 20370 is a request to consolidate eight (8) parcels into one (1) parcel totaling approximately 6.20 adjusted gross acres for the purpose of developing a commercial shopping center. The lot, as proposed, will comply with all standards of the City's Municipal Code including Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code). Three (3) proposed points of access are proposed along South Highland Avenue.

Conditional Use Permit No. 21-004:

The applicant has submitted an application for a Type 21 (Off-Sale General) ABC license for the proposed 40,100 square foot anchor grocery store. The ABC License authorizes the sale of beer, wine and distilled spirits for consumption of alcohol off the licensed premises where sold.

Census Tract No: The subject site is located within Census Tract No. 23.01 and is bounded by Sierra Avenue to the east, Miller Avenue to the south, Citrus Avenue to the west and the 210 Freeway to the north. This area encompasses approximately 2.5 square miles of area. If approved, the proposed market within the Citrus Crossroads center will be the only off sales full service grocery store within the immediate vicinity of the project site. Therefore, staff supports the approval of the Conditional Use Permit to sell alcohol for offsite consumption. The appropriate findings were made (Attachment No. 7).

Conditional Use Permit No. 21-005 and -006:

Drive-thru establishments are a conditionally permitted use within Planning Area 3 of the Auto Center Overlay. As proposed, the development will have two (2) drive-thru restaurants: one (1) for a fast-food restaurant and a second for a proposed coffee shop with drive-thru services. The drive-thru services have been reviewed and meet the development standards as required in the Zoning and Development Code for parking, drive-thru stacking, driveway width, and all other standards as required by the Zoning and Development Code. Given the proximity to the freeway and well designed site layout, the drive-thrus, if approved, will function correctly.

Design Review No. 21-010:

As previously mentioned the applicant is proposing a commercial shopping center called the “Citrus Crossroads” shopping center. If approved, the shopping center would have a total building square footage of approximately 53,354 square feet. The applicant has worked diligently with staff to incorporate site details that will beautify and enhance the overall aesthetics of the site. Some of the features include a modern architectural theme for the center, patios and drive entries, porte cochere’s for the drive thru restaurants, a unique and well-designed water feature that will enhance the corner statement of Citrus Avenue and South Highland Avenue, additional landscaping, building lighting and signage that would give the sense of place and act as a landmark for the prominent corner. The signage, as presented, is conceptual in nature and will require a Design Review Sign application for each building or suite.

The modern architecture theme selected for the shopping center is appropriate for the area and is consistent with surrounding uses, the design guidelines in the Development Code and more specifically the Auto Center Overlay. In addition, the proposed project is consistent with the goals and policies of the General Plan and applicable provisions of the zoning district, including Goal 5.3, Policy 5: (Community Design Element) stating that buildings “shall incorporate distinct and varied architectural details through varied rooflines, and detailed façade treatments”. Design characteristics include decorative cornices, wall sconces, veneer, stucco wall surface and decorative awnings.

Design Review Sign No. 21-018:

The applicant has proposed an amendment to the sign provision listed in the Overlay District under Section 644(3)a to permit the additional sign types listed under separate cover to identify the project and businesses with the center. The proposed signs were designed to be compatible with a shopping center. The applicant has proposed one (1) freeway pylon sign, two (2) multi-tenant monument signs, one enhanced (1) corner statement which includes water features, and on-site directional signage. The signs are of a modern architectural theme that will enhance the overall contemporary look of the shopping center.

Environmental:

Pursuant to Section 15070 of the California Environmental Quality Act (CEQA) Guidelines and Section 6.04 of the City of Fontana’s 2019 Local Guidelines for Implementing CEQA, 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 has been prepared for the Planning Commission’s consideration.

MOTION:

Approve staff’s recommendation

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. Tentative Parcel Map
4. Elevations
5. Elevations

6. Renderings
7. ABC Census Tract 23.01
8. Planning Commission Resolution, Findings and Conditions of Approval
9. Notice of Public Hearing
10. Notice of Determination

UNDER SEPARATE COVER:

1. Reduced color plans
2. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
3. Development Agreement
4. Auto Center Overlay Amendments
5. Proposed Sign Criteria for Planning Area 3



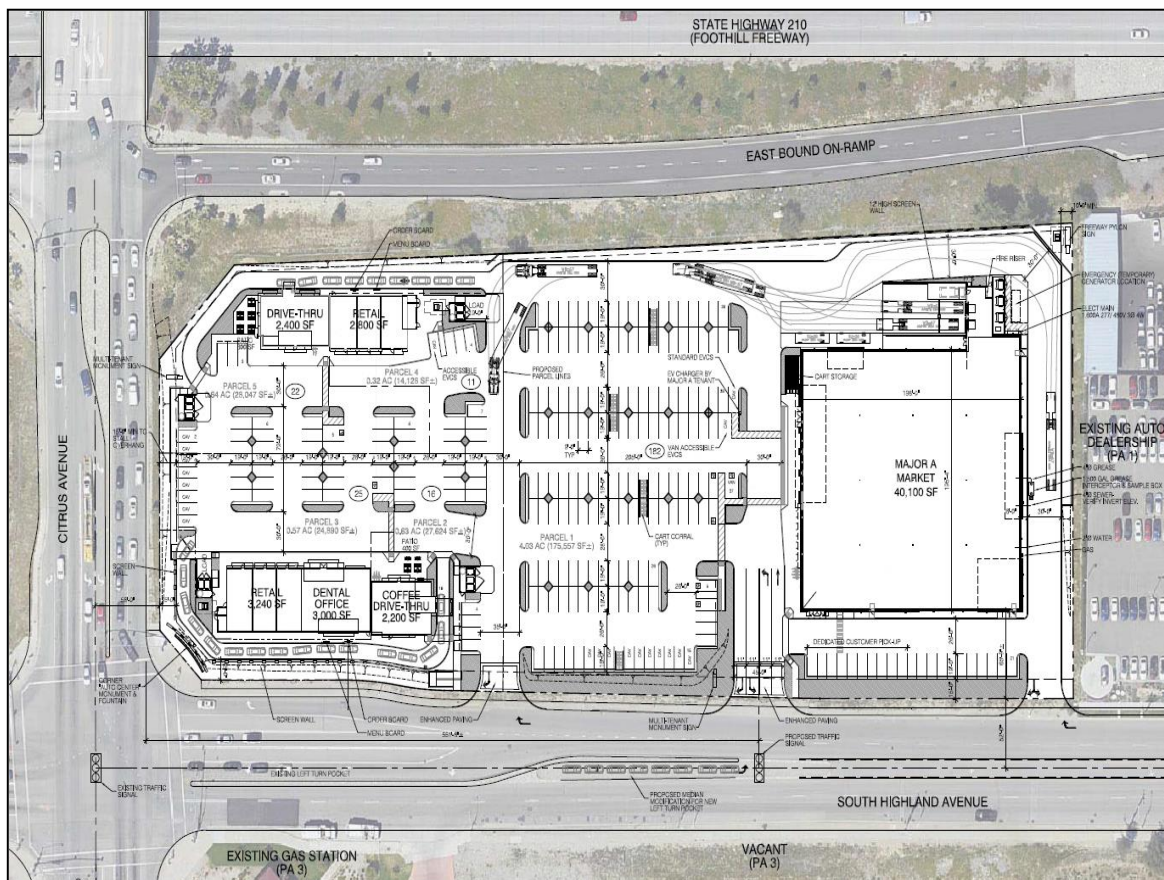
Project Site



VICINITY MAP

Date: December 7, 2021

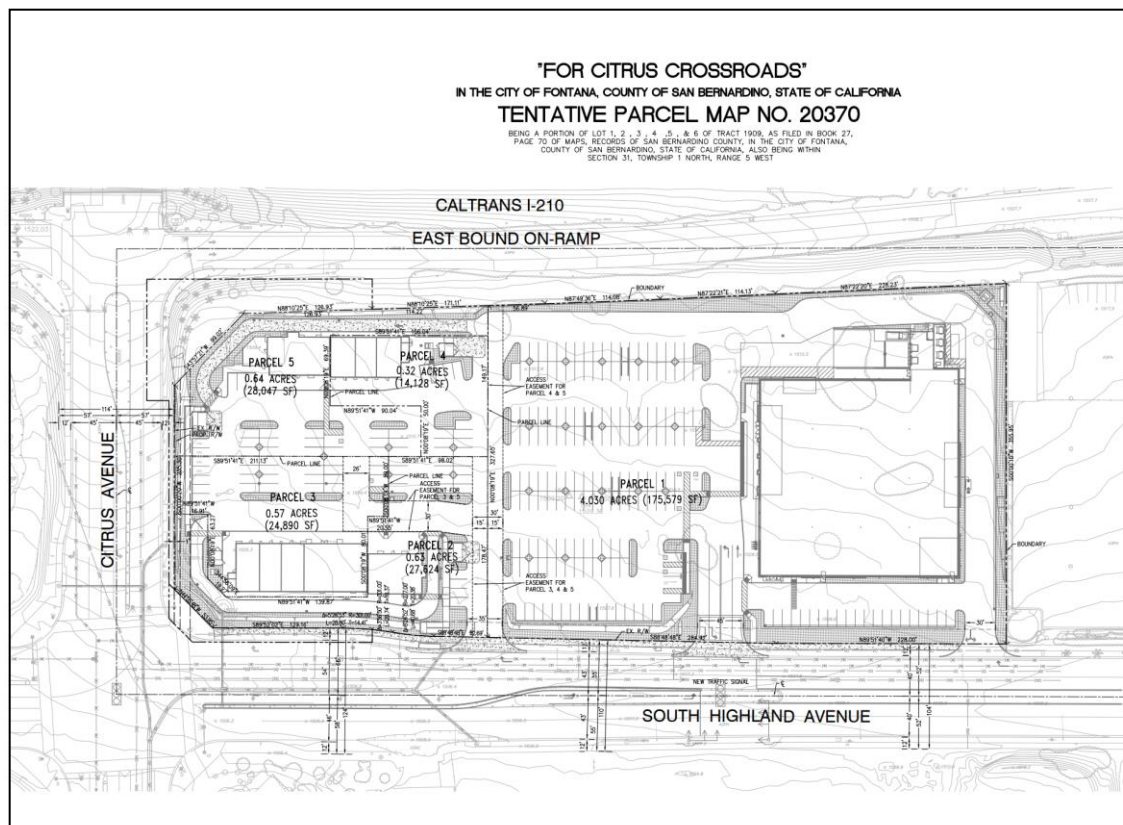
CASE: Master Case No. 21-032



SITE PLAN

Date: December 7, 2021

CASE: Master Case No. 21-032



**Tentative Parcel
Map No. 20370**

Date: December 7, 2021

CASE: Master Case No. 21-032

[illegible]

Architectural elevation drawing of the 'House of the Future'. The drawing shows a modern, multi-story building with a flat roof and various materials. Callouts include: 'CLAY TILE' (pointing to a roof section), 'WOOD' (pointing to a wall section), 'LINE OF ROOF' (pointing to the roofline), 'FOUNDATION' (pointing to the base), and 'FOUNDATION' (pointing to the base). The building is set against a blue sky background.

[illegible]

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ELEVATIONS

Date: December 7, 2021

CASE: Master Case No. 21-032

The northeast corner of South Highland and Citrus Avenue



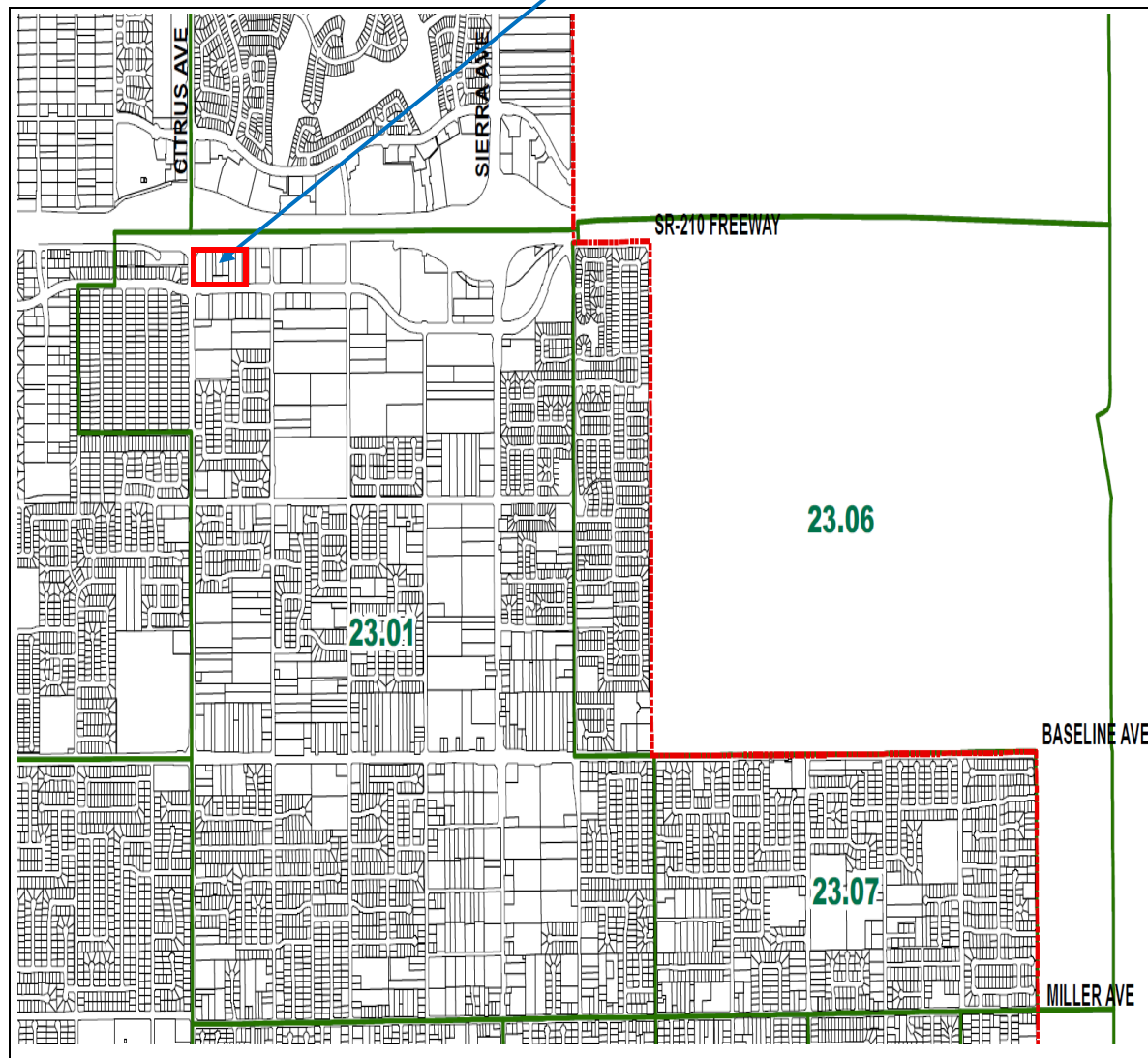
Looking north from South Highland Avenue and Citrus Avenue



RENDERING

Date: December 7, 2021

CASE: Master Case No. 21-032



CENSUS TRACT 23.01 BOUNDARY

Date: December 7, 2021

CASE: Master Case No. 21-032

RESOLUTION NO. PC 2021-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL APPROVE A RESOLUTION TO ADOPT THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) AND DIRECT STAFF TO FILE A NOTICE OF DETERMINATION, ADOPT AN ORDINANCE APPROVING ZONING CODE AMENDMENT 21-001 FOR TEXT AND FIGURE CHANGES TO THE ZONING AND DEVELOPMENT CODE, ADOPT A RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 20370 FOR CONSOLIDATION OF EIGHT (8) LOTS INTO ONE (1) PARCEL, ADOPT AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT 21-003 BETWEEN THE APPLICANT AND THE CITY OF FONTANA, ADOPT A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 21-004 FOR A TYPE 21 ABC LICENSE, CONDITIONAL USE PERMIT NO. 21-005 AND -006 FOR DRIVE-THRU ESTABLISHMENTS, DESIGN REVIEW 21-010 FOR SITE AND ARCHITECTURAL REVIEW OF A COMMERCIAL SHOPPING CENTER WITH A GROCERY STORE AND FIVE OTHER PADS FOR A TOTAL BUILDING SQUARE FOOTAGE OF APPROXIMATELY 53,740 SQUARE FEET AND DESIGN REVIEW SIGN 21-018 FOR A SIGN PROGRAM TO THE AUTO CENTER OVERLAY ON A 6.20 ADJUSTED GROSS ACRE PROJECT SITE (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44).

WHEREAS, the City of Fontana received an application on March 24, 2021, for a Zoning Code Amendment (ZCA No. 21-001) to modify text and the boundaries of Planning Area 1 of the Auto Center Overlay, Tentative Parcel Map 20370 (TPM No. 21-006) to combine eight (8) parcels totaling approximately 6.20 adjusted gross acres into one (1) parcel, a Conditional Use Permit (CUP 21-004) for a Type 21 ABC License, Conditional Use Permits 21-005 and 006 for drive-thru establishments, a Design Review (DRP No. 21-010) application for site and architectural review of a proposed 53,740 square foot commercial center consisting of an anchor grocery store and five (5) other pads and Design Review Sign (DRS 21-018) application for a sign program to the Auto Center Overlay.

Project Applicant: Ralph Deppisch
Sage Investco
4340 Von Karman Avenue, #110
Newport Beach, CA 92660

Project Location: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44)

Site Area: Approximately 6.2 adjusted gross acres

WHEREAS, the subject site includes eight (8) parcels that were annexed from the San Bernardino County into the City of Fontana in October, 1981; and

WHEREAS, the City of Fontana received an application on March 24, 2021, for Zone Code Amendment (ZCA No. 21-001) to modify text and the boundaries of Planning Area 1 of the Auto Center Overlay, Tentative Parcel Map 20370 (TPM No. 21-006) to combine eight (8) parcels totaling approximately 6.20 adjusted gross acres into one (1) parcel, a Conditional Use Permit (CUP 21-004) for a Type 21 ABC License, Conditional Use Permits 21-005 and 006 for drive-thru establishments, a Design Review (DRP No. 21-010) application for site and architectural review of a proposed 53,740 square foot commercial center consisting of an anchor grocery store and five (5) other pads and Design Review Sign (DRS 21-018) application for a sign program to the Auto Center Overlay.

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 are attached hereto as **Exhibits “A, B, C, D, E”** for Tentative Parcel Map 20370 (TPM No. 21-006), Conditional Use Permits 21-004, -005, -006 and Design Review No. 21-010; and

WHEREAS, pursuant to the California Environmental Act (CEQA), an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program were completed on November 8th, and concluded that no significant impacts would be caused by the project, therefore, a Mitigated Negative Declaration has been recommended for adoption; 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; posted at City Hall and onsite at the project site; and

WHEREAS, on December 7, 2021, a duly noticed public hearing for Tentative Parcel Map 20370 (TPM No. 21-006), Zone Code Amendment No. 21-001, Agreement No. 21-003, Conditional Use Permits 21-004, -005, -006, Design Review No. 21-010 and Design Review Sign No. 21-018, 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 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 December 7, 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 the Tentative Parcel Map No. 20370 in accordance with the Fontana Development Code:

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

Finding of Fact: Tentative Parcel Map No. 20370 is consistent with the General Plan Land Use Designation for the project site of General Commercial (C-G) within the Auto Center Overlay. The C-G with Auto Center Overlay designation is intended for automobile sales and related services. The proposed project for an automotive car dealership is consistent with the General Plan and Auto Center Overlay. The project is for a tentative parcel map to combine eight (8) parcels into one (1) for the development of a commercial center. 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.

Finding of Fact: The design of the proposed parcel map is consistent with the General Plan. The lot width is approximately 790 feet and has an approximate lot depth of 330 feet and street configuration conform to the requirements of the Circulation Master Plan, Subdivisions (Chapter No. 26), and the Zoning and Development Code (Chapter No. 30). The parcel map will combine eight (8) parcels into one (1) parcel to accommodate an anchor grocery store, two drive-thru establishments and three other future commercial pads. Three (3) proposed points of access are proposed along South Highland Avenue.

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

Finding of Fact: The project site has existing topography of less than two percent gradient and development of the site did not require setback variances; therefore, the site is suitable for this type of development. The lot size, lot width, and lot depth are as indicated in Finding No. 2 above are consistent with other commercial developments and dealerships in the Auto Center Overlay district. Three points of access are proposed for the commercial center along South Highland Avenue.

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

Finding of Fact: The design of the parcel map is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Initial Study (IS) & Mitigated Negative Declaration was completed to identify environmental impacts and mitigation measures are included to make any impacts less than significant. The Initial Study/Mitigated Negative Declaration is included under separate cover and is referenced herein.

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

Finding of Fact: The combining of eight (8) parcels into one (1) parcel will not cause health problems. The proposed development complies with the Fontana City Codes and the General Plan as indicated in Findings Nos. 1 through 4 above. Improvements include streets, sidewalks, drainage, and grading to provide a safe and well-designed project for the area. Therefore, the project shall promote the public health, safety, and welfare of the surrounding community.

Finding No. 5: The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Finding of Fact: The design and improvements of Tentative Parcel Map No. 20370 will not conflict with access easements acquired by the public. The proposed lot is accessed from South Highland Avenue which are publicly maintained streets. Currently there are no other public access easements through or within the proposed project site.

Section 2. The City of Fontana Planning Commission hereby makes the following findings for CUP No. 21-004 in accordance with Section 30-150 "Findings for approval of conditional use permits" of the Fontana Zoning and Development Code:

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

Finding of Fact: The request is for a Conditional Use Permit (CUP) for the proposed anchor tenant located within the Citrus Crossroads development for an Alcoholic Beverage Control (ABC) license. The proposed CUP would allow for beer, wine and distilled spirits to be consumed off-site under a Type 21 ABC license. The Zoning and Development

Code allows for grocery stores to operate with a California Department of Alcohol Beverage Control (ABC) Type 21 (Off-Sale Beer, Wine and Distilled Spirits) license subject to approval of a Conditional Use Permit.

The site is located at the northeast corner of Citrus Avenue and South Highland Avenue. The General Plan land use designation for the site is General Commercial (C-G). Specific development types allowed in C-G include: retailing, wholesaling, service activities, offices and businesses providing professional services, as well as retail stores such as grocery stores.

The site is located within the General Commercial (C-2) of the Zoning and Development Code. The C-2 zoning district includes retail and wholesale activities. Type 21 ABC licenses are permitted within this district with a Conditional Use Permit of the Zoning and Development Code. Therefore, the proposed use of a Type 21 ABC license at a retail grocery store is consistent with the General Plan and Zoning regulations.

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

Finding of Fact: The proposed grocery store will occupy the anchor building within the shopping center. The building is approximately 40,100 square feet on an approximately 6.20 adjusted gross acre site. The physical characteristics of the site were reviewed, and staff has determined that the project site meets all of the necessary requirements for a type 21 ABC license such as the physical relationship and proximity of the use to other off-sale licenses as well as proximity to sensitive uses such as schools, parks, religious institutions, hospitals and other similar uses. None of the uses listed above are within 600 feet of the project site where the type 21 ABC license is proposed. Furthermore, the proposed use is for the grocery store to operate in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 21 license (Off-Sale Beer, Wine and Distilled Spirits) which will not result in any physical change to the site or building.

Adequate streets and highways exist to accommodate the existing and anticipated traffic with adequate on-site circulation. Traffic to and from the project site has three (3) access points proposed along South Highland Avenue. South Highland Avenue is identified as a Primary Highway in the City's General Plan Hierarchy of Street in Fontana General Plan map. South Highland Avenue has been determined to be adequate to handle the traffic generated by the

commercial center. In addition, access to utilities and services can be obtained.

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

Finding of Fact: There will be no adverse effect to the neighboring sites or their permitted uses. The proposed project has been reviewed by the Planning Department, Engineering Department, the Building and Safety Division, and County Fire Prevention for site circulation, access, and safety. Any possible adverse effects shall be mitigated by the Conditions of Approval set forth in the Conditional Use Permit and as referenced herein. The Planning Department has drafted Conditions of Approval to mitigate potential negative impacts.

Section 3. The City of Fontana's, Planning Commission hereby makes the following findings for Conditional Use Permit No. 21-005 in accordance with Section No. 30-150 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue. The project site has a General Plan land use designation of General Commercial (C-G). The C-G land use designation category is described by the Zoning and Development code as "retail, malls, wholesale, auto dealerships and offices, including medical offices and clinics, that can serve a broader, regional population". This includes grocery stores, restaurants and retail pads. The Zoning District for the project site is General Commercial (C-2) within the proposed Planning Area 3 of the Auto Center Overlay District. Drive-thru restaurants are permitted in the C-2 zone with the approval of a Conditional Use Permit by the Planning Commission. The proposed project will comply with the applicable building codes, zoning codes, and fire codes and appropriate standards, will make for a safe, attractive, and well-designed project.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, above, meets or exceeds the criteria contained in the Zoning and

Development Code. This facility will be built pursuant to all applicable building, zoning, and fire codes and standards. The project includes streets improvements and sidewalks, grading, drainage, and perimeter and privacy walls to provide a safe and well-designed project.

There will be three (3) vehicle access points to the site from South Highland Avenue. The driveway will be designed to accommodate passenger vehicle traffic, tractor-trailer traffic, and service vehicles, as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

The project site is physically suitable in size and shape to support the development of a trailer sales office. The applicable building codes, zoning codes, and fire codes and appropriate 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. The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1 and Finding No. 2, above, has been determined not to be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property. The on-site circulation is adequate. All drive aisle widths meet both the Zoning and Development Code and Fontana Fire Prevention District minimums for access. The site will be accessed from South Highland Avenue. For the anticipated traffic to the project site, there are three (3) proposed driveway for the purpose of ingress and egress. The driveway is designed to accommodate passenger vehicle traffic, tractor-trailers traffic, and service vehicles, as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. Additionally, adequate utilities and services exist on-site and off-site.

The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood. It will also be consistent with the proposed commercial projects in the vicinity.

The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. As mentioned in Findings No. 1 and No. 2, above, the proposed project meets or exceeds the standards of the Zoning and Development Code and will provide a safe design for public access.

Section 4. The City of Fontana's, Planning Commission hereby makes the following findings for Conditional Use Permit No. 21-006 in accordance with Section No. 30-150 "Findings for approval" of the Fontana Zoning and Development Code:

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

Findings of Fact: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue. The project site has a General Plan land use designation of General Commercial (C-G). The C-G land use designation category is described by the Zoning and Development code as "retail, malls, wholesale, auto dealerships and offices, including medical offices and clinics, that can serve a broader, regional population". This includes grocery stores, restaurants and retail pads. The Zoning District for the project site is General Commercial (C-2) within the proposed Planning Area 3 of the Auto Center Overlay District. Drive-thru restaurants are permitted in the C-2 zone with the approval of a Conditional Use Permit by the Planning Commission. The proposed project will comply with the applicable building codes, zoning codes, and fire codes and appropriate standards, will make for a safe, attractive, and well-designed project.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1, above, meets or exceeds the criteria contained in the Zoning and Development Code. This facility will be built pursuant to all applicable building, zoning, and fire codes and standards. The project includes streets improvements and sidewalks, grading, drainage, and perimeter and privacy walls to provide a safe and well-designed project.

There will be three (3) vehicle access points to the site from South Highland Avenue. The driveway will be designed to accommodate passenger vehicle traffic, tractor-trailer traffic, and service vehicles, as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety.

The project site is physically suitable in size and shape to support the development of a trailer sales office. The applicable building codes, zoning codes, and fire codes and appropriate 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. The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood.

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

Findings of Fact: The proposed project as identified and referenced in Finding No. 1 and Finding No. 2, above, has been determined not to be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property. The on-site circulation is adequate. All drive aisle widths meet both the Zoning and Development Code and Fontana Fire Prevention District minimums for access. The site will be accessed from South Highland Avenue. For the anticipated traffic to the project site, there are three (3) proposed driveway for the purpose of ingress and egress. The driveway is designed to accommodate passenger vehicle traffic, tractor-trailers traffic, and service vehicles, as necessary. The proposed project has been reviewed by Planning, Engineering, Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. Additionally, adequate utilities and services exist on-site and off-site.

The proposal has been designed to be compatible with the surrounding uses while also providing a development that has been designed with features (architectural relief, added landscaping, street improvements, and lighting), to enhance the character of the surrounding neighborhood. It will also be consistent with the proposed commercial projects in the vicinity.

The proposed development will result in appropriate improvements, not only for the project site, but the surrounding area as well. The project includes sidewalks, drainage, grading, and perimeter and privacy walls to provide a safe and well-designed neighborhood. The proposed building has been reviewed by Planning, Engineering,

Building and Safety, and Fontana Fire Prevention for site circulation, access, and safety. As mentioned in Findings No. 1 and No. 2, above, the proposed project meets or exceeds the standards of the Zoning and Development Code and will provide a safe design for public access.

Section 5. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 21-010 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.

Finding of Fact: The project site is located on the northeast corner of Citrus Avenue and South Highland Avenue. Further, the project site is zoned General Commercial (C-2) and is within the Auto Center Overlay. The C-2, along with the Auto Center Overlay designation, is intended for retail and wholesale activities. The proposed project for an anchor grocery store, two (2) drive-thru establishments and three (3) other commercial pads meets all the minimum standards in the Fontana Municipal Code and Auto Center Overlay District. The project is proposed with a high-quality architectural design appropriate for the General Commercial (C-2) and Auto Center Overlay districts. Appropriate screening from the public right-of-way will also be done.

This project, as proposed, is a request for the Planning Commission to review and recommend that the City Council approve the site and architectural design for the construction of a shopping center totaling approximately 53,354 square feet. The anchor tenant would be approximately 40,100 square feet. The remaining square footage would be for buildings located at five (5) other pads within the center. This project meets or exceeds the criteria contained in the Design Review section of the Zoning and Development Code.

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.

Finding of Fact: The applicant has worked diligently with staff to incorporate site details that will beautify and enhance the overall aesthetics of the site. Some of the features include a modern architectural theme for the center, patios and drive entries, porte cochere’s for the drive thru restaurants, a unique and well-designed water feature that will enhance the corner statement of Citrus and South Highland, additional landscaping, building lighting and signage that would give the sense of place and act as a landmark for the prominent corner.

The development would encompass a grocery store, restaurants and retail alike to accommodate and residents, visitors and the overall community. Adequate parking and accessibility per standards has been incorporated 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.

Finding 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 neighborhood. The project site which is approximately 6.2 adjusted gross acres is physically suitable in size and shape to support the development of the proposed shopping center. 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 Zoning and Development Code with approval of the Zoning Code Amendment.

The modern architecture theme selected for the shopping center is appropriate for the area and is consistent with surrounding uses. The design guidelines in the Development Code and more specifically the Auto Center Overlay. In addition, the proposed project is consistent with the goals and policies of the General Plan and applicable provisions of the zoning district, including Goal 5.3, Policy 5: (Community Design Element) stating that buildings “shall incorporate distinct and varied architectural details through varied rooflines, and detailed façade treatments”. Design characteristics include decorative cornices, wall sconces, veneer, stucco wall surface and decorative awnings.

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

The proposed development will result in appropriate improvements for the project site and the surrounding area as well. The project includes sidewalks, drainage, grading and a traffic signal with all necessary improvements on Citrus Avenue and South Highland Avenue 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. The proposed project identified in Finding No. through Finding No. 3, above, meets or exceeds the standards of the

Zoning and Development Code and will provide a safe design for public access.

Section 6. The City of Fontana Planning Commission hereby makes the following findings for Design Review Sign No. 21-018 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.

Finding of Fact: The site currently has a general plan land use designation of General Commercial (C-G) and a current zoning district of General Commercial (C-2). Pylon, monument and wall signs are permitted with approval of a Design Review Sign application. Additionally, the use is required to comply with all other applicable provisions of the Zoning Code, Municipal Code, and 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.

Finding of Fact: The shopping center, if approved, would meet the regulations, standards, and intent of the Zoning and Development Code. The signs would be located in an area that has a variety of commercial and retail uses meeting development standards.

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 proposed signage is complimentary to and with the proposed commercial center. Materials and colors of the buildings match the proposed signage thus creating a theme of architectural compatibility throughout the project site.

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

Finding of Fact: The proposed signs will be reviewed under a separate permit for legibility, sign copy, colors, materials, size and location. The sign will also be reviewed by the Building and Safety Department to ensure the future signage is structurally sound.

Section 7. 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 recommendation 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 8. Based on the foregoing, the City of Fontana Planning Commission hereby recommends the City Council to adopt a resolution adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, adopt an ordinance to approve ZCA 21-001, adopt an ordinance approving DA 21-003, and adopt a resolution approving Tentative Parcel Map 20370 (TPM No. 21-006), Conditional Use Permit (CUP 21-004), Conditional Use Permits 21-005 and 006, Design Review (DRP No. 21-010) and Design Review Sign (DRS 21-018) application for a sign program to the Auto Center Overlay, subject to the conditions of approval as shown in the attached Exhibits “A” through “E” for the construction of a commercial shopping center at the northeast corner of Citrus Avenue and South Highland Avenue.

Section 9. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

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

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

City of Fontana

Cathline Fort, Chair

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 7th day of December 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT “A”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-032
Tentative Parcel Map 20370
(TPM No. 21-006)

DATE: December 7th, 2021

LOCATION: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, 35 and -44).

PLANNING DEPARTMENT:

1. The Tentative Parcel Map shall become null and void two (2) years from the date of approval unless the Final map is recorded or the applicant applies for an extension of time in accordance with the provisions in the Subdivision Map Act and the provisions in the City's Municipal Code.
2. The rights and privileges granted by Tentative Parcel Map No. 20370 shall not become effective, nor shall the Applicant commence the use for which this tentative parcel map approval is granted, until the following has occurred:
 - All conditions of approval imposed by this project have been fulfilled.
3. This tentative parcel map shall comply with all applicable development standards of Chapter No. 26 (Subdivisions), Chapter No. 30 (Zoning and Development) of the Municipal Code of the City of Fontana, and the Subdivision Map Act.
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 legal counsel. The applicant shall be responsible and reimburse the City

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

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

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 Manger'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 applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program for this project.
7. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

ENGINEERING DEPARTMENT:

8. 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.
9. 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 onsite 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.
10. 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.

11. The applicant shall obtain an encroachment permit from Caltrans for any work required within Caltrans' right-of-way.
12. This applicant's engineer shall prepare and submit traffic signal plans per approved site plan and as required to the satisfaction of the City Engineer. PRIOR TO ISSUANCE OF GRADING PERMIT
13. 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.
14. Traffic study must be approved.

PRIOR TO MAP RECORDATION

15. Record parcel map, right-of-way dedications, easements, and reciprocal access agreement as required for the development.
16. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms. PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS
17. Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer. PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY
18. Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. Commercial Industrial Land Development Engineering Conditions MCN21-000032 Revised 11-18-21 KS & RG
19. Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction. 13. Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
20. Applicant/Landscape Architect shall provide a "Landscape Certificate of Compliance" certifying that the work has been designed, installed, and will be maintained in accordance with the City of Fontana's Model Water Efficiency Landscape Ordinance (Ordinance 1743, FCC Section 28).
21. All sewers and storm drains shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be

inspected and approved by City Inspection. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

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

BUILDING & SAFETY DIVISION:

23. 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
24. 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.
25. The requirements of the South Coast Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
26. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
27. 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.
28. The Parcel map shall record prior to the issuance of any permits.
29. 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.

30. All signs shall be Underwriters Laboratories approved or equal.

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

32. 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

33. The following items (as applicable) shall be completed and/or 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
34. 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. 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.

END OF FINAL CONDITIONS

EXHIBIT “B”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-032
Conditional Use Permit No. 20-010
Type 21 ABC License for a Grocery Store

DATE: December 7th, 2021

LOCATION: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, 35 and -44) within a 40,100 square foot grocery store.

PLANNING DEPARTMENT:

1. This conditional use permit is conditional upon the permittee proceeding with good faith intent to commence upon the proposed use within two (2) years after the effective date of the approval, or such other period specified as a condition of approval.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

The City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or

with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

3. 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 all of the following have occurred:
 - a. All requirements of the Fontana Municipal Code shall be complied with.
 - b. All Conditions of Approval imposed on this project have been fulfilled.
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 30-23 and 30-24 of the Municipal Code.
5. At any time, the Director of Community Development may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.

POLICE DEPARTMENT:

6. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and all conditions of the City of Fontana's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.
7. All tobacco products shall remain under the control of the management, behind the cashier's counter.
8. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner, licensee, or management choose to employ a salesperson between the ages of 18 to 20, that salesperson must be under the continuous supervision of at least one salesperson who is 21 years old or older.
9. No beer, wine or distilled spirits shall be displayed within five feet of the front door or between the register and the front door unless it is under the control of the management within locked shelving units.

10. No display or sale of beer, wine or distilled spirits, shall be made from an ice tub.
11. No alcoholic beverages shall be stored, sold or displayed (even for special events) within any aisle-way of the main sales floor or vestibule.
12. The sale of malt liquor or fortified wine products with an alcoholic content greater than 17 percent by volume is prohibited.
13. The licensee shall not sell single bottles of wine in less than 750 ml. containers. Specialty or dessert wines which are only packaged in 375 milliliter bottles shall be permitted.
14. No distilled spirits shall be sold in bottles or containers smaller than 375 ml.
15. The sale of beer or malt beverages in single size containers of 40 ounces or less is prohibited.
16. The licensed premise shall not sell individual units of beer or wine from the manufacturer's multi-unit packages (three-packs, four-packs, six-packs, etc.).
17. The licensee shall not allocate more than half of the cooler doors for the sale of alcoholic beverages. All designated coolers for alcoholic beverages shall be located furthest away from the entrance doors.
18. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the licensed premises.
19. On a regular and reasonable basis litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
20. The business owner/licensee shall comply with the City False Alarm Ordinances.
21. Graffiti abatement by the business owner/licensee shall be immediate and ongoing on the licensed premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee shall notify the City within 24 hours (at 909.350-GONE) of any graffiti elsewhere on the property not under the business owner/licensee's control so that it may be abated by the property owner and/or the City's Graffiti Enforcement Team.
22. The management and employees of the licensed premise shall be required to prevent loitering in the parking lot of the site. The management and employees of the licensed premise shall regularly police the area under its control to prevent the loitering of persons about the premises.

23. Sales of alcoholic beverages will be restricted to, and within the confines of, the building portion of the licensed premises.
24. A digital video surveillance system is required at the premise. It is recommended to be an internet-based system and shall be maintained in proper working order at all times. The surveillance video/visual media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
25. Signs shall comply with all City of Fontana sign requirements. No more than 25% of the total window area and clear doors shall bear advertising, signs or obstructions of any sort. Window signs or other obstructions shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises (this applies to all windows and glass doors of this location).
26. The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.
27. The exterior of the licensed premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during the hours of darkness, at all entrances, sidewalks or parking surfaces, at a minimum of one foot candle of light.
28. A prominent, permanent sign or signs stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted on the front of the building or in the front windows of the business, and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
29. A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THE PREMISES" shall be posted on the front of the building or in the front windows of the business, and shall be clearly visible to patrons of the licensee. The size, format, placement and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
30. No electronic arcade or amusement games are permitted on the licensed premises at any time.
31. 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.

32. Responsible Beverage Service Training: All persons engaged in the sale or service of alcohol shall abide by the following requirements. If compliance with Item B (AB 1221 of 2017) is achieved, the requirement for Item A is void.
33. The licensee, business owner, all managers and employees engaged in the sale of alcohol, shall attend a L.E.A.D. training (Licensee Education on Alcohol and Drugs provided by the Department of Alcoholic Beverage Control) or an alternative responsible beverage service training (RBS), within 90 days of employment.
34. Comply with California Assembly Bill 1221 of 2017, Responsible Beverage Service Training Act. Details can be found on the website for the California Department of Alcoholic Beverage Control.
35. The approved set of Conditions of Approval, and the ABC license shall be posted at all times at a visible location behind the cashier's counter in the facility and shall remain legible at all times.

END OF CONDITIONS OF APPROVAL

EXHIBIT “C”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-032 **DATE:** December 7, 2021
Conditional Use Permit No. (CUP) 21-005
Drive Thru Restaurant for a Coffee Shop

LOCATION: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue, adjacent to South Highland Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, 35 and -44) within a 2,200 square foot suite.

PLANNING DEPARTMENT:

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

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

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

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. This Conditional Use 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 Division inspection, has commenced within this period.
5. 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.
6. 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 Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
7. 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.
8. This project will comply with all applicable provisions, regulations, and development standards of Planning Area 3 of the Auto Overlay District.
9. All signs shall be reviewed under a separate Design Review Sign application.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

POLICE DEPARTMENT:

11. This is a high graffiti area of the city. To discourage graffiti, apply an anti-graffiti coating on all block walls.
12. Adhere to the City standard of one-foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. 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.
13. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

END OF CONDITIONS

EXHIBIT “D”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. (MCN) 21-032 **DATE:** December 7, 2021
Conditional Use Permit No. (CUP) 21-006
Drive Thru Restaurant

LOCATION: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue, adjacent to South Highland Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, 35 and -44) within a 2,200 square foot suite.

PLANNING DEPARTMENT:

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

including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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. This Conditional Use 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 Division inspection, has commenced within this period.
5. 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.
6. 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 Community Development. The Director of Community Development may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
7. 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.
8. This project will comply with all applicable provisions, regulations, and development standards of Planning Area 3 of the Auto Overlay District.

All signs shall be reviewed under a separate Design Review Sign application.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

POLICE DEPARTMENT:

10. This is a high graffiti area of the city. To discourage graffiti, apply an anti-graffiti coating on all block walls.
11. Adhere to the City standard of one-foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. 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.
12. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

END OF CONDITIONS

EXHIBIT “E”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 21-032
Design Review No. 21-010
Shopping Center

DATE: December 7, 2021

LOCATION: The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue, (APN: 0240-011-38, -41, -03, -05, -42, -06, 35 and -44).

PLANNING DEPARRTMENT:

1. 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 the first sheet of the final building plans prior to issuance of any building permits.
2. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The 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.

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

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

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 Manger'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. 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. All roof-mounted equipment and ground mounted equipment shall be screened from view from adjacent properties and streets with colors and materials that are compatible with the architecture of the building(s).
11. Any foam treatment used for architecture treatments and/or projections located on the first floor shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Community Development.]
12. 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.
13. Bicycle parking racks or secured bicycle lockers shall be provided for this development. Bicycle racks or lockers shall be provided at a rate of one bicycle parking space per 20 automobile parking spaces with a minimum of a two-bike rack.
14. All future monument signs shall be reviewed under a separate Design Review Sign application.

PRIOR TO ISSUANCE OF A GRADING PERMIT:

15. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.
16. The applicant shall have fully provided, constructed, or otherwise meet all Planning Department's requirements per approved plans, and shall have addressed all punch list items to the satisfaction of the Director of Planning.
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. A Planning Department final inspection fee of \$265.00 shall be paid prior to issuance of the Certificate of Occupancy for Industrial and Commercial Development.
19. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
20. All architecture treatments and /or projections located on any elevation of any building shall be of durable non-foam e.g. (extrusive polystyrene) material; the use of foam for additional detailing is permitted above the first 14 feet in height on the elevations.

BUILDING & SAFETY DIVISION:

21. 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
22. 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.
23. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
24. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
25. 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.
26. The Parcel map shall record prior to the issuance of any permits.
27. 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.

- 28. All signs shall be Underwriters Laboratories approved or equal.
- 29. Permits are required prior to the removal and/or demolition of structures.
- 30. 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

- 31. The following items (as applicable) shall be completed and/or 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
32. 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. 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 LAND DEVELOPMENT:

33. 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.
34. 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 onsite 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.
35. 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.
36. The applicant shall obtain an encroachment permit from Caltrans for any work required within Caltrans' right-of-way.
37. This applicant's engineer shall prepare and submit traffic signal plans per approved site plan and as required to the satisfaction of the City Engineer. PRIOR TO ISSUANCE OF GRADING PERMIT
38. Applicant shall submit and gain approval of a complete WQMP Report in accordance with the County of San Bernardino Technical Guidance Document and latest template.
39. Traffic study must be approved.

PRIOR TO MAP RECORDATION

40. Record parcel map, right-of-way dedications, easements, and reciprocal access agreement as required for the development.

41. Applicant shall provide a Land Improvement Agreement, with accompanying security. The agreement shall be executed on City-provided forms. PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS
42. Applicant shall submit engineered improvement plans and obtain full approval. All required public improvements, including streets, storm drainage systems, sewers, traffic signals, streetlights, striping, signs, landscape, and any required traffic control and/or detour plans. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer. PRIOR TO ISSUANCE OF FINAL CERTIFICATE OF OCCUPANCY
43. Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. Commercial Industrial Land Development Engineering Conditions MCN21-000032 Revised 11-18-21 KS & RG
44. Applicant/Engineer shall provide centerline ties to the City of Fontana reflecting proper setting of all survey monuments within the project limits and replace any existing survey monuments damaged or removed during construction. 13. Applicant/Engineer shall set survey monuments as required by the map and corner records must be recorded with the County.
45. 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).
46. All sewers and storm drains shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be inspected and approved by City Inspection. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
47. 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.

PUBLIC WORKS:

48. All commercial facilities must complete an Industrial Wastewater Discharge Permit application prior to final Certificate of Occupancy (FMC 23-218).
49. All commercial or industrial facilities within the following categories must install a gravity separation interceptor to comply with the requirements of FMC Section 23-190 unless the requirement is modified by a variance issued by the Public Services Director.

Solid Waste:

50. All Commercial, Industrial, Institutional, or Residential buildings having 5 or more living units must provide refuse collection areas (AB 1327). Design plans shall be submitted and approved prior to construction and shall meet the following design requirements:
- These areas (Trash Enclosures) shall be of adequate size to contain a refuse and recycling bin and provide convenient accessibility for the deposit and collection of these materials. (AB 1327)
 - The standard bin size provided by the City of Fontana's franchise hauler for commercial establishments is 7'L x 4'W x 5'H.
 - Collection areas must adequately protect recyclable materials from the harmful effects of the weather. (FMC 24-12, AB 1327)
 - Refuse collection areas used by food service facilities (restaurants, bakeries, coffee or juice bars, ice cream stores, or food processing) for the collection of food wastes shall have a solid roof (NPDES Standard BMP).
51. All Commercial, Industrial and construction projects must comply with the requirements of FMC 24-11; General Standards relating to the hauling of refuse and/or recycling by the City's franchise hauler during construction and post-construction.

Storm Water:

52. All parkway culverts constructed for the purpose of conveying storm water from the project to a public right of way must be maintained in operating condition by the property owner.

SCHOOL DISTRICT:

53. Prior to issuance of building permits the applicant shall be responsible for paying the applicable school district fee.

POLICE DEPARTMENT:

54. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. 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.
55. Adhere to the Standard Building Security Specifications of the Fontana Police Department.

SAN BERNARDINO COUNTY HAZARDOUSE MATERIALS DIVISION:

56. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and

regulations: Hazardous Materials Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, or Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/> Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

57. Facilities having an aggregate store capacity of over 1320 gallons of petroleum products on site must prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan prior to having petroleum product in them. 40 CFR 112.3

FIRE DEPARTMENT:

58. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana Fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
59. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code sec 503, SBCFD Standard 503.1
60. **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.
61. **Water System Commercial.** Prior to map recordation, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet shall be provided. All fire hydrants shall be spaced no more than three hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code sec 508, SBCFD Standard 508.1

The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure.

62. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCFD Standard 508.5.2.
63. **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.
64. **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
65. **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.
66. **Fire Alarm, Water Flow 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.
67. **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.
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. **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
70. **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.

EXHIBIT “F”



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 18-033
Design Review Sign No. 21-018

DATE: December 7, 2021

LOCATION: The project site is located on the northwest corner of South Highland Avenue and Sierra Avenue within Planning Area 4 of the Auto Center Overlay District (APN 0240-091-39, -41, -43, -48, -54, -57, -58, -59, and -60)

PLANNING DIVISION:

1. 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 the first sheet of the final building plans prior to issuance of any building permits.
2. This Design Review shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
3. The 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.

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.
5. This project will comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
6. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

7. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
8. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints.

The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.

PRIOR TO ISSUANCE OF A GRADING PERMIT:

9. The applicant/developer shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program.
10. The applicant shall have fully provided, constructed, or otherwise meet all Planning Division's requirements per approved plans, and shall have addressed all punch list items to the satisfaction of the Planning Director.
11. 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.
12. A Planning Department final inspection fee of \$265.00 shall be paid prior to issuance of the Certificate of Occupancy for Industrial and Commercial Development.
13. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.
14. All architecture treatments and /or projections located on any elevation of any building shall be of durable non-foam e.g. (extrusive polystyrene) material; the use of foam for additional detailing is permitted above the first 14 feet in height on the elevations.

BUILDING & SAFETY DIVISION:

15. 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
16. 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.

17. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
18. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
19. 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.
20. The Parcel map shall record prior to the issuance of any permits.
21. 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.

22. All signs shall be Underwriters Laboratories approved or equal.

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

24. 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

25. The following items (as applicable) shall be completed and/or 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

26. 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. 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.

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 No. 21-032, ZCA 21-001, TPM 21-006, CUP 21-004, CUP 21-005, CUP 21-006, Design Review No. 21-010 and DRS 21-018 – Citrus Crossroads Commercial Center

State Clearinghouse Number: N/A

Name of Person or Agency carrying out project: Paul Gonzales – Senior Planner. City of Fontana (Lead Agency) 8353 Sierra Avenue, Fontana, CA 92335.

Project Location: Northeast corner of South Highland Avenue and Citrus Avenue (APNs: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44)

Project Description: The project is for the development of a new local-serving shopping center consisting of an anchor building and various outlying building pads totaling approximately 53,740 square feet of building area.

Project Proponent & Address: Sage Investco, 4340 Von Karman Ave. #110, Newport Beach, CA 92660

Contact Name & Phone: Ralph Deppisch– (949) 705-0426

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

1. The project ____ will X will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
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 X were ____ 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

DiTanyon Johnson
Principal Planner

Date Received for Filing



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. 21-032, ZONE CODE AMENDMENT NO. 21-001, TENTATIVE PARCEL MAP NO. 20370 (TPM NO. 21-006), DEVELOPMENT AGREEMENT NO. 21-003, CONDITIONAL USE PERMIT NO. 21-004, CONDITIONAL USE PERMIT NO. 21-005, CONDITIONAL USE PERMIT NO. 21-006,) DESIGN REVIEW PROJECT NO. 21-010 AND DESIGN REVIEW SIGN NO. 21-018.

The proposed project includes the development of the “Citrus Crossroads” commercial retail center, a new local-serving shopping center and grocery consisting of an anchor building and various outlying building pads totaling approximately 53,740 square feet of building(s).

**Environmental
Determination:**

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. A Mitigated Negative

Declaration has been prepared for the Planning Commission’s consideration.

The Initial Study and Mitigated Negative Declaration are available for public review from November 15 to December 7, 2021, at the Planning Department.

**Location of
Property:**

The project site is located on the northeast corner of South Highland Avenue and Citrus Avenue (APN: 0240-011-38, -41, -03, -05, -42, -06, -35, and -44 is in Planning Area 1 of the Auto Overlay District.



Date of Hearing:

December 7, 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 at pgonzales@fontana.org.

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION IN THE PLANNING DEPARTMENT, CITY HALL.

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 CITY AT, OR PRIOR TO, THE PUBLIC HEARING.



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

Planning Commission

File #: 21-1073
Agenda #: DC-A

Agenda Date: 12/7/2021
Category: Director Comments

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



FONTANA
CALIFORNIA

MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming City Council Items

DATE: December 7, 2021

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

| <u>CITY COUNCIL DECEMBER 14, 2021</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--|----------------------|------------------|
| 1. MCN#21-117; ZCA#21-009 Adoption of an Urgency Ordinance to Amend the Municipal Code to Implement Senate Bill (SB) 9 | Cecily Session-Goins | Public Hearing |
| 2. Amendments to Municipal Code Chapter 11 – Fire Prevention | Patty Nevins | New Business |

| <u>CITY COUNCIL DECEMBER 28, 2021</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|---------------------------------------|----------------|------------------|
|---------------------------------------|----------------|------------------|

This Meeting has been Canceled due to the Winter Holiday closure from December 23, 2021, through January 2, 2022.

| <u>CITY COUNCIL JANUARY 11, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--------------------------------------|----------------|------------------|
|--------------------------------------|----------------|------------------|

No items listed for this meeting, as of the date of this memo.

| <u>CITY COUNCIL JANUARY 25, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--------------------------------------|----------------|------------------|
|--------------------------------------|----------------|------------------|

No items listed for this meeting, as of the date of this memo.



MEMORANDUM

TO: Planning Commission

FROM: Patty Nevins, Director of Planning *PN*

RE: Agenda for Upcoming Planning Commission Items

DATE: December 7, 2021

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

| <u>PLANNING COMMISSION DECEMBER 21, 2021</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--|----------------------|------------------|
| 1. MCN#21-050; ZCA#21-004; GPA#21-002 6 th Cycle Housing Element Update 2021-2029 | DiTanyon Johnson | Public Hearing |
| 2. MCN#21-102; DRS#21-070; VAR#21-006 Citrus Plaza 60-foot Pylon Sign 16111 Valley Blvd. | Salvador Quintanilla | Public Hearing |
| 3. AMD#21-001 Industrial Commerce Centers Sustainability Standards Ordinance | Rina Leung | Public Hearing |
| 4. MCN#20-054; DRP#20-022; TPM#20-015 Commerce Center of approximately 705,735 sq. ft. NEC of Slover Ave. and Cypress Ave. | Paul Gonzales | Public Hearing |

| <u>PLANNING COMMISSION JANUARY 4, 2022</u> | <u>PLANNER</u> | <u>PLACEMENT</u> |
|--|----------------|------------------|
|--|----------------|------------------|

Meeting has been Cancelled due to the Winter Holiday Closure.