

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No.1966 Reso. No. 2025-021

Tuesday, April 8, 2025

2:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia - Mayor Pro Tem
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Phillip Cothran - Council Member
Germaine Key - City Clerk
Janet Koehler-Brooks, City Treasurer

Welcome to a meeting of the Fontana City Council.

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

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

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

CALL TO ORDER/ROLL CALL:

- A. Call To Order/Roll Call:

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance:

SPECIAL PRESENTATIONS:

- A. Special Presentations

- A. 1. Mayor Warren and the City Council to recognize awards received from the California Parks and Recreation Society (Community Services Supervisor, Bianca Morales and California Parks and Recreation Society President, Kyla Brown to present). [25-0150](#)

PUBLIC COMMUNICATIONS:

This is an opportunity for members of the public to address the City Council for up to three (3)

minutes total on items either on the Agenda or items not on the Agenda, but within the City Council's jurisdiction. Note that Public Hearing items have individual and specific public input opportunities during the public hearing and testimony on those items will only be taken during the public hearing. The Council is prohibited by law from discussing or taking immediate action on non-agendized items. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

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 Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for discussion.

Approve Consent Calendar Items as recommended by staff.

- A. Approval of Minutes** [25-0141](#)
- Approve the minutes of the March 25, 2025, Regular City Council Meeting.
- Attachments:** [Attachment No. 1 - City Council Meeting Minutes 03-25-2025.pdf](#)
- B. Adoption of Ordinance No. 1967, Amending Chapters 16, 17, and 19 of the Fontana Municipal Code to make sections more intuitive and to incorporate current best practices.** [25-0142](#)
- Second Reading/Adopt **Ordinance No. 1967**, Amending Chapters 16, 17, and 19 of the Fontana Municipal Code to make sections more intuitive and to incorporate current best practices.
- Attachments:** [Attachment No. 1 - Ord. No. 1967.docx](#)
[Attachment No. 2 - Sec. 16 17](#)
[Attachment No. 3 - Sec. 17 5](#)
[Attachment No. 4 - Sec. 19 35](#)
[Attachment No. 5 - Chapter 19](#)
- C. Approve Reimbursement Agreement with HDO4, LLC for Construction of Traffic Signals at Duncan Canyon Road/Citrus Avenue and Duncan Canyon Road/John Previti Avenue** [25-0152](#)
1. Approve and authorize the City Manager to execute a Reimbursement Agreement with HDO4, LLC for the construction of traffic signals at Duncan Canyon Road/Citrus Avenue and Duncan Canyon Road/John Previti Avenue, in an amount not to exceed \$ 2,398,531.00.
 2. Approve appropriation and allocate the amount of \$ 2,398,531.00 from

Fund 604 Measure T.

Attachments: [Attachment 1 - Ventana Construction Reimbursement Agreement](#)
[Attachment 2 - Ventana Construction Reimbursement Agreement Exhibits](#)

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontanaca.gov. 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 12:00 P.M. on the day of the meeting. Comments of no more than three (3) minutes will be read into the record at the appropriate time during the meeting. 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.

All Public Hearings will be conducted following this format:

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

- A. Master Case (MCN) No. 24-0073 and Municipal Code Amendment (MCA) No. 24-0006: Fontana Municipal Code Amendments to Chapter 30 (Zoning and Development Code) to modify Section No. 30-467 pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to comply with State of California law. [25-0145](#)**

Based on the information in the staff report, staff recommends that the City Council introduce **Ordinance No. 1966**; and,

1. Determine that the proposed ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to California Public Resources Code section 21080.17 as CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, Which is California's ADU law and which also regulates JADUs, as defined by section 66313; and,
2. Adopt an Ordinance for Municipal Code Amendment (MCA) No. 24-0006 to amend Chapter 30 of the Municipal Code.

- Attachments:** [Attachment No. 1 - Ordinance](#)
[Attachment No. 2 - CalHDF Letter](#)
[Attachment No. 3 - Notice of Exemption](#)
[Attachment No. 4 - Public Hearing Notice](#)

CITY MANAGER COMMUNICATIONS:

- A. City Manager Communications

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

- A. Elected Officials Communications/Reports

ADJOURNMENT:

- A. Adjournment

Adjourn to the next Regular City Council Meeting on April 22, 2025 at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



City of Fontana

Action Report

City Council Meeting

File #: 25-0150
Agenda #: A.

Agenda Date: 4/8/2025
Category: Special Presentation

Special Presentations

Tuesday, April 8, 2025
Council Chambers



City Council

Acquanetta Warren, Mayor
Peter Garcia, Mayor Pro Tem
John Roberts, Council Member
Jesse "Jesus" Sandoval, Council Member
Phillip W. Cothran, Council Member



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

City Council Meeting

File #: 25-0141

Agenda #: A.

Agenda Date: 4/8/2025

Category: Consent Calendar

FROM:

City Clerk

SUBJECT:

Approval of Minutes

RECOMMENDATION:

Approve the minutes of the March 25, 2025, Regular City Council Meeting.

COUNCIL GOALS:

- Create and maintain a dynamic team by supporting the decisions of the majority once made.
- Create and maintain a dynamic team by communicating Goals and Objectives to all commissions and employees.

DISCUSSION:

The City Council will consider approval of the minutes of the March 25, 2025, Regular City Council Meeting. The draft minutes are attached to this report for Council review and approval.

FISCAL IMPACT:

None.

MOTION:

Approve staff recommendation.

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, March 25, 2025

2:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia - Mayor Pro Tem
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Phillip Cothran - Council Member
Germaine Key - City Clerk
Janet Koehler-Brooks, City Treasurer

CLOSED SESSION:

A. 1:00 P.M. CLOSED SESSION

The Closed Session meeting of the Fontana City Council was held in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, March 25, 2025.

Mayor Warren called the meeting to order at 1:00 p.m. with all members of the City Council present.

City Treasurer Janet Koehler-Brooks and City Clerk Germaine Key were also present.

PUBLIC COMMUNICATION - CLOSED SESSION:

There were no public communications received for the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: 0191-161-18, 0191-161-13, 0191-161-17, 0191-161-28, 0191-161-29, 0191-161-02, 0191-162-18, 0191-162-19, 0191-162-20, 0191-162-21, 0191-162-22, 0191-162-23, 0191-162-24, 0191-162-25, 0191-162-26, 0191-162-27, 0191-162-44, 0191-162-14, 0191-162-13, 0191-162-40, 0191-162-39, 0191-162-09, 0191-162-08, 0191-162-05. All of which are located on Arrow Blvd and Spring Street, between Nuevo Avenue and Juniper Avenue in Fontana CA, 92335

City Negotiator: Matt Ballantyne, City Manager

Negotiating Party: Taylor Libolt Varner

Under Negotiation: Price and Terms of payment

CALL TO ORDER/ROLL CALL:

A. 2:00 P.M. Call To Order/Roll Call:

The Regular Meeting of the Fontana City Council was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, March 25, 2025.

Mayor Warren called the Regular City Council Meeting to order at 2:03 p.m.

ROLL CALL:

PRESENT: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran, Roberts, and Sandoval.

City Treasurer Janet Koehler-Brooks and City Clerk Germaine Key were also present.

ABSENT: None

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

The invocation was given by Council Member Roberts, followed by the pledge of allegiance led by Council Member Cothran.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Ruben Duran reported that the City Council met in Closed Session on the items listed on the agenda, provided direction to staff, and took no reportable action.

PROCLAMATION:

A. Mayor Warren and City Council to proclaim April 2025 as National Donate Life Month (Elaine Jones, One Legacy ambassador, to accept).

Mayor Warren and the City Council proclaimed April 2025 as National Donate Life Month. Elaine Jones, One Legacy Ambassador, accepted.

SPECIAL PRESENTATIONS:

A. Presentation of APWA Project of the Year Award for Outstanding Roadway Capacity Improvement Project – Sierra Avenue Widening

Jerry Burke, President of the Board of Directors for American Public Works Association (APWA) Inland Empire Branch presented the City with APWA's Project of the Year Award for Outstanding Roadway Capacity Improvement Project for the Sierra Avenue Widening Project. Mayor Warren, the City Council and City Engineering staff accepted the award.

B. Mayor Warren and City Council to swear in new Fontana Police Officers Regina Barajas, Tyler Burke, Dominic Galvan, Mario Gonzalez, Sal Gonzalez, Billy Gustason, Nicholas Martinez, Dylan Pon, Richard Stith & Brett Swanson (Chief Michael Dorsey to present).

Mayor Warren and the City Council swore in new Fontana Police Officers Regina Barajas, Tyler Burke, Dominic Galvan, Mario Gonzalez, Sal Gonzalez, Billy Gustason, Nicholas Martinez, Dylan Pon, Richard Stith and Brett Swanson.

C. Mayor Warren and City Council to recognize Sergeants Travis Burnside and Casey Kirkland, Corporals John Collopy, Garrett Gooselaw, Andrew Hackett, Taylor Hart, Tyler Pope, Buddy Porch, Matthew Rodgers and Bradley Ubovich,

Forensic Evidence Technicians Andrea Boone, Jon-Paul Mitchell and Lisa Young, & Records Specialist II Roxana Ramirez as January 2025 Employees of the month (Captain Burton to present).

Mayor Warren and the City Council recognized Sergeants Travis Burnside and Casey Kirkland, Corporals John Collopy, Garrett Gooselaw, Andrew Hackett, Taylor Hart, Tyler Pope, Buddy Porch, Matthew Rodgers and Bradley Ubovich, Forensic Evidence Technicians Andrea Boone, Jon-Paul Mitchell and Lisa Young, and Records Specialist II Roxana Ramirez as January 2025 Employees of the month.

PUBLIC COMMUNICATIONS:

Avraham Coutin spoke about concerns related to the federal government and emphasized the importance of protecting free speech.

City Attorney Duran reminded the City Council and the public that the City does not have jurisdiction over federal matters and that public comments should focus on topics within the City Council's authority.

Lionel, a journalist from Chaffey College, requested a statement from the Mayor and City Council regarding the impact of gentrification in the Southridge area.

Blenda Longz raised concerns about tree overgrowth and pedestrian activity in the wash near Baseline and West Liberty Parkway, despite posted no-trespassing signs. She also expressed frustration over the Police Department's lack of response following a recent burglary at her home.

CONSENT CALENDAR:

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

- A. Approval of Minutes 25-0132**
Approve the minutes of the March 11, 2025, Regular City Council Meeting.

- B. Purchase & Sale Agreement- Regional Homeless Navigation Center 25-0025**
 - 1. Approve a Purchase & Sale Agreement for the purchase of building and associated land located at 11109 Jasmine Street, more specifically described as APN # 0238-111-53 in the amount of \$11,664,510.
 - 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

- C. American Rescue Plan Act Update** **25-0079**
 Receive update and approve revisions to the American Rescue Plan Act (ARPA) Expenditure Plan, including the leveraged projects.
- D. Amend Administrative Policy Purchasing 20-50** **25-0087**
 Adopt **Resolution 2025-018**, of the City Council of the City of Fontana, amending Administrative Policy Section 20-50 (Purchasing Policies and Procedures Manual).
- E. Acceptance of Housing and Homelessness Incentive Grant** **25-0110**
1. Accept grant funding from the County of San Bernardino Community Development & Housing Department in the amount of \$500,000 in Housing and Homelessness Incentive Program HHHIP) Funds
 2. Authorize the City Manager, or City Manager’s designee, to execute and transmit any documents necessary or desirable to ensure the City’s timely submittal and execution of the Housing and Homelessness Incentive Program (HHIP)
- F. Designation of Applicant's Agent Resolution (Cal OES 130) for Disaster Assistance** **25-0111**
 Approve Cal OES Form 130, Designation of Applicant’s Agent Resolution for Non-State Agencies, designating the City of Fontana’s authorized agents to provide required assurances and execute agreements for the purpose of obtaining disaster relief and emergency assistance for all open and future disasters for up to three (3) years following the date of approval.
- G. Approve award and authorize a Agreement with JK Mosaic, LLC for Outdoor Public Artwork Services at the Downtown Parking Structure (DE-24-145-SQ)** **25-0113**
1. Award and authorize the City Manager to execute a Agreement with JK Mosaic, LLC for Outdoor Public Artwork Services at the Downtown Parking Structure in the amount of \$134,353.41.
 2. Approve and authorize the City Manager to execute any future amendments to the Agreement.
- H. Police Department Monthly Information Update** **25-0114**
 Accept the Police Department monthly information update for January 2025.
- I. Accept and Approve Fontana City Council Priorities for 2025** **25-0121**
 Approve Council Priorities for 2025

**J. Award a Design-Build Contract for the Downtown West Parking 25-0124
Structure Project (DE-24-132-SQ-01).**

1. Award and authorize the City Manager to enter into a Design-Build Contract with McCarthy Building Companies, Inc. for the Downtown West Parking Structure Project in the amount of \$20,672,583.00 and authorize a contingency in the amount of \$2,067,258.30 (Bid No. DE-24-132-SQ-01).
2. Approve and authorize the City Manager to execute future individual Design-Build Contract Change Orders not exceeding the Contingency amount for the Downtown Parking Structure Project (DE-24-132-SQ-01).
3. Authorize the City Manager to execute any and all utility agreements, utility easement, and any related items on behalf of the City of Fontana for the Downtown West Parking Structure Project (Bid No. DE-24-132-SQ-01).

**K. Additional Fiscal Year 2024-25 Organizational Changes, 25-0125
Including New Classifications and Salary Ranges.**

1. Approve the additional recommended organizational changes including the establishment of four (4) new classifications, one (1) reclassification, and the addition of six (6) new positions to the 2024-25 Current Budget.
2. Adopt **Resolution No. 2025-019**, a resolution of the City Council of the City of Fontana, California, approving the updated salary table for the Teamsters Local 1932 City Hall Unit and the Management/Confidential salary tables, effective March 26, 2025.

L. Acceptance of a grant to Support Local Arts Events 25-0126

Authorize the City Manager or his designee to enter into a contract with the San Bernardino County Board of Supervisors to accept a contribution in the amount of \$100,000 for the production and support costs of Local Arts Events at Stage Red.

PUBLIC HEARINGS:

**A. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed 25-0084
Abatement Accounts**

1. Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in Certified Lien List and direct staff to forward recorded liens to the County for collection.
2. Authorize staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the Certified Lien List and direct staff to forward recorded liens to the County

for collection.

3. Adopt **Resolution No. 2025-020**, of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

Mayor Warren opened the public hearing.

City Clerk Key stated no written communications were received.

Revenue Operations Manager Lisa Conlon provided the staff report.

With no one interested to speak in favor or opposition of this item Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve staff recommendation on Public Hearing Item "A." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

B. Public Hearing and Adoption of Housing and Urban Development (HUD) Planning Documents including the Five-Year Consolidated Plan (2025-2029), the One-Year Annual Action Plan (2025-2026), and the Analysis of Impediments (2025-2029) 25-0023

1. Adopt the draft Five-Year Consolidated Plan (2025-2029); and
2. Adopt the draft FY2025-26 Annual Action Plan for Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) programming; and
3. Adopt the draft Analysis of Impediments to Fair Housing Choice (2025-2029); and
4. Authorize the City Manager, or City Manager's designee, to execute and transmit any documents necessary or desirable, including but not limited to purchase agreements that may include acquisitions costs up to the full amount of the allocated funds, to ensure the City's timely receipt and execution of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) programs; and
5. Authorize the City Manager, or City Manager's designee, to execute and transmit any documents necessary or desirable, including but not limited to purchase agreements that may include acquisitions costs up to the full amount of the allocated funds, to facilitate the timely administration of the Community Development Block Grant (CDBG) Acquisition, Rehabilitation,

and Rental Program including but not limited to property purchase agreements; and

6. Authorize the City Manager, or City Manager's designee, to award and execute any construction contracts up to \$200,000 to facilitate the timely administration of the Community Development Block Grant (CDBG) Acquisition, Rehabilitation, and Rental Program.

Mayor Warren opened the public hearing.

City Clerk Key stated no written communications were received.

Housing Manager Valerie Gonzales provided the staff report.

With no one interested to speak in favor or opposition of this item Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to approve staff recommendation on Public Hearing Item "B." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

- C. Public Hearing and Adoption of Updated Citizen Participation Plan for U.S. Department of Housing and Urban Development (HUD) Grants 25-0075**
Adopt the draft Citizen Participation Plan

Mayor Warren opened the public hearing.

City Clerk Key stated no written communications were received.

Housing Manager Valerie Gonzales provided the staff report.

With no one interested to speak in favor or opposition of this item Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 5-0 to approve staff recommendation on Public Hearing Item "C." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

- D. Master Case (MCN) No. 24-073 and Municipal Code Amendment (MCA) No. 24-006: Fontana Municipal Code Amendments to Chapter 30 (Zoning and Development Code) to modify Section No. 30-467 pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to 25-0030**

comply with State of California law, pursuant to a statutory exemption in accordance with California Public Resources Code section 21080.17

1. Determine that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to California Public Resources Code section 21080.17 as CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, Which is California’s ADU law and which also regulates JADUs, as defined by section 66313; and,
2. Read by title only and waive further reading of and introduce **Ordinance No.1966**, an Ordinance of the City of Council of the City of Fontana approving Master Case No. 24-073 and Municipal Code Amendment (MCA) No. 24-006 to amend Section 30-467 of Chapter 30 of the Municipal Code pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to comply with State of California law; and the reading of the title constitutes the first thereof.

Mayor Warren opened the public hearing and announced Public Hearing Item D would be continued to the April 8, 2025, City Council meeting.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Sandoval, and passed unanimously by a vote of 5-0 to continue Public Hearing Item “D” to the April 8, 2025, City Council meeting. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

NEW BUSINESS:

A. Adopt Ordinance No. 1967, Amending Chapters 16, 17, and 19 25-0094 of the Fontana Municipal Code to make sections more intuitive and to incorporate current best practices.

1. Read by title only and waive the further reading of section 16-17 to allow the sale and consumption of beer and alcohol incidental to the purpose of a permit obtained for a designated area in a public park under sections 17-5 and 19-3 of the FMC with approvals, including that of the city manager, as it pertains to tourism, community, and cultural events.
2. Read by title only and waive the further reading of section 17-5 to amend the requirements and timeframes for permits for meetings, assemblies, rallies, demonstrations and parades consisting of 50 or more individuals on a public street, sidewalk or other public place within the city to grant the City an appropriate amount of time to receive and review applications and to include additional methods of service for applicants to receive

notice of the City's decision on such applications.

3. Read by title only and waive the further reading of Chapter 19, sections 19-1, 19-2, 19-3, and 19-35 to update references to the Parks, Community and Human Service Commission; prohibit any tournament or the charge of admission fees or associated fees in any publicly maintained park; increase the threshold of the number of people required for a permit under the chapter; amend the reservation procedure to provide an indemnity provision and to increase the timeframes for reservation requests for permits under the chapter; amend the conditions for denial to further clarify such conditions for permits under the chapter; and to update the duties of the parks, community and human services commission to bring the municipal code current.

Deputy City Manager Ray Ebert provided the staff report.

City Clerk Key stated that there were no requests to speak.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to approve staff recommendation on New Business Item "A." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

B. Discussion and Possible Action Regarding Appointment to the Parks, Community, and Human Services Commission for a two-year term

The following applicants were slated for appointment to a one-year term.

1. Benjamin Alba
2. Faye A. Glass
3. Ana Ordonez
4. Gilbert Roldan
5. Armando Valles

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed by a vote of 4-1 to approve the appointment of said individuals for a one-year term. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None; ABSENT: None

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Matt Ballantyne thanked the Mayor and City Council recognizing the city's seasoned employees at the annual employee recognition event.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler Brooks congratulated the newly sworn police officers and the Police Department Employees of the Month.

City Clerk Key also congratulated the newly sworn police officers and Police Department Employees of the Month, as well as Elaine Jones of One Legacy.

Council Member Sandoval requested that recognition of the Community Services Department's recent awards from the California Parks and Recreation Society be added to the next agenda. He congratulated the Fire Department on the purchase of two new engines, the newly sworn police officers, and the Police Department Employees of the Month. He explained his decision to vote against the appointment of Parks, Community, and Human Services Commissioners, stating that he was not familiar enough with the selected applicants. Lastly, he wished his daughter, Cecelia, a happy birthday.

Council Member Roberts congratulated the newly sworn police officers and extended condolences to former Planning Commissioner Ralph Thrasher on the passing of his wife.

Council Member Cothran apologized for missing the employee recognition event and congratulated the Fire Department on acquiring two new engines, as well as the newly sworn police officers. He also thanked all applicants for the Parks, Community, and Human Services Commission and requested that future recruitment efforts clearly state that the position is unpaid.

Mayor Pro Tem Garcia highlighted the recent Arbor Day event and announced that Fontana has been recognized as a Tree City by the California Department of Agriculture. He encouraged the community to support the new downtown business, Mi Coffee Flor Mayor, and discussed ongoing development in downtown Fontana.

Mayor Warren emphasized that it is each Council Member's responsibility to reach out to board and commission applicants to make an informed decision. She expressed satisfaction with the selection of applicants and congratulated employees honored at the recent service awards event. She provided an update on recent Fontana Chamber of Commerce ribbon-cutting ceremonies and praised the Chamber for its efforts. She also shared her enthusiasm for downtown Fontana's revitalization. Mayor Warren recounted a recent reunion cruise, noting the large number of Fontana residents in attendance. She encouraged the community to visit the City's website and recreation brochure for details on available activities and services. Additionally, she announced that 2nd District Supervisor Jesse Armendarez is partnering with San Bernardino County Animal Control to host a free pet adoption event on March 28th at the Fontana Dog Park. She also highlighted the recent Little League Opening Day event. Lastly, she recognized the late Civil Engineer Ray Allard for his service to the City and honored San Bernardino County Deputy and Fontana resident Hector Cuevas, Jr., who died in the line of duty on March 17th.

ADJOURNMENT:

A. Adjournment

Mayor Warren and the City Council led a moment of silence in memory of the following individuals:

1. Hector Cuevas, Jr.

Mayor Warren adjourned the meeting at 3:18 p.m. to the Regular City Council Meeting on Tuesday, April 8, 2025, at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell, CMC
Chief Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON APRIL 8, 2025.

Germaine Key
City Clerk



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

City Council Meeting

File #: 25-0142

Agenda #: B.

Agenda Date: 4/8/2025

Category: Consent Calendar

FROM:

Administrative Services

SUBJECT:

Adoption of Ordinance No. 1967 (Second Reading), Amending Chapters 16, 17, and 19 of the Fontana Municipal Code to make sections more intuitive and to incorporate current best practices.

RECOMMENDATION:

Second Reading/Adopt **Ordinance No. 1967**, Amending Chapters 16, 17, and 19 of the Fontana Municipal Code to make sections more intuitive and to incorporate current best practices.

COUCIL GOALS:

- Operate in a businesslike manner by creating a memorable customer experience with every interaction.
- Increase citizen involvement by seeking community input.
- Increase citizen involvement by informing the public about issues, program, and accomplishments.

DISCUSSION:

Ordinance No. 1967 was introduced by a vote of 5-0 at the March 25, 2025, Regular City Council Meeting.

FISCAL IMPACT:

None.

MOTION:

Approve staff recommendation.

ORDINANCE NO. 1967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING SECTIONS 16-17, 17-5, AND MULTIPLE SECTIONS OF CHAPTER 19 OF THE FONTANA MUNICIPAL CODE TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOL INCIDENTAL TO THE PURPOSE OF A PERMIT UNDER SECTIONS 17-5 AND 19-3 OF THE MUNICIPAL CODE; AMEND THE STANDARDS, CONDITIONS AND REQUIREMENTS FOR SPECIAL PERMITS AND PERMITS ON PUBLIC MEETINGS AND DEMONSTRATIONS; PROHIBIT TOURNAMENTS, ADMISSION AND ASSOCIATED FEES IN PUBLIC PARKS; AND CLEAN UP ERRONEOUS LANGUAGE IN THE RESPECTIVE SECTIONS OF THE MUNICIPAL CODE.

WHEREAS, the City of Fontana, California ("City") is a general law city, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City desires to modify Chapter 16-17 of the FMC to allow for the sale and consumption of beer and alcohol incidental to the purpose of a permit obtained for a designated area in a public park under Sections 17-5 and 19-3 of the FMC with approvals, including that of the city manager, as it pertains to tourism, community and cultural events; and

WHEREAS, the City desires to modify Chapter 17-5 of the FMC to amend the requirements and timeframes for permits for meetings, assemblies, rallies, demonstrations and parades consisting of 50 or more individuals on a public street, sidewalk or other public place within the city to grant the City an appropriate amount of time to receive and review applications, and to include additional methods of service for applicants to receive notice of the City's decision on such applications; and

WHEREAS, the City desires to modify Chapter 19 to update references to the Parks, Community and Human Service Commission; prohibit any tournament or the charge of admission and associated fees in any publicly maintained park; increase the threshold of the number of people required for a permit under the chapter; amend the reservation procedure to provide an indemnity provision and to increase the timeframes for reservation requests for permits under the chapter; amend the conditions for denial to further clarify such conditions for permits under the chapter; and to update the duties of the parks, community and human services commission to bring the municipal code current; and

WHEREAS, the City desires to clean up the erroneous language of the respective sections of Chapters 16, 17, and 19 to provide for a more comprehensible and concise municipal code.

THE CITY COUNCIL OF THE CITY OF FONTANA DOES ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as findings in support of this Ordinance.

Section 2. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 3. Municipal Code Amendment. Chapters 16, 17 and 19 of the FMC are hereby amended to read as provided in Exhibit A which is attached hereto and incorporated herein by this reference.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 6. Effective Date. This Ordinance shall be effective thirty days (30) following its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED by the City Council of the City of Fontana, at a regular meeting of the City Council held on the 8th day of April, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 25th day of March, 2025 and was finally passed and adopted not less than five days thereafter on the 8th day of April, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

Sec. 16-17. Public consumption of intoxicant and possession of open container of alcoholic beverage prohibited.

- (a) As used in this section, "alcoholic beverage" includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume, and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (b) It shall be unlawful for any person to drink an alcoholic beverage while upon any street, alley, way, sidewalk, parkway, playground, or park within the city, or within any building owned by or leased to the city, whether such person is or is not in or upon any automobile or other vehicle or conveyance.
- (c) It shall be unlawful for any person to possess any can, bottle, or other receptacle containing an alcoholic beverage, as defined in subsection (a), that has been opened, or had its seal broken, or the contents of which have been partially removed, in any city park or other city-owned property or other public place, including, but not limited to, city-owned or city-leased buildings, parking lots, streets, alleys, ways, sidewalks, parkways and playgrounds.
- (d) It shall be unlawful for any person possessing any can, bottle, or other receptacle containing an alcoholic beverage, as defined in subsection (a), that has been opened, or had its seal broken, or the contents of which have been partially removed, to enter or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business & Professions Code. All licensees shall comply with the following requirements:
 - (1) All retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 (commencing with Section 23000) of the Business & Professions Code to operate in the city shall post the licensed premises with permanent signs which shall include language stating the following: "Possession of any open alcoholic beverage container in or outside this store is prohibited by law."
 - (2) Required signs shall be posted such that they are visible to (i) patrons of the licensee; (ii) patrons using the parking lot immediately adjacent to the licensed premises; and (iii) persons on any public sidewalk immediately adjacent to the licensed premises.
 - (3) For purposes of this subsection "posted premises" shall mean those premises which are subject to licensure under any retail off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises, and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subsections (d)(1) and (d)(2). "Parking lot immediately adjacent to the licensed premises" shall mean any parking lot, which is contiguous to the licensed premises and is utilized by patrons of the licensed premises, except a private residential parking lot immediately adjacent to the posted premises.
- (e) Subsections (b) and (c) shall not apply to any designated area or location within the city for a temporary permit of up to seven days, which designated area or location has been approved by resolution of the city council. In addition, subsections (b) and (c) shall not apply to any designated area or location within the city for a temporary permit of up to seven days, which designated area or location has been approved by the city manager or his/her designee upon determining that public convenience would be served, that the public health, safety and welfare would not be affected and if there is insufficient time for the city council to take formal action on the request. Such designation shall be reported to city council at their next regularly scheduled city council meeting.
- (f) Subsection (b) and (c) shall not apply to any designated building owned by or leased to the city which has been rented to a private citizen or group, which has been approved by the parks, community and human

services commission. In addition, subsections (b) and (c) shall not apply to any designated building owned by or leased to the city which has been rented to a private citizen or group, which has been approved by the city manager or his/her designee upon determining that public convenience would be served, that the public health, safety and welfare would not be affected and if there is insufficient time for the parks, community and human services commission to take formal action on the request. Such designation shall be reported to the parks, community and human services commission at their next regularly scheduled parks, community and human services commission.

- (g) This section shall not apply when an individual is in possession of an alcoholic beverage container for the purpose of recycling or other related activity. Furthermore, this section shall not be deemed to make punishable any act or acts which are prohibited by any law of the state.
- (h) Any person in violation of this section shall be guilty of an infraction. Alcoholic beverage licensees in violation of subsection (d)(1) and (d)(2) shall also be guilty of an infraction.
- (i) Public Park. Section 19-1(a)(8) of the Fontana Municipal Code shall not apply to a designated area in a public park under Section 19-3 and Section 17.5 of the Fontana Municipal Code for a permit where the sale of beer and wine is incidental to the purpose of the permit. All permit applicants are still subject to, and must comply with, all applicable federal, state and local regulations for the sale of beer and wine. Any permit application under Section 19-3 and Section 17.5 of the Fontana Municipal Code, where the sale of beer and wine is incidental to the purpose of the permit, must obtain city manager approval. Additionally subsections (b) and (c) of this Section 16-17 shall not apply to any permit which has been approved by the city manager pursuant to this subsection (i).

(Ord. No. 1174, § 1, 12-19-95; Ord. No. 1277, § 1, 2-2-99; Ord. No. 1347, § 1, 6-5-01; Ord. No. 1652, § 1(Exh. E), 1-10-12; Ord. No. 1780, § 5, 9-25-18)

Sec. 17-5. Meetings, demonstrations and parades.

- (a) *Permit requirements.* No person shall conduct a public meeting, assembly, rally, demonstration or parade consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, or participate in any such function, unless and until a permit to conduct such public meeting, assembly, rally, demonstration or parade has been obtained pursuant to this section 17-5.
- (b) *Application for permit; bond.* Any person wishing to conduct a public meeting, assembly, rally, demonstration or parade, consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, shall apply to the city manager for a permit no fewer than 14 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade; provided, however, that any person wishing to conduct a public meeting, assembly, rally, demonstration or parade in or upon a public street within the city shall apply to the city manager for a permit no fewer than ~~30~~ 90 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade if said event requires the closure of any public street within the city. Permit applications shall be made in writing on a special event application form as approved by the city manager requiring the following information and items, all of which shall be required prior to the application being deemed complete:
- (1) The name, address and telephone number of the person applying for the permit. If the permit is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization.
 - (2) A statement of the nature or purpose of the proposed use, event or activity.
 - (3) The proposed date and the estimated starting and ending time of the proposed use, event or activity.
 - (4) The proposed location of any assembly areas, disbanding areas, and route(s) proposed, as well as the detour route(s) proposed for pedestrian and vehicular traffic.
 - (5) The type and estimated number of participants, vehicles, and animals, as applicable. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
 - (6) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.
 - (7) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
 - (8) The proposed location of parking facilities to be used by the event participants.
 - (9) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

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- (10) The permit application and permit shall provide that the sponsoring entity agrees to be liable to the city for all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. In calculating the departmental service charges, the permittee shall not be responsible for the costs of protecting the permittee and the public from any hostile response to the permitted activity.
 - (11) The applicant or sponsoring entity shall provide to the city, in cash, bond (issued by a surety licensed and admitted to conduct surety business within the state) or letter of credit, in an amount determined from the time to time by city council resolution to cover all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. If city property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.

(c) *Definitions.* As used in this section:

City manager means the City of Fontana City Manager or his or her designee.

Demonstration or rally means any planned assembly or rally consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Parade means any planned or spontaneous march or procession of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Public meeting means any planned or spontaneous assembly consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley or public place.

(d) *Conditions.*

- (1) No permit shall be issued for the sole purpose of advertising or displaying products, services, or wares by a business establishment or person.
- (2) Events qualifying under the definition of a parade, demonstration or rally shall be limited to a route distance of 1½ miles.
- (3) Official entries for such events, i.e., floats, marching bands, VIP vehicles, equestrians, etc., shall not exceed 150 units.
- (4) No person shall carry or possess any weapon, nor shall any person use any length of lumber, wood, wood lath, metal or like material or bottles or other objects or materials as a weapon, while on public property or while participating in any parade, demonstration or rally.

(e) *Exemptions.*

- (1) Athletic events sponsored by the community services department, i.e., running, walking, bike-a-thons, triathlons, etc. are exempt from the provisions of subsection (d).
- (2) Exempted from this section 17-5 shall be block party permits, which shall be regulated under an appropriate resolution adopted by the city council and establishing guidelines for such activities.
- (3) Any funeral processions.
- (4) Any special event, community/commercial picnic, celebration, parade, service or exercise, or other organized activity held or conducted within a public park or public facility and regulated pursuant to chapter 19, article I of this Code.
- (5) Any co-sponsored events, but only to the extent provided for by city guidelines established for co-sponsorship.

(f) *Processing of permits.*

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- (1) If a complete application is filed after the filing deadline, the city manager shall immediately investigate to determine if he or she has sufficient time to process the application, to investigate the effects of the proposed use, event or activity on traffic and other conditions, and to obtain police services for such permit. The applicant shall have an opportunity to demonstrate that the circumstances giving rise to the proposed use, event or activity did not reasonably allow the participants to file for a permit within the time prescribed and that imposition of the time limitation would unreasonably restrict the right of free speech. If such a demonstration is made, and the city manager makes none of the findings set forth in subsection (f)(3)b., he or she shall issue a permit despite the lack of 14 calendar days' advance application (or, in the case of events requiring ~~30~~ 90 calendar days' advance notice, despite the lack of ~~30~~ 90 calendar days).
 - (2) The permit application shall be considered complete on the date that the information and security required by this section is provided.
 - (3) The city manager shall issue the permit, conditioned upon the applicant's written agreement to comply with ~~any and all~~ the terms of this section and any conditions imposed on the issuance of the permit, unless he or she finds that:
 - a. The information contained in the application is false or intentionally misleading or the applicant ~~fails~~ failed to complete the application after having been notified of additional information that is required.
 - b. The activity will endanger public health, welfare or safety for the reasons set forth herein, and reasonable adjustments to the community traffic control, street and property maintenance, or police, fire, or ambulance protection would not alleviate such danger.
 1. An application received prior in time has been approved for the same time and place so close as to cause undue traffic congestion or exceed the ability of the city to provide police and other services for both uses, events or activities.
 2. The time, route, or size of the proposed use, event or activity will substantially and unreasonably interrupt the safe and orderly movement of pedestrian or vehicular traffic in contiguous areas or will disrupt the use of streets or rights-of way at a time of usual traffic congestion.
 3. The concentration of persons, animals and vehicles, or a combination thereof, for the proposed use, event or activity will prevent proper police, fire or ambulance service to contiguous areas.
 4. The proposed use, event or activity is of a size or nature that requires a diversion of so great a number contiguous area that will prevent reasonable police protection to the remainder of the city.
 5. The location of the proposed use, event or activity will substantially interfere with construction or maintenance work scheduled upon or along the city streets or rights-of-way or will interfere with a previously granted encroachment permit.
 6. The permittee has failed to provide for the services of sufficient monitors to control the orderly conduct of the proposed use, event or activity.
 7. The permittee has failed to provide a reasonable means of informing all of the persons participating therein of the terms and conditions so such permit.
 8. The proposed use, event or activity will result in harm to persons or property.

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9. The preparation for or the conduct of the proposed use, event or activity will unduly impede, obstruct, or interfere with the city's ability to perform municipal functions or furnish city services in the vicinity of the permit area.
- (4) When the grounds for denial of an application can be corrected by altering the date, time, duration, route, location, maximum length, speed, stops permitted, accommodation of other traffic and number and types of vehicles, the city manager shall, instead of denying the application, conditionally approve the application subject to such corrections and conditions. The conditions imposed shall provide only for such modification of the applicant's proposal as are reasonably necessary to comply with subsection (f)(3)b.
- (5) The city manager shall uniformly consider each application upon its merits, and shall not deny any permit based upon political or religious grounds or reasons.
- (6) Within 14 calendar days after the filing of the permit application (~~or, in the case of events requiring 30 90 calendar days, within 30 90 calendar days after the filing of the application~~) the city manager shall issue or deny the permit, and shall notify the applicant, in writing, of the action taken. Such service shall be made either by personal service, fax, email or first class mail (postage prepaid). In those instances when issuance or denial occurs three days or less before the proposed use, event, or activity the city manager is authorized to use other reasonable means of notification provided the applicant is provided actual notification.
- (7) If the city manager denies the permit, he or she shall set forth the reasons for denial. The city manager's decision shall be final unless appealed.
- (8) Any applicant may appeal the final decision of the city manager to the city council. Appeals shall be filed with the city clerk within two calendar days after the applicant is served with written notice of the decision. Except as otherwise provided in 17-5 (f)(3)b.6, failure of any person to receive written notice shall not invalidate same. The city council shall act upon the appeal at the next regularly scheduled city council meeting held more than seven calendar days and less than 14 calendar days after the filing of the appeal. If no such meeting is scheduled, the mayor shall call a special city council meeting to consider and act upon such appeal within 14 calendar days after the filing of such appeal.
- (9) Expedited judicial review of any decision made by the city council made pursuant to section 17-5 may be had pursuant to Code of Civil Procedure Section 1094.8.
- (g) *Street closure.*
- (1) The city manager may authorize the temporary closure of streets or highways for meetings, assemblies, rallies, demonstrations or parades for which a permit has been issued pursuant to this section 17-5.
- (2) Once authorized pursuant to subsection (g)(1), the chief of police or any on-scene peace officer supervisor may cause the closure of such streets and highways as designated by the city manager, as well as additional streets and highways for if such supervisor deems such additional closure necessary in order to ensure safety of persons or property in the area and the orderly flow of traffic.
- (h) *Interference.*
- (1) No person shall, without the consent of the permittee, join or participate in any parade, public meeting, rally, demonstration or assembly, or in any manner interfere with its progress or orderly conduct.
- (2) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.
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(Code 1968, § 16-5; Ord. No. 1472, § 1, 2-1-05; Ord. No. 1503, § 1, 6-27-06; Ord. No. 1543, § 1, 2-26-07)

Cross reference(s)—Picnics, parades, etc., in parks, § 19-2; streets and sidewalks, ch. 25.

(Supp. No. 59)

Sec. 19-35. Duties.

The duties of the parks, community and human services commission shall be to:

- (1) Act in an advisory capacity to the city council and city staff in matters pertaining to the acquisition, development, and maintenance of public parks and recreational facilities, and related projects at the specific request of the city council.
- (2) Advise the city council and city staff on the needs and concerns of citizens of all ages, religions, races, ethnic backgrounds, economic, and social circumstances.
- (3) Advise city staff in the planning and operation of parks and recreational, cultural, multi-cultural, health and fitness, nutrition, transportation, resource referral and senior services and programs for the residents of the city.
- (4) Promote and stimulate interest in parks and recreational, cultural, multi-cultural, health and fitness, nutrition, transportation, resource referral and senior services that enhance the health and quality of life for residents, and obtain the greatest possible cooperation and participation of the citizens and public and private agencies in such programs.
- (5) Facilitate surveys and research and provide insight to advise the community services director and public works director regarding trends, innovations, and community interest or concern as it relates to recreational, cultural, multicultural, senior, nutrition, transportation, resource referral and/or health and fitness programming, and/or public park and recreational facilities.
- (6) Promote and support, on a city-wide basis, the work of community agencies, social organizations, and special interest groups which support parks, recreation, and other community services.
- (7) Encourage and support the city's relationships with school districts and other public agencies to maximize the recreational use of school facilities, collaborative programming, mutual resources, and other public resources.
- (8) Cooperate with other city commissions and committees in receiving and evaluating matters pertaining to parks, recreation, and community services.
- (9) Review programs and services provided by the community services and public works departments, and advise and make recommendations to city staff.
- (10) ~~Reserved. Advise the community services director and public works director in the preparation of the annual budget and long range park and recreation facilities capital improvement budget.~~
- (11) ~~Reserved. Consider and advise staff regarding fees and charges to be made for recreation, community services, and senior service programs and for the use of public facilities including parks, fields, playgrounds, and special use facilities.~~
- (12) Advise and recommend for consideration general policies with respect to the community services and public works departments.
- (13) Make periodic visits and assessments of public recreation facilities, programs, and activities.

(Code 1968, § 19-11; Ord. No. 1086, § 43, 8-17-93; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1652, § 1(Exh. F), 1-10-12; Ord. No. 1780, § 6, 9-25-18)

Chapter 19 – ~~PARKS AND COMMUNITY SERVICES~~ PARKS, COMMUNITY AND HUMAN SERVICES

ARTICLE I. IN GENERAL

Sec. 19-1. Prohibited acts.

(a) No person shall do any of the acts specified in this section within the limits of any publicly maintained park:

- (1) Bring or permit therein any horses, goats, cats, fowl, dogs or any other animals, excepting such animals which are brought into any park for purposes of exhibition pursuant to a special permit or in specially designated areas and excepting specially trained guide dogs, signal dogs or service dogs, when such dog accompanies a blind, deaf or physically disabled person.
- (2) Wound, kill or catch or attempt to wound, kill or catch any bird, fowl, fish or other animal.
- (3) Indulge in any riotous or offensive conduct as defined in Penal Code § 415 or use vulgar or obscene language as defined in Penal Code § 311.
- (4) Make campfires in any other places than in stoves and barbecues provided by the city.
- (5) Practice, carry on, conduct or solicit for any trade, occupation, business or profession; excepting only upon special permit, when applicable, granted as set forth in section 19-3.
- (6) Cut, deface, remove or damage any tree, shrub, plant, wood, turf, rock, sand, gravel or earth or pick any flowers without special permit granted as set forth in section 19-3, when applicable.
- (7) Play or engage in any game or tournament, except at such places as shall be especially set apart for that purpose, and, when applicable, in accordance with a special permit issued pursuant to section 19-3.
- (8) Have, possess, carry, sell or consume any intoxicating liquor. For the purpose of this subsection, the term "intoxicating liquor" shall be construed to include any spirituous, vinous, malt or mixed liquors containing one-half of one percent by volume of alcohol which are fit for beverage purposes, excepting only upon authorization pursuant to section 16-17.
- (9) Park automobiles or other vehicles except at places especially provided or designated for such purposes or leave automobiles or other vehicles with the engine running.
- (10) Throw or deposit any bottles, tin cans, broken glass, paper, rubbish, refuse or waste material of any kind at any place except in containers for such purposes.
- (11) Sell or offer for sale any goods merchandise, articles or things whatsoever; excepting only upon special permit granted as set forth in section 19-3.
- (12) Drive or operate any motor vehicle in excess of five miles per hour in any park.
- (13) Swim, fish, wade, bathe in or pollute the waters of any fountain, pond, lake or stream. Wading shall be permitted in the wading pool especially designed for wading purposes.
- (14) Propel any vehicle, motorcycle or automobile on any footpaths, hiking trails, bike paths or elsewhere than roads or drives provided for such purpose.

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- (15) Skateboarding, roller blading, and skating except in designated facilities and areas specially designed for such purpose.
 - (16) To roller skate or bicycle upon the tennis courts within any public park within the city.
 - (17) To use sound amplifiers or speakers in a park in such a manner that the sound is amplified so as to be audible at a distance of 150 feet or more, unless a special permit is obtained as set forth in section 19-3.
 - (18) To post or otherwise affix any bills, notices or other papers upon any tree or structure within such parks, or upon any fence gate or enclosure.
 - (19) Charge admission or associated fees. This section 19-1(a)(19) shall not apply to Miller Park.

(Code 1968, § 19-1; Ord. No. 1086, § 42, 8-17-93; Ord. No. 1364, § 1, 11-20-01)

Sec. 19-2. Picnics, parades, etc.

No person, ~~company, society or organization~~ or society shall hold or conduct any picnic, celebration, community/commercial parade, service or exercise consisting of ~~50~~ 100 people or more in any public park without a special permit granted as provided in section 19-3, and it shall be unlawful for any person to take part in any picnic, celebration, parade, service or exercise held or conducted contrary to the provisions of this section.

(Code 1968, § 19-3; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1504, § 1, 6-27-06)

Cross reference(s)—Meetings, demonstrations and parades, § 17-5.

Sec. 19-3. Special permits.

- (a) Special permits as provided for in this chapter shall be issued only by the community services director in accordance with the criteria and requirements of this section.
- (b) Authority is also granted by the city council to the community services director to process and approve special permits for banners to be erected across city streets, at designated locations, for holiday decoration and advertisement of nonprofit activities within the community.
- (c) Reservations for activities in parks and public facilities. The community services director or designee shall be responsible for scheduling and controlling the use of the parks and public facilities, or portions thereof, for the benefits and participation by interested public and private persons and groups. Any person or group desiring to reserve any football field, soccer field, ball field, tennis court, swimming pool, picnic facility, or other park facility shall apply for a special permit in accordance with this section. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person or group to whom the permit is to be granted. The person or group to whom the special permit is to be granted shall abide by all policies and procedures applicable to the facility proposed to be used.

When an application includes the request for a community/commercial parade to be held upon public rights-of-way, the following information shall also be included in writing:

- (1) The type and estimated number of participants, vehicles, animals and floats, as applicable. Each float shall be described in terms of its width, height, power source and speed. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
- (2) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing

(Supp. No. 59)

accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.

- (3) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
- (4) The proposed location of parking facilities to be used by the event participants.
- (5) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

Reservation procedure. Any group or person desiring to use city parks, public facilities, public rights-of-way, or portions thereof, shall request from the community services director or his designee a special permit for the reservation of the same for such use. Persons or groups from within the city shall be given priority over persons or groups from outside the city if a conflict in scheduling arises. Requests for use shall be submitted in writing to the community services department on the facility use or special event application approved by the city manager in accordance with the following deadlines:

- (1) For special events: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the deadlines set forth in that section shall control.
- (2) For community/commercial parades: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.
- (3) For all other organized activities: not less than 14 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.

Upon the written approval by the community services director or designee, the applicant shall pay such application fees as approved by resolution of the city, not less than 30 calendar days in advance of the proposed use for special events or community/commercial parades, or 14 calendar days in advance of all other proposed organized activities. The community services director shall either approve, deny or conditionally approve a completed application for a special permit within 30 calendar days of the city's receipt of such application for special events and community/commercial parades, or seven calendar days in advance of all other proposed organized activities.

Conditions. The community services director may impose such reasonable conditions upon the issuance of any special permit as he or she deems necessary for the protection of the public health, safety, and welfare, including conditions related to time, place, frequency, duration, maximum number of persons in attendance, parking restrictions, and placement of apparatus and equipment. Each permit issued pursuant to this section shall provide that permittee will observe all applicable regulations governing the use of city parks.

Insurance. The community services director may also require the applicant to provide such additional liability insurance, security personnel, water sanitary facilities and refuse receptacles as the community services director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

Fees and deposits. Fees and deposits required in respect to special permits may include, without limitation, such amount as may be determined by resolution of the city, to be necessary to compensate the city, for the administrative costs associated with the special permit, as security for repair of damage to the park, public facilities, or public rights-of-way for the cost of cleanup, and for extra personnel to regulate conduct and traffic.

Clean up and repair expense. The application form shall provide that the applicant shall reimburse the city for all unusual or any extraordinary cleanup and repair expenses and for services provided by the city arising out of the activity authorized by the special permit, unless the event is approved as a co-sponsored event or activity.

Denial, cancellation or termination of permit or reservation. The community services director shall, within 30 calendar days of receipt of an application for a proposed special event or community/commercial parade, and 14 calendar days of receipt of an application for all other organized activities pursuant to this section, deny, cancel, or terminate the special permit and require the immediate vacation of the premises upon finding that any of the following conditions exist:

That the applicant has not given written agreement to comply with all the conditions imposed upon the granting of the special permit.

That the application reveals that the city does not have a park or facility, ~~which~~ that will accommodate the use, ~~or the city has determined that the use, or the intensity or degree of the use contemplated by the application.~~

That the proposed use is not one which by law must be permitted, and the chief of police or the city has determined that the use, or the intensity or degree of the use contemplated by the application creates security problems which pose a threat or potential threat to the public safety or welfare which cannot be mitigated to an acceptable level by the use of security personnel and facilities reasonable available for such purpose; and

That the proposed activity is not a reasonable use in relation to the use of the park by other persons and the effect of such use would be detrimental to the peace of the neighborhood, including the following:

Whether the conduct of the proposed activity will substantially interrupt the safe and orderly movement of persons within the park and near the activity;

Whether the conduct of the proposed activity will require the diversion of so great a number of police officers of the city to properly police the activity as to prevent normal police protection to the city;

Whether the concentration of persons, animals and/or vehicles at the proposed activity will unduly interfere with proper police and fire protection of areas contiguous to such activity; and

Whether the conduct of the proposed activity is reasonably likely to cause injury to persons or property.

That the applicant failed to file the application in a timely manner; and

That the park, public area, or public facility is not available for the requested use at the time specified by the applicant.

That the applicant failed in a material way to comply with the terms and conditions of any prior permit issued to the applicant for use of a park, public area, or public facility, or has failed to pay to the city any fee or cost due in relation to the issuance or exercise of such permit.

When a hazardous condition threatens or reasonably might threaten participants, spectators, city staff, or any person or property is the requested permit were to be issued; and

If a permit applied for is for the purpose of holding a class, course of instruction, or activity for any program not conducted or expressly sponsored or otherwise approved by the city and for which a fee is to be charged to attendees or participants.

If the community services director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other person, or as to the effect such use might have upon the peace of the neighborhood, and if the community services director and the applicant are unable to agree as to the conditions to be imposed upon the granting of a special permit, the application for a special permit may, at the option of the applicant, be processed in accordance with section 17-5, but without reference to the number of persons required to make section 17-5 applicable.

The community services director's decision to deny, cancel or terminate a special permit shall be delivered to the applicant of such permit within no less than seven calendar days of such decision by mailing a written version of decision, via certified mail, to the applicant; provided however, that in the event that the community services director determined that the public health, safety and welfare so require, verbal notification of any cancellation or termination of a special permit shall be deemed sufficient notice.

Appeal. Any person aggrieved by any act or determination of community services director in the exercise of the authority herein granted shall have the right to appeal to the city council. The appeal shall be in writing, stating the decision appealed from and the reasons for the appeal. That appeal shall be filed with the city clerk within seven calendar days after the occurrence of the act or determination forming the basis for the appeal. The appeal shall be heard by the city council at the first regular council meeting occurring more than 14 calendar days after the filing of the appeal.

Expedite review of any decision of the city council made pursuant to this section may be had pursuant to code of Civil Procedure section 1984.8, subdivision (c).

(d) Definitions. As used in this section ~~Chapter~~:

Community/commercial parade means any planned procession consisting of persons, animals or vehicles, including floats, or combination thereof upon a public street, right-of-way, sidewalk, alley or public space for public benefit by a community or commercial organization.

Community services director means the city community services director or his or her designee.

Other activities means all other organized activities, including but not limited to, picnics, celebrations, service or exercise, that are not otherwise included within the definition of special event or community/commercial parade.

Park or public facility means any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city.

Special event means any planned event consisting of ~~50~~ 100 or more persons, animals or vehicles, or combination thereof, upon any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city being held to provide public benefit through recreation, service or entertainment based activities. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the provisions of that section shall control.

(Code 1968, § 19-4; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1505, § 1, 6-27-06)

Cross reference(s)—Advertising and signs, ch. 3.

Sec. 19-4. Loitering at public toilets.

No person in a park shall loiter at or about any toilet facility open to the public.

(Code 1968, § 19-5)



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

City Council Meeting

File #: 25-0152

Agenda #: C.

Agenda Date: 4/8/2025

Category: Consent Calendar

FROM:

Engineering

SUBJECT:

Approve Reimbursement Agreement with HDO4, LLC for Construction of Traffic Signals at Duncan Canyon Road/Citrus Avenue and Duncan Canyon Road/John Previti Avenue

RECOMMENDATION:

1. Approve and authorize the City Manager to execute a Reimbursement Agreement with HDO4, LLC for the construction of traffic signals at Duncan Canyon Road/Citrus Avenue and Duncan Canyon Road/John Previti Avenue, in an amount not to exceed \$ 2,398,531.00.
2. Approve appropriation and allocate the amount of \$ 2,398,531.00 from Fund 604 Measure T.

COUNCIL GOALS:

- To invest in the City's infrastructure (streets, sewers, parks, etc.) by providing for the development of new infrastructure.
- To invest in the City's infrastructure (streets, sewers, parks, etc.) by focusing on relief of traffic congestion.

DISCUSSION:

The City has determined that a number of existing and future intersections will be significantly impacted by current and projected traffic, based on traffic studies related to developments in surrounding communities north of I-210 and east of I-15. Furthermore, these studies have validated the need for traffic signal installation at various locations, including Duncan Canyon Road/Citrus Avenue and Duncan Canyon Road/John Previti Avenue.

Currently, the intersection of Duncan Canyon Road and Citrus Avenue is not signalized, and residents are experiencing challenges navigating the large unsignalized intersection, especially during windy and rainy conditions. A future intersection at Duncan Canyon Road and John Previti Avenue is expected to face similar challenges due to ongoing and planned developments.

The developer, HDO4, LLC, has proposed to construct two traffic signals to improve circulation and enhance public safety. They have requested a reimbursement agreement. Approval of this agreement will allow the improvements to be constructed earlier than initially planned with other developments, further enhancing access and circulation within the community. In addition, future developments will benefit from these improvements.

Since the developer will be reimbursed for both hard and soft costs, they will not seek any development impact fee credits.

FISCAL IMPACT:

The cost associated with the approval of this item is \$ 2,398,531.00 and will be funded with Measure T (Fund 604). All necessary budget adjustments will be included in the next FY2024-25 Quarterly Budget Report.

MOTION:

Approve staff recommendation.

CONSTRUCTION REIMBURSEMENT AGREEMENT

This CONSTRUCTION REIMBURSEMENT AGREEMENT (“**Agreement**”) is entered into this ____ day of April, 2025 (“**Effective Date**”), by and between the CITY OF FONTANA, a California municipal corporation (“**City**”), and HDO4, LLC, a New Mexico limited liability company (and its successors and assigns) (“**Developer**”). The City and the Developer are sometimes hereinafter referred to individually as “**Party**” and collectively as “**Parties**”.

RECITALS

A. The Developer is constructing a mixed use residential-commercial project (“**Project**”) within a portion of that area of the City of Fontana designated as the “**Ventana Specific Plan**” (as it may be amended from time to time, the “**Specific Plan**”). A site map of the Specific Plan area is attached as Exhibit A.

B. The Developer is obligated pursuant to the various regulatory requirements associated with the approval of the Specific Plan and/or other Project entitlements (the “**Conditions of Approval**”) to construct certain public circulation and signal improvements (“**Public Improvements**”) which are to be dedicated to City that will both (i) benefit the Project by providing a more attractive, safe, and appropriate method of ingress and egress to the Project, and (ii) benefit the City by improving public safety and circulation. For purposes of the administration and enforcement of this Agreement, the Public Improvements are segregated into two (2) discrete components, each of which will be referred to in this Agreement as a “**Component**.” Each Component is described on the improvement plans attached as Exhibit B. The Estimated Construction Costs (defined in Section 3.2) of each Component is set forth on Exhibit C.

C. Prior to commencing construction of the Public Improvements, the Parties will enter into the City’s standard land improvement agreement (“**Improvement Agreement**”), which will set forth the terms and conditions governing the construction of the Public Improvements. A separate Improvement Agreement may be used for each Component. The Improvement Agreement will govern the Parties’ rights and obligations concerning the design, development, construction, and maintenance of the Public Improvements. This Agreement does not modify, extend, release, or waive any term or condition of the Improvement Agreement.

D. The City and the Developer have agreed that the City will reimburse the Developer for certain of the Public Improvements’ “**Construction Costs**” (defined below), subject to the terms and conditions of this Agreement.

AGREEMENT

The Developer and the City agree as follows:

1. Incorporation of Recitals. The Recitals above are a substantive part of this Agreement.

2. Construction of Public Improvements.

2.1. Compliance with Improvement Agreement. The Developer will construct the Public Improvements in accordance with the Improvement Agreement(s) at its own cost and expense, subject to reimbursement in accordance with this Agreement.

2.2. Plans. To the extent that it has not already done so, the Developer shall cause plans to be prepared for the Public Improvements (the “**Plans**”). The Developer shall obtain the City’s written approval of the Plans, which shall conform to the Improvement Agreement(s), the Conditions of Approval, and all applicable ordinances and regulations of the City. Copies of all Plans shall be provided by the Developer to the City upon request therefor, and, in any event, a written assignment of the Plans shall be provided to the City prior to its acceptance of the Public Improvements, and as-built drawings satisfactory to the City Engineer shall be provided to the City within twenty (20) days of such acceptance.

2.3. Responsibility for Construction. All Public Improvements for which reimbursement occurs pursuant to the terms hereof shall be constructed at the direction of the Developer in accordance with the Plans and the requirements of Section 2.7 hereof, unless specifically provided for otherwise herein or waived in writing by the City. The Developer shall employ at all times adequate staff or consultants with the requisite experience necessary to bid, administer and coordinate all work related to the design, engineering, acquisition, construction, inspection and installation of the Public Improvements to be dedicated to the City.

2.4. Permit Fees. In as much as the City is reimbursing Developer for Construction Costs associated with the Public Improvements, no construction permit fees for the construction of traffic signals will be charged to Developer for building permits issued in connection with the Public Improvements. Accordingly, Exhibit C (Estimated Construction Costs) does not include amounts for construction permit fees.

2.5. No Release of Obligation. The Developer shall not be relieved of its obligation to cause the construction of any of the Public Improvements (or any Component thereof) required by the Conditions of Approval and to convey each of such Public Improvements to the City or other applicable public entity in the event it is not eligible for reimbursement pursuant to the terms hereof.

2.6. Relationship to Public Works. This Agreement is for the reimbursement by the City of certain of the Public Improvements required to be dedicated to it by Developer pursuant to the Conditions of Approval and is not intended to be a public works contract.

2.7. Bid Process. Unless waived by the City as provided below, the Developer shall competitively bid and cause all contracts for construction of the Public Improvements that are subject to reimbursement hereunder to be awarded pursuant to the process set forth below. The Developer shall establish a list of written criteria acceptable to the City (including experience, ability to perform on schedule, and financial ability) to determine qualified contractors for any construction contract. Formal bids need be requested from only those entities on the list of qualified contractors determined by such criteria; and if no such list is established for any Component of the Public Improvements, the Developer shall use commercially reasonable efforts

to nonetheless obtain at least three bids for such Component. All bids shall be submitted in sealed envelopes to the Developer prior to the time and date prescribed for bid opening, which date shall be not less than ten (10) working days from the request for bids. The City Engineer, or his or her designee, may be present at all bid openings. The Developer shall provide the City a tabulation of bid results. Each bid shall be awarded to the lowest responsible and responsive bidder, as determined by the Developer. The contractor to whom a construction contract is awarded shall be licensed by the State to perform the contract work, shall not be listed on the California Division of Labor Standards Enforcement Debarment List, and shall be required to pay not less than the prevailing rates of wages pursuant to Labor Code Sections 1770, 1773 and 1773.1. A current copy of applicable wage rates shall be on file in the Office of the City Engineer, as required by Labor Code Section 1773.2. Upon the Developer's written request, the City Engineer may for good cause, as determined by the City Engineer in his or her sole but reasonable discretion, waive the bidding requirements (but not the prevailing wage requirements) of this Section 2.7. Each waiver request must include a reasonably detailed justification for the request. The City Engineer will approve or disapprove each request within ten (10) working days following receipt.

2.8. Periodic Meetings. From time to time at the request of the City Engineer, the Developer shall meet and confer with City staff, consultants, and contractors regarding matters arising hereunder with respect to the Public Improvements and the progress in constructing and acquiring the same, and as to any other matter related to the Public Improvements or this Agreement. The City Engineer (or designee) shall have the right to be present at such meetings and to meet and confer with individual contractors if deemed advisable by the City Engineer to resolve disputes and/or ensure the proper completion of the Public Improvements.

3. Reimbursement.

3.1. Construction Costs. As used in this Agreement, the term "**Construction Costs**" means all reasonable hard and soft costs incurred by the Developer in connection with the design, development, and construction of the Public Improvements, including, without implied limitation, costs of: design and engineering; testing and inspection; permits, bonds, and insurance; labor, material, and equipment; general conditions; field supervision; and administrative overhead not exceeding ten percent (10%) of total Construction Costs.

3.2. Estimated Construction Costs; Reimbursement Cap. Exhibit C to this Agreement sets forth the estimated Construction Costs of each Component of the Public Improvements (as to each Component, the "**Estimated Construction Costs**"). The maximum amount that the City will reimburse the Developer for each Component pursuant to this Agreement (as to each Component, the "**Reimbursement Cap**") shall not exceed either (a) the Verified Construction Costs (defined in Section 3.4.1) of the Component, or (b) an amount equal to one hundred ten percent (110%) of the Estimated Construction Costs of the Component; provided, however, upon the Developer's request, duly approved by the City Council, the Reimbursement Cap for each Component may be increased.

3.3. Change Orders. The Reimbursement Cap has been established at an amount that exceeds the Estimated Construction Costs by 10%. This occurred in recognition of both the fact the Estimated Construction Costs an estimate, and the fact unforeseen circumstances may result in the need for change orders. Accordingly, the City shall reimburse Developer for Verified

Construction Costs for a Component that exceed the Estimated Construction Costs, provided they do not exceed the Reimbursement Cap. Should Verified Construction Costs exceed Estimated Construction Costs as a result of a change order, reimbursement is conditioned upon (i) the City having been provided with a reasonable explanation and documentation supporting the change order, and (ii) the City Engineer having approved the change order, in his or her sole but reasonable discretion, prior to the time the work attributable to the change order is constructed.

3.4. Reconciliation.

3.4.1. Reimbursement Request. Upon completion and the City's acceptance of a Component of Public Improvements in accord with the Improvement Agreement for such Component, the Developer may submit to the City Engineer a written reimbursement request ("**Reimbursement Request**") with such information (including copies of all bills and/or invoices evidencing the Construction Cost, including change orders) as the City Engineer may require, in his or her sole but reasonable discretion, to calculate and verify the total actual Construction Costs incurred by the Developer to construct the Component (as to each Component, the "**Verified Construction Costs**"). The City Engineer will review and provide the Developer with the City's written approval or full/partial disapproval of the Reimbursement Request within twenty (20) days following the City's receipt thereof or shall request additional documentation from the Developer to support the Reimbursement Request within such twenty (20) day period. The Developer will provide any additional documentation reasonably requested by the City Engineer in connection with his or her review of the Reimbursement Request within ten (10) days following the Developer's receipt of written request therefor, and the forgoing twenty (20) day review period shall commence again once all requested additional documentation has been provided. The City Engineer may disprove any Reimbursement Request if she/he determines that any provision of this Agreement, including the Improvement Agreement applicable to the subject Component incorporated herein, has not been complied with in connection with the work associated with such Reimbursement Request. Should the City Engineer fail to provide a response to the Reimbursement Request within the above noted twenty (20)-day period, or any additional such period following receipt of additional documentation, Developer shall notify the City Manager in writing of such failure, and the City Manager shall thereafter approve, deny or partially deny the Reimbursement Request within twenty (20) days of such written notice. Any disapproval of a Reimbursement Request must state with specificity the reason for disapproval, and following any disapproval the City Manager, the City Engineer, and the Developer shall meet and confer in good faith to attempt to resolve any disagreement related to a disapproval. The City may not disapprove an entire Reimbursement Request on the basis of any objection concerning less than the entirety of the Reimbursement Request.

3.4.2. Reimbursement for Staged Component Construction. The Parties acknowledge that the Component identified as the "Duncan Canyon & John Previti Avenue Improvements" on Exhibit C will be completed in multiple stages as surrounding development occurs. The Developer may submit a separate Reimbursement Request for each stage of the Component; provided that the aggregate reimbursement for all stages of the Component may not, in total, exceed the Reimbursement Cap for the Component.

3.4.3. Payment of Reimbursement. The City will pay all undisputed amounts of any Reimbursement Request within forty-five (45) days following approval. The City

will pay all disputed amounts, if any, of the Reimbursement Request within forty-five (45) days following resolution of the dispute.

4. Miscellaneous.

4.1. Assignment. The Developer may assign all or a portion of its rights and obligations under this Agreement upon City's advance written approval, which approval shall not be unreasonably withheld.

4.2. Relationship Between the Parties. This Agreement does not create a relationship of partnership, joint venture, or agency between the City and the Developer. The Developer's contractors are exclusively and solely under the control and dominion of the Developer. Nothing herein may be deemed to make the Developer or its contractors an agent or contractor of the City.

4.3. Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement on its behalf have the legal power, right, and authority to bind the warranting Party.

4.4. Notices. To be effective, any notice, demand, request, consent, approval, or communication either Party desires or is required to give to the other Party or any person must be in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Notice shall be deemed communicated immediately upon personal delivery or seventy-two (72) hours from the time of mailing if mailed as provided in this Section:

If to the City: City Manager
 City of Fontana
 8353 Sierra Avenue
 Fontana, CA 92334-0518

With copies to: Best Best & Krieger LLP
 2855 E. Guasti Rd., Suite 400
 Ontario, CA 91767
 Attn: Ruben Duran

If to Developer: HDO4, LLC
 2151 E. Convention Center Way, Suite 222
 Ontario, CA 91764
 Attn: Richard Munkvold

With copies to: HDO4, LLC
 2151 E. Convention Center Way, Suite 114
 Ontario, CA 91764
 Attn: Steven B. Imhoof

Either Party may change its address for notice at any time by delivering written notice of the change to the other Party.

4.5. Cooperation; Further Acts. The Parties must cooperate with one another, in good faith, assist each other in the performance of the provisions of this Agreement, and take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement so long as the Party is not put to any material expense or liability. However, the foregoing does not require the City to take any discretionary or legislative action in connection with the implementation of this Agreement.

4.6. Construction; References; Captions. The language of this Agreement is to be construed simply, according to its fair meaning, and not strictly for or against either Party. Any term referencing days means calendar days and not business days, unless otherwise specified. All references to the Developer include all personnel, employees, agents, and contractors of the Developer. All references to the City include its elected officials, officers, employees, agents, and volunteers. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

4.7. Amendment; Modification. No supplement, modification, or amendment of this Agreement will be binding unless executed in writing and signed by the Party to be charged with performance.

4.8. Binding Effect. Each and all of the covenants and conditions are binding on and inure to the benefit of the Parties and their successors, heirs, personal representatives, and assigns.

4.9. No Third Party Beneficiaries. Except with respect to the Developer's assignees as provided in Section 4.1, there are no intended third party beneficiaries of any right or obligation arising under this Agreement.

4.10. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions will continue in full force and effect.

4.11. Governing Law; Consent to Jurisdiction and Venue. This Agreement is to be construed in accordance with and governed by the laws of the State of California. Any legal action or proceeding brought to interpret or enforce this Agreement, or which in any way arises out of the Parties' activities undertaken pursuant to this Agreement, must be filed and prosecuted in the appropriate California State Court in the County of San Bernardino, California.

4.12. Time is of the Essence. Time is of the essence as to the performance of actions under this Agreement as to which time is an element.

4.13. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The exchange of copies of this Agreement and of signature pages by electronic means, including PDF e-mail, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic means, including PDF, shall be deemed to be their original signatures for all purposes. No Party hereto may raise the use of electronic means to

deliver a signature hereto, or the fact that any signature or agreement or instrument was transmitted or communicated electronically, as a defense to the formation of a contract.

4.14. Entire Agreement. This Agreement and the exhibits and references incorporated into this Agreement fully express all agreements of the Parties concerning the matters covered in this Agreement. The Recitals set forth above and Exhibits attached are also incorporated herein by this reference. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees, will be valid unless made in the form of a written change agreed to in writing by both Parties or an amendment to this Agreement agreed to by both Parties. All prior negotiations, oral and written communications, and agreements are merged into this Agreement.

4.15. Consent. Where the consent or approval of a Party is required or necessary under this Agreement, the consent or approval may not be unreasonably withheld.

4.16. Indemnification and Hold Harmless. Subject to the provisions of the Conditions of Approval and any other agreement between the Parties, the provisions of which shall supersede the provisions of this section in the event of any conflict or ambiguity, the Developer shall assume the defense of, indemnify and save harmless the City, its elected officials officers, officials, employees and agents, from and against all actions, damages, claims, losses or expense of every type and description to which they may be subjected or put, by reason of, or resulting from the failure to comply with any applicable law, or the breach of any provision of this Agreement by the Developer, the Developer's personnel, employees, agents or contractors in connection with or arising out of the construction of any of the Public Improvements for which reimbursement occurs hereunder, including without limitation, (a) claims made by a contractor excluded from a qualified bid list and arising from or related to the Developer's use of such qualified list, (b) claims related to violations of any provision of the Labor Code (including Labor Code Sections 1770, 1773 and 1773.1.), (c) claims related to the Developer's non-payment under contracts between the Developer and its consultants, engineer's, advisors, contractors, subcontractors and suppliers in the provision of the Public Improvements, or (d) any claims of persons employed by the Developer or its agents to construct the Public Improvements.

(SIGNATURES ON NEXT PAGE)

IN WITNESS WHEREOF, the City has executed this Agreement as of the day and year first above written.

CITY OF FONTANA,
a California municipal corporation

HDO4, LLC,
A New Mexico limited liability company

By: _____
Matthew Ballantyne
City Manager

By: _____
Richard Munkvold
Chief Financial Officer

Attest

By: _____
Germaine Key
City Clerk

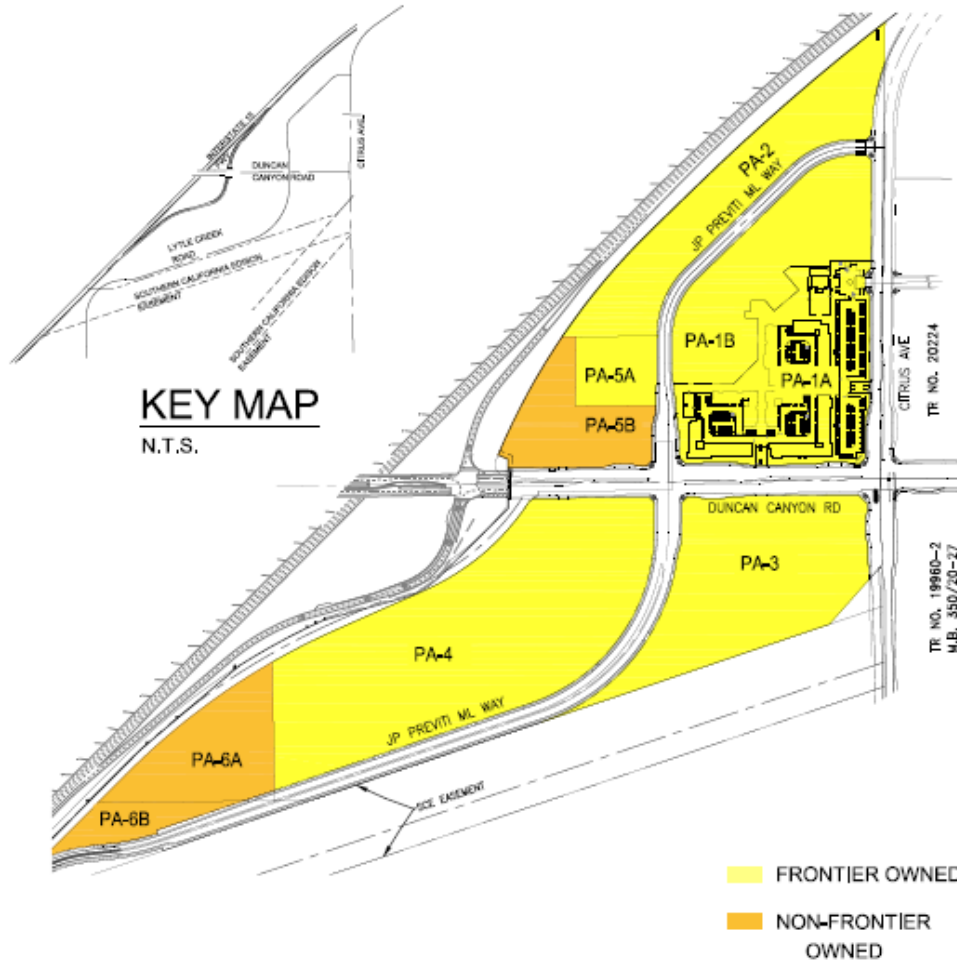
Approved as to form:

By: _____
Best Best & Krieger LLP
City Attorney

EXHIBIT A

SITE MAP OF SPECIFIC PLAN AREA

CITY OF FONTANA VENTANA SPECIFIC PLAN



Prepared By:
FUSCOE
ENGINEERS
2850 Inland Empire Blvd., Suite B
Ontario, California 91764
tel 909.581.0676 • fax 909.581.0696
www.fuscoe.com

Prepared For:
FRONTIER COMMUNITIES
Your Homeown Builder

NOT TO SCALE

EXHIBIT B

GENERAL DESCRIPTION OF PUBLIC IMPROVEMENTS

- Construct Traffic Signal at Duncan Canyon Road/ Citrus Avenue
- Construct Traffic Signal at Duncan Canyon Road/ John Previtte Avenue

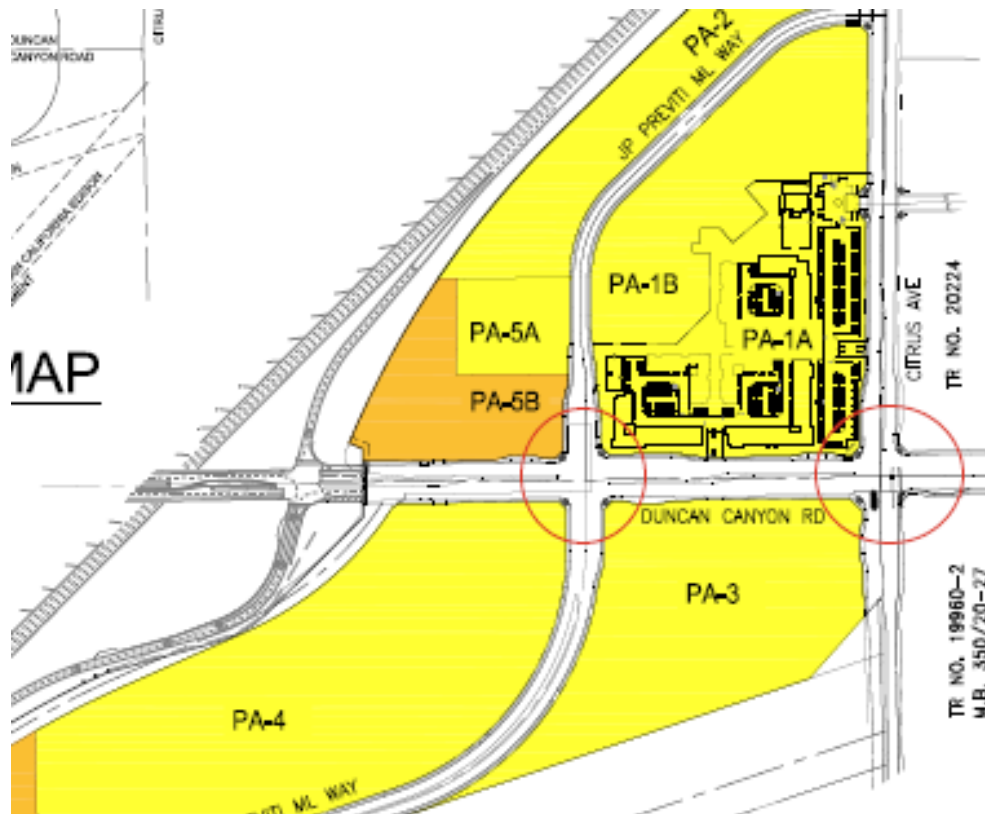


EXHIBIT C
ESTIMATED CONSTRUCTION COSTS OF EACH COMPONENT
[attached]



EXHIBIT C
ESTIMATED CONSTRUCTION COSTS

Item No.	Item Description	Hard Costs		Soft Costs					TOTAL	
		Construction	Contingency (10%)	Engineering, Surveying	City Inspection, Permit Fees	SCE Fees	Bonds (2%)	Administrative Overhead (15%)		TOTAL COSTS
1.	Duncan Canyon & John Previti Avenue Improvements									
	Traffic Signal	874,081	87,408	104,300	-	1,909	19,230	144,223	269,662	\$ 1,231,151
2.	Duncan Canyon & Citrus Avenue Improvements									
	Traffic Signal	848,303	84,830	72,700	-	2,914	18,663	139,970	234,247	\$ 1,167,381
	SUB-TOTALS	1,722,384	172,238	177,000	-	4,823	37,892	284,193	\$ 503,909	\$ 2,398,531
	TOTALS									

Vasari 2, LLC
2151 E. Convention Center Way, Suite 114
Ontario, CA 91764
Ph (909) 354-8000
Application For Payment
OFFSITES AFP

Order Date- 2/12/2025

Payment Request No. : _____
 Period From : _____
 Period To : _____

Elecnor Belco Electric, Inc
 14320 Albers Way
 Chino CA 91710

Phone: () - _____
 Fax: () - _____

Contractor 118289 **Elecnor Belco Electric, Inc**
 Contract 210355 XC 25000 Traffic Signal
 Project No. 25589200 **V2 - Duncan & JPA Signal**

Requested By:

Original/ Change No.	Chng No.	Reference No.	Line Number	Reference	Job No.	Cost Code	Cost Type	Description of Work	Quantity / Rate	Scheduled Value	Previous Earned	Total Earned	Billing Amount	Retained Amount
Original	000		.001	LS@\$118,581.73 prp dtd 1.23.25	25589200	32220	1560	Additional Scope of work @ int		120,953.36				
			.002	LS@\$98,000 prp dtd 1.23.25	25589200	32220	1560	Furnish decorative traffic sig		99,960.00				
			.003	2% Wrap on Original 000	25589200	20130	1540	2% WRAP Participation		4,331.63-				

Total Revised Subcontract

Retainage

Net Revised Subcontract

_____ 216,581.73

 _____ 216,581.73

CERTIFICATE OF THE SUBCONTRACTOR

PROJECT MANAGEMENT APPROVAL:

I hereby certify that the work performed and the materials supplied to date as shown on the above represent the actual value of work accomplished under the terms of the Contract (and all authorized changes thereto) between the undersigned and Vasari 2, LLC relating the above referenced project. I also certify that payments, less applicable retention, have been made through the period covered by previous payments received from the contractor. to (1) all my subcontractors and (2) for all materials and labor used in or in connection with the performance of this Contract. I further certify I have complied with Federal, State and local tax laws, including Social Security laws and Unemployment Compensation laws and Workmen's Compensation laws insofar as applicable to the performance of this Contract.

Vasari 2, LLC

Elecnor Belco Electric, Inc
 (SUBCONTRACTOR)

Batch #: _____

By: _____
 (Authorized Signature)

Approved By: _____

Title: _____
 (Corporate Title)



January 22, 2025

Frontier Communities

2151 E. Convention Center Way, Ste. 114
Ontario, CA 91764

Serial No. 14-1002-002

Attention: Mr. David Haugen, Vice President of Land Development

Reference: Ventana1B Backbone Project
City of Fontana
Belco Job No. 14-0638, Frontier Communities Job No. 2558910090008530

Subject: Request for Change Order for Additional Scope Work at the Intersection of
John Previti Ave. and Duncan Canyon Rd.
Approved Traffic Signal Plan, Dated December 16, 2024
Belco PCO No. 14-1002-3.00

Dear Mr. Haugen:

Please consider this as Elecnor Belco Electric's Request for Change Order for the additional scope of work based on the latest traffic signal plan for the above referenced project. The following details are included in this proposal:

- Add New Decorative Pedestrian Post at Pole Location J, K and L per Pole Schedule including conduit and foundations.
- Add New Pedestrian Signal Head at Pole Location A, B, D and G per Pole Schedule.
- Add New Pedestrian Pushbuttons at Pole Location H, J, K and L per Pole Schedule.
- Add Regulatory Signs per Construction Note No. 6.
- Add (6) Traffic Signal Loops on Eastbound Duncan Canyon Rd. including additional Detection Loop Cable.
- Add New Decorative 55' Signal Mast Arm for Pole Location G and install signal arm, MAS signal heads, EVP Detector, Reflective Street Name Sign and cabling to ultimate condition.
- Furnish and Install Conduit, Wire, Pullboxes, Detector Loop Cables and Traffic Signal Loops for Northbound on John Previti Ave. for ultimate condition.
- Furnish Decorative Traffic Signal Poles per Bid Plan Set.



We think about a better world
www.elecnorbelco.com

14320 Albers Way
Chino, CA 91710
(909) 993-5470 Office
(909) 993-5476 Fax
CA License 738518



Our price to perform the additional scope of work on a lump sum basis is \$216,581.73 which includes the following:

- \$118,581.73 (Additional Scope of Work per Latest Traffic Signal Plan, Dated 12/16/2024)
- \$98,000.00 (Furnish Decorative Traffic Signal Poles per Plan Bid Set)

If this proposal is acceptable, please provide a change order or written direction to proceed with this work. Should you have any questions or concerns, please do not hesitate to contact me at (909) 993-5470 or via email agfernandez@elecnor.com.

Sincerely,
Elecnor Belco Electric, Inc.

A handwritten signature in black ink, appearing to read "Ane Garcia", followed by a period.

Ane Garcia
Area Manager



We think about a better world
www.elecnorbelco.com

14320 Albers Way
Chino, CA 91710
(909) 993-5470 Office
(909) 993-5476 Fax
CA License 738518

FIELD MATERIAL AND LABOR PRICE SUMMARY (See Price Sheets for Details)				BELCO PCO NO:	14-1002-3.00				
DESCRIPTION				DATE:	1/22/2025				
MATERIALS PAGE 2	\$34,374.00	194.00		DESCRIPTION OF WORK OR CHANGE CHANGES TO TRAFFIC SIGNAL PLAN, DATED 12/16/24.					
MATERIALS PAGE 3	\$0.00	0.00							
MATERIALS PAGE 4	\$0.00	0.00							
MATERIALS PAGE 5	\$0.00	0.00							
MATERIALS PAGE 6	\$0.00	0.00							
MATERIALS PAGE 7	\$0.00	0.00							
SUBTOTAL	\$34,374.00	194.00							
SALES TAX @ 7.75%	\$2,663.99			<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>			
FREIGHT @ 4%	\$1,374.96				15%				
MISCELLANEOUS HARDWARE @ 5%	\$1,718.70								
TOTAL MATERIAL COSTS:				\$40,131.65	\$6,019.75	\$46,151.39			
FIELD LABOR BREAKDOWN				HOURS	RATE	EXT \$			
GENERAL FOREMAN - REGULAR RATE	0	\$145.24	\$0.00	<u>COST</u> <u>MARKUP</u> <u>TOTAL</u>					
GENERAL FOREMAN - OT RATE	0	\$201.68	\$0.00						
FOREMAN - REGULAR RATE	64	\$133.87	\$8,567.68						
FOREMAN - OT RATE	0	\$184.63	\$0.00						
JOURNEYMAN WIREMAN - REG. RATE	64	\$122.52	\$7,841.28						
JOURNEYMAN WIREMAN - OT RATE	0	\$167.59	\$0.00						
ELEC. APPRENTICE - REGULAR RATE	64	\$109.00	\$6,976.00						
ELEC. APPRENTICE - OT RATE	0	\$147.31	\$0.00						
LABORER - REGULAR RATE	0	\$89.07	\$0.00						
LABORER - OT RATE	0	\$119.69	\$0.00						
OPERATOR - REGULAR RATE	8	\$118.85	\$950.80						
OPERATOR - OT RATE	0	\$161.20	\$0.00						
TOTAL LABOR COSTS:							\$24,335.76	\$4,867.15	\$29,202.91
ENGINEERING COSTS							HOURS	RATE	EXT \$
PROJECT MANAGER	0	\$90.00	\$0.00				<u>COST</u> <u>MARKUP</u> <u>TOTAL</u>		
DESIGN ENGINEER (COORDINATION)	0	\$75.00	\$0.00						
PROJECT ENGINEER	0	\$60.00	\$0.00						
CAD ENGINEER	0	\$50.00	\$0.00						
PROJECT ASSISTANT	0	\$40.00	\$0.00						
TOTAL INDIRECT COSTS:				\$0.00	\$0.00	\$0.00			
CODE	EQUIP. (CALTRANS RATES)	HOURS	RATE	EXT \$	<u>COST</u> <u>MARKUP</u> <u>TOTAL</u>				
06-12	PICKUP TRUCK/HR.	0	\$42.39	\$0.00					
20-28	UTILITY WORK TRUCK/HR.	128	\$106.40	\$13,619.20					
025-045	AIR COMPRESSOR ONLY/HR.	0	\$48.69	\$0.00					
10-12	BATCH TRUCK W/MIXER/HR.	0	\$197.93	\$0.00					
4995	CRANE TRUCK/HR.	8	\$110.64	\$885.12					
12-20	BUCKET TRUCK/HR.	24	\$101.71	\$2,441.04					
3AXL	DUMP TRUCK (3 AXLES)/HR.	16	\$93.59	\$1,497.44					
20-28	DELIVERY TRUCK (20K-28K)/HR.	0	\$57.71	\$0.00					
12-20	WATER TRUCK (12K-20K)/HR.	0	\$49.35	\$0.00					
	DUMP TRAILER/HR.	0	\$63.65	\$0.00					
TM	ARROWBOARD/HR.	32	\$4.46	\$142.72					
2508G	BACKHOE (JD 410G)/HR.	0	\$77.93	\$0.00					
	BACKHOE TRAILER/HR.	0	\$22.21	\$0.00					
	TRENCHER/DAY	0	\$225.00	\$0.00					
TOTAL TOOLS/EQUIP. COSTS:				\$18,585.52			\$2,787.83	\$21,373.35	
SUBCONTRACTS				QTY			U/M	EXT \$	
SMITHSON ELECTRIC (SIGNAL LOOPS)	6	\$550.00	\$3,300.00	<u>COST</u> <u>MARKUP</u> <u>TOTAL</u>					
SMITHSON ELECTRIC (SIGNAL LOOPS)	20	\$550.00	\$11,000.00						
DIRECTIONAL BORING	1	\$4,500.00	\$4,500.00						
TOTAL SUBCONTRACT COSTS:				\$18,800.00	\$1,880.00	\$20,680.00			
SUBTOTAL COSTS:				\$101,852.93	\$15,554.73	\$117,407.65			
				SUBTOTAL	PERCENT	EXT \$			
DESIGN SERVICES	\$0.00	7.75%	\$0.00			\$0.00			
BONDING	\$117,407.65	1.00%	\$1,174.08			\$1,174.08			
GRAND TOTAL OF THIS CHANGE ORDER:						\$118,581.73			

**BELCO
MATERIALS AND OPERATIONS BREAKDOWN**

PROJECT:

PCO NO:

DIRECTIVE NO:

ESTIMATED BY

CHECKED BY

DATE 1/22/2025

MATERIAL OR OPERATION	QTY	PRICE	PER	EXT. PRICE	LABOR UNIT	PER	EXT. LABOR
ADD PPB POST	3	2,750.00	E	8,250.00	4.00	E	12.00
ADD PPB POST FOUNDATION	3	250.00	E	750.00	4.00	E	12.00
ADD 1" GRC CONDUIT	30	650.00	C	195.00	8.00	C	2.40
ADD 1" GRC TERMINATIONS	6	3,500.00	C	210.00	80.00	C	4.80
ADD SP-1-CS PEDESTRIAN SIGNAL HEADS	4	494.75	E	1,979.00	2.50	E	10.00
ADD PEDESTRIAN PUSHBUTTONS	5	85.00	E	425.00	1.00	E	5.00
ADD REGULATORY SIGNS	3	100.00	E	300.00	1.00	E	3.00
ADDED LOOPS EASTBOUND ON DUNCAN CANYON RD.							
ADD TRAFFIC SIGNAL LOOPS (SEE SUB ON FIRST PAGE)	6	0.00	E	0.00	0.00	E	0.00
ADD DLC CABLE	2,000	1,000.00	M	2,000.00	8.00	M	16.00
ADDED SIGNAL ARM AT POLE LOCATION G							
ADD 55' SMA FOR POLE LOCATION G	1	18,500.00	E	18,500.00	0.00	E	0.00
INSTALL 55' SMA	1	0.00	E	0.00	24.00	E	24.00
FURNISH AND NSTALL MAS SIGNAL HEAD	2	600.00	E	1,200.00	4.00	E	8.00
INSTALL CITY FURNISHED EVP DETECTOR	1	0.00	E	0.00	2.50	E	2.50
FURNISH AND INSTALL REFELCTIVE STREET NAME SIGN	1	0.00	E	0.00	2.50	E	2.50
FURNISH AND INSTALL REGULATORY SIGN	1	100.00	E	100.00	1.00	E	1.00
12C TRAFFIC SIGNAL CABLE	100	2,400.00	M	240.00	20.00	M	2.00
EVP DETECTOR CABLE	250	900.00	M	225.00	8.00	M	2.00
TECH SUPPORT FOR TURN ON	1	0.00	E	0.00	16.00	E	16.00
ADDED LOOPS NORTHBOUND ON JOHN PREVITI AVE.							
ADD TRAFFIC SIGNAL LOOPS (SEE SUB ON FIRST PAGE)	20	0.00	E	0.00	0.00	E	0.00
ADD DLC CABLE	2,000	1,000.00	M	0.00	8.00	M	16.00
ADD 2" GRC CONDUIT	230	1,300.00	C	0.00	12.00	C	27.60
ADD 2" GRC TERMINATIONS	4	4,000.00	C	0.00	80.00	C	3.20
DIRECTIONAL BORING (SEE SUB ON FIRST PAGE)	1	0.00	E	0.00	0.00	E	0.00
POTHOLE EXISTING UTILITIES	5	250.00	E	0.00	4.00	E	20.00
NO. 5 PULLBOX	1	400.00	E	0.00	4.00	E	4.00
TOTALS							
				34,374.00			194.00



REXEL
 2099 S. STATE COLLEGE
 BLVD
 SUITE 200
 ANAHEIM, CA 92806

CHANGE ORDER QUOTE

This Quotation supercedes all previous quotations and agreements relating to this transaction. Unless otherwise stated on this document: (i) Our quotation for your use in submitting a job or project bid to your customer expires 30 days from the date hereof, and may be withdrawn earlier by us if prior to acceptance of your bid. (ii) All other quotations are subject to price increases in effect through time or shipment.

To: ELECNOR BELCO
 ATTN: John

From: Karina Chavez
 Phone#: 714-712-8526
 Fax#: 714-712-8517
 Date: 12/19/2024

Job: 14-1002

Re: RFQ ADD

QTY	TYPE	DESCRIPTION	UNIT PRICE	EXTENDED TOTAL
3	POLE	<p>DECO PPBP: FON-FL-PPBP 4'5"-FPGV <i>Anchor bolts Included</i></p> <p><i>Lead times are approximate, and not guaranteed. We cannot guarantee any dates provided, especially when outside factors, such as vendored material (i.e, current worldwide ballast shortage) may delay production / shipment. Also be advised, we also cannot guarantee availability of stock quantities, as these quantities change throughout each day, as orders are processed nationwide.</i></p> <p>PLEASE RETURN BACK THE FOLLOWING WRITTEN CONFIRMATION TO PROCEED WITH ORDER: PO / REF # _____ SIGNED _____ DATE _____</p>	\$ 2,750.00	\$ 8,250.00
			Total:	\$ 8,250.00

All sales transactions are subject to credit approval. Any quotation and all transactions with Rexel are conditioned upon Rexel's Terms and Conditions of Sale located at <https://www.Rexel.com/usg/termsAndConditions>. Quotation is valid for 30 days after the date of issue unless otherwise specified. Items subject to governmental tariffs effective on or after quotation will be price in effect at time of shipment unless otherwise specified. Proposals doesn't include tariffs going into effect 5/15/19. Quotation for commodity items is valid for the day of the quote only unless otherwise specified. All amounts quoted do not include state, local or municipal taxes. Taxes are added at time of sale.

We hope that we shall be favored with your order.



REXEL
 2099 S. STATE COLLEGE
 BLVD
 SUITE 200
 ANAHEIM, CA 92806

CHANGE ORDER QUOTE

This Quotation supercedes all previous quotations and agreements relating to this transaction. Unless otherwise stated on this document: (i) Our quotation for your use in submitting a job or project bid to your customer expires 30 days from the date hereof, and may be withdrawn earlier by us if prior to acceptance of your bid. (ii) All other quotations are subject to price increases in effect through time or shipment.

To: ELEC NOR BELCO
 ATTN: John

From: Karina Chavez
 Phone#: 714-712-8526
 Fax#: 714-712-8517
 Date: 1/14/2025

Job: 14-1002

Re: RFQ Add

QTY	TYPE	DESCRIPTION	UNIT PRICE	EXTENDED TOTAL
1	POLE	55' SMA - For Pole G Type 29-5-100 LEAD TIME 18-20 WEEKS <i>Lead times are approximate, and not guaranteed. We cannot guarantee any dates provided, especially when outside factors, such as vendored material (i.e., current worldwide ballast shortage) may delay production / shipment. Also be advised, we also cannot guarantee availability of stock quantities, as these quantities change throughout each day, as orders are processed nationwide.</i> PLEASE RETURN BACK THE FOLLOWING WRITTEN CONFIRMATION TO PROCEED WITH ORDER: PO / REF # _____ SIGNED _____ DATE _____	\$ 18,500.00	\$ 18,500.00
			Total:	\$ 18,500.00

All sales transactions are subject to credit approval. Any quotation and all transactions with Rexel are conditioned upon Rexel's Terms and Conditions of Sale located at <https://www.Rexel.com/usg/termsAndConditions>. Quotation is valid for 30 days after the date of issue unless otherwise specified. Items subject to governmental tariffs effective on or after quotation will be price in effect at time of shipment unless otherwise specified. Proposals doesn't include tariffs going into effect 5/15/19. Quotation for commodity items is valid for the day of the quote only unless otherwise specified. All amounts quoted do not include state, local or municipal taxes. Taxes are added at time of sale.

We hope that we shall be favored with your order.



Quotation

To: John Wong @ Belco

Quote #: 241218-20

From: Travis Flynn

Project: City of Fontana - Belco PO# 42425 - CCO - JTB SO241030

JTB Supply is pleased to quote on the following equipment:

John Previti Ave @ Duncan Canyon Road

ADDER: (4) Countdown PED w/ SP-1-CS & (4) MOAB PPB Assy'

Total \$2,404

Delivery: Approx. 8 Weeks, ARO and submittal approval.

Quote valid for 30 Days.

Terms: NET30

VISA/MC and AMEX accepted with
surcharge of 4% of transaction amount

Prices subject to change, if order not released
within 60 days from the purchase order date.

Freight: Included

Sales Tax is not included.

Sincerely,

JTB SUPPLY CO., INC.

Travis Flynn

FIELD MATERIAL AND LABOR PRICE SUMMARY (See Price Sheets for Details)				BELCO PCO NO: 14-1002-1.00		
DESCRIPTION		MATERIAL \$	LBR HRS.	DATE: 9/9/2024		
MATERIALS PAGE 2		\$98,000.00	0.00			
MATERIALS PAGE 3		\$0.00	0.00			
MATERIALS PAGE 4		\$0.00	0.00			
MATERIALS PAGE 5		\$0.00	0.00			
MATERIALS PAGE 6		\$0.00	0.00			
MATERIALS PAGE 7		\$0.00	0.00			
SUBTOTAL		\$98,000.00	0.00			
SALES TAX @ 7.75%		\$0.00				
FREIGHT @ 4%		\$0.00				
MISCELLANEOUS HARDWARE @ 5%		\$0.00				
TOTAL MATERIAL COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$98,000.00	\$0.00	\$98,000.00
				0%		
FIELD LABOR BREAKDOWN		HOURS	RATE	EXT \$		
GENERAL FOREMAN - REGULAR RATE		0	\$145.24	\$0.00		
GENERAL FOREMAN - OT RATE		0	\$201.68	\$0.00		
FOREMAN - REGULAR RATE		0	\$133.87	\$0.00		
FOREMAN - OT RATE		0	\$184.63	\$0.00		
JOURNEYMAN WIREMAN - REG. RATE		0	\$122.52	\$0.00		
JOURNEYMAN WIREMAN - OT RATE		0	\$167.59	\$0.00		
ELEC. APPRENTICE - REGULAR RATE		0	\$109.00	\$0.00		
ELEC. APPRENTICE - OT RATE		0	\$147.31	\$0.00		
LABORER - REGULAR RATE		0	\$89.07	\$0.00		
LABORER - OT RATE		0	\$119.69	\$0.00		
OPERATOR - REGULAR RATE		0	\$118.85	\$0.00		
OPERATOR - OT RATE		0	\$161.20	\$0.00		
TOTAL LABOR COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$0.00	\$0.00	\$0.00
				20%		
ENGINEERING COSTS		HOURS	RATE	EXT \$		
PROJECT MANAGER		0	\$90.00	\$0.00		
DESIGN ENGINEER (COORDINATION)		0	\$75.00	\$0.00		
PROJECT ENGINEER		0	\$60.00	\$0.00		
CAD ENGINEER		0	\$50.00	\$0.00		
PROJECT ASSISTANT		0	\$40.00	\$0.00		
TOTAL INDIRECT COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$0.00	\$0.00	\$0.00
				20%		
CODE	EQUIP. (CALTRANS RATES)	HOURS	RATE	EXT \$		
06-12	PICKUP TRUCK/HR.	0	\$42.39	\$0.00		
20-28	UTILITY WORK TRUCK/HR.	0	\$106.40	\$0.00		
025-045	AIR COMPRESSOR ONLY/HR.	0	\$48.69	\$0.00		
10-12	BATCH TRUCK W/MIXER/HR.	0	\$197.93	\$0.00		
4995	CRANE TRUCK/HR.	0	\$110.64	\$0.00		
12-20	BUCKET TRUCK/HR.	0	\$101.71	\$0.00		
3AXL	DUMP TRUCK (3 AXLES)/HR.	0	\$93.59	\$0.00		
20-28	DELIVERY TRUCK (20K-28K)/HR.	0	\$57.71	\$0.00		
12-20	WATER TRUCK (12K-20K)/HR.	0	\$49.35	\$0.00		
	DUMP TRAILER/HR.	0	\$63.65	\$0.00		
TM	ARROWBOARD/HR.	0	\$4.46	\$0.00		
2508G	BACKHOE (JD 410G)/HR.	0	\$77.93	\$0.00		
	BACKHOE TRAILER/HR.	0	\$22.21	\$0.00		
	TRENCHER/DAY	0	\$225.00	\$0.00		
TOTAL TOOLS/EQUIP. COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$0.00	\$0.00	\$0.00
				15%		
SUBCONTRACTS		QTY	U/M	EXT \$		
				\$0.00		
				\$0.00		
				\$0.00		
TOTAL SUBCONTRACT COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$0.00	\$0.00	\$0.00
				10%		
SUBTOTAL COSTS:				<u>COST</u>	<u>MARKUP</u>	<u>TOTAL</u>
				\$98,000.00	\$0.00	\$98,000.00
		SUBTOTAL	PERCENT	EXT \$		
DESIGN SERVICES		\$0.00	7.75%	\$0.00		
BONDING		\$98,000.00	0.00%	\$0.00		
GRAND TOTAL OF THIS CHANGE ORDER:						\$98,000.00

Original Quote for Caltrans
Standards (Galvanized)
Traffic Signal Poles



American Right-of-Way, Inc.

PO Box 716, Walnut CA, 91788

Just Say "Right Away!"

Quote Number **Q24-598.1**
Agency **Fontana**
Job Name **Duncan Canyon & John Previti**
Bid Date **6/12/2024**
Spec Year **2023**

Estimator **Dave Weir**
Phone **760 505 3335**
E-mail dave@thearow.com
Valid for **60** days
Expires **8/11/2024**

Bid Item	Description	Price
	Duncan Canyon & John Previti Poles, Anchor Bolts, Luminares, Service, Street Name Signs	\$148,661.00

Total \$148,661.00

Material lead times (at bid) approximately 20 weeks. Subject to change.
Sale subject to credit approval and standard terms and conditions.
Freight included. Sales tax is not included.

Updated Proposal for
Decorative Traffic Signal
Poles



American Right-of-Way, Inc.

PO Box 716, Walnut CA, 91788

Just Say "Right Away!"

Quote Number **Q24-598.1**
Agency **Fontana**
Job Name **Duncan Canyon & John Previti**
Bid Date **8/29/2024**
Spec Year **2023**

Estimator **Dave Weir**
Phone **760 505 3335**
E-mail dave@thearow.com
Valid for **60** days
Expires **10/29/2024**

Bid Item	Description	Price
	Duncan Canyon & John Previti Poles, Anchor Bolts, Luminaires, Service, Street Name Signs Decorative Poles per City of Fontana Comments	\$298,428.00

Total \$298,428.00

Material lead times (at bid) approximately 20 weeks. Subject to change.
Sale subject to credit approval and standard terms and conditions.
Freight included. Sales tax is not included.

Selected Vendor for Decorative Poles



**Traffic & Roadway
Lighting Division**

**2099 S. State College Blvd.
Suite 200
Anaheim, Ca 92806**

Quotation

Dated: 9/2/2024

**Estimator: Kristen Broderick
Phone#: (714)-712-8561
E-mail: Kristen.Broderick@RexelUSA.com**

**Sales Rep: Jeff Wallace
Phone#: (714)-712-8568
E-mail: jeff.wallace@RexelUSA.com**

**Job: John Previti & Duncan Canyon
Fontana**

BID ITEM	QTY	MATERIAL / DESCRIPTION	UNIT PRICE	EXTENDED TOTAL
		<p>BID Pricing valid for 30 days for placement of a complete order NOTES: for immediate release only. Subject to requote thereafter.</p> <p>Lead times for shipment are quoted at an approximate 18 weeks on current orders on poles, 40+ on service pedestal. Allow 3-4 weeks for factory submittal drawings.</p> <p>Buy America requirements for materials are not included as a part of this bill of material unless expressly noted herein. Notify our office if required for their inclusion by the factories whose product is being quoted.</p> <p>Buy Clean California Act not included as part of this BOM.</p> <p>Bill of material offered without benefit of review of project specifications. As such quotation is limited solely to items as listed. Any modifications or additions required from such specs once made available can be done but, only on a cost adder basis.</p>		
				\$ -

NOTES: All pricing excludes sales tax. All shipments are quoted as F.O.B. (freight on board) factory unless noted otherwise herein.

This quotation supersedes all previous quotations and agreements relating to this transaction. Quotations for commodity items is valid for the day of quote only unless specified otherwise. Unless otherwise noted on this document: (i) Our quotation for your use in submitting a project bid to your customer expires 30 days from the date hereof, and may be withdrawn earlier by us if prior to acceptance of your bid. (ii) All other quotations are subject to price increases in effect through time of shipment. Due to market conditions, all products or items set forth on this quotation are subject to price increases through time of shipment unless the quotation expressly states that pricing for any such products or items is firm and fixed. Items subject to governmental tariffs effective on or after quotation will be price in effect at time of shipment unless otherwise specified. All sales are subject to credit approval and are subject to Rexel's Terms and Conditions of Sale in effect at the time of quotation. Rexel's Standard Terms and Conditions of Sale are available at www.rexelusa.com/terms. Any shipping dates listed are manufacturer's estimates only and not guaranteed. A manufacturer's warranty may apply, but Rexel makes no warranty, expressed or implied, written or oral (including merchantability and fitness for a particular purpose.) Rexel has no liability at all above the price of goods involved in any claim, or for any labor, installation or other associated costs, or for any consequential, liquidated, or incidental damages. Any services included with this quotation and listed as not being performed by Rexel shall be provided on a pass-through basis with the actual service provider's terms and conditions governing the provision of the services. Notwithstanding anything to the contrary in Customer's purchase order or any subsequent documents, Rexel expressly objects to any additional or different terms proposed by Customer, and no such terms will be binding on Rexel unless specifically agreed to in writing by a Rexel officer or person holding a valid delegation of authority from the Company evidenced by a Secretary's Certificate bearing the corporate seal.



Traffic & Roadway
Lighting Division

Dated: 9/2/2024

Estimator: Kristen Broderick
Phone#: (714)-712-8561

E-mail: Kristen.Broderick@RexelUSA.com

PAGE 2 Sales Rep: Jeff Wallace
Phone#: 6/28/2024

E-mail: jeff.wallace@RexelUSA.com

Job: John Previti & Duncan Canyon
Fontana

BID ITEM	QTY	MATERIAL / DESCRIPTION	UNIT PRICE	EXTENDED TOTAL
		BID NOTES (cont): Quoted per 2023 Caltrans Std Plans & Std Specifications latest edition unless noted otherwise herein Poles are covered to the agency's decorative design spec.		
	2	61-5-100 w60 & 15 & 8' clamp on SNS arm		
	1	29-5-100 w/55 & 15 & 8' clamp on SNS arm		
	1	29-5-100 w/future SMA & 15 & 8' clamp on SNS arm		
	4	Type 15TS w/15		
	1	PPBP 4.5"		
	8	111W LED Luminaire - standard gray paint finish		
	4	RSNS DF, white on green, w/City Seal & Blk #'s, legends: 1- Duncan Cyn Rd 16000 1- Duncan Cyn Rd 15900 1- John Previti Ave 4800 1- John Previti Ave 4900		
	1	Type IIIBF Service Pedestal 120/240v 1ph.3w, 100/2 main, 50/1 signal, 20/1 fiber, unmtnd: 30/1 lgt, 15/1 control, w/Type V, Raw Aluminum Enclosure		
	1	Lump Sum Amount		\$ 261,000.00
		OPTIONAL ADDER: Lead time betterment to 8-10 weeks on service pedestal in lieu of 40+ weeks via the Mfg used in base offering. LOT ADDER: <div style="text-align: right;">\$2,420.00</div>		
NOTE: ALL PRICING EXCLUDE SALES TAX			TOTAL	\$ 261,000.00

CITY OF FONTANA

INTERIM TRAFFIC SIGNAL PLAN

JOHN PREVITI AVENUE AND DUNCAN CANYON ROAD



VICINITY MAP

TRAFFIC SIGNAL GENERAL NOTES:

1. ALL WORK, MATERIALS, EQUIPMENT AND TEMPORARY TRAFFIC CONTROL SHALL CONFORM TO THESE PLANS. THE CITY OF FONTANA DESIGN STANDARDS, THE CITY'S SPECIAL PROVISIONS, SECTION E, CALIFORNIA STANDARD PLANS AND SPECIFICATIONS, CALIFORNIA STANDARD PLANS ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITIONS.
2. ALL REQUIRED CONSTRUCTION PERMITS SHALL BE OBTAINED FROM THE CITY OF FONTANA DEPARTMENT OF ENGINEERING PRIOR TO COMMENCEMENT OF WORK.
3. CONTRACTOR SHALL FURNISH ALL EQUIPMENT, MATERIALS, AND HARDWARE TO CONSTRUCT THE TRAFFIC SIGNAL AND LIGHTING AS SHOWN ON THE PLANS, EXCEPT ANY CITY FURNISHED OR PROVIDED AS NOTED IN SECTION E.
4. LOCATION OF ALL UNDERGROUND FACILITIES ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES WITHIN THE PROJECT AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ANY DISCREPANCIES OR CONTACTS PRIOR TO COMMENCING WORK.
5. AS FIRST ORDER OF WORK THE CONTRACTOR SHALL PLOT HOLE ALL POLE LOCATIONS (FULL WIDTH AND DEPTH) PRIOR TO ORDERING POLES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SURVEY MONUMENTS OR MARKERS DURING CONSTRUCTION.
7. ALL PULLBOXES SHALL BE NO. 6 AND CONDUIT SHALL BE 1/2" RIGID METAL UNLESS OTHERWISE SHOWN. PULLBOXES IN UNIMPROVED AREAS SHALL HAVE LOAD BEARING LIDS.
8. ANCHOR BOLTS FOR TYPE 1A POLES SHALL BE INSTALLED PER RSP ES-7B DETAIL C "ANCHOR BOLTS WITH SLEEVE NUTS".
9. ALL VEHICLE INDICATIONS SHALL BE 12" AND HAVE LED SIGNAL MODULES. ALL PEDESTRIAN HEADS SHALL HAVE LED PEDESTRIAN MODULES & UTILIZE PEDESTRIAN COUNTERDOWN TIPS PER SPECIAL PROVISIONS.
10. ANY EXISTING TRAFFIC SIGNALS AND LIGHTING SHALL REMAIN IN OPERATION UNTIL REPLACED WITH NEW CONSTRUCTION.
11. CONTRACTOR SHALL OBTAIN APPROVAL FROM THE ENGINEER FOR EXISTING EQUIPMENT LOCATIONS PRIOR TO FINAL PLOTTING. SEE DETAIL THIS SHEET AND SECTION E.
12. CONTROLLER AND SERVICE CABINETS SHALL NOT BE SUBJECTED TO WATER FROM SPRINKLERS. CONTRACTOR SHALL MODIFY SPRINKLER SYSTEMS AS NECESSARY.
13. CONTRACTOR SHALL INSTALL CITY-SUPPLIED REINFORCING CABLES AND ASSOCIATED HARDWARE 12 PER SON. ON OVERHEAD REFLECTIVE STREET NAME SIGNS IN ACCORDANCE WITH CITY DESIGN STANDARD 4102.
14. ALL OPEN EXCAVATIONS WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE BACK-FILLED PER CITY STD 1008 OR STEEL PLATED PER CITY STD 1009. ALL EXISTING CURB AND SIDEWALKS SHALL BE REPAIRED IN ADVANCE OF CURB AND SIDEWALK REPAIRS. PAVEMENT REPAIR SHALL BE PER CITY STD 1008.
15. THE CONTRACTOR SHALL REPAIR/REPLACE/RELOCATE ANY AND ALL DAMAGED LANDSCAPING, IRRIGATION, SIDEWALK, CURB, PAVEMENT OR ROADWAY STRIPING TO THE SATISFACTION OF THE ENGINEER.
16. CONTRACTOR SHALL REFER TO THE CITY ENGINEER IN THE EVENT OF A CONFLICT OR POTENTIAL CONFLICT WITH THESE PLANS AND/OR SPECIFICATIONS FOR THIS PROJECT.
17. RECORD DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR TO THE ENGINEER OF RECORD, WHO SHALL PROVIDE RECORD DRAWINGS AND ELECTRONIC AUTOCAD FILES TO THE CITY ENGINEER.

SHEET INDEX		SHEET NO.	
1	TITLE SHEET	1	OF 3
2	INTERIM TRAFFIC SIGNAL PLAN - JOHN PREVITI AVENUE AND DUNCAN CANYON ROAD	2	OF 3
3	DETAIL	3	OF 3

CITY OF FONTANA, CALIFORNIA
INTERIM TRAFFIC SIGNAL PLAN

DATE: 01/14/2024	BY: R.C.L. PRODS
ISSUE NO.:	3/1/2024
PROJECT NO.:	17
DATE: 01/14/2024	BY: R.C.L. PRODS
ISSUE NO.:	3/1/2024
PROJECT NO.:	17

URBAN CROSSROADS
TRAFFIC SIGNALS
TRAFFIC SIGNALS
TRAFFIC SIGNALS

BRENNAN W. DUGAN R.C.L. PRODS



SHOULD CONSTRUCTION OF THE REQUIRED WORK BE COMPLETED WITHIN THE YEAR OF THE DATE OF THESE PLANS. ANY REVISIONS TO THESE PLANS MUST BE CARRIED FORW IN A DULCET MANNER. THE CITY ENGINEER MAY REQUIRE REVISIONS TO THE PLANS TO BRING THEM INTO CONFORMANCE WITH STANDARDS IN EFFECT.

NO.	REVISION	DATE	BY	CHKD.	APP'D.



CONDUCTOR SCHEDULE




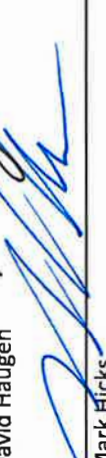
WIRE SIZE OR CABLE TYPE	POLE OR CONDUIT	CONDUCTORS
12	A	12
12	B	12
12	C	12
12	D	12
12	E	12
12	F	12
12	G	12
12	H	12
12	I	12
12	J	12
12	K	12
12	L	12
12	M	12
12	N	12
12	O	12
12	P	12
12	Q	12
12	R	12
12	S	12
12	T	12
12	U	12
12	V	12
12	W	12
12	X	12
12	Y	12
12	Z	12
12	AA	12
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12	AC	12
12	AD	12
12	AE	12
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12	AG	12
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12	AW	12
12	AX	12
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12	BA	12
12	BB	12
12	BC	12
12	BD	12
12	BE	12
12	BF	12
12	BG	12
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12	BI	12
12	BJ	12
12	BK	12
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12	BM	12
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12	BO	12
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12	CE	12
12	CF	12
12	CG	12
12	CH	12
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12	CJ	12
12	CK	12
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12	CN	12
12	CO	12
12	CP	12
12	CQ	12
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12	JO	12
12	JP	12
12	JQ	12
12	JR	12
12	JS	12
12	JT	12
12	JU	12
12	JV	12
12	JW	12
12	JX	12
12	JY	12
12	JZ	12
12	KA	12
12	KB	12
12	KC	12
12	KD	12
12	KE	12
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12	KZ	12
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12	LK	12
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12	OE	12
12	OF	12
12	OG	12
12	OH	12
12	OI	12
12	OJ	12
12	OK	12
12	OL	12
12	OM	12
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12	OO	12
12	OP	12
12	OQ	12
12	OR	12
12	OS	12
12	OT	12
12	OU	12



Project Name: Vasari 2 - Duncan JPA
Project Number: 25589200

Date Requested: 1/23/25

Cost Code	Cost Code Description	Original Budget	Current Budget	Available Budget	Requested Change	Revised Budget	Explanation of Request (What & Why)
1560.32220	Traffic Signals	\$ 935,706	\$ 935,706	\$ 165,000	\$ 55,923	\$ 991,629	Additional Scope of Work @ intersection of JP & Duncan - Furnish decorative traffic signal poles per Plan bid set
		\$ -	\$ -	\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	\$ -	\$ -	
	TOTAL	\$ 935,706	\$ 935,706	\$ 165,000	\$ 55,923	\$ 991,629	

- 1) Prepared by:  Jennifer Beltran
Date: 1-23-25
- 2) Approved by:  Candie Drissen
Date: 1/23/2025
- 3) Approved by:  David Haugen
Date: 1-24-25
- 4) Approved by:  Mark Hicks
Date: 1/24/25
- 5) Approved by: Rich Munkvold
Date: _____

 1-24-25



ELEC NOR BELCO ELECTRIC, INC.
 14320 ALBERS WAY
 CHINO, CA 91710
 TEL (909) 993-5470 FAX (909) 993-5476
 LICENSE NO. 738518 - A, B, C10
 DIR NO. 1000004804 - EXP. 6/30/2025
www.elecnorbelco.com

QUOTATION

PROJECT DESCRIPTION					
TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF CITRUS AVENUE AND DUNCAN CANYON ROAD					
OWNER / AGENCY					
CITY OF FONTANA					
BID DATE / TIME					
FEBRUARY 5, 2025					

ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
1	TRAFFIC SIGNAL INSTALLATION	1	LS	\$ 831,670.00	\$ 831,670.00
GRAND TOTAL					\$ 831,670.00

BID BREAKDOWN

ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
1	POTHOLE FOR EXISTING UTILITIES/TEMPORARY PATCH POTHOLES	1	LS	\$ 51,914.00	\$ 51,914.00
2	FURNISH AND INSTALL 2" CONDUIT	1350	LF	\$ 50.00	\$ 67,500.00
3	FURNISH AND INSTALL 3" CONDUIT	140	LF	\$ 95.00	\$ 13,300.00
4	FURNISH AND INSTALL 4" CONDUIT	530	LF	\$ 105.00	\$ 55,650.00
5	INTERCEPT EXISTING FIBER OPTIC CONDUIT/CABLE	1	LS	\$ 4,500.00	\$ 4,500.00
6	FURNISH AND INSTALL NO. 5 PULLBOX	8	EA	\$ 1,050.00	\$ 8,400.00
7	FURNISH AND INSTALL NO. 6 PULLBOX	9	EA	\$ 1,300.00	\$ 11,700.00
8	FURNISH AND INSTALL SERVICE PEDESTAL FOUNDATION	1	EA	\$ 4,000.00	\$ 4,000.00
9	FURNISH AND INSTALL TESCO SERVICE PEDESTAL	1	EA	\$ 12,000.00	\$ 12,000.00
10	FURNISH AND INSTALL TRAFFIC SIGNAL CONTROLLER CABINET FND	1	EA	\$ 4,000.00	\$ 4,000.00
11	INSTALL CITY FURNISHED TRAFFIC SIGNAL CONTROLLER CABINET	1	EA	\$ 3,500.00	\$ 3,500.00
12	FURNISH AND INSTALL PPB POST FOUNDATION	6	EA	\$ 1,000.00	\$ 6,000.00
13	FURNISH AND INSTALL TYPE 15TS FOUNDATION	4	EA	\$ 3,850.00	\$ 15,400.00
14	FURNISH AND INSTALL TYPE 26-4-100 FOUNDATION	1	EA	\$ 5,100.00	\$ 5,100.00
15	FURNISH AND INSTALL TYPE 29-5-100 FOUNDATION	1	EA	\$ 5,100.00	\$ 5,100.00
16	FURNISH AND INSTALL TYPE 61-5-100 FOUNDATION	2	EA	\$ 6,800.00	\$ 13,600.00
17	FURNISH AND INSTALL PPB POST	6	EA	\$ 11,000.00	\$ 66,000.00
18	FURNISH AND INSTALL TYPE 15TS POLE W/15' LMA AND LUMINAIRE	4	EA	\$ 33,000.00	\$ 132,000.00
19	FURNISH AND INSTALL TYPE 26-4-100 POLE W/45' SMA, 15'LMA AND LUM	1	EA	\$ 51,400.00	\$ 51,400.00
20	FURNISH AND INSTALL TYPE 29-5-100 W/50' SMA, 15' LMA AND LUM	1	EA	\$ 55,300.00	\$ 55,300.00
21	FURNISH AND INSTALL TYPE 61-5-100 W/60' SMA, 15' LMA AND LUM	2	EA	\$ 61,400.00	\$ 122,800.00
22	FURNISH AND INSTALL MAS VEHICLE SIGNAL HEAD	9	EA	\$ 1,100.00	\$ 9,900.00
23	FURNISH AND INSTALL SV-1-T VEHICLE SIGNAL HEAD	4	EA	\$ 995.00	\$ 3,980.00
24	FURNISH AND INSTALL SV-2-T VEHICLE SIGNAL HEAD	4	EA	\$ 1,050.00	\$ 4,200.00
25	FURNISH AND INSTALL SP-1-CS PEDESTRAIN SIGNAL HEAD	8	EA	\$ 885.00	\$ 7,080.00
26	FURNISH AND INSTALL TYPE B PEDESTRIAN PUSHBUTTONS	8	EA	\$ 255.00	\$ 2,040.00
27	FURNISH AND INSTALL REFLECTIVE STREET NAME SIGN	4	EA	\$ 1,150.00	\$ 4,600.00
28	INSTALL CITY FURNISHED EVP DETECTOR SYSTEM (4 EVP)	1	LS	\$ 2,500.00	\$ 2,500.00
29	FURNISH AND INSTALL REGULATORY SIGNS ON SIGNAL MAST ARMS	4	EA	\$ 250.00	\$ 1,000.00
30	FURNISH AND INSTALL LOOP DETECTORS	28	EA	\$ 435.00	\$ 12,180.00
31	FURNISH AND INSTALL TYPE F LOOP DETECTORS	10	EA	\$ 462.00	\$ 4,620.00
32	FURNISH AND INSTALL TYPE Q LOOP DETECTORS	3	EA	\$ 462.00	\$ 1,386.00
33	FURNISH AND INSTALL CCTV CAMERA SYSTEM	1	EA	\$ 8,500.00	\$ 8,500.00
34	FURNISH AND INSTALL SPLICE ENCLOSURE	1	EA	\$ 1,850.00	\$ 1,850.00
35	FURNISH AND INSTALL WALL INTERCONNECT UNIT	1	EA	\$ 2,200.00	\$ 2,200.00
36	OTDR TESTING AND DOCUMENTATION	1	LS	\$ 4,000.00	\$ 4,000.00
37	FURNISH AND INSTALL 12C TRAFFIC SIGNAL CABLE	2200	LF	\$ 7.25	\$ 15,950.00
38	FURNISH AND INSTALL 3C TRAFFIC SIGNAL CABLE	2200	LF	\$ 4.00	\$ 8,800.00
39	FURNISH AND INSTALL NO. 10 WIRE	2000	LF	\$ 2.00	\$ 4,000.00
40	FURNISH AND INSTALL NO. 8 WIRE	1000	LF	\$ 2.70	\$ 2,700.00



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QUOTATION

<p><u>PROJECT DESCRIPTION</u></p> <p>TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF CITRUS AVENUE AND DUNCAN CANYON ROAD</p> <p><u>OWNER / AGENCY</u> CITY OF FONTANA</p> <p><u>BID DATE / TIME</u> FEBRUARY 5, 2025</p>

ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
41	FURNISH AND INSTALL NO. 6 WIRE	400	LF	\$ 3.20	\$ 1,280.00
42	FURNISH AND INSTALL TYPE B DLC CABLE	3200	LF	\$ 2.95	\$ 9,440.00
43	FURNISH AND INSTALL EVP CABLE	1000	LF	\$ 2.80	\$ 2,800.00
44	FURNISH AND INSTALL CCTV CABLE	250	LF	\$ 4.00	\$ 1,000.00
45	TURN ON TECH SUPPORT	1	LS	\$ 6,500.00	\$ 6,500.00
GRAND TOTAL					\$ 831,670.00

NOTES:

- * ELEC NOR BELCO ELECTRIC, INC. IS A UNION CONTRACTOR.
- * FURNISH AND INSTALL TRAFFIC SIGNAL SYSTEM AT CITRUS AVE. AND DUNCAN CANYON RD. PER UNAPPROVED TRAFFIC SIGNAL PLAN, PLOT DATE 2/5/2025.
- * PLEASE NOTE CURRENT LEAD TIMES FOR ALL TRAFFIC SIGNAL POLES, STREET LIGHT POLES, TRAFFIC SIGNAL EQUIPMENT AND ITS EQUIPMENT ARE EXPERIENCING LONG LEAD DELIVERY TIMES.
- * PROVIDE TRAFFIC CONTROL FOR BELCO'S WORK ONLY. TRAFFIC CONTROL WILL BE PER W.A.T.C.H. MANUAL ONLY.
- * ALL WORK WILL BE PERFORMED DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY FROM 7:00 AM TO 4:00 PM.
- * QUOTATION VALID FOR (60) DAYS. QUOTATION BASED ON LISTED BID ITEMS, BID PLANS AND PROJECT SPECIFICATIONS.
- * ALL BID ITEMS LISTED ARE BASED ON A COMPLETE PROPOSAL. ANY BID ITEMS REQUIRE DELETION NEED PRIOR WRITTEN APPROVAL FROM ELEC NOR BELCO ELECTRIC, INC. AT BID TIME.
- * THIS PROPOSAL IS BASED ON THE ULTIMATE TRAFFIC SIGNAL PLAN DATED 2/5/2025 ANY CHANGES OR MODIFICATIONS TO THE SCOPE OF WORK WILL REQUIRE A REPRICE.

EXCLUDED FROM THIS QUOTATION:

- * BOND AND PREMIUM. IF BONDING IS REQUIRED, OUR BOND RATE IS APPROXIMATELY (.70 OF 1%).
- * ALL FEES ASSOCIATED WITH SURVEYING, UTILITIES, PERMITS, INSPECTION, QA/QC INSPECTION AND OUT OF STATE THIRD PARTY INSPECTION.
- * ALL FEES ASSOCIATED WITH DESIGN OR ENGINEERING OF DRAWINGS, SWPPP PLANS, BMP'S AND TRAFFIC CONTROL PLANS.
- * SIGNING, STRIPING, AND SANDBLASTING. BELCO WILL INSTALL REGULATORY SIGNS ON SIGNAL MAST ARM. REGULATORY SIGNS ARE FURNISHED BY OTHERS.
- * TRAFFIC SIGNAL INTERCONNECT (TRAFFIC SIGNAL NOTE #9 AND #12).
- * SLEEVING OR PROTECTION OF OVERHEAD HIGH VOLTAGE LINES.
- * DEWATERING AND WATER DIVERSION.
- * REMOVAL OF UNDERGROUND / USA UTILITY MARKINGS.
- * REPAIR AND REPLACEMENT OF STANDARD AND DECORATIVE PCC, ASPHALT, HANDICAP RAMPS AND LANDSCAPING IN NEW AND PRE-EXISTING AREAS AND CONDITIONS.
- * EXCAVATION AND REMOVAL OF CONTAMINATED SOIL.
- * EXCAVATION, BLASTING, REMOVAL AND HAUL AWAY OF ROCK OR GRANITE.
- * SLURRY OR CONCRETE BACKFILL FOR ALL TRENCH AND FOUNDATIONS IN ROCKY SOIL CONDITIONS.
- * HAUL AWAY ALL SPOILS AND SIGNAL/LIGHT FOUNDATIONS FROM PROJECT SITE.
- * TRAFFIC CONTROL ON MAINLINE FREEWAY, FREEWAY RAMPS AND FLAGGING.
- * WEEKEND, SHIFT OR NIGHT WORK (EXCEPT WHEN REQUIRED PER PROJECT PLANS OR SPECS.).



ELECNOR BELCO ELECTRIC, INC.
 14320 ALBERS WAY
 CHINO, CA 91710
 TEL (909) 993-5470 FAX (909) 993-5476
 LICENSE NO. 738518 - A, B, C10
 DIR NO. 1000004804 - EXP. 6/30/2025
www.elecnorbelco.com

QUOTATION

PROJECT DESCRIPTION

TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF
 CITRUS AVENUE AND DUNCAN CANYON ROAD

OWNER / AGENCY

CITY OF FONTANA

BID DATE / TIME

FEBRUARY 5, 2025

ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
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WE APPRECIATE THE OPPORTUNITY TO PROVIDE OUR SCOPE OF WORK FOR YOUR CONSIDERATION. SHOULD THERE BE ANY QUESTIONS OR CONCERNS, PLEASE FEEL FREE TO CONTACT ME AT (909) 993-5470 EXT. 234 OR VIA EMAIL DMCWHORTER@ELECNOR.COM.

ESTIMATOR: DOUG MCWHORTER

Jennifer Beltran

From: Candace Drissen
Sent: Monday, March 31, 2025 6:54 PM
To: Jennifer Beltran
Subject: Fw: 34649000 - 3/31/25 Budget Revision \$45k with offsets

Hi Jennifer,

The budget revision for the traffic signal was approved. Please see me before you print the AFP.

Thanks!

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Candace Drissen <cdrissen@theprevitigroup.com>
Sent: Monday, March 31, 2025 6:50:26 PM
To: Brian Vu <bvu@theprevitigroup.com>; David Haugen <dhaugen@theprevitigroup.com>
Subject: Re: 34649000 - 3/31/25 Budget Revision \$45k with offsets

Thank you!

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Brian Vu <bvu@theprevitigroup.com>
Sent: Monday, March 31, 2025 6:39:32 PM
To: Candace Drissen <cdrissen@theprevitigroup.com>; David Haugen <dhaugen@theprevitigroup.com>
Subject: 34649000 - 3/31/25 Budget Revision \$45k with offsets

Hi all –

The attached was approved and entered into JDE.

Thanks,



Brian Vu

Senior Financial Analyst

2151 E. Convention Center Way, Suite 222

Ontario, CA 91764

O:909-354-8093 | C:310-709-3887

BVu@ThePrevitiGroup.com



THEPREVITIGROUP.COM



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

City Council Meeting

File #: 25-0145

Agenda #: A.

Agenda Date: 4/8/2025

Category: Public Hearing

FROM:

Planning Department

SUBJECT:

Master Case (MCN) No. 24-0073 and Municipal Code Amendment (MCA) No. 24-0006: Fontana Municipal Code Amendments to Chapter 30 (Zoning and Development Code) to modify Section No. 30-467 pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to comply with State of California law.

RECOMMENDATION:

Based on the information in the staff report, staff recommends that the City Council introduce **Ordinance No. 1966** ; and,

1. Determine that the proposed ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to California Public Resources Code section 21080.17 as CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, Which is California's ADU law and which also regulates JADUs, as defined by section 66313; and,
2. Adopt an Ordinance for Municipal Code Amendment (MCA) No. 24-0006 to amend Chapter 30 of the Municipal Code.

COUNCIL GOALS:

- Provide a diverse range of housing types and levels of affordability while addressing homelessness in the community by construction of affordable high-quality multi-family housing.

DISCUSSION:

Previous Hearing

This item was originally scheduled for the March 25, 2025 City Council meeting. The item was continued to provide time to review comments received from the California Housing Defense Fund ("CalHDF"). Staff has edited the ordinance to address the comments, which related to deed restriction requirements and revisions to government code sections cited.

Background

In recent years, the California Legislature has approved, and the Governor has signed into law, several bills that impose new limits on local authority to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). In 2024, the California Legislature approved, and the Governor signed into law, two new bills - Assembly Bill (AB) 2533 and Senate Bill (SB) 1211 - that further amend state ADU law as summarized below.

On November 12, 2024, the City Council approved Urgency Ordinance No. 1959, which went into effect on January 1, 2025. The city's regulations on ADUs and JADUs would have been null, and void had an urgency ordinance not been adopted. Staff is proposing a permanent ordinance that will replace the urgency ordinance and become the city's permanent ordinance. The adopted urgency ordinance and the proposed permanent ordinance are identical.

The proposed ordinance will amend Section 30-467 of the Fontana Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate ADUs and JADUs.

AB 2533 - Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU's noncompliance with applicable building, state or local ADU standards. However, existing state law includes one exception to the requirement to allow the legalization of an unpermitted ADU, which is the allowance to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes existing state law by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 7920.3 (Substandard Buildings).

SB 1211 - Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU. SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU.

Multifamily ADUs

SB 1211 further defines livable space in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within "portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages..." The term "livable space" is not defined by existing state ADU law. SB 1211 changes this by adding a new definition: "'Livable space' means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation." (See amended Gov. Code, Sec. 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs. Under SB 1211, a lot with an existing multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code Sec. 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a proposed multifamily dwelling can have - the limit remains at two.

ENVIRONMENTAL REVIEW:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

FISCAL IMPACT:

None

MOTION:

Approve staff's recommendation.

ATTACHMENTS:

1. Ordinance
2. CalHDF Letter
3. Notice of Exemption
4. Public Hearing Notice

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT NO. 24-006 TO AMEND SECTION 30-467 OF THE FONTANA MUNICIPAL CODE, PURSUANT TO A STATUTORY EXEMPTION FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.

WHEREAS, pursuant to article XI, Section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States; and

WHEREAS, Government Code sections 50022.1 to 50022.10 authorizes a city to codify and recodify its ordinances; and

WHEREAS, the City of Fontana (“City”) desires to restate without substantive revision, amend and recodify certain ordinances codified in the Fontana Municipal Code (“Code”) through Municipal Code Amendment (“MCA”) No. 24-006; and

WHEREAS, the City of Fontana General Plan (“General Plan”) includes policies and actions calling for numerous updates to the Code; and

WHEREAS, Section 30-467. – Accessory dwelling units and junior accessory dwelling units. is amended to align with state law; and

WHEREAS, State law requires zoning regulations to be consistent with the general plan and therefore updating the Code would contribute to consistency with the General Plan; and

WHEREAS, the amendments in MCA No. 24-006 are consistent and compatible with the General Plan and are in line with goals, policies and objectives of the City; the Housing Element policies and the Zoning and Development Code; and

WHEREAS, the amendments in MCA No. 24-006 are in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

WHEREAS, the amendments in MCA No. 24-006 are attached here to as Exhibit “A” and incorporated herein by reference, will not be detrimental to the public health,

safety and general welfare, nor will it adversely affect the orderly development of property; and

WHEREAS, the amendments in MCA No. 24-006 will better express the City's policies and will generally promote good land use planning and regulation; and

WHEREAS, on January 21, 2025, the Planning Commission held a public meeting on MCA No. 24-006 where it received evidence and public testimony on the Code amendments and recommended that the Fontana City Council ("City Council") determine that the amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission carefully considered all evidence and testimony presented at its public hearing on January 21, 2025, and approved Resolution No. 2025-002 to recommend that the City Council approve the modifications to the Zoning and Development Code; and

WHEREAS, on April 8, 2025, the City Council held a public hearing on MCA No. 24-006 where City Council received evidence and public testimony pertaining to the Zoning and Development Code amendments and documentation from the Planning Commission's public hearing on January 21, 2025; and

WHEREAS, the City Council carefully considered all information pertaining to MCA No. 24-006 that was presented at its public hearing on April 8, 2025; and

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

THE CITY COUNCIL OF THE CITY OF FONTANA DOES ORDAIN AS FOLLOWS:

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

Section 2. CEQA. The City Council hereby determines that under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law, and which also regulates JADUs, as defined by

section 66313. Therefore, adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Section 3. Development Code Amendment Findings. The City Council hereby makes the following findings for Municipal Code Amendment No. 24-006 accordance with Section 30-40 "Purpose" of the Fontana Zoning and Development Code:

Finding: **A 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 Municipal Code Amendment permanently codifies the previously approved urgency ordinance. The Municipal Code Amendment aligns the municipal code with State of California law as it pertains to accessory dwelling units and junior accessory units. As such, the amendment will promote the General Plan goal of adequate housing to meet the needs of all residents in Fontana.

Section 4. Development Code Amendment Approval. Based on the foregoing, the City Council hereby approves the amendments as set forth in MCA No. 24-006, which is attached hereto as **Exhibit "A"** and incorporated herein by reference as fully set forth herein.

Section 5. Effective Date/Publication. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

Section 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian or records is the City Clerk.

Section 7. Certification. The City Clerk of the City Council shall certify to the adoption of this Ordinance.

Section 8. Severability. If any provision of this Ordinance or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

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

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 8th day of April 2025, and was finally passed and adopted not less than five days thereafter on the 22nd day of April 2025, by the following vote to wit:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

“EXHIBIT A”

AMENDMENT TO FONTANA MUNICIPAL CODE CHAPTER 30

(*Additions shown in underline, deletions shown in ~~strikeout~~)

Sec. 30-467. Accessory dwelling units and junior accessory dwelling units.

(a) *Purpose; Application.*

(1) *Purpose.* The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

(2) *Application.* This section applies to all ADUs and JADUs for which a complete application is submitted on or after January 1, ~~2023~~ 2025. If a complete ADU or JADU application is submitted prior to that date, the applicant may elect in writing to proceed under the City's ADU regulations that were in effect at submittal; otherwise, this section governs. For purposes of this paragraph, a complete application includes an application that is deemed complete under state law.

(b) *Effect of Conforming.* An ADU or JADU that conforms to the standards in this section will not be:

(1) Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

(2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(3) Considered in the application of any local ordinance, policy, or program to limit residential growth.

(4) Required to correct a nonconforming zoning condition, as defined in subsection (c)(8) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code § 17980.12.

(c) *Definitions.* As used in this section, terms are defined as follows:

(1) *Accessory dwelling unit* or *ADU* means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined by California Health and Safety Code § 17958.1; and

b. A manufactured home, as defined by California Health and Safety Code § 18007.

(2) *Accessory structure* means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) ~~*Attached accessory dwelling unit* means an ADU that is connected via a permanent wall, ceiling, or floor to a primary dwelling on the same lot. "Attached accessory dwelling unit" does not include an ADU that is only attached to a primary dwelling via a patio structure, overhang, breezeway, or similar structure.~~ Reserved.

- (4) *Complete independent living facilities* means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.
- (5) *Efficiency kitchen* means a kitchen that includes all of the following:
- a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- (6) "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
- a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined in subsection (c)(5) above.
- (7) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (8) *Living area* means the interior habitable area of a dwelling unit a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation, including basements and attics, but does not include a garage or any accessory structure.
- (8) *Nonconforming zoning condition* means a physical improvement on a property that does not conform with current zoning standards.
- (9) *Passageway* means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (10) *Proposed dwelling* means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (11) *Public transit* means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (12) *Tandem parking* means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (13) *Total floor area* means the total floor area of the ADU or JADU, inclusive of all habitable and non-habitable areas of the structure, including, but not limited to stairways, hallways, basements, attics, garages, storage areas, restrooms.
- (d) *Approvals*. The following approvals apply to ADUs and JADUs under this section:
- (1) *Building-permit only*. If an ADU or JADU complies with each of the general requirements in subsection (e) below, it is allowed with only a building permit in the following scenarios:

- a. *Converted on lot with single-family.* One ADU as described in this subsection (d)(1)(a) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 2. Has exterior access that is independent of that for the single-family dwelling; and
 3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 4. The JADU complies with the requirements of Government Code ~~§ 65852.22~~ sections 66333 through 66339.
 - b. *Limited detached on lot with single-family.* One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (d)(1)(a) above), if the detached ADU satisfies each of the following limitations:
 1. The side- and rear-yard setbacks are at least four feet.
 2. The total floor area is 800 square feet or smaller.
 3. The peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.
 - c. *Converted on lot with multi-family.* One or more ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (d)(1)(c), at least one converted ADU is allowed within an existing multi-family dwelling, up to a quantity equal to 25 percent of the existing multi-family dwelling units.
 - d. *Limited detached on lot with multi-family.* No more than two detached ADUs on a lot that has ~~an existing or a~~ proposed multi-family dwellings, or up to eight detached ADUs on a lot with existing multi-family dwellings, if each detached ADU satisfies all of the following:
 1. The side- and rear-yard setbacks are at least four feet. If the existing multi-family dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multi-family dwelling as a condition of approving the ADU.
 2. The peak height above grade does not exceed the applicable height limit provided in subsection (e)(2) below.
 3. If the lot has existing multi-family dwellings, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.
- (2) *ADU permit.*
- a. Except as allowed under subsection (d)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (e) and (f) below.

- b. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the Director of Planning and approved by the city council by resolution.

(3) *Process and Timing.*

- a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
 - b. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 - c. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (d)(3)(b) above.
 - d. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.
- (e) *General ADU and JADU requirements.* The following requirements apply to all ADUs and JADUs that are approved under subsection (d)(1) or (d)(2) above:

(1) *Zoning.*

- a. An ADU or JADU subject only to a building permit under subsection (d)(1) above may be created on a lot in a residential or mixed-use zone.
- b. An ADU or JADU subject to an ADU permit under subsection (d)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use.
- c. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

(2) *Height.*

- a. Except as otherwise provided by subsections (e)(2)(b) and (e)(2)(c) below, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Public Resources Code § 21155, and the ADU may be up to two additional feet in height (for a maximum of 20

- feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
 - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (e)(2)(d) may not exceed two stories.
 - e. For purposes of this subsection (e)(2), height is measured from existing legal grade to the peak of the structure.
- (3) *Fire sprinklers.*
- ~~1.a.~~ Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - ~~2.b.~~ The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (4) *Rental term.* No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- (5) *No separate conveyance.* An ADU or JADU may be rented but, except as otherwise provided in Government Code § 66340 et seq., no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multi-family lot).
- (6) *Septic system.* If the ADU or JADU will connect to an onsite wastewater-treatment system, include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten years.
- (7) *Owner occupancy.* ~~As required by state law, all JADUs are subject to an owner occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (e)(7)(c) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~
- a. ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.
 - b. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection 0 does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- (8) *Deed restriction.* Prior to issuance of a building permit for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director Planning Department. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

- a. Except as otherwise provided in Government Code ~~§ 65852.26~~ section 66341, the JADU may not be sold separately from the primary dwelling.
 - b. The JADU is restricted to the approved size and to other attributes allowed by this section.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - e. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.
- (9) ~~Reserved. *Income reporting.* In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code §§ 65583.1 and 65852.2, the following requirements must be satisfied:~~
- ~~a. With the building permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.~~
 - ~~b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this Code, and the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.~~
- (10) *Building and safety.*
- a. Must comply with building code. Subject to subsection (e)(10)(b) below, all ADUs and JADUs must comply with all local building code requirements.
 - b. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in California Building Code § 310, unless the building official or Code Compliance Department makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (e)(10)(b) prevents the city from changing the occupancy code of a space that was uninhabitable

space or that was only permitted for non-residential use and was subsequently converted for residential use in accordance with this section.

- (f) *Specific ADU requirements.* The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.

(1) *Maximum size.*

- a. The maximum size of a detached or attached ADU subject to this subsection (f) is 1,200 square feet.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection (f), such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (f)(1)(b) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

(2) *Setbacks.*

- ~~d.a.~~ An ADU that is subject to this subsection (f) must conform to an 18-foot front-yard setback, subject to subsection (f)(1)(c) above.
- ~~e.b.~~ An ADU that is subject to this subsection (f) must conform to four-foot side- and rear-yard setbacks.
- ~~f.c.~~ No setback is required for an ADU that is subject to this subsection (f) if the ADU is constructed in the same location and to the same dimensions as a legal existing structure.

- ~~(2)~~ (3) *Lot coverage.* No ADU subject to this subsection (f) may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection (f)(1)(c) above.

- ~~(3)~~ (4) *Passageway.* No passageway, as defined by subsection (c)(9) above, is required for an ADU.

~~(4)~~ (5) *Parking.*

- a. *Generally.* One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (c)(12) above.
- b. *Exceptions.* No parking under subsection (f)(4)(a) is required in the following situations:
 1. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (c)(11) above.
 2. The ADU is located within an architecturally and historically significant historic district.
 3. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (d)(1)(a) above.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is an established car share vehicle stop located within one block of the ADU.
 6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multi-family dwelling on the

same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (f)(4)(b)(1) through (5) above.

- c. No replacement. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

~~(5)~~ (6) *Architectural requirements.*

- a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
- b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- e. The interior horizontal dimensions of an ADU must be at least ten feet wide in every direction, with a minimum interior wall height of seven feet.
- f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- g. All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

~~(6)~~ (7) *Landscape requirements.* Evergreen landscape screening must be planted and maintained between the ADU, and adjacent parcels as follows:

- a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.
- b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.
- c. All landscaping must be drought tolerant.

~~(7)~~ (8) *Historical protections.* An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

(9) Allowed Stories. No ADU subject to this subsection (f) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (e)(2)(D) of this section.

- (g) *Fees.* The following requirements apply to all ADUs that are approved under subsections (d)(1) or (d)(2) above.

(1) *Impact fees.*

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (g)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Government Code § 66000(b)) and a fee under the Quimby

Act (Government Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

(2) *Utility fees.*

- a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- b. Except as described in subsection (g)(2)(a), converted ADUs on a single-family lot that are created under subsection (d)(1)(a) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection (g)(2)(a), all ADUs that are not covered by subsection (g)(2)(b) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixtured units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 2. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

(h) *Nonconforming zoning code conditions, building code violations, and unpermitted structures.*

- (1) *Generally.* The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

(2) *Unpermitted ADUs and JADUs constructed before ~~2018~~ 2020.*

- a. *Permit to legalize.* As required by state law, the city may not deny a permit to legalize an existing, but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~ 2020, if denial is based on either of the following grounds:
 1. The ADU or JADU violates applicable building standards, or
 2. The ADU or JADU does not comply with the state ADU or JADU law (~~Government Code § 65852.2~~) or this ADU ordinance (Section 30-467).

b. *Exceptions.*

1. Notwithstanding subsection (h)(2)(a) above, the city may deny a permit to legalize an existing, but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~ 2020, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure to comply with the standards specified in Health and Safety Code section 17920.3.

2. Subsection (h)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code § 17920.3.



Mar 24, 2025

**City of Fontana
8353 Sierra Avenue
Fontana, CA 92335**

By Email: awarren@fontanaca.gov; pgarcia@fontanaca.gov; jroberts@fontanaca.gov;
jsandoval@fontanaca.gov; pwcothran@fontanaca.gov;

CC: gkey@fontanaca.gov; mballantyne@fontanaca.gov; pburum@fontanaca.gov;
ruben.duran@bbklaw.com

Re: Proposed Amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

Dear Fontana City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment concerning Public Hearing item D on the agenda for the Council meeting scheduled for March 25, 2025, an amendment to the City's regulations for ADUs and JADUs. This proposed ordinance fails to comply with state law in a few specific aspects, and the City should address these problems before approving the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

**2221 Broadway, PH1, Oakland, CA 94612
hi@calhdf.org**

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

Impermissible Deed Restriction Requirement

Code section 30-467(e)(8) requires a deed restriction to be placed on the property prior to issuance of a building permit for an ADU. This is a clear violation of Government Code section 66323, which prohibits any standards not explicitly authorized in that section. Deed restrictions are also not permitted by Government Code section 66315, which forbids standards not listed in section 66314.

The California Department of Housing and Community Development (“HCD”) has communicated that such deed restrictions are unlawful. The January 2025 HCD ADU [Handbook](#) specifically forbids deed restrictions as a condition of ADU development (see page 22).

Additionally, such deed restrictions imposed on ADUs (or on other accessory structures) are unenforceable. This is due to the absence of horizontal privity between the Town and the applicant. In other words, since the Town does not own the applicant’s property at the time of the application, and does not own a neighboring property to whose benefit the proposed restriction(s) redound, black letter property law bars the restrictions from binding future property owners. (See, e.g., *Scaringe v. J. C. C. Enters* (1988) 205 Cal.App.3d 1536 [describing the types of privity relationship between covenanting parties that allow enforcement of a deed restriction]; see also Civ. Code, §§ 1460 et seq.)

The City should therefore amend the proposed ordinance to remove the deed restriction requirement.

Out of Date Government Code References

Code section 30-467(a)(1) references Government Code sections 65852.2 and 65852.22. Code section 30-467(e)(5) references Government Code section 65852.26. However, in 2024 the state ADU law was reorganized. State ADU law is now located at Government Code sections 66314 et seq., state JADU law is located at sections 66333 et seq., and the law regarding separate ADU sales is located at sections 66340 et seq.



CalHDF appreciates the City's effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

NOTICE OF EXEMPTION

<p>TO: <input checked="" type="checkbox"/> Office of Land Use and Climate Innovation State Clearinghouse P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: City of Fontana (Public Agency) Address: 8353 Sierra Ave, Fontana CA 92335 Telephone: 909-350-6568</p>
<p><input checked="" type="checkbox"/> Clerk of the Board of Supervisors or County Clerk (Include County name) Address:</p>	

<p>1. Project Title:</p>	<p>Master Case No. 24-0073, Municipal Code Amendment No. 24-0006</p>
<p>2. Project Applicant (include address, telephone number and email address):</p>	<p>City of Fontana, Planning Department, 8353 Sierra Avenue, Fontana, CA 92335, Cecily Session-Goins, Associate Planner, (909) 350-6723, csgoins@fontanaca.gov</p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):</p>	<p>Citywide, City of Fontana, County of San Bernardino</p>
<p>4. (a) Project Location – City: Fontana</p>	<p>(b) Project Location – County: San Bernardino</p>
<p>5. Description of nature, purpose, and beneficiaries of Project:</p>	<p>The project is Municipal Code Amendment No. 24-0006 - Fontana Municipal Code amendment to Chapter 30 (Zoning and Development Code) pertaining to accessory dwelling units and junior accessory dwelling units.</p>
<p>6. Name of Public Agency approving project:</p>	<p>City of Fontana</p>
<p>7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives</p>	<p>City of Fontana</p>

financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	
8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Resources Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input type="checkbox"/> Not a project.	State CEQA Guidelines 15050(c)(2)-(3)
(c) <input type="checkbox"/> Declared Emergency	(Pub. Resources Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(d) <input type="checkbox"/> Emergency Project.	(Pub. Resources Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(e) <input type="checkbox"/> Categorical Exemption. State type and section number:	
(f) <input checked="" type="checkbox"/> Statutory Exemption. State Code section number:	Per California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 66313.
(g) <input type="checkbox"/> Other. Explanation:	
9. Reason why project was exempt:	This project is a citywide amendment to Chapter 30 of the Fontana Municipal Code pertaining to accessory dwelling units and junior accessory dwelling units. There is no associated development with this project.
10. Lead Agency Contact Person: Telephone:	Cecily Session-Goins, Associate Planner 909-350-6723
11. If filed by applicant: Attach Certificate of Determination (Form "B") before filing.	
12. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was: April 8, 2025	

Date:

Signature

Name: Rina Leung

Title: Senior Planner

Signed by Lead Agency

Signed by Applicant

Date Received for Filing:

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

NOTICE PUBLIC HEARING

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

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

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

MASTER CASE (MCN) NO. 24-073 and MUNICIPAL CODE AMENDMENT (MCA) NO. 24-006

An amendment to Chapter 30 of the Fontana Municipal Code (FMC) that will modify Section No. 30-467 pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADU) to comply with State of California law

Environmental Determination:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law, and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Location of Property:

Citywide

Date of Hearing:

February 25, 2025

Place of Hearing:

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing:

2:00 pm

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

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE CITY COUNCIL. 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.