

**RESOLUTION NO. PC 2025-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APROVING CONDITIONAL USE PERMIT NO. 23-0025 TO ESTABLISH A PRIVATE SCHOOL WITHIN AN EXISTING BUILDING (FORMER CHURCH) AND APPROVING ADMINISTRATIVE SITE PLAN NO. 23-0039 TO APPROVE THE SITE AND ARCHITECTURAL MODIFICATIONS AND ASSOCIATED ON-SITE IMPROVEMENTS TO THE APPROXIMATELY 2.9-GROSS ACRE SITE LOCATED AT 17487 ARROW BOULEVARD (APN: 0192-221-38), PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301.**

**WHEREAS**, 17487 Arrow Boulevard, also identified as Assessor Parcel Number (“APN”) 0192-221-38 (“Project Site”), was annexed from San Bernardino County, and incorporated into the City of Fontana in 1952; and

**WHEREAS**, on October 3, 2023, the City of Fontana (City”) received a Conditional Use Permit application (CUP No. 23-0025) and Administrative Site Plan application (ASP No. 23-0039) (the “Project”) from Ben Wu (“Applicant”), for the establishment of a private school within an existing (former church) building and for the site and architectural modifications and associate on-site improvements at the Project Site; and

**WHEREAS** the Project site has a General Plan Land Use designation of Medium-Residential (R-M) and is located within the Medium Density (R-2) district which allows for such projects with a conditional use permit; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA as the project would not result in an increase of more than 50 percent of the existing square footage of the building; and

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

**WHEREAS**, the Conditions of Approval for Conditional Use Permit No. 23-0025 are attached hereto as **Exhibit “A”** and Administrative Site Plan No. 23-0039 are attached hereto as **Exhibit “B”**; and

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

**WHEREAS**, the owners of property within 660 feet were notified via a public hearing notice mailer prior to the Public Hearing; and

**WHEREAS**, on December 16, 2025, a duly noticed public hearing on CUP No. 23-0025 and ASP No. 23-0039 was held by the Fontana Planning Commission ("Planning Commission") to consider testimony and evidence presented by the Applicant, City staff and other interested parties; and

**WHEREAS**, on December 16, 2025, the Planning Commission carefully considered all information, evidence and testimony presented at its public hearing on CUP No. 23-0025 and ASP No. 23-0039; and

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

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

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

**Section 2. CEQA.** The Planning Commission hereby determines that the Project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of CEQA and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing CEQA. The project site is exempt and meets the CEQA requirement for Section No. 15301 as the request is to convert an existing building into a private school with minor on-site improvements and no physical expansion to the existing building, and none of the exceptions in CEQA Guidelines section 15300.2 apply to the project. Further, the Planning Commission directs Staff to file a Notice of Exemption pursuant to the finding.

**Section 3. Conditional Use Permit Findings.** The Planning Commission hereby makes the following findings for CUP No. 23-0025 in accordance with Section 30-150 "Findings for approval" for conditional use permits of the Fontana Zoning and Development Code:

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

**Finding of Fact:**       Project Site is located at 17487 Arrow Boulevard (APN: 0192-221-38). The General Plan Land Use designation for the site is Medium Residential (R-M) and is located within the Medium Density (R-2) zoning district. The Project Site is not located in any Specific Plan or Area Plan. The Zoning and Development Code permits a private school subject to approval of a Conditional Use Permit. The request is to establish a private school within an existing building.

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

Finding of Fact: The Project Site occupies as a vacant church building on a 2.9-acre lot. The physical characteristics of the site were reviewed by the Fontana Planning Department, and it was determined that the site met the requirements for yards, setbacks, walls, landscaping requirements and applicable Zoning and Development Code regulations. On-site circulation is adequate with a one-way driveway access point off Tamarind Avenue that exits onto Arrow Boulevard. The addition of the new school will not negatively impact access or utilities nor create any physical constraints.

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

Finding of Fact: There will be no adverse effect to the neighboring sites as currently proposed. The scope of work has been reviewed by Traffic considering and based on the number of students proposed, Traffic does not have a concern with the school. In the future if the school wanted to add additional students and based on the conditions of approval, they would be required to submit a revision to their Conditional Use Permit and Administrative Site Plan for site modifications, as well as submit updated traffic report. The project has been reviewed by the Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, safety and found to meet or exceed the requirements for all applicable building code, zoning, and fire code standards.

**Section 4. Administrative Site Plan Findings.** The Planning Commission hereby makes the following findings for Administrative Site Plan No. 23-0039 in accordance with Section No. 30-81 "Findings for Approval", of the Fontana Zoning and Development Code:

**Finding No. 1: The proposal is consistent with the general plan, zoning and development code, and any applicable specific plan or area plan.**

Finding of Fact: The Project Site is located at 17487 Arrow Boulevard, within the Medium Residential (R-M) General Plan Land Use designation and Medium Density (R-2) zoning district which allows the use. This project will accomplish Chapter 16, Goal 1 – Economy, Education, and Workforce Development of the General Plan (Page 16-54) by promoting a diversified economy that retains future job creating sectors. The school will bring qualified jobs to the community and will bring even more jobs in the future as the school progresses and expands.

The Project Site is comprised of an existing 15,593 square foot vacant building, with proposed associated on-site improvements of landscaping, parking lighting, and new trash enclosure. The requested architectural design and development meets all the minimum standards in the Fontana Municipal Code and will be result in a high-quality architectural design. The Project Site is not located in a Specific Plan.

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

Finding of Fact:        The Project Site will incorporate associated on-site improvements which includes new landscaping, parking, lighting, fencing, and a new trash enclosure. The applicant also will refurbish the existing building by repairing stucco, roof tiles, windows, and repainting the building. The building is currently abandoned and fenced off. This project will improve this corner and make a safe and desirable development. The project site is adequate in size, shape, topography, and accessibility to accommodate the proposed private school. The project has adequate parking and accessibility and will result in an appropriate business in the mostly residential area, with improvements that will provide public health, safety, and welfare for the community. The Project meets or exceeds the criteria in the Administrative Site Plan section of the Zoning and Development Code. The Project has been reviewed by Planning, Building and Safety, Engineering, and Fire Departments and will meet or exceed all the department requirements.

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

Finding of Fact:        The Project Site will incorporate associated on-site improvements which includes new landscaping, parking, lighting, fencing, and a new trash enclosure. As part of the project the applicant will be required to improve the existing building by repainting, replacing broken or missing roof riles and veneer, repairing the stucco and windows. The project site is currently abandoned and fenced off. The project improvements will create an aesthetically pleasing design to enhance the surrounding neighborhood. The applicable building codes, zoning codes, and fire codes and standards will make for a safe, attractive, well-designed project.

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

Finding of Fact:        The Project Site will comply with the City of Fontana Zoning and Development Code. Part of the project request includes repaving and restriping of the parking lot, as well as, designating a space for the pick-up and drop-off of students. The request includes the installation of a new iron fence along the perimeter of the school site. The site improvements will result in an appropriate, safe, well-designed facility. All improvements and plans were reviewed by the Planning, Building and Safety, Fire and Engineering Departments for site circulation, access, and safety, with Conditions of Approval prepared to further complete a safe and well-designed facility.

**Section 5. Approvals.** Based on the foregoing, the Planning Commission hereby

approves Conditional Use Permit No. 23-0025 and Administrative Site Plan No. 23-0039 subject to the Findings and the Conditions of Approval attached hereto as “**Exhibit A and B**” and incorporated herein by this reference.

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

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

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

**Section 9. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 16<sup>th</sup> day of December 2025.

**City of Fontana**

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Idilio Sanchez, Chairperson

**ATTEST:**

I, Joseph Armendarez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 16<sup>th</sup> day of December 2025, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

Resolution No. PC 2025-

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Joseph Armendarez, Secretary

**“Exhibit A”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 23-0095  
Conditional Use Permit No. 23-0025

**DATE:** December 16, 2025

**LOCATION:** 17487 Arrow Boulevard (APN:0192-221-38)

**PLANNING DEPARTMENT:**

1. The rights and privileges granted by this project shall not become effective, nor shall the applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All requirements of the Fontana City’s Municipal Code shall be complied with.
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
2. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys, and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys, or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the applicant’s proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

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

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

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

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section 30-31 of the Municipal Code.
4. This Conditional Use Permit shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
5. The Project shall comply with all applicable development standards of Chapter 30 (Zoning and Development).
6. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these condition shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
7. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within forty-eight (48) hours.
8. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide. Provide a photometric layout under separate exhibit to ensure the minimum light standard is met.
9. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
10. The proposed establishment of the private school shall meet and comply with all applicable federal, state, and local regulations.
11. The school shall operate with no more than 5 staff members and no more than 32 students. Any changes to the number of faculty members or students will require an amendment to Conditional Use Permit 23-0025, to minimally include the construction of additional parking spaces to accommodate the increased number of faculty and students. Any expansion will also require additional traffic review.



12. The school hours shall be limited to be open from 8:00am-5:00pm, and the school classroom hours will be 8:30am-3:30pm.
13. Any events that the school will have outside the listed school hours shall be reviewed and approved by a Temporary Use Permit application through the Planning Department.

**“Exhibit B”**



**CITY OF FONTANA  
CONDITIONS OF APPROVAL**

**PROJECT:** Master Case No. 23-0095  
Administrative Site Plan No. 23-0039

**DATE:** December 16, 2025

**LOCATION:** 17487 Arrow Boulevard (APN:0192-221-38)

**PLANNING DEPARTMENT:**

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

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

The City of Fontana and the applicant acknowledge that the City would not have approved

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

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety, or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification. The noticing of such City Council meeting for possible ratification shall be pursuant to Section No. 30-30 and Section 30-31 of the Municipal Code.
4. This Administrative Site Plan shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
5. Administrative Site Plan No. 23-0039 shall comply with all applicable development standards of Chapter 30 (Zoning and Development).
6. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these condition shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
7. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.
8. Color combinations and color schemes for buildings approved under an administrative site plan application shall not be modified or changed without prior approval of the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Planning. The Director of Planning may refer minor hue color changes to the original approving body for consideration under a revision to the original application.
9. Exterior lighting compatible with the design of the building shall be provided for the parking lot. The lighting shall be directed and shielded so as to illuminate only the parking area and to avoid glare impacts on adjacent properties. The applicant shall provide up-lighting on perimeter trees to the satisfaction of the Director of Planning and his/her designee.

10. All parking stalls shall be clearly marked by double striping pavement painting. Parking stall sizes shall be measured from the mid-point between the striping. No parking spaces shall be designated in an industrial parking facility, except for disabled persons parking, van pool, carpool, or any other designated parking as required by law.
11. All-roof mounted mechanical units shall be screened from view of adjacent streets by a parapet in height equal or greater to the installed unit unless another method of visual screening is approved by the Director of Planning.
12. Any foam treatment used for architecture treatments and/or projections located on the first floor (under 14 feet) shall be covered with concrete or similar durable material a minimum of ¼ inch thick, or as determined by the Director of Planning.
13. All landscaping shall be healthy and maintained in a reasonable manner as determined by the Director of Planning or his/her designee.
14. The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.
15. All signs shall be reviewed under a separate Design Review Sign application.
16. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within forty-eight (48) hours.
17. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place of recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.

Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Archaeological and Native American monitoring and excavation during construction

projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall be the Secretary of the Interior Standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

18. After the fifteen (15) day appeal period, the applicant shall remove the notice of filing sign(s) from the project site. The applicant may request a refund of the sign deposit; the request shall be in writing accompanied with a refund application. The request shall be submitted to the Planning Department.
19. Adhere to the City standard of one foot candle minimum for all entrances, exits, pedestrian paths, parking lots, and activity areas. Reflect all light fixtures on the site plan. All areas shall be illuminated during all hours of darkness and all luminaries utilized shall be vandal-resistant fixtures. The type of lighting shall be fluorescent, white L.E.D.s or metal halide.
20. The construction contractor shall use the following source controls at all times:
  - A. Construction shall be limited to 7:00 am to 6:00 pm on weekday, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and holidays unless it is approved by the Building Inspector for cases that are considered urgently necessary as defined in Section No. 18-63(7) of the Municipal Code.
  - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - C. . The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - D. Have only necessary equipment onsite.
  - E. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
    1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
    2. Temporarily enclose localized and stationary noise sources.
    3. Store and maintain equipment, building materials, and waste materials as

far as practical from as many sensitive receivers as practical.

### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

21. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
22. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

### **BUILDING AND SAFETY:**

23. The applicant shall design the project to show compliance with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Residential Code
  - c. California Electrical Code
  - d. California Mechanical Code
  - e. California Plumbing Code
  - f. California Energy Code
  - g. California Fire Code
  - h. California Green Building Standards Code
  - i. City of Fontana Ordinance
  - j. Disabled access for the site and building must be in accordance to the State of CA and ADA regulations.
24. The applicant shall install an automatic fire suppression system, which is required in all new construction per FMC Chapter 11 Article II. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Fontana Fire Prevention District.
25. The applicant shall comply with the requirements of the South Coast Air Quality Management District (909-396-2000). SCAQMD requirements shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
26. The applicant shall verify that any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project complies with FMC Chapter 5 Article XIV.
27. The applicant shall verify that all perimeter/boundary walls are designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.
28. The applicant shall verify that all lot lines, easement lines, etc. will be located and/or

relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

29. The applicant shall have the tract or parcel map recorded prior to the issuance of any building permits.

30. The applicant shall comply with the following grading requirements:

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

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

- i. The grading plans shall, as a minimum, contain sections at all lot lines and/or permit boundary lines. These sections shall clearly indicate:
  - i. The relationship between the proposed finished on-site grade elevations and the existing adjacent property grade elevations (Indicate any additional

drainage water that may come from an adjacent property.); and

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

31. In addition to approval from Building & Safety, the applicant is required to obtain approval from the County of San Bernardino, Department of Public Health and the California Regional Water Quality Control Board, Santa Ana Region for the Private Sewage Disposal System.

32. The applicant shall modify the existing private sewage system to accommodate the new use. Plans and/or supporting data will have to be submitted to and approved by Building & Safety regarding the new use and necessary modifications. Additionally, approval from the Regional Water Quality Control Board, Santa Ana Region, is required for the new use.

33. The applicant shall verify that all exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

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

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

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

#### **ENGINEERING DEPARTMENT:**

36. The Applicant shall provide a Land Improvement Agreement, with accompanying security.



The agreement shall be executed on City-provided forms.

37. The Applicant shall record all right-of-way dedications, including a corner cutback dedication, and easements as required for the development.
38. The Applicant shall submit engineered improvement plans and obtain full approval for all required public improvements, which include but are not limited to: driveway widening along Arrow Boulevard, removal and replacement of the driveway on Tamarind Avenue, an adequate solution to correct the existing drainage pipe along Tamarind Avenue, all storm drainage systems, sewers, and any required traffic control and/or detour plans. For a full list of traffic requirements, refer to the Traffic Division's conditions of approval. All plans shall conform to City Standards and Specifications, and as approved by the City Engineer.

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

39. The Applicant/Engineer to provide the City of Fontana with As Built/Record Drawings for all public improvement plans. The Applicant/Developer shall provide a copy of the streetlight electric bill.
40. Slurry seal roads effected by the development as directed by the inspector. Slurry seal limits may extend past the project frontage to address existing striping/pavement markings that conflicts with new striping/pavement markings, repair trenches, and other areas as determined by the inspector.
41. All sewers shall be video inspected by applicant/contractor. Sewer video shall include clean-out connection, clean-out to lateral segment, lateral, and main line. Contractor performing the video inspection must have a NASSCO PACP, LACP, and MACP certification. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff with an accompanying full report. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.
42. All storm drains shall be video inspected by applicant/contractor. Storm drain video shall include main lines and laterals. Applicant shall provide a copy of the video on DVD or flash drive to inspection staff. Videos to be inspected and approved by City Inspector. If removal and replacement of any utility is required, a subsequent video of the repair will be required.

#### **ENGINEERING - TRAFFIC DEPARTMENT:**

43. Project ingress and egress locations and restrictions shall be as follows, with additional or lesser restrictions being necessitated subject to changes in the site plan and approval of the City Engineer:
  - a. The Project may have a single ingress point along Tamarind Avenue that shall be designed, constructed, and signed to permit ingress via left- and right-turning inbound movements only and to restrict all outbound egress movements. Egress from the Project site at this location shall not be permitted.

- b. The Project may have a single egress point along Arrow Boulevard that shall be designed, constructed, and signed to permit egress via left- and right-turning outbound movements only and to restrict all inbound ingress movements. Ingress to the Project site at this location shall not be permitted.
  - c. Ingress and egress restrictions shall be reinforced with appropriate signage and pavement markings. The prohibition of ingress at the Arrow Boulevard driveway shall be visible to drivers in the public Right-of-Way.
44. Left-turn ingress and/or egress at all access locations may be restricted in the future due to traffic operational or safety concerns. Alternatives to such restrictions may be considered, subject to approval of the City Engineer.
45. All gated access locations which do not provide adequate space within the Project site for the design vehicle to turn around shall be designed so that the gate position as either opened or closed is visible to drivers in the public Right-of-Way. At no time shall the design and gating of Project driveways require vehicles to reverse into a travel lane in the public Right-of-Way in order to depart or turn around. This requirement may be excluded if the gate is manned with personnel who may permit an errant driver to enter the site in order to turn around and depart.
46. The gate shall remain open between the hours of 8:00 AM and 4:00 PM on typical school days. When the school is not open for the full duration of the typical operating hours, the hours the gate shall be open may likewise vary, however the gate shall always open a minimum of 30 minutes prior to the beginning of school hours and remain open until a minimum of 30 minutes following the end of school hours.
47. Intersection sight distance and stopping sight distance must be shown to meet the required standards both horizontally and vertically at all ingress/egress locations including consideration for walls, landscaping, grading, and vegetation.
48. The site plan shall identify the on-site vehicular traffic flow patterns and circulation, on-site signing and striping, and any restricted, reserved, or other pre-designated parking areas.
49. Parking spaces located within 50 feet of the public Right-of-Way shall be reserved for staff or other long term parking demand. No parking spaces shall be closer than 20 feet to the public Right-of-Way.
50. The Applicant shall provide a striping and signing plan for all roadway improvements, subject to the approval of the City Engineer as part of the approval of the street improvement plans.
51. The Applicant shall prepare and file a queue management plan with the City which outlines the planned operation and management of the pick-up and drop-off queue. The City may require changes to the queue management plan in the future due to traffic operational or safety concerns.

52. The location of bicycle parking shall be depicted on the site plan. Bicycle parking shall comply with the Association of Pedestrian and Bicycle Professionals' bicycle parking guidance.
53. The site plan shall identify all pedestrian access ways and traffic crossings. Crossings shall be clearly marked, lighted, and identified throughout the interior of the project. Pedestrian walkways shall have sufficient pathway lighting.
54. The site plan shall identify the Americans With Disabilities Act (ADA) compliant path(s) of travel to/from the public right of way and from all ADA accessible parking spaces.

#### **FIRE DEPARTMENT:**

55. **Jurisdiction.** The above referenced project is under the jurisdiction of the Fontana fire Protection District (herein "Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
56. **Fire Access Road Width.** Prior to map recordation, all fire access roadways shall be designed to meet the requirements for this development and shall be approved by the Fire Department. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. California Fire Code Chapter 5 & SBCoFD Standard A-1.
57. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of nineteen (19) foot inside radius and a forty-five (45) foot outside radius for all turns. California Fire Code Chapter 5 & SBCoFD Standard A-1.
58. **Fire Lanes.** The applicant shall submit a site plan to the Fire Department for review and approval of all proposed signage and striping for all fire access roadways. All curbs adjacent to fire lanes shall be painted red and "No Parking, Fire Lane" signs shall be installed on public and private roads in accordance with approved standards. SBCoFD Standard A-2.
59. **Water System Commercial.** Prior to map recordation or lot line adjustment, all water supply systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix BB of the California Fire Code. A minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet (4"x2.5"x2.5") shall be provided. All fire hydrants shall be spaced no more than three

hundred (300) feet apart as measured along vehicular travel-ways. California Fire Code Chapter 5 & SBCoFD Standard W-2.

The Fire Flow for this project shall be: 1,625 GPM for a two-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 15,593 Square Foot structure.

60. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. SBCoFD Standard W-2.
61. **Water Improvement Plan:** The applicant shall submit "Water Improvement Plans" to Fontana Fire Prevention. W.I.P. to include site plan, existing & proposed PUBLIC fire hydrant locations, building construction type, square footage details of the largest building, total square footage of ALL floors in a multifloored building, square foot size of entire site, and description of what is being constructed/occupancy type. Once approved by Fire Department, applicant will provide stamped/approved W.I.P. to water purveyor for their construction needs. ***ON-SITE PRIVATE FIRE WATER SUPPLY SHALL BE INSPECTED AND IN WORKING CONDITION PRIOR TO PLACING COMBUSTIBLE MATERIALS ON THE JOBSITE.*** California Fire Code Chapter 5.
62. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. A fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans shall include hydraulic calculations and manufacturer specification sheets. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9 & SBCoFD Standard F-1.
63. **Fire Alarm, Manual or Automatic.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA 72 and all applicable codes is required. A fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. California Fire Code Chapter 9, SBCFD Standard F-5, & NFPA 72.
64. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. California Fire Code Chapter 9.
65. **Commercial Addressing.** Commercial, industrial, and multi-family developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. California Fire Code Chapter 5 &
66. SBCoFD Standard B-1.
67. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central

monitoring service. California Fire Code Chapter 5 & SBCoFD Standard A-4

68. **Security Gates.** In commercial, industrial, and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Where an automatic electric security gate is used, an approved Fire Department override switch is required. California Fire Code Chapter 5 & SBCoFD Standard A-3
69. **Material Identification Placards.** The applicant shall install, in all locations deemed appropriate by the Fire Department, approved material identification placards on the outside of all buildings and/or storage tanks that store hazardous or flammable materials. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. California Fire Code Chapter 50 & NFPA 704.
70. **San Bernardino County Fire Standards/Codes.** Items not directly called out on these Conditions of Approval, shall also adhere to currently adopted San Bernardino County Fire Standards, California Fire Code, & NFPA.